

District of Columbia



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Arrests and Adjudication Relief:

The District of Columbia allows trafficking survivors to clear their criminal record of non-prosecuted cases, arrests, adjudications, convictions, any information related to an arrest, and incident reports.

Legal Effect:

In the District of Columbia, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Official Documentation Creates Presumption of Victim Status:

Official documentation is not required for criminal record relief; however, if a survivor provides official documentation, the presumption of victimization prevents them from sharing their experience repeatedly in different settings, which is emotionally challenging and can re-traumatize the survivor. The District of Columbia's statute includes this provision and is beneficial for survivors.

NEEDS IMPROVEMENT:

Satisfaction of Sentence Imposed:

The District of Columbia requires that a survivor complete the full sentence imposed before they can apply for relief to clear that offense from their record. This condition ignores that the conviction should not have happened in the first place.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in the District of Columbia is inadequate because relief only applies to some specially mentioned low level offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in the District of Columbia would expand the statute to include all offenses so more survivors are eligible for relief.

Trafficking Nexus:

Survivors in the District of Columbia must prove the underlying offense and subsequent record was "proximately caused by" or "as a direct result of" being trafficked. Ideally, legislators in the District of Columbia would change the statute to utilize less restrictive statutory language like "as a result" of trafficking or "while they were a victim" of trafficking.

