



Eight Guiding Principles

For Providing Notification & Support to Crime Victims in Cases Involving Post-Conviction Claims of Innocence & Exonerations

1. Establish contact with the victim early.

The earlier that a victim can learn about renewed activity in their case, the better they can prepare for any potential outcome. As such, initial outreach should happen early in the process and provide the victim with the opportunity to choose how much information they would like to receive going forward and how they would like that information to be provided. This will help to reduce re-victimization and re-traumatization in the post-conviction process and also help to prevent the victim from learning about the renewed case activity from an untrained third party, such as the media or a representative of the prisoner. Remember: no victim should learn about an exoneration and prisoner release at the last minute or after these events have already occurred.

2. Provide victims with choice and respect victims' rights.

Victims of violence have been deprived of their power and choice. Therefore, it is important that they are provided with as much power and choice as possible when it comes to their recovery. This includes allowing them to decide (and not deciding for them) whether, how, and when they would like to receive information about the case, and recognizing that for various reasons these wishes may change or evolve over time. Remember that victims have rights in these cases. Depending on federal, state, and tribal law, these rights commonly include the right to: be treated with fairness, dignity, and respect; privacy and confidentiality; safety and security; be informed about the status of the case; confer with a state's attorney; be heard and participate in the criminal justice process; restitution; and re-apply for compensation.

3. Convene a multidisciplinary notification and support team.

Creating a multidisciplinary team ensures that all key perspectives are represented when discussing and planning for individualized notification and support. The team should include a prosecutor or other legal professional who can answer questions relating to the case process and provide neutral and accurate legal information; a systems-based and/or community-based victim advocate trained in trauma responses for victims in these cases and knowledgeable about available resources and assistance; and a law enforcement officer in the event there will be a reinvestigation. The team will determine who will participate in the initial outreach and in subsequent notification and support efforts.

4. Address victims' safety, privacy, and confidentiality concerns.

Notification of a claim of innocence or impending exoneration can cause the victim to experience fear, vulnerability, anger, and a loss of control. Ensure that the victim is in a physically and emotionally safe space to receive information to avoid the victim feeling threatened, ambushed, or surprised, and to mitigate the negative impact of the wave of emotions that may inevitably occur. Respect their privacy concerns and explain any limits to preserving their confidentiality. Address their physical safety concerns by developing a safety plan and, when possible, coordinating with victim-witness protection programs to address both real and perceived fears.

5. Offer referrals to emotional and psychological support services.

These cases can be confusing and overwhelming for victims, and they may benefit from the assistance of a therapist, counselor, or related services. Have a prepared list of trained and trauma-informed licensed professionals that you can leave with the victim for follow-up. Ideally this list will be thoroughly vetted to ensure the cultural competency and humility of offered services. Notifiers should be prepared to offer ideas for self-care and stress management, and be trained in psychological first aid. If appropriate, the victim advocate can conduct a needs assessment with the victim and provide an individualized plan for support and recovery.

6. Be prepared to address media coverage.

Post-conviction claims of innocence and exonerations are often covered extensively in the media. Therefore, it is important to prepare the victim for media coverage and have a plan for protecting the victim from unwanted media attention. Victims should be fully briefed on what to expect and reminded that they have the right to refuse to talk to the media. Unfortunately, public comments in response to media coverage can be extremely cruel and have a traumatic impact on the victims in these cases. Suggest that the victim may want to avoid reading blogs, social media comments, and other opinion pieces about the case.

7. Be truthful and don't overpromise.

Take every measure possible to provide truthful, clear, and non-ambiguous information to the victim. This will help build trust with the victim and help them to manage expectations. Be as knowledgeable and neutral as possible about the post-conviction process and the various scenarios that may play out. Be aware of the type of statements and assurances that can be harmful or that should be avoided altogether.

8. Stay informed and knowledgeable about cultural, physical, and other diversity.

Consider how a victim's culture, ability, or gender may influence their reaction or participation in the post-conviction process. Work to identify any specific needs before contacting the victim and be prepared to provide specialized support. In advance of the notification, determine whether the victim may need a translator, a specialized caregiver, or a support person that identifies with the same culture or gender as the victim. Break down barriers to communication by enlisting the assistance of a sign language interpreter for persons who are deaf or hard of hearing, or an interpreter for foreign language speakers. Be sensitive and respectful of all different perspectives and traditions, including a range of opinions about the criminal justice process as a whole.

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