



Guidelines for Media

For Reporting on Cases Involving Post-Conviction Claims of Innocence and Exonerations

Background

Post-conviction claims of innocence and exonerations generate extensive media attention and public interest. More often than not, this attention and interest focus solely on the experience of the individual claiming innocence or being freed and fail to acknowledge that there is a victim of the original crime who is also impacted by the case. Sometimes, the media and public even cast blame on the victim for the original conviction when, in fact, systemic factors were the cause. This is particularly true in cases where the victim inadvertently made a mistaken identification.

These Guidelines were created as a resource for media, to encourage sensitive, accurate reporting in these cases and to prevent further harm to victims. We hope this resource will offer a fresh perspective on these cases and create new, unique opportunities for reporting these stories.

Beyond general guidelines, included here are specific recommendations for interacting with and involving victims in ways that will restore their voices and create some measure of control and safety for them in sharing their stories. Also included is practical advice concerning how to conduct respectful and sensitive outreach, interviewing, and follow-up.

General Guidelines

- Acknowledge that post-conviction innocence cases and exonerations can cause victims to experience re-victimization and re-traumatization.
- Ensure that all reporting in these cases treats victims with empathy, sensitivity, and respect. For example:
 - Avoid descriptive details about the original crime that could cause trauma or harm, particularly if those details are not critical to the story.

- Never use language that holds victims responsible or suggests that victims are to blame for the original crime or conviction. Make sure any reporting places responsibility for the crime and conviction where it belongs: with the true perpetrator and with known, systemic shortcomings in criminal investigations and trials.
- Understand that victims' control and agency were taken away both when they were victimized and during the criminal justice process. Thus, it is important to ensure that victims are given as many opportunities as possible to control their participation during media coverage of the case.
- Do not assume that you understand a victim's experience and do not communicate that you understand. Do not try to relate their experience to your own.
- Follow-up and follow-through with victims. Most victims feel that their voices have been silenced, and they may have experienced many broken promises throughout the criminal justice process. Do not make any promises that you cannot keep, including any assurances of the impacts that the reporting may have.
- Be sensitive and use victim-affirming language that validates the victim's feelings and honors their experiences in all communication and reporting. (Upon request, we can provide a list of language to use and not to use.)
- Remember that your reporting presents an important opportunity for victims' voices to be heard. Thus it is important to maintain a high level of responsibility and care in your reporting in order to validate and empower victims.

For Interviewing Victims

Preparing for an Interview

- Be aware that the media may know information about a post-conviction claim of innocence or exoneration before the victim has been informed. The media should not be the first to alert the victim about these changes in the case status, and no victim should learn anything new about their case from the media.
- Avoid cold-calling victims. Connect with a victim through a third party, such as a victim advocate, or use written correspondence for any initial communication.
- Be honest in your communication about who you are, who you work for, and the purpose of the interview. Provide as much information as possible about how the interview will be used and about how and when the piece will be published.
- Understand how your request for an interview might be met with a strong emotional response. Do not pressure a victim into conducting an interview and be willing to take "no" for an answer.
- Stay informed on the developments in the case and the way in which the narrative around these cases often takes shape. Do as much background reading on the case as possible, using a critical eye. Previous media reports may have contained errors that were hurtful to the victim. Legal documents may contain important details that help provide a more accurate context.
- Assure the victim that they are free to end the media contact at any time without jeopardy or harm coming to them or their family.

Conducting an Interview

- Physical and emotional safety are vitally important for victims in these cases. This can mean offering to let them choose the time and place for the interview, providing breaks throughout the interview, and giving them the interview questions in advance.

- In addition to allowing the victim to choose the location of the interview, provide them the option of having a support person and/or victim advocate be present.
- If possible, avoid asking the victim to describe the original crime against them or their loved one. This can be re-traumatizing, and these details can often be found through other sources, such as legal documents or past media coverage.
- Give the victim a sense of control over the interview process and the language used by asking:
 - How they would like themselves or their loved ones to be described and whether there are specific adjectives, terms, or other “triggers” that might cause pain or embarrassment and should therefore be avoided.
 - What message they would like to convey and what part of their story they would like to tell, including what details they would prefer not to make public.
 - Whether they want their or their family members’ names used and whether they want their location made public.
- Remind the victim that:
 - They may stop the interview for a break or completely at any time if they become uncomfortable.
 - They do not have to answer every question.
 - They can choose what they want to talk about or not talk about.

Post-Interview Reporting and Follow-up

- Take every step possible to provide the victim with a sense of control over how their story is shared. When possible, connect with the victim before the piece is produced and offer to let the victim review language related to their experience, specifically:
 - How they or their family members are described.
 - Any quotations by them before publication.
- If a victim chooses not to be named, ensure that any descriptive details do not identify the individual in any way.
- Use caution when introducing any sort of dramatization, specifically as it relates to retelling the violent crime using visual portrayals and old photographs from the original crime. Such dramatization can be extremely triggering and traumatizing for victims and their families.
- When possible, do not permit public commentary on the article. When public comments are active, ensure that there is a mechanism in place for immediately deleting any threatening remarks.

These Guidelines were produced by Healing Justice under Cooperative Agreement No. 2017-VF-GX-K032, awarded by the Office for Victims of Crime U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this resource are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.