

Vermont



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 Vermont, 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.

Trafficking Nexus:

The nexus or connection to trafficking the survivor must prove in Vermont is currently "as a result" of trafficking. This is less restrictive than other states and will allow more survivors to access relief than might otherwise be able to do so if they had to "prove" something.

Burden of Proof:

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

NEEDS IMPROVEMENT:

Offenses Covered:

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

Hearing Requirement:

Vermont requires a hearing for any petition for relief. Ideally, survivors could be granted relief without a hearing either as hearings are explicitly not required or at least having the hearing conditional on objections. This at least allows for a possibility that a survivor will not have to have a hearing, which are time consuming, expensive, and traumatizing for the survivor.

Arrests and Adjudication Relief:

Relief in Vermont 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.

