

# Rhode Island



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](mailto:policy@polarisproject.org).

## GOOD FOR SURVIVORS:

### Legal Effect:

In Rhode Island, 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.

### Records Protection:

While Rhode Island does not completely eliminate a survivor's record once they gain criminal record relief, the records are not publicly accessible and are typically only available to law enforcement, certain government agencies, or pursuant to a court order.

### Time Limitations and Wait Times:

Rhode Island has no time limit, restriction, or wait time for survivors to clear their criminal records.

### Arrests and Adjudication Relief:

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

## NEEDS IMPROVEMENT:

### Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Rhode Island is inadequate because relief only applies to prostitution-related offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Rhode Island would expand the statute to include all offenses so more survivors are eligible for relief.

### Trafficking Nexus:

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

### Procedural Confidentiality:

The statute in Rhode Island 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.



Statute: [RI ST § 11-67.1-17](#)