



Navigating Post-Conviction Claims of Factual Innocence and Exonerations: Information for Crime Victims and Survivors

This resource aims to provide you with information and guidance in the wake of learning about a post-conviction claim of innocence or impending exoneration in your case. We understand that the news you received may leave you with questions. This brochure offers details on what you can expect, common experiences and feelings you may have, and where to get help if you need it. If you have questions not addressed here, please let us know. We are available to help. (ADD AGENCY PHONE/EMAIL)

**(Add Note): This resource was developed from first-hand accounts of crime victims and survivors in cases involving exonerations and with input from victim service providers and other allied professionals.*

What is a post-conviction claim of innocence?

A post-conviction claim of innocence is a legal action based on new evidence of innocence that was not available at the time of the original trial. This action can be initiated by the prisoner, an innocence organization, or by a state agency, and can take years to be resolved.

What is a post-conviction exoneration?

An exoneration process happens when a post-conviction claim of innocence is investigated and reviewed by a court or other government entity. An exoneration happens when the court or other government entity determines that the new evidence proves that the person convicted of the crime is factually innocent.

What can I expect next?

Depending on the unique facts of your case, there may be DNA or other forensic testing and a new investigation that needs to be completed. There may also be court hearings on the new evidence. You may request that a victim advocate or other trained criminal justice official keep you informed of any case activity.

What are my rights?

You have a right to be informed and supported throughout the entire post-conviction case process. These rights may vary depending on federal, state, and tribal law, and commonly include:

- The right to be treated with fairness, dignity, and respect.
- The right to privacy and confidentiality.

- The right to safety and security, including the right to protection from any real or perceived threat.
- The right to be informed about the status of your case.
- The right to confer with a state's attorney.
- The right to be heard and participate in the criminal justice process.
- The right to restitution.
- The right to re-apply for compensation if previously deemed eligible to assist with expenses related to the case.

To learn more about victims' rights in your state, visit the National Crime Victim Law Institute victim resources tab at www.ncvli.org. You can call or email them at 503-768-6819 or ncvli@lclark.edu. You can also obtain more information from a victim service provider or advocate who works with your local law enforcement agency or prosecutor's office [INSERT LOCAL INFORMATION HERE].

What can I expect to experience emotionally?

"Learning about the exoneration felt like the earth opened up and I got swallowed into a black hole." (Crime Survivor)

Learning about a potential or actual exoneration in your case can result in a wide range of emotional reactions. This new information might bring back negative feelings and trauma from the original crime. It might also have an impact on your family members and other loved ones. It is normal for you and your loved ones to experience any or all of the following feelings in response to receiving this news:

- Anxiety
- Increased stress
- Sense of isolation
- Fear
- Confusion
- Grief
- Hopelessness
- Disbelief
- Loss of faith in the justice system
- Anger
- Self-blame
- Revictimization
- Retraumatization

What is trauma?

Trauma is a common reaction to an experience that is distressing or deeply disturbing and can be experienced both physically and emotionally. Exonerations often cause deep, complex trauma to crime victims as they face a second justice process and relive the trauma and pain of the original crime committed against them or their loved one. This re-traumatization serves as a reminder of the past harm and results in experiencing similar feelings and emotions from the original crime. While trauma can cause significant disruption to your life and have a long-term impact on your physical, social, emotional and spiritual health, *many people who experience trauma are able to overcome it with the right support*. While an exoneration can be an extremely difficult process to experience, the right support and assistance can help you to overcome it, and many other victims have found ways to heal in these cases.

Helpguide.org's resource, *Healing from Trauma and Moving On* ([link: https://www.helpguide.org/articles/ptsd-trauma/coping-with-emotional-and-psychological-trauma.htm](https://www.helpguide.org/articles/ptsd-trauma/coping-with-emotional-and-psychological-trauma.htm)), provides helpful information on trauma and practical tips for moving forward.

Where can I go for support and services?

The best place to start is with a trained, professional victim advocate. A victim advocate can spend time with you and help assess your and your family's needs. They can also help connect you with community-based resources that can further support you during this time. These resources may include:

- Emotional health support, including individual and family counseling
- Information about the case process and status
- Contact with someone who has been through a similar experience.
- Attorneys who can explain legal documents
- Legal advocates who can provide information and support around victims' rights
- Direct assistance for immediate needs, such as food or shelter
- Crisis intervention and safety planning

The Victim Resource Map tool developed by the National Crime Victim Law Institute provides a searchable directory where you can find local and national victim service organizations that can provide you with information and support. This is one of the best resources for finding services to help meet your specific needs ([link: https://law.lclark.edu/centers/national_crime_victim_law_institute/for_victims/self_help](https://law.lclark.edu/centers/national_crime_victim_law_institute/for_victims/self_help)).

The National Center for Victims of Crime (NCVC) VictimConnect resource center provides an anonymous referral helpline where crime victims can learn about their rights and opportunities for support ([link: www.victimconnect.org](http://www.victimconnect.org), or call: 855-4-VICTIM).

Other Resources:

- Healing Justice: www.healingjusticeproject.org
 - Provides one-on-one and group peer support, referrals to key resources, and other assistance to crime victims and survivors in these cases.
 - Hosts healing retreats, where victims and family members come together to address their unique harms and learn about ways to move forward. These retreats include conversations, art activities, and times for individual reflection to help individuals on their journey towards healing.
 - For more information about opportunities to connect with other victims, you can contact Healing Justice via email at info@healingjusticeproject.org.
- NCVLI: https://law.lclark.edu/centers/national_crime_victim_law_institute
 - Provides a breakdown of Victims' Rights Law by State ([link: https://law.lclark.edu/live/news/23544-victims-rights-law-by-state](https://law.lclark.edu/live/news/23544-victims-rights-law-by-state))
- U.S. Department of Justice, Office for Victims of Crime: <https://www.ovc.gov/help/index.html>
 - Provides information and resources for all victims of crime in the U.S.
- Victims Rights Law Center: <https://www.victimrights.org>
 - Provides legal representation to victims of rape and sexual assault and promotes a national movement committed to seeking justice for every rape and sexual assault victim.
- RAINN: <http://rainn.org>
 - Provides immediate access to a trained support specialist online and by phone ([link: http://hotline.rainn.org](http://hotline.rainn.org), or call 1-800-656-HOPE).

How do I handle media attention?

There may be a lot of media coverage in your case, especially if it results in an exoneration. Media coverage in these cases typically focuses on the experience of the exonerated individual and not on the victim of the original crime. Insensitive, misguided coverage may even publicly shame the original victim as well as the justice system for mistakes in the case. This can cause further emotional harm to you and may cause you to feel:

- Attacked, pursued, and victimized
- Misrepresented, silenced, and voiceless
- Blamed for causing the wrongful conviction
- Threatened, due to public and online comments

If you have been publicly identified in the case, you are likely to be contacted by the media. You have the right to refuse to speak to the media, and these steps can help protect you from unwanted media attention:

- Ask for a victim advocate to accompany you to any court hearings. They can help ensure that any news outlets or journalists do not speak to you or film you without prior permission.
- Ask the prosecutor or victim advocate to arrange for someone to be your “liaison” with the media.
- Identify a trusted support person (friend, relative, colleague) who you can talk to when news stories are published about your case.

The following resources developed by Justice Solutions provide more information on how to anticipate and prepare for media attention in your case:

- *Guidelines for Media Interview*: This resource outlines what you can expect and your rights with regards to media requests and interviews.
([link:http://www.victimprovidersmediaguide.com/PDFS/Quick%20Tips%20for%20Crime%20Victims%20and%20Survivors.pdf](http://www.victimprovidersmediaguide.com/PDFS/Quick%20Tips%20for%20Crime%20Victims%20and%20Survivors.pdf))
- *Tips for Media Interviews*: Should you be interested in giving an interview, this resource can help prepare you in advance.
([link:http://www.victimprovidersmediaguide.com/PDFS/13b_Victim%20Tips%20for%20Media%20Interviews.pdf](http://www.victimprovidersmediaguide.com/PDFS/13b_Victim%20Tips%20for%20Media%20Interviews.pdf))

Remember: YOU ARE NOT TO BLAME for the exoneration and YOU ARE NOT ALONE. Don't be afraid to ask questions and to express your individual needs. If you are feeling unsupported at this time, request to speak to a victim advocate in your local prosecutor's office, police department, or community organization who can advocate on your behalf.

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