

Punishing the Victim

Recovery Barriers for Survivors with Criminal Records¹

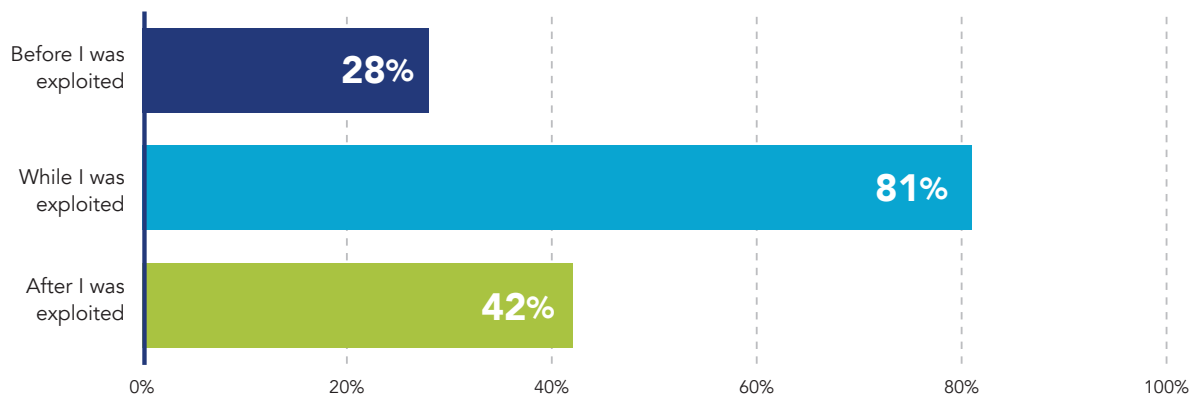


The National Survivor Study (NSS)², a recent research study from Polaris, surveyed 457 sex and labor trafficking survivors in the United States on their experiences before and after trafficking. **The study found that many survivors were criminalized while they were trafficked, and their resulting criminal records prevented them from being able to get jobs, housing, education, or even custody of their children.** Policymakers can use this data to improve policies and legislation focused on justice for human trafficking survivors.

Survivors Criminalized

- Many survivor respondents (62%) reported being cited, arrested, or detained by law enforcement at least once.
- Most respondents that were arrested, cited, or detained, experienced their arrest during their exploitation (81%).

Timing of When Respondents Were Arrested, Detained, or Cited in Relation to Trafficking (N=265)



“There’s so many needs that you can’t get when you have a criminal record. It makes it more difficult to get your employment, it makes it more difficult to get housing, it makes it more difficult to get services. It affects everything.”

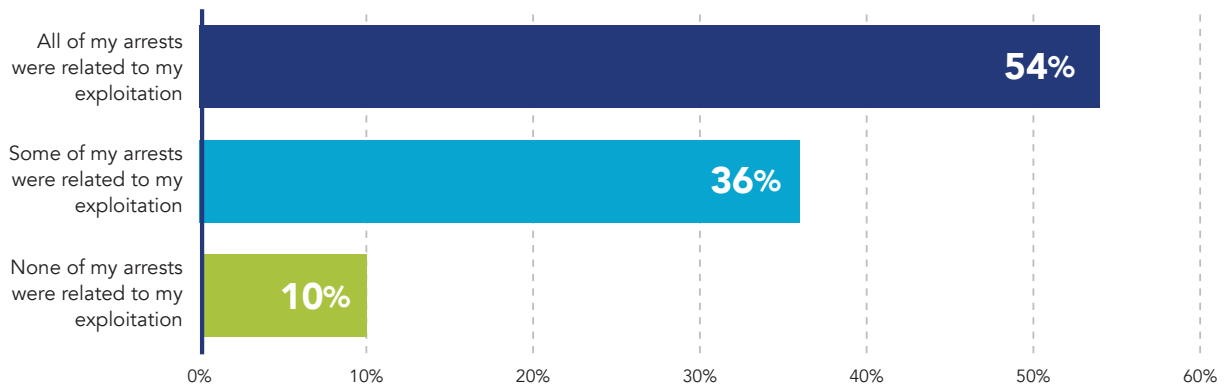
¹ This research brief may be cited as “Polaris (2023). Punishing the Victim: Recovery Barriers for Survivors with Criminal Records”

² Polaris (2023). In harm’s way: How systems fail human trafficking survivors. Retrieved from <https://polarisproject.org/wp-content/uploads/2023/03/In-Harms-Way-How-Systems-Fail-Human-Trafficking-Survivors-by-Polaris.pdf>.



- **42 percent of all survey respondents reported having a criminal record.**
- Many survivors have criminal records as a direct result of their exploitation. Most respondents with criminal records (90%) reported that all or some of their arrests were related to their exploitation.

How Much of Criminal Record Was Related to Trafficking Victimization (N=163)



“Another need would be making sure that the survivor’s criminal record is clear, because when you have that going against you, that can stop you in your tracks from achieving anything.”

Need for Criminal Record Relief

Criminal records can be an extreme barrier for many survivor recovery needs. It can affect a survivor’s ability to get a job, housing, education, or keep custody of their children.

Of the 174 respondents who reported having a criminal record, those who reported criminal records prevented them from:	
Getting or keeping a job	69%
Getting training, education, or a professional license.	63%
Getting good housing.	59%
Maintaining custody of their children (of those with children)	35%

While in some states, survivors can pursue criminal records relief, this option is not available in every state and is often expensive and inaccessible, even to lawyers. **77 percent of respondents with a criminal record reported needing assistance removing or clearing their criminal records at some time after their exit from their trafficking situation.**