



At a Glance: Guidelines for Practitioners

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

This document serves as a checklist for victim service providers and allied professionals to ensure that careful consideration has been given to every aspect of post-conviction notification and support in these cases. The purpose is to present, in a simplified format, general guidance for victim-centered and trauma-informed notification. A more comprehensive and detailed Sample Agency Policy, which can be customized for use in your agency or organization, is available at www.survivorservices.org.

Determining When to Provide Notification

Notification in these cases is warranted at many different points, as required by state law or victims' rights, or in instances where the victim could learn about renewed case activity from an untrained third party, such as the media or representative of the prisoner. These points include:

- A prisoner's petition to a court for post-conviction DNA testing;
- A court hearing on the petition for or results of post-conviction DNA testing;
- A prisoner's petition to a court for a writ of factual innocence (based on DNA or non-DNA evidence) and related hearings;
- A prisoner's request for a new trial based on newly-discovered evidence and related hearings;
- A court finding of factual innocence;
- A hearing and/or decision by a governor's office on a prisoner's factual innocence;
- The prisoner's release from prison;
- Search for and prosecution of the actual perpetrator.

Generally, there should be early, initial notification about the renewed case activity after which victims determine for themselves whether and how they want to receive further information during the post-conviction process. This helps to minimize re-victimization and re-traumatization and also helps to build trust. No victim should learn about an impending exoneration and prisoner release at the last minute or after exoneration and release have already occurred, and every measure possible should be taken to ensure that notification about exoneration and release occurs at least 30 days prior to the exoneration and release.

Preparing for Notification

- Establish a multidisciplinary “notification team” that will be responsible for coordinating when, how, and who will make the initial outreach.
- The notification team, at the very least, should include a prosecutor or other legal professional; a systems-based and/or community-based victim advocate; and a law enforcement officer in the event there will be a reinvestigation.
- In order to ensure neutrality in decision-making relating to the case and victim, it is preferable that team members not have been involved in the original trial and conviction. However, if someone from the original trial and conviction has remained in close contact with the victim, it may be helpful to include that person in the initial outreach and notification.
- The notification team will learn as much as possible about the victim and the case so they are fully prepared to respond to all questions the victim may have. This includes:
 - Gaining a full understanding of the case background, including current case status, possible next steps and future case proceedings, and any relationship between the victim and the person convicted.
 - Ensuring that the person(s) designated as the point of contact at the time of the crime is still the right person. For example, if the case involved a victim who was a minor at the time of the original offense and that person is now an adult, determine whether it is appropriate for the parents to be notified.
 - In cases of homicide, analyzing the legal definition of “victim” in order to determine which members of the surviving family should be contacted. Determining whether close friends or significant others are considered to be survivors of the victim (check state law), and determining if the family would like information delivered to them as a group or individually.
 - Checking with other system-based providers to see if they have maintained relationships with the victim or their family members. If so, determine whether they should have a role in the notification.
 - Obtaining all of the current contact information for the victim, including name, address, home or cell phone.
 - Creating a list of support resources ready to share if desired, including specialized support services for members of diverse communities, individuals with disabilities, individuals with limited English proficiency, members of the LGBTQIA+ community, and persons who were children at the time of the original offense.
 - Determining whether a language other than English is spoken in the home and whether an interpreter will be needed.
 - Determining the case’s statute of limitations status and whether, in the event of exoneration, the case is potentially prosecutable.
- Contact the victim by letter or phone to schedule an in-person meeting. This introductory letter or phone call should contain minimal information, reserving details for an in-person meeting.
 - If you use an introductory letter, be sure to provide clear information on how the victim may reach you by phone and email.
 - If you conduct a phone call, ensure that all individuals on the call are introduced at the beginning of the call.
- Once in contact with the victim, give them the choice of whether, how, and when they want to proceed (e.g., by phone, in-person, by mail), but make it clear that you would prefer an in-person meeting at a place of their choosing, which would include the provision of individualized support and resources.

- If the victim wants all the information over the phone, have the victim advocate present to monitor the victim's emotional reaction and be ready to provide resources over the phone if necessary.
- If you must leave a voicemail, leave a brief message without revealing the exact nature of the call, as well as a telephone number and time frame in which you can be reached.
- Every reasonable effort should be made to contact the victim. If the victim has left the local area, enlist the assistance of other jurisdictions in making that contact.

Conducting Notification

- The meeting itself should take place where the victim feels most comfortable, at a time that is convenient for them, and in a way that protects their privacy.
- The meeting should include at least two people from the notification team, with one of them being the victim advocate.
- An interpreter should accompany the team if this service is deemed necessary during the introductory contact.
- Be prepared to provide:
 - Complete explanation of the victim's rights.
 - Complete and unbiased information about the status of the case.
 - Detailed information about what to expect throughout the post-conviction process and any possible outcomes, including realistic expectations about case resolution or an explanation that the case outcome is unknown at this time.
 - Dates and times for upcoming court proceedings, if any.
 - Information about the DNA testing process, if any.
 - An explanation of how confidentiality and privacy considerations may limit what case information can be shared.
 - Information about possible media coverage, how it might impact the victim, and strategies for managing it.
 - Access to an automated victim notification system (if one exists in your jurisdiction).
 - A packet of written information (or "leave behind") that answers questions they may have and provides resources for support (See sample agency informational packet for victims.)
 - Contact information for Healing Justice, which can put them in touch with other victims who have had similar experiences and can help provide support and validate the emotions and experiences of the victim in the current case.
 - Contact information for the notification team members, including the primary point of contact for the victim.
- If there will be a re-investigation, explain:
 - Whether the victim may need to be interviewed,
 - Whether a new DNA sample may be needed from the victim, and
 - Whether they would like a referral to an attorney that can aid them in this process.
- If there is an impending exoneration and release, provide:
 - The expected exoneration date and release date, if known.
 - An explanation that the victim is in no way responsible for the original conviction, including any mistaken eyewitness identification.
 - Preparation and assistance for handling media coverage.
 - Assistance with developing a safety plan and, when possible, coordinating with witness and victim protection programs to help address safety concerns.

- In addition, *depending on the facts of the case if applicable*, it may help to explain:
 - The significant advances in forensic evidence and why evidence available now may not have been available at the time of the trial.
 - How wrongful convictions occur and the many factors involved.
 - That DNA databases may contain evidence that may lead to identifying the real offender.
 - Whether the exoneration will result in the case being re-opened for investigation to find the actual perpetrator. If a new investigation of the case is going to take place, the victim should be informed of next steps and what to expect throughout the process.
 - In the event the case cannot be re-opened and investigated to find the actual perpetrator, answer any questions the victim may have and provide resources for support.
 - That the state may not be able to prosecute the true offender if the statute of limitations has expired.
 - The potential option of meeting the exonerated individual, if desired.

Conducting a Needs Assessment with the Victim

- During the meeting, the victim advocate should assess the victim's needs to determine the types of resources and support that might be needed. This may include:
 - Counseling resources and crisis intervention
 - Safety planning
 - Peer support
 - Media management
 - Court accompaniment
 - Crime Victim Compensation and other types of financial assistance
 - Legal assistance

Follow-Up

- Determine a process for regular check-ins with the victim on both the case and their general welfare.
- Ensure that the victim's rights are being protected throughout the process.
- Create a plan for continuing support following the exoneration process for as long as the victim needs.
- Once a case has concluded, conduct an "after-action" review with the notification team to determine where improvement or change is necessary.
- Review agency protocols, trainings, and practices annually and amend them based on what was learned from previous notifications and outcomes for victims and practitioners involved.

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