

CRIMINAL RECORD RELIEF FOR TRAFFICKING SURVIVORS

Ohio



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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:

Legal Effect:

In Ohio, 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.

Burden of Proof:

The current burden of proof in Ohio is a "preponderance of the evidence," which aligns with the level of proof survivors typically are able to use to establish their victimization.

Records Protection:

Ohio requires that the records of the offense are destroyed, purged, or otherwise permanently irretrievable once the survivor is awarded criminal record relief.

Trafficking Nexus:

The nexus or connection to trafficking the survivor must prove in Ohio is currently "as a result" of trafficking. This is less restrictive than other states and will allow more survivors to access relief.

NEEDS IMPROVEMENT:

Procedural Confidentiality:

The statute in Ohio is silent on the confidentiality of the petition for relief or records of the proceeding. Applying for record relief under these statutes can indicate a survivor's status as a trafficking victim and give information on their location, trafficking experience, and other sensitive details. Survivors should not have to choose between the safety risk of their victimization being exposed and applying for and accessing criminal record relief. Ideally, there should be an automatic process with clear confidentiality provisions in the statute to protect survivors applying for record relief.

Arrests and Adjudication Relief:

Relief in Ohio only applies to convictions, adjudications, and other declarations of guilt. Ideally, the statute should cover the full range of interactions a survivor has with the criminal justice system, including any records of arrest, incident reports, and non-prosecuted cases.

Hearing Requirement:

Ohio requires a hearing in all instances for any petition for relief. However, hearing requirements can be time-consuming, expensive, and traumatizing for survivors. Ideally, hearings would not be required. A better middle ground would be to make the hearing conditional upon objection by other stakeholders.



Statute: [Ohio Rev. Code Ann. § 2953.38](#)