

Justice, Recovery, & Reentry for Victims of Human Trafficking

Traffickers Create Barriers for Victims in the Community

- Control through fear, manipulation, duress, intimidation, and force
- Limited access to services
- Trauma bonding
- Shame & hopelessness
- Drug and alcohol addiction
- Unstable/unsafe housing
- Social isolation, lack of healthy support structure/relationships
- Lack of knowledge about rights
- Normalized abuse
- Threats of violence and retaliation
- PTSD
- Distrust of authority
- Exploitation of mental health problems
- Extensive criminal records

Traffickers Create Barriers for Victims in the Justice System

- Many victims **do not self-identify as victims**. They may perceive traffickers as relatives, boyfriends/girlfriends, friends, or landlords. As a coping or survival skill, people may even develop loyalties and positive feelings toward their trafficker and try to protect them from authorities. Some victims are unaware that what was done to them is a crime.
- Victims often have a **fear or distrust of the government and police**. They may have had negative experience with law enforcement, be afraid of deportation, come from countries where law enforcement is corrupt, feel that they cannot escape the trafficker or “lifestyle”, or feel that it is their fault that they are in this situation.
- Traffickers “**coach**” victims on what to say to police and courts, or victims may insist that someone else **speaks for them** (particularly non-English-language speakers and minors).
- Law enforcement and courts need to **build rapport** with victims, **ensure victim safety** during proceedings and sentencing, **provide stability**, and **ensure recovery from addiction**.
- Law enforcement, courts, and attorneys working with trafficking victims need to **recognize how criminal records will create barriers** to safe, stable employment and housing – as well as other reentry and recovery needs. Victims should be educated accordingly during plea deals and other proceedings.



Criminal Records: Legal Barriers to Reentry for Victims of Human Trafficking

Victims of human trafficking are often compelled to participate in a variety of illegal activities, resulting in **multiple records of arrests and convictions**. Criminal records, particularly those related to prostitution, theft, and drugs, create serious barriers to **employment, housing, education, family relationships, and other assets for healthy community reintegration**.

- Criminal records can be easily accessed, creating stigmatization and negative perception.
- Most employers run background checks, and the presence of a criminal record drastically decreases the likelihood of a call-back. People with criminal records make significantly lower wages and are far less likely to reach economic self-sufficiency and stability.
- Landlords often screen out prospective tenants with criminal records. Inability to find safe, stable housing increases likelihood of recidivism.
- Ohio law includes over 800 mandatory and discretionary barriers limiting employment, housing, education, family, and civic-participation for people with criminal records.

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OVERCOMING the Barriers Created by Criminal Records

Expungement – R.C. 2953.38

In June 2012, the Ohio Legislature created a new expungement process to reverse the damage created by arresting victims of sex trafficking. R.C. 2953.38 recognizes that these people are compelled to participate in illegal acts and, consequently, the law sets forth a mechanism for survivors to erase records of convictions.

A person may apply to expunge a conviction if the person's participation in the offense was a result of having been a victim of human trafficking.

Expungement is reserved for people who have had at least one conviction for soliciting, loitering to solicit, or prostitution. An applicant can be a victim of human trafficking regardless of whether a trafficker has been convicted for victimizing the applicant.

The court must determine that:

- 1) the applicant demonstrated by a preponderance of the evidence that his/her participation in the offense was a result of having been a victim of human trafficking;
- 2) the applicant has been convicted of a violation of soliciting, loitering to solicit, or prostitution;
- 3) and the interests of the applicant in the expungement are not outweighed by any legitimate needs of the government to maintain those records.



Expunged records are completely destroyed, so no one can ever see them. This opens doors to empowerment, recovery, employment, housing, education, family relationships, and successful reintegration into the community.



Record Sealing – R.C. 2953.31-.35, 2953.51-.55, 2953.58-.61

Sealed records are “hidden” from most of the public and can only be seen by courts, law enforcement, a small number of employers, and certain occupational licensing boards. As a general rule in Ohio, a person is eligible for record sealing if that person has no more than 1 felony and 1 misdemeanor conviction OR no more than 2 misdemeanor convictions. Additionally, all records of nonconvictions (e.g. arrests that did not lead to convictions, cases that were “thrown out” or dismissed, or cases ending in a not-guilty verdict) can be sealed by filing an application with the sentencing court. By sealing nonconvictions, trafficking victims can considerably reduce the number of charges that appear on various background checks.

Certificates of Qualification for Employment – R.C. 2953.25

Trafficking survivors who cannot seal or expunge records may consider applying for a CQE in Ohio. CQEs help people with criminal records obtain employment in two ways. First, when a law bars a person with a criminal record from working in a particular job or receiving a professional license, CQEs can create relief from the mandatory restriction; the CQE-holder is allowed to access that employment. Second, employers who hire CQE-holders are immune from negligent hiring liability. Fear of negligent hiring liability is the number one reason employers will not accept an applicant with a criminal record. CQEs do not hide or erase criminal records, but it removes legal barriers to employment and reduces employers' fears.