

WHEN JUSTICE FAILS TWICE

SUPPORTING SURVIVORS
IN THE AFTERMATH OF WRONGFUL
CONVICTIONS

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Introduction

Program Overview

Northeastern University School of Law (“NUSL”) gives first-year students the unique opportunity to collaborate with nonprofit organizations as part of the Legal Skills in Social Context (“LSSC”) course. Students are divided into “law offices” that consist of approximately fifteen students. Each law office works with a nonprofit organization to research an issue central to the organization’s mission.

Our law office is partnered with the Louis D. Brown Peace Institute (“Peace Institute”), located in Dorchester, Massachusetts. Chaplain Clementina Chéry founded the Peace Institute in 1994 after she lost her fifteen-year-old son, Louis D. Brown, to homicide in December 1993.¹ The Peace Institute honors Louis’ legacy and continues his dream of making his community a more peaceful place.² The Peace Institute serves the greater Boston area as a center for healing, teaching, and learning for those who have lost loved ones to homicide.³ This year, Chaplain Chéry requested that our law office research the impact of wrongful homicide convictions on the deceased’s survivors—their families and loved ones.

Methodology

Since the beginning of our partnership with the Peace Institute, Chaplain Chéry has reinforced the idea that the survivors must remain at the forefront of our research and ensuing

¹ *History*, LOUIS D. BROWN PEACE INST., <https://ldbpeaceinstitute.org/history/> [<https://perma.cc/AZA8-5BPT>] (last visited Feb. 16, 2026).

² *Id.*

³ *Home Page*, LOUIS D. BROWN PEACE INST., <https://ldbpeaceinstitute.org/> [<https://perma.cc/Q4CC-B4FS>] (last visited Feb. 16, 2026).

recommendations. Our research focuses on how exonerations following wrongful convictions impact survivors; it does not focus on why they happen, who is wrongfully convicted or how we may prevent them. While a nuanced understanding of wrongful convictions is crucial to improving the criminal legal system, a growing body of research exists on the causes and impacts of wrongful convictions on exonerees.⁴ However, there is a significant gap in the research concerning the impact of wrongful convictions on survivors. This report aims to begin to address that gap.

For this report, our law office interviewed survivors, prosecutors, advocates, and other legal actors to gain insight into this issue while centering survivor's experiences. Early in our research, our class visited the Peace Institute to experience the resources available to the community to aid their grieving process. Over the following weeks and months, we heard from survivors who shared their personal experiences with the criminal legal system throughout the exoneration process. Throughout this report, we use the term "survivors" to refer to the family and loved ones of a homicide victim. Additional interviews from various attorneys and other community members helped us form a holistic understanding of how wrongful convictions affect each survivor differently.

⁴ See, e.g., Ayyub Ibrahim, Huy Dao & Tarak Shah, *Innocence Discovery Lab - Harnessing Large Language Models to Surface Data Buried in Wrongful Conviction Case Documents*, 5 WRONGFUL CONVICTION L REV 103 (2024); JON B. GOULD, THE INNOCENCE COMMISSION: PREVENTING WRONGFUL CONVICTIONS AND RESTORING THE CRIMINAL JUSTICE SYSTEM (2008); Jon Gould & Richard Leo, *One Hundred Years Later: Wrongful Convictions after a Century of Research*, 100 J. OF CRIM. L. & CRIMINOLOGY 825 (2010); DANIEL S. MEDWED, BARRED: WHY THE INNOCENT CAN'T GET OUT OF PRISON (2022); Kathryn A. Thomas & William T. Hoyt, *The Psychological Impact of Wrongful Convictions: Exploring Retrospective Trajectories of Distress in Exonerees.*, 16 PSYCHOLOGICAL TRAUMA: THEORY, RESEARCH, PRACTICE, AND POLICY 872 (2024).

Executive Summary

Too often, survivors feel left out, ignored, or even forgotten in the aftermath of a wrongful conviction. Survivors are not consistently notified when there are new trials, parole hearings, prison transfers, or other legal actions that may indicate the exoneration process has started. In some cases, survivors receive no communication and learn about exonerations through social media or third parties. Moreover, there are few support mechanisms for survivors after the exoneration occurs, and those that do exist are not implemented consistently.

Our research focuses on these existing policies and procedures surrounding survivor support during and after the exoneration process. We begin by providing a brief overview of wrongful convictions and their causes before refocusing on the experience of survivors following wrongful convictions and providing recommendations for improvement.

There are clear shortcomings in the current policies for survivor support during and following an exoneration. Based on these findings, this report makes several recommendations specifically directed toward district attorneys' offices and the Massachusetts Legislature.

We have four recommendations for improvement within district attorneys' offices. First, district attorneys' offices should facilitate an effective transition between Victim Witness Advocates ("VWAs") by implementing "warm handoffs" after the close of the criminal case. Second, district attorney's offices should support the passage of a pending bill which gives VWAs better retirement benefits to decrease VWA turnover and thus increase VWA expertise and improve survivors' experiences.⁵ Third, survivors should be able to choose their preferred communication frequency and be given clear information on resources and next steps from the

⁵ *An Act Relative To Victim Witness Advocate Retirement Classification*, MASS. OFF. FOR VICTIM ASSISTANCE, <https://www.mass.gov/doc/h2753s1784-fact-sheet/download> [<https://perma.cc/J4HR-UJTH>] (last visited Mar. 4, 2026).

district attorney's office. Fourth, survivors deserve an official apology from the district attorney's office responsible for the wrongful conviction. And, where appropriate, district attorneys' offices should provide optional prosecutor-survivor mediation to allow survivors to have an honest conversation with the individuals directly responsible for wrongful conviction in their loved one's case. To facilitate these apologies, we additionally recommend passing legislation—with support of district attorneys' offices—that indemnifies police officers and prosecutors, allowing them to apologize but not granting them blanket immunity from future lawsuits stemming from a wrongful conviction.

We have three recommendations for the Massachusetts Legislature. First, we recommend victim compensation be reformed in two ways. One, survivors should be allowed to submit a new application for the victim compensation program when there is a wrongful conviction in their loved one's case. And two, the Victim Compensation Fund should be expanded to include compensation for the pain and suffering of survivors following a wrongful conviction. Second, the Office of the Attorney General (AGO) should create an Innocence Inquiry Department—a neutral state agency that investigates convictions—to improve communication with survivors as well as systemic accountability. If, however, the AGO does not create an Innocence Inquiry Department, our third recommendation is that the legislature amend the currently proposed bill, “An Act Establishing an Office of Unsolved Homicides” (“Unsolved Homicides Act”), to require an automatic review of a case in the wake of a wrongful conviction.

Background

Causes of Wrongful Convictions and their Impact on Survivors

*“It was harder going through the revictimization than it was through the [crime]... Now you have the same feelings of that pain. You have the same scariness. You have the same fear. You have the same panic, but now you have this flood of guilt on top of it.”*⁶

– Anonymous Survivor from a National Institute of Justice study

Wrongful convictions can be more painful for survivors than living through the crime itself.⁷ The exoneration and the re-investigation of the crime can bring up negative feelings for survivors.⁸ A conviction is considered “wrongful,” if the defendant is found to be either factually innocent or legally innocent.⁹ A person is “factually innocent” if they did not actually commit the crime.¹⁰ A person is “legally innocent” if the proceeding that resulted in their conviction was unfair (e.g., their constitutional rights were violated, they received ineffective assistance of counsel, or a prosecutor or police officer behaved unethically).¹¹

Since 1989, there have been 3,784 exonerations in the United States.¹² Ninety-nine of those were in Massachusetts.¹³ In its 2024 Annual Report, the National Registry of Exonerations

⁶ SERI IRAZOLA ET AL., *Addressing the Impact of Wrongful Convictions on Crime Victims*, NAT’L INST. OF JUST. 3 (Oct. 1, 2014), <https://nij.ojp.gov/topics/articles/addressing-impact-wrongful-convictions-crime-victims> [<https://perma.cc/38R3-HLD6>].

⁷ *Id.*

⁸ *Id.*

⁹ Interview with Daniel Medwed, Professor, NE Univ., in Bos., Mass. (Sep. 11, 2025).

¹⁰ *Id.*

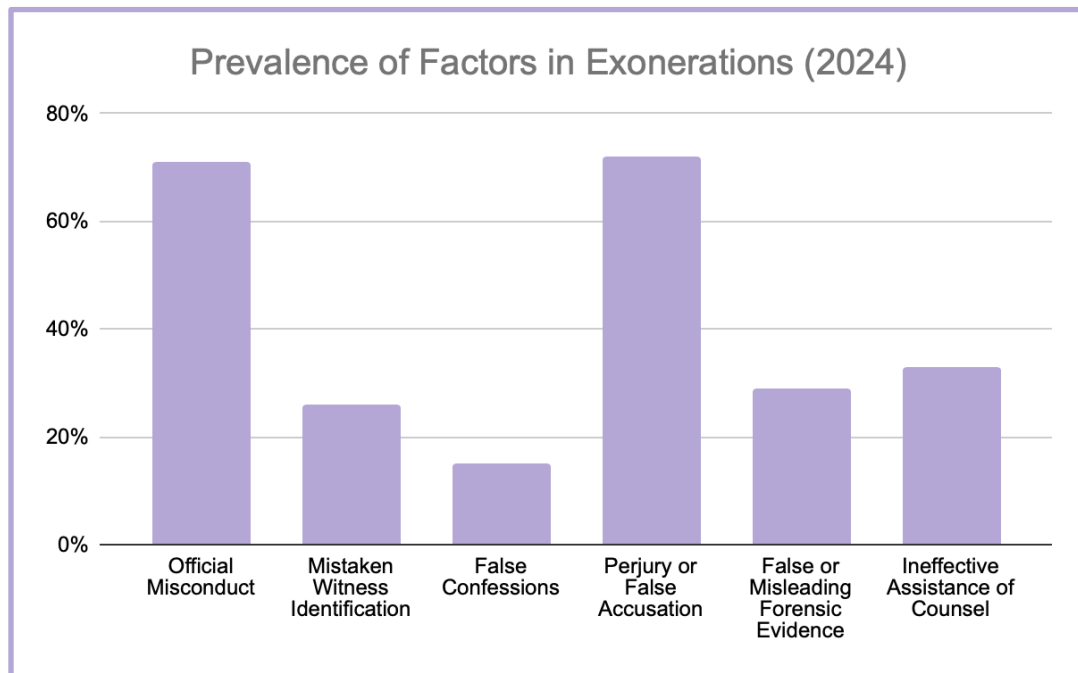
¹¹ *What Is Legal Innocence? Simple Definition & Meaning*, LSD.LAW, <https://definitions.lsd.law/legal-innocence> [<https://perma.cc/4GPN-VP8Y>] (last visited Mar. 8, 2026).

¹² *Introductions for Using the Registry*, NAT’L REGISTRY OF EXONERATIONS, https://exonerationregistry.org/cases?f%5B0%5D=n_pre_1989%3A0 [<https://perma.cc/4KRY-U5QZ>] (last visited Mar 6, 2026).

¹³ *Id.*

reported 147 exonerations in the United States, only one of which was in Massachusetts.¹⁴

Conviction Integrity Units (CIUs) helped secure sixty-two of the 147 exonerations that occurred in 2024.¹⁵ Of the exonerations in 2024, 78% were of people of color and 71% involved official misconduct.¹⁶



Six factors contribute to wrongful convictions. Official misconduct—which may include police or prosecutorial misconduct during an investigation or prosecution—was a contributing factor in 104 of the 147 exonerations in 2024.¹⁷ In ninety-five of these 104 cases, the prosecutor did not turn over exculpatory evidence to the defense.¹⁸

¹⁴ 2024 Annual Report, NAT'L REGISTRY OF EXONERATIONS 5 (Apr. 2, 2025), https://exonerationregistry.org/sites/exonerationregistry.org/files/documents/2024_Annual_Report.pdf [<https://perma.cc/563J-NRZ8>].

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 4

¹⁸ *Id.* at 4

Five other factors commonly lead to wrongful convictions: eyewitness misidentification, invalid forensic evidence, false confessions, perjury and false accusations, and inadequate defense counsel.¹⁹ While we only highlight a few factors directly throughout this report, each factor plays a distinct role in causing wrongful convictions.²⁰

Often, discussions about wrongful convictions are limited in scope: they focus solely on the devastating impact on the exoneree.²¹ However, a wrongful conviction not only destroys the life of the person wrongfully imprisoned — this tragedy also affects the family and loved ones of the homicide victim. Although the body of research on the impact of wrongful convictions on survivors is limited, the reports that do exist highlight just how retraumatizing they can be: as a result of a wrongful conviction, 56% of survivors experience hardship in their personal lives; 78% experience emotional impacts; 44% experience financial hardship; 44% experience physical health symptoms; 22% experience spiritual hardship.²² Survivors of victims of homicide are at an increased risk for depression, posttraumatic stress disorder (PTSD), and substance use disorders.²³ One in four survivors have experienced prolonged grief, which has been linked to higher risk of physiological health problems including heart disease, cancer, hypertension, and fluctuations in weight.²⁴ There has been limited research into whether survivors are at an

¹⁹ *Wrongful Convictions 101*, NEW ENG. INNOCENCE PROJECT 1, https://static1.squarespace.com/static/571122994d088e15ba0eb437/t/5d8fdd0654c14b5032b374e9/1569709319849/WCD_NEIPSchoolHandout_FINAL.pdf [<https://perma.cc/BSU5-F7JC>] (last visited Jan. 22, 2026).

²⁰ *Id.*

²¹ “Often Forgotten” in the Wake of Exonerations, *Wrongful Convictions Harm Murder Victims’ Families, Too*, DEATH PENALTY INFO. CTR., (Nov. 11, 2018), <https://deathpenaltyinfo.org/often-forgotten-in-the-wake-of-exonerations-wrongful-convictions-harm-murder-victims-families-too> [<https://perma.cc/V786-K3GQ>].

²² *Responding to Original Victims in Wrongful Conviction Cases* 21, POST CONVICTION SURVIVOR RES., https://www.survivorservices.org/media/dvcpwfw1/resources-for-practitioners_summary-project-report.pdf [<https://perma.cc/B8FS-YL7V>] (last visited Jan. 24, 2026).

²³ Heidi Zinzow et al., *Losing a Loved One to Homicide: Prevalence and Mental Health Correlates in a National Sample of Young Adults*, 22 J TRAUMA STRESS 20 (2009), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2829865/> [<https://perma.cc/TQ5Q-EDXR>].

²⁴ CENTER FOR VICTIM RESEARCH, *Losing a Loved One to Homicide: What We Know about Homicide Co-Victims from Research and Practice Evidence*, U.S. DEP’T OF JUST. 1 (July 2019),

increased risk for becoming perpetrators themselves after experiencing a violent crime.²⁵ But, there is evidence to suggest that some survivors do experience feelings of vengeance towards their loved one's killer.²⁶ Overall, numerous survivors undergo significant physical and mental health conditions after the loss of a loved one, effects that may be unaddressed by the criminal legal system. In the following sections, we explore the current resources available to survivors in the wake of wrongful convictions, and offer recommendations for improving this system.

<https://www.ojp.gov/library/publications/losing-loved-one-homicide-what-we-know-about-homicide-co-victims-research-and> [<https://perma.cc/E9AC-4ZAH>].

²⁵ Mariëtte van Denderen, *Revenge and Psychological Adjustment After Homicidal Loss*, 40 AGGR. BEHAV. 504, (2014), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/ab.21543> [<https://perma.cc/K6MM-XNMA>].

²⁶ *Id.*

The Problem

Amy Banks: “Radio Silence” and Hostile Communication

“We’re human beings, how do you not care enough...to respond to a family...in some kind of empathetic way when you know there was so much evidence that this family has gotten screwed in the system.”²⁷

– Amy Banks, Survivor

In 1979, Dr. Amy Banks’ father, Ronald Banks, was shot and killed while on a business trip to New Orleans when she was seventeen years old.²⁸ One month later, Dr. Banks and her family found out from a newspaper story, not law enforcement, that a suspect was arrested in New Orleans in connection with the murder.²⁹ Isaac Knapper, sixteen at the time, was arrested after being named by a police informant as a suspect in the murder of Mr. Banks.³⁰ That same year, Isaac was convicted of the murder and sentenced to life in prison without parole.³¹

In 1992, evidence that prosecutors had not shared with Isaac’s defense team was uncovered and he was proven to be factually innocent.³² He was exonerated after thirteen years in prison.³³ No one from law enforcement in New Orleans notified Dr. Banks or her family that the man who they all believed had killed her father was actually innocent, and had been released from prison.³⁴ *Twelve years* after the exoneration, Dr. Banks found out about it from her brother-

²⁷ Interview with Dr. Amy Banks, in Bos., Mass. (Oct. 16, 2025).

²⁸ Amy Banks, *Fighting Time* 9 (2021).

²⁹ *Id.* at 20.

³⁰ *Id.* at 22.

³¹ *Id.* at 108.

³² *Id.* at 118, 129.

³³ *Id.* at 131.

³⁴ Banks, *Fighting Time*, supra note 28 at 124.

in-law, who randomly searched Isaac's name on the internet.³⁵ Dr. Banks and her family attempted to reach out to law enforcement victim advocates, but they were largely unsuccessful.³⁶ The Assistant District Attorney (A.D.A.) who prosecuted her father's case was reluctant to work with Dr. Banks in any capacity.³⁷ He was hostile and remained convinced that they had convicted the right person, going so far as to send Dr. Banks aggressive and argumentative letters about the exoneration.³⁸

Both her father's murder and Isaac's wrongful conviction had devastating impacts on Dr. Banks and her family.³⁹ Dr. Banks acknowledged the long-term traumatic impacts of murder on surviving family members and said these were magnified by an additional life being destroyed through wrongful conviction.⁴⁰ She asserted, "The only thing worse than having a parent murdered is having somebody else's life destroyed in a wrongful conviction. It just magnifies the impact."⁴¹

Dr. Banks' experience ruined her faith in the criminal legal system.⁴² However, Dr. Banks and Isaac have developed a strong friendship in the years since his exoneration; she expressed that the reconciliation of bringing two wounded people together was more healing than "justice" through the legal system.⁴³ She emphasized a need for apologies from law enforcement officials, rather than them doubling down on the conviction if it is clear they were wrong.⁴⁴ She said that some sort of monetary compensation would be helpful, as long as it goes

³⁵ *Id.* at 123.

³⁶ *Id.* at 127.

³⁷ Interview with Dr. Amy Banks, *supra* note 27.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ Interview with Dr. Amy Banks, *supra* note 27.

⁴⁴ *Id.*

towards helping with therapy expenses and showing that law enforcement is placing some type of value on the mistake that they made.⁴⁵

Additionally, the lack of communication from law enforcement to Dr. Banks and her family in the years after Isaac's exoneration was a significant exacerbating factor in the re-traumatization they experienced.⁴⁶ When asked about communication after Isaac's exoneration, Dr. Banks said with frustration, "There was radio silence."⁴⁷ She said that her preference would have been to be informed about the exoneration by a victim advocate who had the skillset to help guide someone through the emotions that followed.⁴⁸ She would have wanted to know that the case was being reopened, long before a potential exoneration.⁴⁹ She felt that hearing from a prosecuting attorney would have likely been too emotionless.⁵⁰ Dr. Banks also would have liked to hear prosecutors admit that they were wrong and apologize.⁵¹ Dr. Banks insists that communicating an exoneration to survivors should be personal and humanizing, not automated or devoid of emotion.⁵² While Dr. Banks' experience was not in Massachusetts, it echoes repeated complaints about parole hearings, new trials, and exonerations not being communicated with survivors in Massachusetts.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Interview with Dr. Amy Banks, *supra* note 27.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

Marcellena Carvalho: Anything is Better than Nothing

Marcellena Carvalho is a survivor within the Boston community.⁵³ She has lost multiple family members—including three brothers—to homicide.⁵⁴ Our interview with Marcellena focused primarily on her brother Christopher, who was killed in a drive-by shooting.⁵⁵ Currently, the person who is in prison for his murder is the driver of the car, Odair, and not the person who shot Christopher.⁵⁶ Odair was convicted of first-degree murder under joint venture theory, which means that he intentionally “participated” in Christopher’s murder but did not kill him directly.⁵⁷ Marcellena believes this is an injustice and has tried to be involved in Odair’s criminal proceedings.⁵⁸ When Odair was up for parole, she was not notified.⁵⁹ She discovered his parole hearing by stumbling upon a Facebook Live story.⁶⁰ Now, she gets updates directly from Odair and his attorney, rather than from law enforcement updating her on her brother’s case.⁶¹ This is not new for Marcellena, who has had to be proactive in reaching law enforcement about all of her brothers’ cases through persistent letters and phone calls that go unanswered.⁶² Marcellena, who is connected to other survivors in her community, stressed communication as a key factor in accountability for law enforcement and support for survivors, noting that “any kind of

⁵³ Interview with Marcellena Carvalho, in Bos., Mass. (Nov. 18, 2025).

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.* (Though Odair was not wrongfully convicted, we include Marcellena’s story in this report because her experience illuminates the inadequate protocols for survivor notification in Massachusetts, the effects of which are also felt by survivors of wrongful convictions.)

⁵⁷ *Commonwealth v. Fernandes*, 478 Mass. 725, 738 (2018).

⁵⁸ Interview with Marcellena Carvalho, *supra* note 53.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

communication is better than nothing.”⁶³ She believes that empathy and listening to survivors is a good start for better communication.⁶⁴

Jerry and Katrina Boyajian: An (Unusually) Promising Example

“I’m not sure that anything could really replace the trauma that victims and victims’ families go through.”

– Jerry Boyajian, Survivor⁶⁵

In 1979, Jerry Boyajian’s brother, Jeffrey Boyajian, was murdered in Massachusetts.⁶⁶ Both of the men convicted for Jeffrey’s murder, Fred Clay and James Watson, were exonerated over thirty-five years after the conviction.⁶⁷

Shortly after Mr. Clay petitioned for a new trial, an Assistant District Attorney (A.D.A.) from the Conviction Integrity Unit (the unit that reviews potential wrongful convictions) reached out to Jerry Boyajian and his wife, Katrina Boyajian.⁶⁸ The A.D.A. spoke on the phone with them for over an hour, explaining that her unit was reviewing the case because the New England Innocence Project had filed a petition for a new trial.⁶⁹ She walked them through the investigation, explained the flaws with the conviction, and then gave them time to process, saying she’d call back the following day.⁷⁰ She spoke with the Boyajians again the next day, repeating any information they needed to hear again and asking how they were feeling about the

⁶³ *Id.*

⁶⁴ Interview with Marcellena Carvalho, *supra* note 53.

⁶⁵ Zoom Interview with Jerry and Katrina Boyajian (Jan. 28, 2026).

⁶⁶ *Id.*

⁶⁷ Maurice Possley & Ken Otterbourg, *James Watson*, THE NATIONAL REGISTRY OF EXONERATIONS (May 14, 2024), <https://exonerationregistry.org/cases/12941> [<https://perma.cc/QRK7-STKR>].

⁶⁸ Zoom Interview with Jerry and Katrina Boyajian, *supra* note 65.

⁶⁹ *Id.*

⁷⁰ *Id.*

new trial.⁷¹ She provided them with the date of the trial and encouraged them to attend.⁷² On the day of the trial, the Boyajians had a parking spot reserved for them; before the hearing, they were invited to meet with both the A.D.A. they had been working with, and Dan Conley, the Suffolk County District Attorney at the time.⁷³ The A.D.A. walked them through everything once again and gave them a chance to express their preference that Mr. Clay be exonerated.⁷⁴ A similar communication process occurred in James Watson's case.⁷⁵

Reflecting on their experience, Katrina said “[the A.D.A.] made it a lot easier for us than a lot of people we have met in this situation.”⁷⁶ The Boyajians were clear that, compared with other survivors they know who have gone through exonerations, the level of communication they experienced is a rare outlier, and that stories like Dr. Banks' and Marcellena's are more common.⁷⁷ Jerry and Katrina's story can serve as an example of what good communication with survivors can and should look like.⁷⁸ While Jerry and Katrina were lucky to have an A.D.A. who provided this level of support, communication with survivors should not be a pleasant surprise or depend on the good will of individuals in the criminal legal system. Rather, such support should be the minimum expectation in every case like the Boyajians'.

The Boyajians expressed that it should be a requirement for law enforcement to notify survivors if an exoneration is happening before any press coverage occurs.⁷⁹ They have found healing in connecting with other survivors and believe that it should be a requirement that the

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ Zoom Interview with Jerry and Katrina Boyajian, *supra* note 65.

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

state provide some sort of resource guide or network for connecting with others.⁸⁰ They echoed Dr. Banks in strongly advocating for an apology from law enforcement as a “no brainer.”⁸¹ While they felt like some sort of monetary compensation might feel like being paid off, they did acknowledge that there may be some value in financial support for services such as therapy or access to resources.⁸²

Common Threads through Survivor Experiences

These stories are just a few of many. Though every survivor’s story is different, there are common problems that stretch across many of the cases we looked at. With the passage of DNA laws that “streamline[] ...post-conviction access to DNA technology” and thus “significantly increase” the number of “DNA-based exonerations,” exonerations will likely become more frequent in the future.⁸³ Therefore, it is important to identify the gaps in how survivors are guided through this process *now* and set up better systems to prevent further re-traumatization and difficulties in the future. Survivors have already been through the physically and mentally devastating experience of violently losing a loved one; updating systems to better address survivor’s needs in the wake of an exoneration is an extremely important way to avoid further harm.

Through our interviews and further research, some clear problems with how survivors experience an exoneration stood out:

⁸⁰ Zoom Interview with Jerry and Katrina Boyajian, *supra* note 65.

⁸¹ *Id.*

⁸² *Id.*

⁸³ ROCCO D’ESTE & NOAM YUCHTMAN, *Correcting Racial Injustice: Forensic DNA Technology And The Exoneration Of The Wrongfully Convicted*, Discussion Paper No. 16076, INSTITUTE OF LABOR ECONOMICS (Apr. 2023), <https://docs.iza.org/dp16076.pdf> [<https://perma.cc/K3WZ-VCJA>].

- Survivors are finding out about exonerations from sources other than law enforcement, often from media, in shocking and insensitive ways.
- The laws and policies already in place for communication are not always followed or enforced.
- There is variability and inconsistency in how survivors are treated.
- There is not always a clear point of contact for survivors to be able to reach law enforcement, and law enforcement is oftentimes unable to find contact information for survivors.
- Survivors often do not receive apologies from law enforcement.
- Law enforcement is not re-opening investigations into who actually committed the murder.
- Survivors may not be able to access compensation that could help to pay for therapy bills or other needs following an exoneration.
- Survivors often are not provided with resources to help them process the emotional impact of an exoneration.

In the following sections, we discuss the current framework that seeks to address these problems and provide suggestions for improvement.

Existing Framework for Communication with Survivors

A Fragmented Infrastructure in Massachusetts

Communication with survivors is often inconsistent in practice, even though Massachusetts has substantial laws and policies intended to support victims and survivors of crime. This infrastructure for victim outreach and notification regarding case updates is grounded primarily in the Massachusetts Victim Bill of Rights.⁸⁴ This comprehensive statute seeks to ensure that crime victims in Massachusetts are afforded rights to fair treatment and dignity by criminal legal actors, including the courts, prosecutors, and law enforcement, throughout the lifecycle of a criminal case.⁸⁵ It further guarantees victims the right to be present and heard at public court proceedings, including through the submission of victim impact statements, and establishes a range of additional participatory and procedural protections.⁸⁶

Among the Victim Bill of Rights' most significant provisions is the right to information and notification, which entitles victims to timely notice of court proceedings, and the arrest, release, or escape of the accused.⁸⁷ These obligations to communicate effectively with victims and families persist well after conviction.⁸⁸ Prosecutors are required to notify victims when defendants file post-conviction motions for forensic or scientific testing and, if such testing is granted, must inform victims of the results.⁸⁹ In homicide cases, these rights extend to surviving

⁸⁴ MASS. GEN. LAWS ch. 258B, § 3 (2025).

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Victim Bill of Rights*, BERKSHIRE DIST. ATT'Y'S OFF., <https://www.mass.gov/info-details/victim-bill-of-rights> [<https://perma.cc/2FF8-J4MW>] (last visited Mar. 8, 2026).

⁸⁸ MASS. GEN. LAWS ch. 258B, § 3 (2025).

⁸⁹ MASS. GEN. LAWS ch. 278A, § 14 (2025).

family members.⁹⁰ This reflects an understanding that the need for survivor services does not end with the verdict or sentencing. It continues through incarceration, parole consideration, and collateral post-conviction litigation.⁹¹

The Commonwealth's central administrative body for victim services is the Massachusetts Office for Victim Assistance (MOVA). MOVA, an independent state agency established under the Massachusetts Victim Bill of Rights, is charged with overseeing the implementation of those rights.⁹² MOVA supervises and coordinates between different state agencies.⁹³ It is not directly involved with the criminal case and does not make victim notifications.⁹⁴ It ensures that survivors all have “access to equitable services... through survivor-informed policy development, fund administration, training, and individual assistance.”⁹⁵ Through these functions, MOVA supports a network of state and local agencies responsible for delivering services and information to victims at different points in the criminal legal process.⁹⁶

The actual implementation of these enumerated rights is fragmented across multiple agencies with distinct mandates, systems, and intake requirements. The Department of Criminal Justice Information Services (DCJIS)—housed under the Executive Office of Public Safety and Security—manages the post-conviction victim notification program, as well as the

⁹⁰ MASS. GEN. LAWS ch. 258B, § 3 (2025).

⁹¹ *Id.* § 3(s)-(u).

⁹² *Id.* § 4.

⁹³ *Massachusetts Office for Victim Assistance (MOVA)*, <https://www.mass.gov/orgs/massachusetts-office-for-victim-assistance> [<https://perma.cc/E6SS-J6BQ>] (last visited Mar. 3, 2026).

⁹⁴ *Office of the State Auditor, AUDIT OF THE MASSACHUSETTS OFFICE FOR VICTIM ASSISTANCE OVERVIEW OF AUDITED ENTITY*, <https://www.mass.gov/info-details/audit-of-the-massachusetts-office-for-victim-assistance-overview-of-audited-entity#:~:text=Garden%20of%20Peace,the%20Garden%20of%20Peace%27s%20website%2C> [<https://perma.cc/RC9C-WC7Q>] (last visited Mar. 10, 2026).

⁹⁵ *Id.*

⁹⁶ *Massachusetts Office for Victim Assistance (MOVA)*, *supra* note 102.

Commonwealth's other law enforcement information and criminal record systems.⁹⁷ This includes processing requests for Criminal Offender Record Information (CORI) certification.⁹⁸ A prosecutor is supposed to inform a survivor "about notification rights and the certification process required to access the [CORI] files."⁹⁹ Registering for notification grants the survivor notice of when the offender is moved to a less secure facility, escapes from the facility, or is released from custody.¹⁰⁰ Registering for CORI information grants the survivor access to police reports, court documents, the offender's probation or parole conditions, and the offender's criminal record.¹⁰¹ When a survivor registers for either (or both) types of information, that registration is confidential and does not notify an offender.¹⁰² DCJIS receives the registration forms that survivors can submit by mail, online, fax, or in person with the assistance of a victim witness advocate.¹⁰³

Similarly, the Massachusetts Department of Corrections Victim Services Unit provides updates on transfers, releases, medical parole petitions, and deaths in custody, while the Massachusetts Parole Board Victim Services Unit supports victims through parole hearings, impact statements, and safety-related advocacy.¹⁰⁴ Although MOVA provides grant funding and

⁹⁷ *Department of Criminal Justice Information Systems (DCJIS)*, <https://www.mass.gov/orgs/departments-of-criminal-justice-information-services> [<https://perma.cc/EE2K-34UW>] (last visited Mar. 2, 2026); *Executive Office of Public Safety and Security (EOPSS)*, <https://www.mass.gov/orgs/executive-office-of-public-safety-and-security> [<https://perma.cc/JU6W-YBZQ>] (last visited Feb. 16, 2026).

⁹⁸ *Register for information about an offender*, DEP'T OF CRIMINAL JUST. INFO. SERV. & MASS. DEP'T. OF CORR., <https://www.mass.gov/how-to/register-for-information-about-an-offender> [<https://perma.cc/U8YH-LZDM>] (last visited Mar. 7, 2026).

⁹⁹ MASS. GEN. LAWS ch. 258B § 3(t) (2025).

¹⁰⁰ *Register for information about an offender*, *supra* note 98.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Victim Services*, MASS. DEP'T OF CORR., <https://www.mass.gov/info-details/victim-services> [<https://perma.cc/6XWZ-YSGJ>] (last visited Jan. 23, 2026); *MPB Victim Services*, MASS. PAROLE BOARD, <https://www.mass.gov/mpb-victim-services> [<https://perma.cc/3VFK-CGR3>] (last visited Mar. 4, 2026).

coordination of victim's rights across this ecosystem, victims and families must still navigate multiple agencies to access information and exercise their rights.¹⁰⁵

Although each entity has a distinct statutory role, the system still relies heavily on survivors' own opt-in registration to become certified by DCJIS; this means that the burden of receiving services and updates is primarily placed on survivors.¹⁰⁶ Victims and families are often required to request case updates and communication with relevant state agencies independently during the various stages of the case.¹⁰⁷ This fragmentation can produce confusion regarding agency responsibility at different procedural stages. A central, forward-looking challenge for Massachusetts is therefore a structural change: improving inter-agency coordination, streamlining the participation process, and standardizing communication so that survivors receive legally mandated communication in a coherent, accessible, and supportive manner.

Leading by Example: Effective Survivor Communication Outside of Massachusetts

*"[For the families], it is a shock that the case is being investigated...The Commission's early notification can help the crime victim feel considered and involved, and the amount of information and support we provide throughout our process provides some sense of control for the family."*¹⁰⁸

– Emma Paul, Victim Services Program Manager, The North Carolina Post-Conviction Review Commission

¹⁰⁵ MASS. GEN. LAWS ch. 258B § 3 (2025).

¹⁰⁶ *Victim Services*, *supra* note 104.

¹⁰⁷ MASS. GEN. LAWS ch. 258B § 3 (2025).

¹⁰⁸ Email Interview with Emma Paul, Victim Services Program Manager, The North Carolina Innocence Inquiry Commission (Jan. 13, 2026).

As there are still gaps in the implementation of Massachusetts communication laws, it is critical to look to other states to see if there are effective forms of communication worth replicating. One especially promising model is North Carolina’s Innocence Inquiry Commission (otherwise known as the Post-Conviction Review Commission, or the “NCIIC”) that directly deals with wrongful convictions and families that are potentially impacted by them.¹⁰⁹ The NCIIC is a state agency that “neutrally investigates post-conviction claims of factual innocence.”¹¹⁰ The Commission conducts this investigation after a claim of factual innocence is referred to them, “by any court, a State or local agency, or a claimant’s counsel.”¹¹¹ After a claim is submitted to the Commission, the agency will investigate the claim and will initiate a hearing process with a three judge panel for a potential exoneration if there is “some credible, verifiable evidence of innocence.”¹¹²

The NCIIC positions itself as a neutral agency and states that it “does not represent the convicted person making the claim of innocence, but rather seeks to uncover the complete truth of the original crime.”¹¹³ The Commission understands that “[f]acing the possible discovery of a wrongful conviction...can have an immense impact on the victim(s) of the crime and their loved ones. The investigation may bring reminders of the pain the crime caused and may lead to feelings of betrayal and confusion around the original conviction.”¹¹⁴ NCIIC considers the survivors throughout the investigative process by ensuring consistent communication with them and by allowing them to “decide how much or how little they would like to engage with the

¹⁰⁹ *Crime Victims & Families Services*, THE NORTH CAROLINA POST-CONVICTION REVIEW COMMISSION, <https://innocencecommission-nc.gov/crime-victims-and-families-services/> [<https://perma.cc/YU5R-2WM8>] (last visited Jan. 22, 2026).

¹¹⁰ *Id.*

¹¹¹ North Carolina Innocence Inquiry Commission, N.C. GEN. STAT. ANN. § 15A-1467 (West 2016).

¹¹² *Id.* § 15A-1460.

¹¹³ *Crime Victims & Families Services*, *supra* note 109.

¹¹⁴ *Id.*

Commission process, and resources are available to support those decisions.”¹¹⁵ The Commission has formal notification requirements for crime victims (survivors), where the Director of the Commission “shall use all due diligence” to notify a victim about a claim of factual innocence, any proceedings, and the outcome of the investigation “at least 30 days prior to any proceedings of the full Commission held in regard to the victim's case.”¹¹⁶

A victim advocate is responsible for coordinating communication with the victim; the victim advocate and investigative staff all receive trauma-informed training.¹¹⁷ As a practice, once the Commission has decided to move forward to a formal inquiry process into a claim of factual innocence, the victim will receive a phone call from the Commission as a first attempt at contact and then will be sent a letter via the mail if they cannot reach them by phone.¹¹⁸ NCIIC has had around a 75% response rate from victims; the average response rate changes year to year, but has never gone below 70%.¹¹⁹ The victim decides how communication should be conducted moving forward (e.g., via phone, email, text, etc.)¹²⁰ The victim or survivor is able to meet with the Commission’s staff in-person if the claim moves to the hearing stage, where the evidence of factual innocence is accessed by a panel of judges and decisions regarding the exoneration are made.¹²¹

¹¹⁵ *Id.*

¹¹⁶ North Carolina Innocence Inquiry Commission, N.C. GEN. STAT. ANN. § 15A-1467 (West 2016).

¹¹⁷ Email Interview with Emma Paul, *supra* note 108.

¹¹⁸ *Id.*

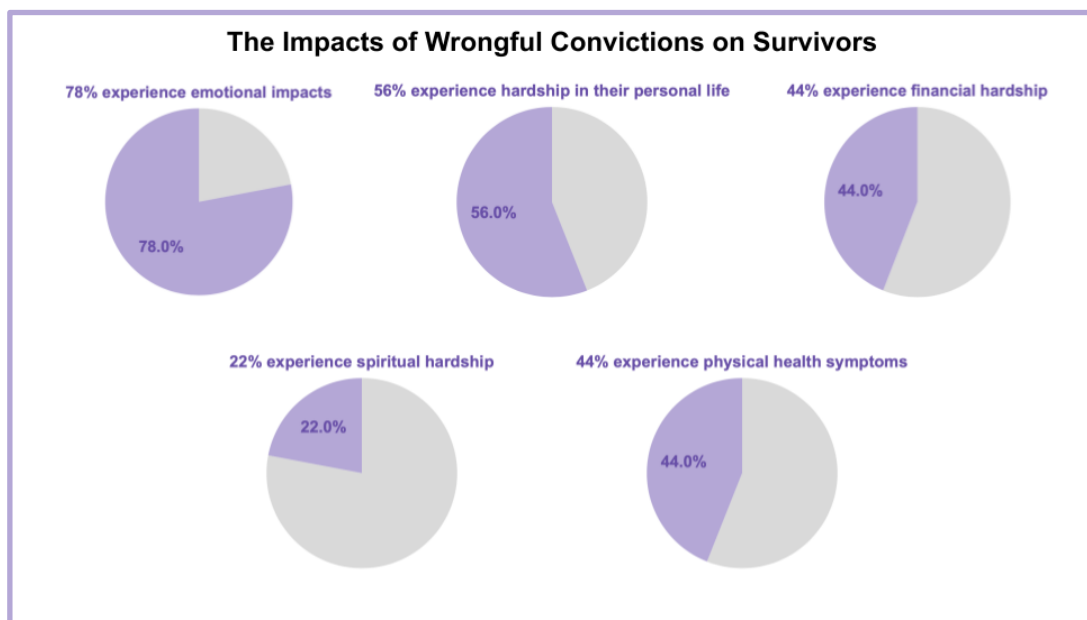
¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Frequently Asked Questions*, THE NORTH CAROLINA POST-CONVICTION REVIEW COMMISSION, <https://innocencecommission-nc.gov/> [<https://perma.cc/BR43-FEGZ>] (last visited Mar. 2, 2026).

Existing Framework for Supporting Survivors After an Exoneration

Wrongful Convictions are Retraumatizing Experiences that Require Resources and Support



Note: The above graphic is a visual representation of the data from the Post-Conviction Survivor Resources report.

Navigating the recurring trauma resulting from homicide, wrongful conviction, and exoneration is a highly individualized process. Therefore, the support provided to survivors following this extremely upsetting series of events must also be individualized. The survivors who bravely elected to speak with us have highlighted the importance of this. We acknowledge that support systems are not a “one size fits all;” the following findings reflect a wide array of

existing support mechanisms, from compensation to systemic accountability, but we recognize that not all of these interventions may be appropriate for each survivor’s experience.

The Current Compensation Landscape Does Not Recognize the Additional Harms of Wrongful Convictions

Despite the retraumatizing nature of wrongful convictions and exonerations on survivors, there is no formal process to compensate survivors following an exoneration.¹²² In Massachusetts, exonerees themselves are eligible to receive up to one million dollars, in addition to receiving potential physical and emotional services, but the system does not provide any additional compensatory support for survivors.¹²³ In light of this, we explored the avenues of compensation available to survivors of violent crime to shed light on how we can expand the existing compensation scheme to include better support for survivors after an exoneration. In the following section, we will analyze the existing compensation schemes for survivors of violent crime to aid us in developing our recommendations.

The Massachusetts Victims of Violent Crime Compensation program is a reimbursement-based model that provides financial assistance to victims of violent crimes and their family members.¹²⁴ To be eligible for compensation, victims must: (1) report the crime within five days, (2) “cooperate” with law enforcement, and (3) apply to the compensation program within three

¹²² *Exonerees and Original Victims of Wrongful Conviction: Listening Sessions to Inform Programs and Research*, NAT’L INST. OF JUST. 9-11 (Feb. 22-24, 2016), <https://www.ojp.gov/pdffiles1/nij/249931.pdf> [<https://perma.cc/GX6G-4XD2>].

¹²³ MASS. GEN. LAWS ch. 258c, § 3 (2025).

¹²⁴ *Applying for Victims of Violent Crime Assistance*, MASS. OFF. FOR VICTIM ASSISTANCE, <https://www.mass.gov/info-details/applying-for-victims-of-violent-crime-assistance> [<https://perma.cc/865K-UEAM>] (last visited Jan. 22, 2026).

years of when the crime was committed.¹²⁵ However, only certain expenses are reimbursable.¹²⁶ For example, assistance for uninsured medical and dental care, mental health counseling, funeral and burial costs, and security measures are compensable for survivors in Massachusetts, but compensation for pain and suffering is specifically not included in the program.¹²⁷ The victim compensation program is an opt-in, application-based program and the maximum amount victims of violent crimes can receive is \$25,000 per crime; however, for “catastrophic injuries,” including homicide, caps may be increased to \$50,000.¹²⁸ The average amount paid to applicants for assistance was \$3,696.62 during fiscal year 2024.¹²⁹ Massachusetts sits among the other 49 states that do not offer additional or designated compensation for survivors when there is a wrongful conviction.¹³⁰

The program receives funding from both the federal government and the Commonwealth of Massachusetts. The federal funds come “from the collection of Federal criminal fines.”¹³¹ The Office For Victims of Crime (OVC), a federal agency, distributes these funds to states.¹³² The Massachusetts Legislature also appropriates supplemental funds to the program.¹³³

¹²⁵ MASS. GEN. LAWS ch. 258c, § 2 (2025).

¹²⁶ *In the Aftermath of Crime: A Guide to Victim Rights and Services in Massachusetts*, MASS. OFF. FOR VICTIM ASSISTANCE 84, <https://www.mass.gov/doc/the-aftermath-of-crime-guidebook/download> [<https://perma.cc/YCX2-ULMN>] (last visited Jan. 23, 2026).

¹²⁷ *Applying for Victims of Violent Crime Assistance*, *supra* note 124, at 1.

¹²⁸ MASS. GEN. LAWS ch. 258c, § 3 (2025).

¹²⁹ *VOCA Victim Compensation Data Dashboard*, OFF. FOR VICTIMS OF CRIMES, <https://ovc.ojp.gov/funding/performance-measures/data-analyses/voca-victim-compensation> [<https://perma.cc/9GW8-DEBX>] (last visited Jan. 22, 2026).

¹³⁰ *Exonerees and Original Victims of Wrongful Conviction: Listening Sessions to Inform Programs and Research*, *supra* note 122, at 9-11.

¹³¹ 34 U.S.C. § 20101 (2018).

¹³² *Victims of Crime Act (VOCA)*, MASS. OFF. OF VICTIMS’ ASSISTANCE 1, <https://www.mass.gov/info-details/victims-of-crime-act-voca> [<https://perma.cc/ZV27-A3YK>] (last visited Mar. 8, 2026).

¹³³ *MOVA and the Victim and Witness Assistance Board Announce Reduced Grants Due to Federal Funding Shortfall; Highlights Need for State Investment in VOCA Bridge*, MASS. OFF. OF VICTIMS’ ASSISTANCE 1 (May 2, 2024), <https://www.mass.gov/news/mova-and-the-victim-and-witness-assistance-board-announce-reduced-grants-due-to-federal-funding-shortfall-highlights-need-for-state-investment-in-voca-bridge> [<https://perma.cc/QSV4-ZPVF>].

In Massachusetts, MOVA currently oversees the victim compensation program.¹³⁴ However, VWAs from local DA offices typically work alongside MOVA advocates to make victims aware of the compensation scheme and offer support throughout the application process.¹³⁵

Currently, if survivors had already applied for victim compensation when the crime occurred, their application could be reopened during and after the exoneration process to allow reimbursement for covered claims if they had not already reached their \$50,000 cap on compensation.¹³⁶ However, if survivors did not apply initially, no compensation program is available to them.¹³⁷

As exonerations can be equally, if not more, harmful than the original crime, survivors deserve additional and more comprehensive compensation following an exoneration – support that reflects the full scope of the harm they endure. The Massachusetts victim compensation programs are available to *only* “some victims of violent crime” and *only* for “certain crime-related expenses.”¹³⁸ The scheme is silent on additional support for survivors who experience a wrongful conviction.¹³⁹ And in only reimbursing narrow economic losses (medical expenses, funeral costs, and mental health treatment), the scheme leaves the broader emotional and mental

¹³⁴ *Applying for Victims of Violent Crime Assistance*, *supra* note 124, at 1.

¹³⁵ *Victims of Violent Crimes Compensation Fund*, WORCESTER CNTY. DIST. ATT'Y 1, <https://worcesterda.com/resources/victim-resources/victims-of-violent-crimes-compensation-fund/> [<https://perma.cc/B9PC-39W2>] (last visited Mar. 2, 2026) (discussing VWA's supporting survivors in victim compensation applications); GARETH BARR ET AL., *A Scheme for All: Recommendations for Improving the Massachusetts Victims of Violent Crime Compensation Scheme*, NE UNIV. SCH. OF LAW & LOUIS D. BROWN PEACE INST. 15 (Spring 2024) https://ldbpeaceinstitute.org/wp-content/uploads/2025/06/NU-Law-and-LDBPI-Project_Victim-Compensation_2024.pdf [<https://perma.cc/Y8Z7-2ZGD>] (explaining that MOVA advocates help make victims aware of their rights and the compensation scheme available to them).

¹³⁶ Zoom Interview with Liam Lowney, Exec. Dir. at Mass. Off. for Victim Assistance (Feb. 4, 2026).

¹³⁷ *Exonerees and Original Victims of Wrongful Conviction: Listening Sessions to Inform Programs and Research*, *supra* note 122, at 11.

¹³⁸ *In the Aftermath of Crime: A Guide to Victim Rights and Services in Massachusetts*, *supra* note 126, at 84.

¹³⁹ *Exonerees and Original Victims of Wrongful Conviction: Listening Sessions to Inform Programs and Research*, *supra* note 122, at 9-11 (discussing the lack of compensation for survivors of wrongful convictions).

health consequences of survivors who endure wrongful convictions unaddressed.¹⁴⁰ Therefore, survivors are not adequately supported nor compensated for the heightened risk of depression, PTSD, and prolonged grief that research shows disproportionately affects this population, nor for the associated physiological consequences such as heart disease, hypertension, and cancer that have been linked to prolonged bereavement.¹⁴¹ The current compensation landscape is insufficient in addressing the additional and compounded harms wrongful convictions inflict on survivors.

The Current Landscape of Systemic Accountability: Sentinel Event Reviews and Conviction Integrity Working Groups

Another hardship for survivors after a wrongful conviction is that the true perpetrator remains unknown. In other words, the criminal legal system has not only wrongfully convicted a person, but has also failed to deliver justice to survivors. An independent review of the investigation and prosecution that ultimately led to an exoneration is appropriate for two reasons: it can help determine whether a case can be re-charged, and it can prompt concrete reform to prevent similar cases from recurring.¹⁴²

Military, medical and aviation sectors in the United States perform such investigations

¹⁴⁰ MASS. GEN. LAWS ch. 258C, § 2. (2025) (discussing what expenses are compensable); *Exonerees and Original Victims of Wrongful Conviction: Listening Sessions to Inform Programs and Research*, *supra* note 122, at 9-11 (discussing the lack of compensation for survivors of wrongful convictions).

¹⁴¹ HEIDI ZINZOW ET AL., *supra* note 23, at 20 (discussing survivors of victims increased risk for depression, posttraumatic stress disorder (PTSD), and substance use disorders.); CENTER FOR VICTIM RESEARCH, *supra* note 34, at 1 (discussing that survivors can experience prolonged grief and prolonged grief has been linked to higher risk of physiological health problems.)

¹⁴² *Conviction Integrity Programs: A Guide to Best Practices for Prosecutorial Offices*, MASS. CONVICTION INTEGRITY WORKING GROUP, MASS. BAR ASS'N 38 (Mar. 2021), [mciwg_guide_to_best_practices_for_conviction_integrity_programs_3.2521.pdf](https://perma.cc/E7E4-8Q9S) [https://perma.cc/E7E4-8Q9S].

following critical events.¹⁴³ These investigations focus “on an event and allows participants to discover and review what happened, why it happened, and how to sustain strengths and improve on weaknesses.”¹⁴⁴ The U.S. Army is “recognized by many industries as the first to regularly conduct” such investigations.¹⁴⁵ Wrongful convictions represent a similar critical event: a failure to apprehend the correct perpetrator. Post-exoneration reviews therefore help identify how to prevent future failures. Massachusetts, however, does not require these reviews following an exoneration.¹⁴⁶

The Massachusetts Conviction Integrity Working Group (The Working Group) recommends that District Attorneys’ offices adopt a similar investigation model.¹⁴⁷ The group is made up of leaders from district attorneys’ offices, the Attorney General’s Office, and members from universities and third party organizations to support Conviction Integrity Units (“CIUs”) within district attorneys’ offices.¹⁴⁸ In 2021, The Working Group published a guide “urging all . . . state district attorney offices . . . to prevent and remedy wrongful convictions . . . in Massachusetts.”¹⁴⁹

The Working Group urged CIUs to engage in and “standardize” the use of Sentinel Event Reviews (SERs).¹⁵⁰ SERs are a “systemic form of retrospective analysis of cases involving . . . exonerations . . . ‘near misses’ and circumstances that stakeholders believe involved an unjust outcome or significant event that should not be repeated.”¹⁵¹ These reviews aim to investigate

¹⁴³ *How to Conduct an After Action Review*, NAT’L POLICING INST. 1-4 (Feb. 2020), <https://www.policinginstitute.org/publication/how-to-conduct-an-after-action-review/> [<https://perma.cc/QLQ2-77N2>].

¹⁴⁴ *Id.* at 1.

¹⁴⁵ *Id.* at 2.

¹⁴⁶ Zoom Interview with Joseph Early, Jr., Dist. Att’y, Worcester Cnty. Dist. Att’y’s Off. (Jan. 14, 2026).

¹⁴⁷ MASS. CONVICTION INTEGRITY WORKING GROUP, *supra* note 142, at 17.

¹⁴⁸ *Id.* at 4.

¹⁴⁹ *Conviction Integrity Unit*, MIDDLESEX DIST. ATTY’S OFF., <https://www.middlesexda.com/beyond-courtroom/pages/conviction-integrity-unit> [<https://perma.cc/XGC5-CFBV>] (last visited March 7, 2026).

¹⁵⁰ MASS. CONVICTION INTEGRITY WORKING GROUP, *supra* note 142, at 36.

¹⁵¹ *Id.*

weaknesses following critical events, through “Root Cause Analysis,” which identifies “all of the factors that compromised the integrity of an investigation . . . or conviction.”¹⁵²

Although SERs provide a structured framework to investigate wrongful convictions, implementing its current form presents two main challenges. First, because the Working Group recommends District Attorneys’ offices to conduct these reviews, the entity tasked with the investigation would be the same entity that caused the wrongful conviction in the first place. This structure may create a perception of an inherent conflict of interest since the office responsible for the wrongful conviction would evaluate its own prior conduct. Second, the Working Group’s recommendations are advisory; District Attorneys’ offices are not required to implement SERs.¹⁵³ In an interview, Worcester County District Attorney Joseph Early noted that his office conducts SERs following fatal police shootings.¹⁵⁴ He stated, however, that no similar review had ever been conducted following exoneration in a wrongful conviction case.¹⁵⁵ The decision to initiate a review, along with who will conduct the review, is a matter of discretion by district attorneys rather than an obligation.¹⁵⁶

Massachusetts has taken meaningful steps to develop communication, compensation, and systemic accountability structures within the current landscape. Survivors, however, still lack the resources they deserve. Massachusetts has the opportunity to lead the nation in restitution for survivors.

¹⁵² *Id.* at 37.

¹⁵³ *Id.* at 17.

¹⁵⁴ Zoom Interview with Joseph Early, Jr., *supra* note 146.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

Our Recommendations

“What is justice? What is justice when the justice system is doing these sorts of things at an alarming rate?”¹⁵⁷

– Dr. Amy Banks

Our recommendations are informed by our interviews with survivors to address the two glaring issues we have identified: the inconsistency of communication with survivors during an exoneration, and the lack of streamlined support for survivors after the exoneration occurs. Our proposed changes begin to remedy both of these issues. First, our recommendations to improve communication during the exoneration process will encourage consistency and collaboration across various institutions and foster internal accountability. Then, our recommendations for support following an exoneration will create a formal process by which survivors can be compensated and provided access to resources.

Recommendations for District Attorneys’ Offices

“There is no cookie cutter way to approach victim services. You have to be flexible because everyone is different.”¹⁵⁸

– Liam Lowney, Executive Director of MOVA

1. Survivors Deserve an Effective Transition through Victim Witness Advocates

Survivors should receive timely official notification of a wrongful conviction in their loved one’s case. To ensure that survivors may be contacted in the future, district attorneys’

¹⁵⁷ Interview with Dr. Amy Banks, *supra* note 27.

¹⁵⁸ Zoom Interview with Liam Lowney, *supra* note 136.

offices.”¹⁵⁹ In a criminal case, the victim advocate in the district attorney’s office assists the survivor until the case resolves. If any criminal case ends with the offender receiving probation, the Massachusetts Probation Service Victim Services Unit (“VSU”) handles further communication.¹⁶⁰ Similarly, if the sentence results in incarceration, the Massachusetts Parole Board VSU provides communication.¹⁶¹ This jump between advocates can be an abrupt change, especially if the survivor has built a positive relationship with their advocate. Instead of simply closing their case and telling a survivor that someone from the next agency should reach out soon, implementing a warm handoff would create a proper introduction between the survivor and an actual person they can reach out to.

Warm handoffs, which are often used by social service and healthcare providers, confirm to individuals that they will actually receive the help they need, instead of just hoping that someone will eventually reach out.¹⁶² United Against Poverty—an organization that employs warm handoffs to ensure that multiple partner organizations work together to support those in need—is one example that can be translated into the survivor services realm.¹⁶³ The handoff does not need to be complicated: even a simple email or phone call can be immensely helpful to both the survivor and the new advocate. With one conversation, the advocate in the DA’s office immediately ensures that the survivor has a specific person to contact instead of a generic phone number.¹⁶⁴ This person can help clarify case details or specific communication preferences, and

¹⁵⁹ R. MORGAN TAYLOR & CYNTHIA S. MINKOVITZ, *Warm Handoffs for Improving Client Receipt of Services: A Systematic Review*, 25 MATERNAL HEALTH AND CHILD J. 528 (2021) <https://doi.org/10.1007/s10995-020-03057-4> [<https://perma.cc/J2NM-LZLJ>].

¹⁶⁰ *Massachusetts Probation Service Victim Services Unit*, MASS. PROBATION SERVICE, <https://www.mass.gov/info-details/massachusetts-probation-service-victim-services-unit> [<https://perma.cc/Q93S-9Y2Q>] (last visited Mar. 4, 2026).

¹⁶¹ *MPB Victim Services*, *supra* note 104.

¹⁶² *Warm Handoffs, Not Cold Referrals: The United Against Poverty Difference*, UNITED AGAINST POVERTY, https://unitedagainstopoverty.org/supporting_articles/active-referral-system/ [<https://perma.cc/GPH7-GZCL>] (last visited Mar. 6, 2026).

¹⁶³ *Id.*

¹⁶⁴ *Id.*

perhaps most importantly, that both parties have accurate contact information for each other.¹⁶⁵

The goal is not to just have names in a directory, but to create actual working relationships—ensuring accountability and that no survivor slips through the cracks.¹⁶⁶

2. Advocates Should Receive Greater Benefits to Decrease Turnover

Victim witness advocates (“VWAs”) play a primary role in facilitating communication between DA offices and victims of crime. They are the primary point of contact for survivors; they “provide written and verbal notification” of case developments and “explain...court process[es].”¹⁶⁷ Therefore, experienced and diligent VWAs are central to ensuring that survivors are “re-victimiz[ed]” as little as possible during an exoneration.¹⁶⁸ VWA turnover rates are high because VWAs are often underpaid and underresourced.¹⁶⁹ A bill, “An Act Relative to Victim Witness Advocate Retirement Classification,” is currently making its way through the Massachusetts Legislature that could keep VWAs in their roles longer.¹⁷⁰ The bill would reclassify VWAs to group 2 status, “enhancing” their retirement benefits to reflect the physical and mental risk involved in working on “volatile” or complex legal cases.¹⁷¹ This reclassification would help reduce turnover, and increase the maintenance of institutional knowledge – thereby improving the survivor experience.¹⁷²

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *SCDAO Job Description*, SUFFOLK CNTY DIST. ATT’Y’S OFF., <https://static1.squarespace.com/static/5c671e8e2727be4ad82ff1e9/t/660335c81634417f75a325d5/1711486408277/SCDAO+Job+Description+-+VWA+in+District+and+Municipal+Court+%28March+2024+-+External%29.pdf> [<https://perma.cc/9NSK-XKNH>] (last visited Mar. 7, 2026).

¹⁶⁸ *Id.*

¹⁶⁹ *An Act Relative To Victim Witness Advocate Retirement Classification*, *supra* note 5.

¹⁷⁰ H.B. 2935, 194th Gen. Ct. (Mass. 2025) (Referred to the committee on Public Service Feb 27, 2025).

¹⁷¹ *An Act Relative To Victim Witness Advocate Retirement Classification*, *supra* note 5.

¹⁷² *MOVA Sponsored Legislation*, MASS. OFF. FOR VICTIM ASSISTANCE, <https://www.mass.gov/lists/mova-sponsored-legislation> [<https://perma.cc/93PS-E8LY>] (last visited Feb. 8, 2026).

3. Survivors Should be Able to Tailor Clear and Timely Communication Based on Their Preferences

a. Preferences on Amount of Communication Received

Survivors' communication preferences vary greatly due to the traumatic and personal nature of a wrongful conviction. To provide recommendations that are applicable to the greatest number of survivors, we are supplementing our survivor interviews with survivor perspectives compiled from reports by the National Institute of Justice and Healing Justice (a multi-state organization which focuses on addressing the widespread harm caused by wrongful convictions). Although these perspectives are not exhaustive, the following are general communication procedures preferred by survivors.

First, many survivors prefer to be notified of an exoneration in person when feasible.¹⁷³ Other survivors are open to receiving "some preliminary information over the telephone."¹⁷⁴ Regardless of their preferred method, district attorneys' offices should notify survivors directly and answer their initial questions.

Relatedly, survivors must be notified of a potential exoneration comfortably prior to the exoneration. Survivors should be notified if a defendant files a motion for a new trial or is represented by the Innocence Project, for example, because these circumstances suggest an exoneration may happen. Unfortunately, survivors occasionally find out about an exoneration through the media, which is unacceptable and needlessly traumatic.¹⁷⁵ However, preferences could vary between survivors as to how early in the process they would like to be notified.

¹⁷³ SERI IRAZOLA ET AL., *supra* note 6, at iv.

¹⁷⁴ *Id.* at 53.

¹⁷⁵ Interview with Marcellena Carvalho, *supra* note 53.

Some survivors may want to be informed early and often of all legal movement on the case, while others may find these updates too emotionally disruptive.¹⁷⁶ Although many survivors prefer to be notified “early on in the process,” one survivor, who was involved in the exoneration process for years, commented that the level of communication and involvement made them extremely preoccupied by the exoneration.¹⁷⁷ So, although the amount and timing of communication preferred by survivors may differ, they should at least receive notification well prior to the exoneration and subsequently at their preference. What is crucial is that they are given the agency to opt in or out on their own terms. During the notification process, district attorneys’ offices should explain to the survivor that an exoneration may happen and confirm how frequently they would like to be contacted going forward. This could range from contact after each step in the exoneration process or just notification about the exoneration itself.

b. Providing Clear Information on Resources and Next Steps

Finally, survivors mention that the notification process should include printed resources which include information on survivor support networks and provide contact information for someone who can reliably answer their questions throughout the remainder of the case.¹⁷⁸ The traumatic nature of the notification and the exoneration process means that survivors may not remember the information they’ve been given and do not have someone they can reach out to for clarification.¹⁷⁹ Providing written materials can relieve survivors of the need to find their own resources and navigate bureaucracy during a very difficult time.

¹⁷⁶ SERI IRAZOLA ET AL., *supra* note 6, at 12.

¹⁷⁷ *Id.* at 54.

¹⁷⁸ *Id.* at 56.

¹⁷⁹ JESSICA D. PAYNE ET AL., *The impact of stress on neutral and emotional aspects of episodic memory*, 14 MEMORY 1 (Sep. 22, 2010), <https://www.tandfonline.com/doi/epdf/10.1080/09658210500139176?needAccess=true> [<https://perma.cc/9GVX-YAEZ>].

Survivors also emphasize the importance of accessing “peer support” because the exoneration process can be “isolating” and difficult to understand for people who have not experienced it.¹⁸⁰ Therefore, it is important to make these connections during the notification stage and to do so in a way helpful to the most survivors possible.¹⁸¹ If a notification takes place in person, the VWA should provide a card with their phone number, email address, and a web address with information on available survivor resources. If a notification takes place virtually or over the phone, the VWA should send a follow-up email including the same information.

Letting survivors choose the amount of communication they receive from DA’s offices and providing them with instructions on next steps, resources, and contact information would give survivors greater autonomy and security throughout the exoneration process.

4. Survivors Deserve an Official Apology

Apologies are under-utilized within the restorative justice process. There is also growing evidence that the benefits of apologies outweigh the concerns of apologies being insincere or used as a commodity and tool to influence settlement.¹⁸² An official apology and acknowledgement of the harm caused by a wrongful conviction can be an integral part of the healing process for survivors.¹⁸³

Apologies are crucial for reducing anger, which is essential to the healing process.¹⁸⁴ Not only does an apology express regret from the wrongdoer, but it also can help justify the victim’s

¹⁸⁰ SERI IRAZOLA ET AL., *supra* note 6, at 51.

¹⁸¹ *Id.* at 5.

¹⁸² ALFRED ALLAN, *Apologies in a Legal Setting: Insights from Research into Injured Parties’ Experiences of Apologies After an Adverse Event* (Jun. 23, 2016), <https://pmc.ncbi.nlm.nih.gov/articles/PMC6818427/> [<https://perma.cc/75KH-BHW5>].

¹⁸³ *Id.*

¹⁸⁴ MASAHIRO SUZUKI, *Possibility of Sincere Apology in Restorative Justice: When and How?* 68 INT’L J. OF OFFENDER THERAPY & COMP. CRIMINOLOGY 1342 (Oct. 31, 2022), <https://journals.sagepub.com/doi/full/10.1177/0306624X221132238#bibr43-0306624X221132238> [<https://perma.cc/UPY8-XQWL>].

anger and give legitimacy to those negative feelings.¹⁸⁵ This can ultimately lead to healing, as validation of one's own feelings of anger, sadness, and everything in between is a crucial step in the healing process.¹⁸⁶ For an apology to be effective, it must acknowledge the harm caused.¹⁸⁷ Thus, an effective apology has four elements: an acknowledgment of offense; an explanation of what happened; an expression of remorse; and an offer to make amends.¹⁸⁸

Survivors agree that there were many things they needed, yet did not receive, including: accountability, an apology, follow-through about the criminal investigation, and more answers to questions along the way.¹⁸⁹ In 2016, the Department of Justice hosted a series of exoneree and victims of wrongful convictions listening sessions, where they talked to survivors to determine what the legal system could be doing better for the survivors.¹⁹⁰ When asked about what they needed the most in the six months to one year after the exoneration that they did not get, some of the top responses were “validation of our experiences, [a] place for our voices to be heard, [and] knowing the case was being investigated.”¹⁹¹ Based on this listening session, survivors want more communication and answers about their cases, and proof that the government cares about the harm that they have caused by incarcerating the wrong person for a homicide.¹⁹²

Agency heads—including district attorneys and chiefs of police—should apologize directly to survivors in the wake of a wrongful conviction. Apologies from the officials who are

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

¹⁸⁸ JULIE CORLISS, *The Art of a Heartfelt Apology*, HARV. HEALTH PUB. (Dec. 21, 2023), <https://www.health.harvard.edu/blog/the-art-of-a-heartfelt-apology-2021041322366> [<https://perma.cc/8ZQT-3WWA>].

¹⁸⁹ *Exonorees and Original Victims of Wrongful Conviction: Listening Sessions to Inform Programs and Research*, NAT'L INST. OF J. at 5-6 (Feb. 22-24, 2016), <https://www.ojp.gov/pdffiles1/nij/249931.pdf> [<https://perma.cc/TPJ6-PNSF>].

¹⁹⁰ *Id.*

¹⁹¹ *Id.* at 6.

¹⁹² *Id.*

ultimately responsible for mishandled cases in their jurisdictions would show survivors that the system is acknowledging the harm it caused. As discussed above, acknowledgement from the person or entity that caused the harm is essential for an apology to be effective and to help overall healing from the grief caused.

a. Survivor-Prosecutor Mediation

We recommend that district attorney's offices expand upon the existing victim-offender mediation framework to offer survivor-prosecutor mediation in the wake of wrongful convictions.¹⁹³ Victim-Offender mediation is a voluntary way for survivors of violent crime to sit down with the offender and get answers about the crime itself.¹⁹⁴ The purpose of victim-offender mediation is to center individuals who have been victims of crime, and victimized communities as a whole.¹⁹⁵

Giving survivors the opportunity to have an honest conversation with the individuals directly involved in the wrongful conviction would enable survivors to get some sort of explanation for why that mistake happened. This would be an opt-in program, so not all survivors would have to sit down with the prosecutor who mishandled their case, but every survivor would have the option if they wanted it. This would give prosecutors the opportunity to privately apologize to the survivors for their conduct. Such apologies should embody the four elements discussed above—officials should demonstrate empathy and a willingness to talk about the system, and take accountability for their actions.

¹⁹³ *Victim Service Programs*, MASS. DEP'T OF CORR., <https://www.mass.gov/info-details/victim-service-programs> [<https://perma.cc/3JLC-4TAG>] (last visited Jan. 23, 2026).

¹⁹⁴ *Victim-Offender Mediation: A National Perspective*, in *Guidelines for Victim-Sensitive Victim-Offender Mediation: Restorative Justice Through Dialogue*, OFF. OF VICTIMS OF CRIME, (Apr. 2000), https://ovc.ojp.gov/sites/g/files/xyckuh226/files/pubs/OVC_Archives/reports/96517-gdlines_victims-sens/guide4.html [<https://perma.cc/U7UC-CCYJ>].

¹⁹⁵ *Id.*

b. Apology Policy that Indemnifies Police Officers and Prosecutors

To encourage these apologies, Massachusetts law should prohibit statements during mediation from being introduced in court as admissions of liability. Currently, Massachusetts has laws in place that allow a doctor to apologize without incurring liability if they believe they have made a mistake.¹⁹⁶ The Massachusetts medical malpractice statute renders these apologies inadmissible in court.¹⁹⁷ Specifically, it says that any "regret, apology...mistake, [or] error" is "inadmissible as evidence."¹⁹⁸ This system allows doctors to apologize for mistakes made, which in turn helps the families of the victims to heal. District attorneys' offices and law enforcement in Massachusetts should support future legislation, if and when proposed, that would allow police officers, prosecutors, or any other official involved in the mishandling of a homicide case to apologize to the survivor's family for incarcerating the wrong person. Such a law would encourage prosecutorial and police officer accountability which could provide more closure and support for survivors from the people who mishandled their cases.

While district attorneys' offices can improve immediate support for survivors, legislative reform is needed to better consistently support survivors in the long-term and to improve the criminal legal system as a whole.

¹⁹⁶ MASS. GEN. LAWS ch. 233, § 79(L) (2025).

¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

Recommendations for the Legislature

1. Survivors Should be Able to Apply to a Separate Victim Compensation Program When There is a Wrongful Conviction that Includes Compensation for Pain and Suffering

Because of the uniquely traumatic experience of an exoneration, we recommend that Massachusetts pass a new bill allowing survivors who are impacted by a wrongful conviction to be able to apply to receive additional victim compensation. This should be distinct and separate from the compensation that victims can receive immediately following the crime. In recognizing the particular injustice and re-traumatization that occurs during the exoneration process, this additional compensation is necessary to address the particular needs of survivors when there is a wrongful conviction.¹⁹⁹

The average cost of a therapy session in Massachusetts is \$158 – with a weekly visit, this amounts to over \$8,000 a year.²⁰⁰ Thus, in considering additional travel expenses for exoneration proceedings and possible additional emotional support services needed beyond therapy, we recommend survivors of a wrongful conviction be eligible to recover up to at least \$10,000 in addition to whatever compensation they did or did not receive at the onset of the crime through the existing compensation program.

¹⁹⁹ *Responding to Original Victims in Wrongful Conviction Cases*, POST CONVICTION SURVIVOR RESOURCES, at 21 https://www.survivorservices.org/media/dvcpwfw1/resources-for-practitioners_summary-project-report.pdf [<https://perma.cc/9S7H-YQLC>] (last visited Jan. 24, 2026). (We recognize that some survivors may have already applied to victim compensation programs when the crime initially occurred. However, this system is insufficient to address the separate and traumatic experience of survivors who experience a wrongful conviction.)

²⁰⁰ JESS BARRON, *The Average Cost of Therapy in America for Each State*, SIMPLE PRACTICE (Mar. 11, 2025), <https://www.simplepractice.com/blog/average-therapy-session-rate-by-state/> [<https://perma.cc/8EBM-XSNR>].

Furthermore, victim compensation in Massachusetts should be expanded to include pain and suffering. Multiple Canadian provinces permit compensation for pain and suffering in addition to other more tangible costs of victimization.²⁰¹ Survivors experience a distinct form of victimization by the criminal legal system following a wrongful conviction that warrants compensation for pain and suffering. Survivors' faith in the criminal legal system is undermined after an exoneration because no individual is held legally accountable for the original crime. Therefore, recognition and compensation for their pain and suffering should be offered. Unlike other compensable claims, pain and suffering should be awarded as a fixed sum upon eligibility determination, rather than requiring survivors to submit documentation for reimbursement. Existing compensation programs that include pain and suffering, like those in multiple Canadian provinces, demonstrate that reforming compensation programs to include pain and suffering is possible.

It is important to note, however, that as we have seen in our interviews with survivors, healing is a very individualized process and compensation should not be the only means of restorative justice and may not even be desired at all.²⁰² Healing resources and support services, as well as systemic accountability, should accompany compensation for there to be complete restitution for survivors. We recommend that MOVA staff and victim witness advocates supporting survivors in the wrongful conviction process engage in a dialogue with a variety of survivors across communities to discuss various compensatory options, such as receiving the compensation personally or donating to an organization of their choice.

²⁰¹ *Ontario's Victim Compensation Bill Will Hurt Those It's Designed to Help*, CANADIAN BAR ASS'N (Feb. 7, 2020), <https://cba.org/sections/criminal-justice/member-articles/ontario-s-victim-compensation-bill-will-hurt-those-it-s-designed-to-help/> [<https://perma.cc/FQF7-WFQF>]; Compensation for Victims of Crime Regulation, N.B. Reg. 96-81 (Can.).

²⁰² Interview with Jerry and Katrina Boyajian, *supra* note 65 (noting that compensation would not feel appropriate and would seem like a buy off); Interview with Dr. Amy Banks, *supra* note 36 (belief that compensation for therapy would have been very helpful but this is secondary to an apology).

2. The Attorney General's Office Should Create an Innocence Inquiry

Department

Massachusetts should replicate the Innocence Inquiry Commission established in North Carolina to address issues of communication with survivors after a wrongful conviction and to compel systemic accountability.²⁰³ To do so, the Massachusetts Attorney General's Office should create an Innocence Inquiry Department to provide consistent communication with survivors during investigations of factual innocence claims and to conduct SERs following exonerations.

a. Addressing Issues of Communication with Survivors throughout a Potential Exoneration

Currently, there are laws in Massachusetts and on the federal level that require officials to communicate with survivors about their family member's case, but these laws do not directly address how communication is conducted during an exoneration process.²⁰⁴ Families should be informed when the person convicted of their loved one's murder is being exonerated and should be communicated with throughout the process of a potential exoneration. By modeling the NCIIC's structure, the Innocence Inquiry Department in the AGO can replicate the process for investigating claims of factual innocence (as shown in the chart below) as well as replicate the communication process set out in the statute that established the NCIIC.²⁰⁵ This will ensure consistent conversations with the victim to keep them notified of the proceedings, explain the potential results, and to direct them towards resources to aid in this process if necessary.

²⁰³ N.C. GEN. STAT. ANN. § 15A-1460-1475 (West 2016).

²⁰⁴ MASS. GEN. LAWS ch. 258B, § 3 (2025); 34 U.S.C. § 20141(c).

²⁰⁵ N.C. GEN. STAT. ANN. § 15A-1467 (West 2016).

North Carolina Innocence Inquiry Commission Claim Review Process



b. Addressing Issues of Systemic Accountability

The Innocence Inquiry Department should also be used to improve systemic accountability by administering SERs. After conducting the hearing process to determine whether an individual should be exonerated, the Department should also administer a mandatory review following an exoneration to determine what went wrong and if the case can be re-charged. Current proposals from the Working Group recommend that SERs be conducted within individual District Attorneys' offices.²⁰⁶ However, the SER model should instead be housed within the Attorney General's office.

An independent review is preferable to an internal review by district attorneys' offices for two reasons. First, an independent entity would "more likely be free of . . . institutional allegiances and biases . . . because they would not feel an impulse to protect fellow members of

²⁰⁶ MASS. CONVICTION INTEGRITY WORKING GROUP, *supra* note 142.

their own organization.”²⁰⁷ Second, independent entities “would likely bolster public trust.”²⁰⁸ If the public knows that investigations are conducted by entities “without close ties to police departments,” for our purposes we mean departments who handled the original investigation, the public “will likely have more confidence in the result of those proceedings.”²⁰⁹ These reviews should be published online, as is done with SERs conducted in Philadelphia, to function as both an acknowledgement of error and commitment to reform.²¹⁰

3. Wrongful Convictions Should Be Included Within The Office of Unsolved Homicides

Our predecessor report, “Unsolved but Not Forgotten,” recommended that the legislature pass “An Act Establishing an Office of Unsolved Homicides” (“Unsolved Homicides Act”).²¹¹ This bill would establish an “Office of Unsolved Homicides” within the Massachusetts Office of the Attorney General, a statewide “Unsolved Homicides Task Force Fund,” a statewide “Unsolved Homicides Task Force,” and a statewide database for unsolved homicides.²¹² The proposed Office of Unsolved Homicides could serve survivors’ needs in the wake of a wrongful conviction as well. The proposed automatic review, similar to a review following a survivor’s request, could determine whether a full reinvestigation would result in viable investigative leads, or a likely perpetrator.²¹³

²⁰⁷ WALTER KATZ, *Enhancing Accountability and Trust with Independent Investigations of Police Lethal Force*, 128 HARV. L. REV. F. 235, 245 (2015).

²⁰⁸ *Id.*

²⁰⁹ *Id.*

²¹⁰ *Report of the Philadelphia Event Review Team on The Wrongful Conviction of Marshall Hale*, U. OF PA. (Apr. 17, 2024), <https://www.law.upenn.edu/live/news/16651-report-of-the-philadelphia-event-review-team-on> [<https://perma.cc/724W-ZW3K>].

²¹¹ ALEX BABRAK ET AL., *Unsolved But Not Forgotten: Supporting Survivors Of Homicide Victims*, NE UNIV. SCH. OF LAW & LOUIS D. BROWN PEACE INST, 2025.

²¹² S. 2174, 194th Gen. Ct. (Mass. 2025).

²¹³ *Id.*

Establishing an Innocence Inquiry is our preferred approach to address issues of communication with survivors following a wrongful conviction and to promote systemic accountability. However, as an alternative proposal, we recommend amending the Unsolved Homicides Act to require an automatic review in the wake of a wrongful conviction, the same kind of review that would occur if a survivor requested an additional review of their loved one's case.²¹⁴ This amendment to the bill will ensure that officials will be held accountable in the wake of wrongful convictions even if the Attorney General's Office is unable to create a new department to address these needs.

²¹⁴ S. 2174, 194th Gen. Ct. (Mass. 2025) (Referred to the committee on State Administration and Regulatory Oversight Feb. 27, 2025).

Conclusion

Through conversations with survivors and supplemental research, it is clear that the impact of wrongful convictions on survivors is under-researched and not sufficiently considered by the criminal legal system. Communication with survivors during an exoneration is often inconsistent and sometimes even hostile. Following an exoneration, survivors do not receive adequate support – they are not compensated for the pain and suffering caused by a wrongful conviction, the true perpetrator remains unknown, and there is often no reinvestigation of the original case. Together, these failures foster deep distrust and frustration with the criminal legal system and hinder survivors’ ability to heal after tragedy.

To begin to address these issues, we recommend District Attorneys’ Offices make the following improvements: facilitate an effective transition through VWAs by implementing “warm handoffs”; support the passage of a bill which improves VWAs’ retirement benefits – thus decreasing VWA turnover and improving survivors’ experiences; allow survivors to choose the frequency of the DA Office’s communication with them; provide survivors with clear information regarding next steps and points of contact; and apologize to survivors through optional prosecutor-survivor mediation (made possible by passing legislation which indemnifies police officers and prosecutors from the legal liability of apologizing).

Further, we recommend that the Massachusetts Legislature make the following improvements: reform victim compensation by allowing survivors to submit a new application for compensation following an exoneration and by expanding the Victim Compensation Fund to include compensation for the pain and suffering caused by a wrongful conviction; create an Innocence Inquiry Department within the Attorney General’s Office; or, if the legislature

declines to create the Innocence Inquiry Department, amend the Unsolved Homicides Act to require an automatic review of a case following a wrongful conviction.

Meaningful reform must center survivors by prioritizing transparency, accountability, and respect at every stage of the legal process. Implementing these recommendations will move Massachusetts toward a more humane and trustworthy system that acknowledges harm, supports healing, and affirms that survivors are owed dignity, care, and justice.