



Freedom Network USA

Bill Woolf
Acting Director
Office for Victims of Crime
US Department of Justice
William.Woolf@usdoj.gov

VIA EMAIL

March 27, 2020

Dear Acting Director Woolf-

I am writing on behalf of Freedom Network USA and our partners and allies to thank you and your office. FNUSA has led a coalition of advocates and survivors asking OVC to remove the restrictions on legal representation in criminal record relief cases that appeared in the FY18 and FY19 Human Trafficking grants. We are thrilled to see that these restrictions are not included in the FY20 Human Trafficking solicitations.

Thanks to your actions, survivors will now have better access to the services and support that they need to be safer, happier, and healthier.

As you know, trafficking survivors often have criminal histories resulting from their victimization. These criminal histories become a barrier to education, employment, and housing. Additionally, survivors are forced to re-live their trauma, experience shame, and fear public embarrassment each time they have to address these records. Criminal record relief, including vacatur and expungement, allows justice systems to correct the record, and to recognize these individuals as survivors, not perpetrators, of a crime. Criminal record relief is also a good investment, as it allows survivors to become financially independent more quickly.

Additionally, the Trafficking Victims Protection Act (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). The US Department of State released a Fact Sheet along with the 2018 Trafficking in Person’s Report titled, “Protecting Victims From Wrongful Prosecution and Further Victimization”¹ which describes the injustice faced by survivors in detail and highlights the success of state vacatur laws in the US.

Legal representation from trained attorneys is critical, as survivors often have multiple charges from different jurisdictions. It is difficult for survivors to collect the necessary documentation including the criminal records, the context of the arrest, and evidence of their victimization.

¹ Available at <https://www.state.gov/protecting-victims-from-wrongful-prosecution-and-further-victimization/>.

With representation, these cases are clearly presented, easier for prosecutors to review and respond to, take fewer judicial resources, and are more likely to end in a just result.

We encourage you to also retroactively remove the restrictions on the FY18 and FY19 grants, so that survivors will have equal access to services, regardless of the fiscal year in which their service provider received funding. Creating equal access to legal representation for trafficking survivors is a critical part of addressing the exploitation and abuse that survivors have suffered. All survivors should have access to all allowable legal services needed to address the impact of their trafficking experience. Survivors should not be forced to forgo legal remedies due to unnecessary grant restrictions. Additionally, this change would reduce challenges faced by providers and OVC staff in ensuring that all grantees are in compliance with the grant terms. If the terms of all grants are the same, compliance will be easier for grantees to accomplish and for OJP to monitor.

Again, we thank you for your dedication to survivors and congratulate you on this important progress in protecting the rights of trafficking survivors.

I can be reached at jean@freedomnetworkusa.org if you have any questions or need any further information.

Sincerely,

A handwritten signature in black ink that reads "Jean Bruggeman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Jean Bruggeman
Executive Director
Freedom Network USA