

AN ACT SUPPORTING SURVIVORS OF TRAFFICKING AND ABUSE

and encouraging increased access to opportunities through
expungement and/or sealing of records

H1825/S947

Lead Senate Sponsor: Senator Sonia Chang-Diaz
Lead House Sponsor: Representative Tram Nguyen

Why this bill?

Victims of sexual assault, domestic violence and/or trafficking (SDVT) who have criminal histories that are related to their survivorship need pathways to economic stability. The dual stigma of victimization and having a criminal history harm survivors and prevent access to stable jobs or housing.



What this bill does:

- Eliminates the waiting period for sealing of criminal records if a survivor of SDVT can establish a connection between their victimization and criminal record.
- Expands availability of expungement for survivors of SDVT who can show their criminal acts were as a result of their victimization

Criminalized Survivors

The vast majority of women in prisons and jails have experienced sexual or domestic violence in their lifetime.

- 86% of women in prison are survivors of sexual violence.[1]
- 77% are survivors of intimate partner violence. [1]
- 60–70% report experiencing physical or sexual violence in their childhood. [2]
- 70–80% report adulthood intimate partner violence. [2]

How are survivors criminalized?

From Coping Mechanisms to Survive to Coercion/Manipulation:

With limited access to supports to help victims cope with and heal from the trauma of violence, the behaviors victims may engage in to survive can result in criminalization.[2]

These behaviors can range from substance use or trade, crimes of theft, prostitution, to acts of self-defense. For young survivors, these behaviors may take the form of running away, substance use, and truancy.[3]

When these behaviors are criminalized instead of understood as a need for holistic, community-based, survivor-centered support, these young survivors are disproportionately funneled into the trauma-to-prison pipeline.

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Additionally, some survivors of sexual violence, domestic violence and trafficking are coerced into engaging in criminal activities by those causing them harm. This can lead to a survivor's arrest and incarceration.[2]

Criminal history as a barrier to healing and economic stability

The impact of a criminal history for a survivor can lead to lack of job opportunities, discrimination, diminished access to housing, credit repair barriers and other obstacles that prevent them from achieving economic and social independence.

A criminal history resulting from victimization is a daily reminder of trauma that can prevent a survivor from moving forward and healing.

National Survivor Network of the Coalition Against Slavery and Trafficking

- Over 90% of trafficking survivors surveyed reported they had been arrested at least once during the course of being trafficked. [4]
- And over half believed 100% of their arrests, charges, and convictions were directly related to their trafficking experience. [4]
- Of the 91% of survivors with criminal convictions on their records, 72.7% faced barriers with employment and 57.6% with housing. [4]

How we can support survivors:

Survivors with criminal histories need access to supportive services and opportunities to find stability and healing. Expanded options to expunge and/or seal criminal records without a waiting period for these survivors will enhance survivor access to safety and economic stability. This is one critical step towards facilitating economic stability for survivors of sexual assault, domestic violence and/or human trafficking.

List of Supporting Organizations:

BU Law Immigrant's Rights and Human Trafficking Program, DOVE, Inc., Greater Boston Legal Services, Jane Doe Inc., Union of Minority Neighborhoods

Questions? Please contact:

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[1] <https://www.vera.org/downloads/publications/overlooked-women-and-jails-report-updated.pdf>
[2] http://vawnet.org/sites/default/files/materials/files/2016-08/AR_IncarcerationUpdate%20%281%29.pdf?utm_source=The+Appeal&utm_campaign=03fc8707ffEMAIL_CAMPAIGN_2018_08_09_04_14_COPY_01&utm_medium=email&utm_term=0_72df992d84-03fc8707ff58408851
[3] https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2019/02/The-Sexual-Abuse-To-Prison-Pipeline-The-Girls%E2%80%99Story.pdf?utm_source=The+Appeal&utm_campaign=03fc8707ff-EMAIL_CAMPAIGN_2018_08_09_04_14_COPY_01&utm_medium=email&utm_term=0_72df992d84-03fc8707ff58408851
[4] <https://nationalsurvivornetwork.org/wp-content/uploads/2019/08/NSNVacate-Survey-2018.pdf>