

<<TEXT OF SIGN ON LETTER BEING CIRCULATED BY FREEDOM NETWORK USA,
REQUESTING REMOVAL OF RESTRICTION ON OVC GRANT FUNDS FOR VACATUR
AND EXPUNGEMENT REPRESENTATION FOR HUMAN TRAFFICKING SURVIVORS>>

June 4, 2018

Alan Hanson

Principal Deputy Assistant Attorney General, Office of Justice Programs

Darlene Hutchinson Biehl

Director, Office for Victims of Crime

VIA EMAIL

RE: FY 2018 TVPA Human Trafficking Funding Restriction

AAG Hanson and Director Hutchinson Biehl:

We, the undersigned national and local programs and individuals working to support survivors of human trafficking in the US and their allies, write to register our concern with OVC's new restriction on using Trafficking Victims' Protection Act funds for vacatur and expungement representation. Far too often, trafficking survivors are trapped by the criminal histories that resulted from their victimization, as well as the force, fraud and coercion exerted by the trafficker. Vacatur and expungement are, therefore, critical to the recovery and growth of survivors. Addressing this legal need with high-quality representation and training is a central component of a victim-centered comprehensive service response. **We strongly urge you to immediately remove this restriction from all FY18 funding.**

Vacatur and Expungement are Critical to Survivor Success

Criminal records impede a survivor's ability to build a safe and independent life for themselves and their families. Criminal records are a barrier to federal financial assistance for higher education, employment with government agencies, housing programs, VOCA-funding crime victim services, and more. Private employers and landlords often conduct background checks and deny employment and housing based on criminal histories. Survivors with criminal histories are forced to re-live their trauma, experience shame, and fear public embarrassment. **Vacatur and expungement allow justice systems to correct the record, and to recognize these individuals as survivors, not perpetrators, of a crime.**

The TVPA Encourages Expansion of Vacatur

The law does not require, or even suggest, this restriction. In fact, the TVPA explicitly provides that victims “should not be inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.” 22 U.S.C. § 7101(19). **That funding from the Office for Victims of Crime, or other government agencies, would be restricted to exclude vacatur and expungement represents a complete misalignment with U.S. law and practice as it has developed over the last decade.**

Legal Representation is Critical

Post-conviction relief for trafficking survivors has grown by virtue of truly multi-disciplinary collaboration between law enforcement, prosecuting agencies, lawmakers, legal and social service providers, and survivor leaders. When survivors are represented, their eligibility for vacatur and/or expungement is well analyzed and their motions are well-prepared and documented. Survivors often have multiple charges from multiple jurisdictions. Alone, it is difficult, if not impossible, for survivors to collect the necessary documentation of the criminal records, the context of the arrest, and evidence of their victimization. **With representation, motions are clearly presented and, therefore, much easier for prosecutors to review and respond to. They take fewer judicial resources, and are more likely to end in a just result.**

These restrictions would create a dangerous, and troubling, gap in services for victims. We are confident this problematic provision was included as a result of a simple oversight, not a deliberate decision to undermine trafficking victims’ ability to exit dangerous abuse and exploitation. **We trust that you will take immediate steps to remove this funding restriction.**

Sincerely,