

June 6, 2018

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VIA EMAIL

RE: FY 2018 TVPA Human Trafficking Funding Restriction

AAG Hanson and Director Hutchinson Biehl:

We, the undersigned national, state-wide and local programs, and individuals from across the country, 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, 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.**

To discuss this matter further, please contact Jean Bruggeman, Executive Director of Freedom Network USA, at jean@freedomnetworkusa.org.

Sincerely,

National Organizations

Advocating Opportunity
ASISTA Immigration Assistance
Change a Path
End Violence Against Women International
First House of Commandment
Freedom Network USA
Futures Without Violence
Gallerani Consulting Group, LLC
Give Way to Freedom
Global Labor Justice
HEAL Trafficking
Human Trafficking Justice Project
Jobs With Justice
Justice in Motion
Justice Restoration Center/West Florida Center for Trafficking Advocacy, Inc.
Life 107 Ministries
Modern Slavery Research Project
Moore & Van Allen PLLC
National Alliance to End Sexual Violence
National Center for Transgender Equality
National Coalition Against Domestic Violence
National Immigrant Justice Center
National Network to End Domestic Violence
National Survivors Network

Reframe Health and Justice
Sex Workers Outreach Project (SWOP) Behind Bars
Sex Workers Project at the Urban Justice Center
Shared Hope International
Sharmus Outlaw Advocacy and Rights Institute (SOAR)
Southern Poverty Law Center
The A21 Campaign
The Human Trafficking Legal Center
The National LGBTQ Institute on IPV
The SOAP Project - Theresa Flores

State-wide Organizations

ALIGHT (Alliance to Lead Impact in Global Human Trafficking)
Amani Community Services
Amara Legal Center
Arizona Coalition to End Sexual and Domestic Violence
Asian Americans Advancing Justice - Los Angeles
Catholic Charities of Baltimore - Esperanza Center
Center for the Human Rights of Children, Loyola University Chicago
Children's Advocacy Alliance (NV)
Coalition to Abolish Slavery & Trafficking (CAST)
Coast Consulting
Community Legal Aid Society Inc.
Connecticut Institute for Refugees and Immigrants
Council for Court Excellence
End Domestic Abuse WI
Family Violence Prevention, Inc.
Florida Council Against Sexual Violence
Illinois Coalition Against Sexual Assault
Indiana Coalition to End Sexual Assault
Iowa Coalition Against Domestic Violence (ICADV)
Iowa Coalition Against Sexual Assault
Iowa Coalition For Collective Change
Iowa Safe Schools
Kentucky Association of Sexual Assault Programs
Laboratory to Combat Human Trafficking
Lexington Center for Recovery
LOTUS Legal Clinic
Louisiana Foundation Against Sexual Assault
Maine Coalition Against Sexual Assault
Maryland Coalition Against Sexual Assault
Michigan Coalition to End Domestic & Sexual Violence
Montana Coalition Against Domestic & Sexual Violence
National Council of Jewish Women Florida
Nebraska Coalition to End Sexual & Domestic Violence
New York State Coalition Against Sexual Assault

People Against Trafficking Humans (PATH) Coalition of Kentucky
Safe Horizon
Street's Hope
Texas Association Against Sexual Assault
The Human Trafficking Prevention Project at the University of Baltimore School of Law
The Women's Center, DreamCatcher Program
University of Baltimore Civil Advocacy Clinic
Vermont Network Against Domestic and Sexual Violence
Vida Legal Assistance Inc.
Volunteer Lawyers for Justice
Wisconsin Coalition Against Sexual Assault
Women's Fund of Omaha
Wyoming Coalition Against Domestic Violence and Sexual Assault
Zoe Ministries Inc.

Local Organizations

Abuse & Rape Crisis Shelter of Warren County Ohio
Advocacy Partners Team, Inc.
American Gateways
API Chaya
API Chaya
Asian Pacific Islander Legal Outreach
Ayuda
Back On Track Massage Therapy
Central Virginia Justice Initiative
Circle
Clarina Howard Nichols Center Inc
Cleveland Rape Crisis Center
Collective Action for Safe Spaces
Cornerstones of Care
Crime Victim Services
Crisis Intervention Services
ECBA Volunteer Lawyers Project
ENC Stop Human Trafficking Now
FAIR Girls
Family Crisis Center, Inc.
Free to Thrive
HIPS
HOPE Works
Human Trafficking Collaborative Network (HTCN)
International Institute of Buffalo
Jessica Fitzwater, Frederick County Council
Justice At Last, Inc.
Latinas Unidas Por Un Nuevo Amanecer (L.U.N.A.)
Legal Aid Center of Southern Nevada
Legal Aid society of Metropolitan Family Services

Lisa Ridenour Betty Griffin Center
 MUJER, Inc.
 My Sisters' Place
 NewStory Center, Inc.
 Ozark Rape Crisis, Inc.
 Present Age Ministries
 Project Against Violent Encounters
 Project HELP, Inc.
 Project Woman
 Refuge House, Inc.
 S.A.F.E.
 Safeline, Inc.
 Santa Clara County Wage Theft Coalition
 Sexual Assault Crisis Team
 Steps to End Domestic Violence
 The Exploitation Intervention Project of The Legal Aid Society
 The Lifeboat Project, Inc
 The Wild Hope Equine Center for Healing
 Umbrella, Inc.
 Verity
 Victim Service Center of Central Florida
 Voices Against Violence
 WISE
 Womankind
 Women's Freedom Center
 WomenSafe

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