

URGENT REQUEST: PLEASE SIGN LETTER URGING OVC TO ALLOW FUNDING FOR CRIMINAL RECORD EXPUNGEMENT



The Office for Victims of Crime (“OVC”), located within the U.S. Department of Justice, provides funding to organizations that support survivors of human trafficking. The Amara Legal Center receives this vital funding to provide legal services for divorce, child custody, victim witness advocacy, and more to survivors of human trafficking. Among the other services Amara provides are criminal defense and criminal record expungement. Unfortunately, criminal defense has never been covered by this funding source. Alarming, OVC’s most recent request for new funding proposals prohibits the use of grant funding for criminal record sealing, expungement or vacatur services.

In 2017 alone, 40 unique individuals sought record sealing or expungement services from the Amara Legal Center, many of whom were survivors of sex trafficking. Criminal record sealing or expungement are one of our most requested services. Sex trafficking occurs when an individual is forced to engage in sexual activity for money or something of value by a third party. While being forced to engage in commercial sex work, survivors of trafficking are often arrested for prostitution and prostitution related offenses. Arrests often occur because survivors may not immediately disclose to law enforcement their status as someone who was coerced to perform commercial sex. Even worse, in Amara's experience, some law enforcement agencies may be aware of a trafficking survivor's status, yet arrest or charge them with a crime in an attempt to force them to testify against their trafficker.

The result of these criminal records is that survivors of trafficking are hindered from getting safe and stable employment, housing, higher education, and more. Survivors are then in danger of being kept in the same vulnerable situations which led to their victimization in the first place.

However, many states have a pathway for survivors to clear their records through expungement, record sealing or vacatur motions. It is vital that survivors have a lawyer to represent them throughout these legal proceedings. Amara has witnessed how difficult it is for survivors to jump through the bureaucratic hoops of the record sealing or expungement process alone, which includes correctly filing complex motions, gathering supporting evidence and ensuring that records are actually expunged after a court order is granted. Amara has found that self-represented litigants have difficulty completing the process, making OVC funding for lawyers to provide full representation in these cases all the more crucial.

OVC should not only remove the restriction on expunging records, but should also fund criminal defense services for survivors. Representation by a defense attorney is a guaranteed part of our justice system. It makes sense for survivors to have attorneys who are familiar with the complex dynamics of trafficking and can provide victims with the best representation possible. There is already precedent for government funding defense work in general, as public defenders are paid by the government.

Amara has been part of a large movement of advocates across the country which seeks to create post-conviction relief for survivors of trafficking through vacatur statutes. To read more about Amara's advocacy work on this issue, [click here](#). It is appalling that the same advocates across the country who have fought to create legal avenues for vacating the records of trafficking survivors will now be left with little to no resources to assist survivors in accessing this relief.

Amara is asking our partners and supporters to join us in sending a message to OVC to amend their most recent request for grant applications by including criminal record sealing, expungement and vacatur motions as allowable grant activities. Please join us by signing onto the following letter from the Freedom Network and forwarding the below links to your networks by **June 1, 2018**.

You can view the full letter here:

<https://docs.google.com/document/d/1xJu8qsMmgG4PUOFhbl9QlqQcJDB8h0JjxFbEh-E695Q/edit?usp=sharing>

Sign on to the letter here: <https://goo.gl/forms/BledhCjukOsBOXaE3>

Separate letters are being circulated for trafficking survivors (https://docs.google.com/forms/d/e/1FAIpQLSfaiyb_UiRI1DytGZ6-Jh-RwyKMvGig45vDVgc3T8LY6vxygg/viewform), law enforcement and prosecutors, and members of Congress.

For more information, or to help with this effort, please contact the Amara Legal Center at info@amaralegal.org.