



Homicide



Presented by:

Art Jette

Deb Cunningham

Sue Barton

~Taken from NOVA training manual

If you are involved in the actual notification of death, please consider the following suggestions from survivors of murder:

1. Provide a private, quiet area
2. Don't go alone when you go to notify a family
3. Have a telephone and a restroom readily available
4. Have as many of the family members in the room as possible before informing them of the victim's death
5. Prepare the person first that you have some terrible news to give them
6. Have only one professional actually doing the speaking
7. ALWAYS notify in person
8. Introduce yourself and identify the person to whom you are speaking to make sure that the correct family/survivors are in the room
9. Sit with whom you are speaking - do not stand above them and/or look down on them
10. Speak face to face with the family and maintain eye contact
11. Touch the person as you speak to them
12. Speak softly and directly
13. Try to put yourself in the victim's place and be as sensitive as you would want someone to be if it were your loved one who was murdered
14. Use the word "dead". It is universally understood.
15. Do not use the word "expired"
16. Never use words such as "passed away," "gone to a better place," "they are with their maker," etc. Such comments are easily misunderstood.
17. Be aware of individual and cultural differences regarding the grieving process. Some cultures may respond calmly, whereas others express anger, disbelief, and may respond in a loud, verbal manner.
18. Tell the family members everything you know - do not hold back any information
19. Have grief resources available to give to the family (brochures, phone numbers, web sites, etc.)
20. **Be aware that the moment that you are sharing is a moment the family/survivors will never forget. The face and voice of the professional delivering such a message will forever remain in their memory.**
21. Do not be judgmental as to the reaction of the bereaved
22. Allow time for the family to spend with the deceased. Prepare them for what they will see and inform them of why such items as medical apparatus and items of evidence may not be removed from the victim's body.
23. Explain possible law enforcement or medical examiner policies that may impact and possibly restrict what will happen to their loved one's body.
24. Do not leave families alone for extended periods of time.
25. If the families inquire regarding pain and suffering experienced by the victim, make every effort to respond to their questions in a compassionate, honest, thorough and professional manner. Families need and want the truth.
26. Allow the family to touch their deceased loved one
27. Clean up the body before it is viewed
28. Treat the body and the family with respect
29. Check with the family about any special things that they may want done
30. Be sensitive and caring

Be aware that the moment that you are sharing is a moment the family/survivors will never forget. The face and voice of the professional delivering such a message will forever remain in their memory. *~Taken from NOVA training manual*

WHO MAKES THE NOTIFICATION?

Selecting the staff person performing the task is critical. Stressed individuals are not ideal deliverers of death notification. The best attitude for delivering a death notification is a positive, calm, confident one, believing that this is an opportunity to do a good job with an extremely difficult task.

- Officer that was present at the scene.
- If possible someone known to the family who may provide a more personal approach to the notification.
- A clergy member. Make sure you are aware of the different religious practices and beliefs of the family.
- A victim advocate.

The team approach can make the notification easier; too many people attending can be overwhelming and confusing to the family.

COMMON REACTIONS:

- Feeling untrained or unprepared.
- Fear of being wrongly blamed for the death or injury and possibly being physically attacked when making the notification.
- Feeling responsible for the death or injury.
- Identifying too closely with the deceased person's family.

STAFF SELECTION SUMMARY:

- Select staff trained in death notification.
- Select sensitive, mature, and reliable staff who, if possible, wants to be involved.
- Select staff who were at the scene or had factual knowledge of what happened prior to, during, and after the death.
- Personality and training are critical.

HOW TO NOTIFY

- Develop a team plan for making the notification.
- Confirm the death and identity of the person.
- Confirm time, place, and circumstances of death.

- Receive authorization to release factual, confirmed information to the family and others. There may be issue of confidentiality or investigative matters.
- Have some form of identification and business cards available.

NOTIFICATION PRACTICES:

- Whenever possible, a team should make the notification.
 - Offer official identification and business.
 - Make the notification in person. FACE TO FACE. Telephone calls and written notification are not acceptable.
 - Ask the person to sit down and sit with them.
 - Verify that they are the family of the deceased. Ask directly, "Are you the family of John Smith"?
 - Use the victims name and include the facts. Use direct language and don't try to overprotect through euphemisms. Say, "I'm afraid I have some bad news for you." Pause a moment. "Your son, John was murdered and he is dead." Pause a moment and then make a supportive statement. I wish I did not have to tell you this or "I am so sorry". Do not refer to the victim as the body, or corpse. Use the victim's name.
 - Let the family response and ask questions.
 - Be prepared for a physical reaction, including fainting, shortness of breath, and nausea. Be aware of the potential for a physical attack.
 - Do not restrain the person unless there is imminent danger of injury to themselves or others.
 - Notifier(s) should allow a display of their own emotions. This validates the person(s) being notified, demonstrates concern, and has been shown to have a long lasting, positive effect.
 - Continue to use the victim's name not the "body" or the "deceased".
 - If substantial time has passed before the notification was made, explain why. Explain the importance of taking the time to ensure factual information and verification before making the notification.
-
- If information must be withheld, explain why. Do not tell the family, "you don't need to know" or "we can't tell you." If possible, give them a time frame for when you can give them this information.
 - Ensure that the family is transported to the hospital or other destination.
 - Stay with the family until alternative support arrives.
 - Leave written information including the names of the staff who made the notification, and the location of the victim. Also include addresses and telephone numbers of resources and provide information on autopsy and morgue procedures.
 - When making notifications, resist the temptation to try to comfort survivors by making promises. "You will be able to see "John in the morgue right away."
 - Before leaving, tell the family "Dealing with the death of a loved one is harder than most people think", and if it is all right with you, I will check back with you tomorrow."
 - Identify a contact person within the family.
 - Always follow-up on any commitments to contact the family.

DEFINITIONS

There are many terms used within the legal system which may seem strange and foreign to you. This is quite understandable as you probably do not use these terms during the course of an average day. Below is a list of some words with their definitions. By reading this list, it is hoped that you will better understand the legal system and the status of the case in which you are involved.

COMPLAINT: An accusation that a crime has been committed. The complaint must be made to the law enforcement agency that is responsible for the area in which the crime was committed.

DEFENDANT: A person charged with a criminal offense.

ARRAIGNMENT: This is the first appearance in court by a person charged with a crime. At this time he/she is advised of all pending charges and may enter a plea of guilty or not guilty.

BAIL: This is the security given to the court to assure the appearance of the defendant during court proceedings. The purpose of bail is to allow the defendant to remain in the community instead of jail while his/her case is being processed through the system. Final bail decisions are made by the presiding judge.

HARNISH BAIL PROCEEDING: This is a pre-conviction bail proceeding which the state is offered the opportunity to obtain a judicial finding of probable cause that the defendant has committed a formerly capital offense, and the defendant, at the same proceeding, is afforded the opportunity to know and rebut the case against the defendant.

GRAND JURY: The grand jury consists of citizens from the area. The grand jury hears the assistant attorney general present evidence to indicate that the crime occurred. Generally, this evidence includes the testimony of witnesses and the investigating law enforcement officer. Neither the accused nor his/her attorney will be present. If the grand jury decides that there is evidence that the crime occurred, an indictment is handed down. This is the formal charge against the accused, which is now called the defendant.

INDICTMENT: A formal criminal charge made by the grand jury after considering evidence presented by the prosecutor.

NO TRUE BILL: The decision by a grand jury that it will not return an indictment against the person(s) accused of a crime(s) on the basis of the allegations and evidence presented by the prosecutor.

DOCKET: The list of cases waiting to be heard in court.

HEARING: A proceeding in which arguments, witnesses, or evidence is heard by a judicial officer or administrative body.

CONTINUANCE: The postponement of a case for trial or hearing to a later date. This can only be granted by the court.

MOTION: An oral or written request made to a court at any time before, during, or after court proceedings, asking the court to make a specified finding, decision, or order.

PLEA BARGAINING: A necessary aspect of the criminal justice process. A plea bargain involves the defendant's plea to the original charge or to a different charge. The plea bargain usually includes an agreed sentence recommended to the judge by the prosecutor and defense counsel.

PLEA: In criminal proceedings, a defendant's formal answer in court to the charge contained in a complaint, information, or indictment, that he or she is guilty or not guilty of the offense charged, or does not contest the charge.

Nolo Contendere: A plea of "no contest." A no contest plea may be used where the defendant does not wish to contest conviction. Because the plea does not admit guilt, however, it cannot provide the basis for later civil suits that might follow upon the heels of a criminal conviction.

JURY: A group of 12 citizens who after hearing evidence by the prosecution and the defense decide whether the defendant is guilty or not guilty.

VERDICT: In criminal proceedings, the decision of the jury in a trial or of a judicial officer in a non-jury trial.

PRESENTENCE: An investigation into the background of
INVESTIGATION: The defendant conducted by the probation department prior to sentencing.

SENTENCING: When the defendant is found guilty, the judge can sentence the defendant immediately or can postpone the sentencing. Often the judge requests a Presentence Investigation of the defendant which is conducted by the Department of Correction's Probation Department to assist the judge in making the final disposition.

CONVICTION: The judgment of a court based on the verdict of a jury or judicial officer, or on the guilty pleas or nolo contendere pleas of the defendant that the defendant is guilty of the offense with which he or she has been charged.

DISPOSITION: The final outcome of a case.

APPEAL: Generally, the request that a court with appellate jurisdiction review the judgment, decision, or order of a lower court and set it aside (reverse it) or modify it; also, the judicial proceedings or steps in judicial proceedings resulting from such a request.

POST CONVICTION: The procedure or set of procedures by which a person who has been convicted of a crime can challenge in court the lawfulness of a judgment of conviction or penalty or of a correctional agency action, and thus obtain relief in situations where this cannot be done by a direct appeal.

Guidelines for Writing an Effective Parole Protest Letter

Victim Description

Begin with a description of the life of the victim before the crime

- Include the name of your loved one, their age, accomplishments and plans for the future

Survivors

List the people that were left behind by this crime

- What relationship does each person have to the victim
- What has been the impact of this loss on each specific person
 - Personal loss, monetary loss, therapy required, etc.

Crime Description

Detail the circumstances of the murder

- Unnecessary
- Heinousness
- Personal culpability of killer
- Lack of mitigating circumstances

Parole Impact

Describe the impact that the perpetrator's parole would have on your family

- Fear for personal safety
- Threats made against survivors
- Make clear any knowledge the perpetrator might have of the family

Inmate Information

Tell the parole board as much as you can about the perpetrator

- Was the perpetrator someone that the victim, or the victim's family or friends knew before the murder?
- Do you know where the perpetrator would reside if he/she were to be paroled? Is it near any family or friends of the victim?
- Detail any prior criminal record of the perpetrator

Parole Restrictions

Request certain restrictions

- Ask for parole eligibility to be deferred for the maximum amount allowed in your state if this parole is denied.
- If the perpetrator is paroled, ask for restrictions to be placed on his parole that will keep him from entering the proximity of any survivors.

**Department of Corrections
Victim Services
Victim Advocate/Restitution
Mary E. Farrar**

Major Job Responsibilities

1. Assists victim service coordinator in providing services to victims of crime, who are owed restitution.
2. Reviews case files, contacts district attorney's victim advocate, restitution clerk, court clerks and probation officers to resolve restitution issues. As well as conducting legal research.
3. Track amount of restitution disbursed after locating victim information which either not has been provided or needs further information.
4. Respond to facility staff and prisoner's inquires regarding restitution.
5. Locates names and addresses of victims whose restitution has already been collected from the offender and updates the victim on the status of their restitution case.
6. Prepare cases in which victim cannot be located for abandoned property.
7. Analyzes case information, documents facts, obtains reports and other documentation, writes reports, and manages caseload in order to open, process resolve, and close cases.
8. Educates crime victims regarding their rights and financial recovery of their losses.
9. Meets/talks to victims of crimes to explain laws specifically related to restitution, advice of rights and options.
10. Investigates complains, mediates and advises probation officers to assist in resolution of victims' issues.
11. Promotes community involvement with criminal justice issues and prevention efforts.
12. Advises and assists clients of recourse available when offender fails to comply with conditions of probation relating to restitution.
13. Prepares victims with ongoing support referrals and addresses and safety concerns.
14. Makes referrals to victims for counseling, crisis intervention, legal aid, food, shelter, retraining orders, child care and other services needed.
15. Prepares and submits VOCA grant financial and performance reports monthly and a case study annually to the Department of Health and Human Services.
16. Assist with notification of release and communicates with facilities regarding issues involving prisoners.
17. Assist crime victims in completing application for financial assistance with the Victim Compensation Program.
18. Contacts the District Attorney' Offices and the victim by mail, notifying them of the Discharge of a prisoner serving a straight sentence and the offender stills owes restitution.
19. Notifies the District Attorney's Office and requests that their office file a Motion to Enforce with the Court when probation ends and restitution is still owed to the victim.
20. Liaison between Probation Officers and victims regarding any questions/concerns about restitution issues, including lack of collections and disbursements.

21. Research victim addresses for victim coordinator, victim advocate and financial division for the purpose of disbursing restitution checks to the victim.
22. Provide training for new Probation Officers and JCCO
23. Address issues of crime victims concerning the offender's non-payment of restitution, notification of release and furlough requests.
24. Monitor daily "Alerts" from the facilities concerning upcoming releases and owed restitution.
25. Contact Probation Office or JCCO and request a status update on non-payment of restitution by probationer.
26. Provide support and advocacy to victims during court proceedings.
27. Contribute articles for publication in DOC TALK.
28. "Go to person" for Accurint.
29. Locate name and contact information for missing victims reference Notification of Release and Furlough requests.
30. Ensure that the Departments Restitution Policies are implemented.

Other duties:

There are occasions when the victim in a case may have received over-payment of restitution from our agency or another agency. It is my responsibility to contact the victim by phone and /or by certified mail requesting the money to be returned to the Department.

Presenter/speaker and panel member for a course on Homicides/Drunk Driving at the Muskie Center in Portland, Maine. The target audience was future social workers.

Panel member for the Impact of Crime program held at the Women's Correctional Facility in Windham, Maine.

Committees:

Maine Commission on Domestic and Sexual Abuse
 Victim Advisory Group
 Maine Elder Death Review Team
 Parents of Murdered Children
 Maine Re-Entry Program Panel
 Elder Financial Abuse Working Group

Non DOC Committees:

Parents of Murdered Children
 Board member/monthly meetings

Plan and organize yearly programs with POMC members:
 Victim's Rights Week
 National Day of Remembrance for Murdered Victims
 Christmas memorial program

Mary Farrar
Victim/Witness Advocate

In 1984, ten years after her brother, William's murder, Federal Laws were enacted to protect the rights of crime victims. Although not aware of it at the time of her brother's death, the passing of these laws put Mary on a path that led to a career in victim advocacy.

Mary Farrar studied at the University of Maine Farmington. She was hired by the Somerset District Attorney's Office in February of 1990. For six years she advocated for children and adult victims of sexual assault, and victims of domestic violence, aggravated assaults and attempted murders. In addition to being an advocate, Mary educated crime victims about their rights as victims, encouraged them to exercise those rights, and guided them through the criminal justice system.

Mary was hired by the State of Maine Office of the Attorney General in 1996, where she worked for fourteen years providing direct services to surviving families and friends of murder victims.

The Maine Chapter of Parents of Murdered Children welcomed her as their victim advocate. More importantly, they embraced her into their unique group as a fellow family member of a murdered victim. She is on the board of directors and remains an active member. The members of the Maine Chapter continue to provide her with emotional support and friendship and are her extended family.

Mary was instrumental in the planning and success of the Maine Chapter's first Victim's Rights Week in 2006, and in organizing Maine's first National Day of Remembrance for Murdered Victims in 2007. These have become annual remembrance programs and continue to be events that raise awareness about the aftermath of murder.

Mary was the State of Maine, Office of the Attorney General Employee of the Year in 2000. She has served as a member of many elected and appointed panel positions throughout her career, including: the Maine Homicide Review Panel, the Department of Corrections Victim's Advisory Group, the Maine Elder Death Review Panel, and the Maine Commission to End Domestic Violence and Sexual Assault. Mary has testified before Maine Legislative Committees, and is a past panel member for the Impact of Crime Program at the Maine Correctional Center and the Maine Correctional Reentry Network as a representative and advisor for the crime victim community. In 2010 she was a member of a working group involved in a bill for the enacted of Elder Abuse Financial legislation.

She has also facilitated training on trauma and death notification practices for the Maine State Police, local law enforcement agencies and Emergency Medical Services in Southern Maine.

In December 2009, Mary was hired by the Department of Corrections as a victim advocate. She provided services in regard to restitution and notification of release of prisoners to crime victims.

After 21 years of services to crime victims, she retired from her position as a Victim Advocate in October 2011.

Mary received the distinguish Father Ken Czillinger Professional Award from the National Organization of Parents of Murdered Children in August of 2011 for her contribution, dedication and sensitivity to the victims of violent crime.

In March of 2012 Mary received the United Valley Red Cross Real Hero Award and was inducted into the Maine's Women Hall of Fame by the Maine Federation of Business and Professional Women.

Mary was again recognized as the Citizen of the Year by the National Association of Social Worker's, Maine Chapter on October 12, 2012.

Legal Terms

ACCUSED	Formally charged but not yet tried for committing a crime; the person who has been charged may also be called the accused.
ACQUITTAL	A judgment of court, based on the decision of either a jury or a judge that a person accused of a criminal is not guilty of the crime for which he has been tried.
ADJUDICATION	The judicial decision that ends a criminal proceeding by a judgment of acquittal, conviction or dismissal of the case.
ALLEDGED	Said to be true, but not yet proven to be true. Until the trial is over, the crime may be called the “alleged crime,” for example.
APPEAL	A request by either the defense or the prosecution that the results of a decision on certain motions or of a completed trial be reviewed, usually by a higher court.
APPEARANCE	Coming into court and submitting to the authority of that court.
ARRAIGNMENT	The appearance in a court of an accused person at which the court may inform the accused of the charges against him/her, advise the accused of his/her rights, appoint a lawyer for the accused and hear the plea of the accused.
ARREST	To take a person suspected of committing a crime into legal custody for the purpose of charging him/her with committing a specific crime or for the purpose of beginning a juvenile proceeding if the suspect is a juvenile.
ARREST WARRANT	A document issued by a judicial officer that directs a law enforcement officer to arrest a person accused of committing a crime.
BAIL	Money or property promised or given to the court as security, or conditions imposed, when an accused person is released before, during and sometimes after trial if the accused fails to appear in court when ordered or otherwise violates bail conditions, the State may seek to revoke bail and/or forfeit the money or property.
BALIFF	A uniformed officer who keeps order in the courtroom.
BENCH	The judge; also the place where the judge sits during the proceeding.
BENCH WARRANT	An order issued by a judge to bring to court an accused person who has been released before trial and does not return to court when ordered to do so or a witness who has failed to appear when ordered to do so.
BEYOND A REASONABLE DOUBT	The degree of proof needed for a jury or judge to convict an accused person of a crime.
COMPLAINANT	The person who makes a formal criminal complaint; also, the victim of a crime described in the complaint.
COMPLAINT	Charging document, usually made by a prosecutor or law enforcement officer, and filed by the State in the court to accuse a specific person with committing a specific crime.
DEFENDANT	A person who has been formally charged with committing a crime.
DEFENSE ATTORNEY	The lawyer who represents the defendant in legal proceedings. Victims are usually not required to speak with defense attorneys except in court.

DISMISSAL	A decision by a judicial officer to end a case for legal or other reasons.
DISPOSITION	The final judicial decision which ends a criminal proceeding by a judgment of acquittal or dismissal, or which states the sentence of the accused if convicted.
GRAND JURY	A legal process in which citizens selected by law and sworn to investigate criminal activity and the conduct of public officials and to hear the evidence against accused persons sit as a jury to decide if there is probable cause to bring the accused to trial; unlike court trials, grand jury hearings are usually closed to the public and their proceedings, by law, are secret. The Grand Jury does <u>not</u> determine guilt.
GUILTY	A verdict of a judge or jury that a person accused of committing a specific crime did commit it.
GUILTY PLEA	A formal response by a person accused of committing a specific crime in which the accused says that the charges are true and he did commit the crime.
INDICTMENT	A formal written accusation made by a grand jury and filed in a court, alleging that a specific person committed a specific crime. The indictment is filed in Superior Court.
INDIGENT	Unable to afford an attorney.
INFORMATION	This is another form of a charging instrument.
JURY-WAIVED TRIAL	A trial in which the accused does not want a jury and asks the judge to hear the case to decide if the accused is guilty or not guilty.
PERPETRATOR	A person who commits a crime.
PERSONAL RECOGNIZANCE	The promise of an accused person to the court that he will return to court when ordered to do so, given in exchange for release before and during his trial.
PLEA AGREEMENT	An agreement between the prosecutor and the defense attorney or defendant that the defendant will plead nolo contendere (no contest) or guilty to certain crime(s). These can be an agreement that the prosecutor will recommend a certain sentence, that the sentence will be “capped.” The plea can be “open.” The judge can reject a plea agreement.
PRESENTENCE REPORT	Document that details the past behavior, family circumstances and personality of a convicted defendant and gives information about the crime he committed. It is prepared by a probation agency or other authority in order to assist the court in determining the most appropriate sentence.
PROBABLE CAUSE	The degree of proof needed to arrest and begin prosecution of a person suspected of committing a crime. The proof must be such that a reasonable person would believe that this specific crime was committed and that the person being accused committed it.
PROBATION	A sentencing alternative that includes a period of supervised release, subject to conditions monitored by a probation officer.

PROSECUTOR	An attorney for the State who prosecutes crimes on behalf of the people of the State. In Maine, the prosecution may be an Assistant Attorney General, Assistant District Attorney, District Attorney or Assistant U.S. Attorney (federal).
RELEASE ON OWN RECOGNIZANCE	The release of an accused person by a judicial officer before or during the trial of the accused upon the promise of the accused that he will return to court when ordered to do so.
RESTITUTION	Money paid by a specific defendant to a specific victim as reimbursement for the loss the victim has suffered as a result of the crime. Restitution is court-ordered and may be part of the sentence.
RIGHTS OF THE DEFENDANT	The rights and privileges that are constitutionally guaranteed to any person accused of committing a crime. These include the right to remain silent; the right to a court-appointed attorney if the defendant does not have the financial ability; the right to a speedy public trial; the right to subpoena and produce witnesses during the trial; and the right not to incriminate him/her.
SENTENCE	The punishment imposed by the court on a person convicted of a crime.
SUBPOENA	A written order by a judicial officer requiring a specified person to appear in a designated court at a specific time and place in order to serve as a witness in a case or to bring material to court.
SUSPENDED SENTENCE	A sentencing alternative that provides for a period of incarceration held in abeyance or “suspended,” usually conditioned on the defendant abiding by certain conditions.
TRIAL	An examination of issues of fact and law before a judge and (if the defendant chooses) jury at which the evidence is presented to determine whether or not the accused person is guilty of committing a specific crime.
VERDICT	The decision of a judge or jury at the end of a trial that the accused defendant is either guilty, not guilty or not criminally responsible of the crime for which he has been tried.
VICTIM IMPACT STATEMENT	A written or oral statement by a victim to the court about the physical, emotional and financial effect of the crime(s).
VICTIM-WITNESS ADVOCATE	A person who acts as a liaison between the prosecutors and victims of the crime. The victim-witness advocate usually provides information and support services to victims/witnesses and their families in order to guide the person through the criminal justice system.

“Professionals working with surviving members of homicide victims must understand and be prepared for their intense reactions, often frightening, which go beyond any reactions observed in victims from other crime categories.”

1996 National Victim’s Assistance Academy

The Aftermath

Professionals who work with victims must be aware of the specific problems that homicide survivors encounter in the aftermath of sudden, violent, death. Survivors experience a wide range of emotional responses that continually resurface, delaying and often preventing recovery. Many survivors report that there is no recovery for what they experience in the wake of homicide -- they develop instead the ability to survive the waves of emotional pain. They live with an encompassing fear of the strange, new and unknown reactions that control their behavior. Safety issues diminish when compared to their fear of feeling and living each new painful moment. They must endure physical reactions associated with a traumatic event. Survivors themselves provide the most accurate information regarding their experiences during this period. They are the real experts in explaining their problems and needs.

Parents of Murdered Children, Inc. (1989) listed eight problem areas for survivors of homicide.

1. *Financial considerations*: Funeral and medical expenses, psychiatric care for family members and various costs are all part of the aftermath experienced by survivors. These considerations are grave and contribute in a major way to the continuing distress survivors must endure.
2. *The criminal justice system*: Survivors find themselves suddenly thrust into a complex system of legal players and jargon, where they believe that overwhelming consideration is given to the rights of the accused. They must become acquainted with a world of body bags, crime scenes, evidence, motives and autopsies. There is much to learn and understand about elements of the process, and survivors have a vested interest in obtaining as much information as possible.

When polled, regarding their needs during the legal process, the Fairfax Peer Survivors Group (FPSG), a homicide support group in Fairfax, VA, indicated that the single most important issue for them after losing a love one to homicidal death was being able to obtain information from the key players within the system, prosecutors, detectives and other professionals.

- They want to know exactly how, when and why their loved one was murdered and who committed the murder.
- The most overriding cry -- "Did my loved one suffer?"
- They expect to learn the truth about the events of the death and elements of the case.

- They seek closure through the successful completion of prosecution when possible.
3. *Impact on work:* Surviving homicide often affects one's ability to function and perform on the job. Motivation is sometimes altered. Survivors report that emotional outbreaks of crying or shouting frequently occur. They indicate that having to explain or apologize contributes to their stress and anguish. Some survivors use work as an escape to avoid working through their grief. They resist dealing directly with their pain by placing it on hold.
 4. *Relationships are affected:* It is not uncommon for marriages to end after the partners have experienced a death due to homicide, particularly the death of a child. Each partner grieves in a different way and may blame the other for the loss. They may each wish to turn away from the memories that the other partner evokes. They are sometimes unable to help each other because they cannot help themselves.
 5. *Children in the family:* Children are sometime ignored by parents preoccupied with their own issues. The children fear adding to their parents' pain and simply withdraw. It must be noted that children experience the same psychological reactions that all survivors report. They often feel compelled to replace -- in the eyes of parents -- the dead sibling or family member.
 6. *Religious faith is often shaken by the death:* Questions for, anger at, and challenges to God surface regarding the reason for the death. How could a loving God allow it to happen? Where is the loved one? Seeking out spiritual answers, often from unorthodox sources, is not uncommon. Comments and philosophies of clergy and church members sometimes create problems for survivors. Every aspect of one's life is shadowed by a homicidal death -- religious and spiritual areas are not exempt.
 7. *The media:* Homicide survivors are subjected to the intrusion of an often insensitive media. The quest for sensational, fast breaking news items far overrides the anguish that a family may be experiencing by prolonged scrutiny, inaccurate reporting, and gruesome reminders of the violence associated with the death.
 8. *Professionals who do not understand:* Survivors report that professionals -- police, hospital personnel, funeral directors, clergy, school personnel, psychologists and psychiatrists -- demonstrate by their comments and actions that they do not fully understand the impact of death by homicide upon the remaining family members.

Stages of Grief

There are several common grief stages everyone experiences in the acceptance of death, no matter its cause. However, these stages can be significantly compounded when the death results from an intentional murder. The following outline of grief stages supplies the reader with information on the various stages of grief and includes, where appropriate, narrative specific to survivors of homicide:

Denial

Even in deaths caused by illness, in which there is previous notification of impending death, few loved ones really accept the impending death of a loved one. While not all illnesses allow for the planning and acceptance of the death of a loved one, illness and natural death are normal occurrences with which we are all familiar.

- For surviving members and friends of a homicide victim, the murder is always a shock. Emotional preparation *never* occurs. The shock and denial may be more intense than with other causes of death. This stage normally lasts for a few days or weeks but can extend to several months.

Numbness

After the flurry of activities surrounding the ritual of burial is complete, family members -- for the first time -- have an opportunity to confront the permanence of loss.

- Many survivors of homicide victims describe feeling like "zombies", passing each day through rote behavior. This stage typically lasts for a few weeks or a few months.

Anger and/or Abandonment

It is not uncommon for the surviving loved one to become angry at the deceased. Even though the deceased had little or no control over his or her death, surviving family members become angry they have been left alone to raise children, deal with the day-to-day problems of life; or to be left without a loving, caring partner.

- In deaths involving homicide, there will of course be anger directed at the offender, but there may be anger at the victim as well. If his or her lifestyle, *i.e., drug abuse, prostitution, domestic violence, etc.*, is considered by any to have played a part in his or her death, and the deceased did not accept or refused help, there is a greater tendency to blame the victim for his or her death. This blame can lead to intense feelings of guilt for the surviving family member(s) or friend(s). This stage of grief is one in which many survivors become "stuck" and will most often need mental health counseling and victim assistance support to move forward.

Guilt

Even in expected deaths, there may be feelings of guilt -- guilt that one is gone, but others have an opportunity to continue living and enjoying life.

- Guilt for the surviving homicide victim's family or friends may come from feelings of not believing or protecting the victim and possibly contributing to his or her death. For example, family members of a murdered victim of domestic violence often feel that they should have intervened -- done something to prevent the homicide. Passage through this stage may require the assistance of mental health or trained victim assistance professional.

Acceptance

This is considered to be the last stage in the grief process. Final goodbyes and a closure to the death are made during this stage -- signaling the survivor's readiness to move back into the world of the living.

- For survivors of homicide, this final stage is often prolonged or prevented either through the participation in the criminal justice process or the failure of law enforcement agencies to identify an offender. Because of the deep need for this closure, victim assistance personnel should be very aware of the emotional dynamics a trial may have on the homicide survivor.

The trial may provide an avenue of release for survivors experiencing feelings of guilt. The trial may allow the survivor a feeling of protecting the victim one last time, i.e., *defending the victim's good name, showing public love and support, making sure justice is served, etc.* However, the trial can also lead to increased frustrations if the defendant is acquitted, allowed to plead to lesser charges, or not apprehended at all. Closure for these survivors may only be partially complete or not at all.

(The preceding section is liberally drawn from (1) *Focus on the Future: A Systems Approach to Prosecution and Victim Assistance*, a project funded by the U.S. Department of Justice, Office for Victims of Crime and sponsored by the National Victim Center, Arlington, VA; Mothers Against Drunk Driving, Irving, TX; and the American Prosecutors Research Institute, Alexandria, VA, and (2) *Mapping Strategies for Services*, an Office for Victims of Crime funded project conducted by the National Victim Center and the National Organization for Victim Assistance, Washington, D.C.)

The Victim/Witness Services Program is a part of the Criminal Division. The Director of the Criminal Division supervises this program. There are two full time Victim Witness Advocates. They can be reached at 626-8800. The primary objective of this program is to provide easy access to information regarding the criminal justice process to families of homicide victims. Victim advocates provide support and information about the Criminal Justice Process to surviving family members of homicide victims.

Victim/Witness Advocates provide the following services:

- Death Notification; Counseling referrals
- Court Advocacy-Advocates prepare witnesses for trial and provide information about the criminal justice system. An advocate can provide pretrial courtroom tours, and accompany and support for the victim's family throughout the court process.
- Status notification-Advocates keep the survivors informed of the status of cases and court dates.
- Victim Impact Statements-Advocates can help the victim's family prepare a statement to present to the court on the impact the crime has had on their family.
- Victims' Compensation-Advocates can provide information regarding reimbursement to surviving family members of murder victims relating to particular expenses and losses due to the homicide.
- Notification of Release-Advocates will help family file applications with the Department of Corrections.

If you are a homicide survivor or a victim of a violent crime, you may be eligible for financial help. The Victim Advocate will provide you with information relating to the Maine Victims' Compensation Program.

Law Enforcement – Death Notification – Beginning of Homicide Survivor’s reaction to the Death of a family member

Medical Examiner – Not allowed to identify or see the body
Need to satisfy self that it is really their Family member
Release of the body to funeral home
Autopsy (Frightening to loved one)

Financial losses – Medical, funeral, estate or debt of loved one. (Victim’s Compensation) not always awarded

Media intrusion –
Surviving family members are often subjected to the intrusion of an often insensitive media. Inaccurate reporting
May feel that they were not treated fairly
May feel that their privacy was invaded
May be bothered by how the offender was described or by the details that were printed
May worry that the media and society will blame their loved one.

Criminal Justice System

- Isolation – some information withheld by investigators
- Reliving the trauma – see the accused and his family in the courtroom, provide testimony, hear testimony of others, view pictures and exhibits of the crime scene
- Exposure – your grief reactions or personal information about your family or loved one is reported in the media
- In justice or frustration – accused found not guilty or receives a sentence with which you do not agree
- Disappointment – guilty verdict does not ease your pain

Cold cases – Forgotten by law enforcement – Case not worked

Sibling Grief

- Loss of identity - Self image is interrelated with the person lost.
- Anger, Guilt, Grief and abandonment
- Failure for others to recognize their loss
- Coping with not only a loss of their sibling but also the loss of functioning parents.
- Protective often takes the role of the parents. Comforts them and does not think of their own grief.
- Often feels compelled to replace in the eyes of a parent their dead sibling.

Losses after a Homicide

- When someone is murdered, the death is sudden, violent, final and incomprehensible. The loved one is no longer there. – The shared plans and dreams are no longer possible.
- Loss of self, a sense of having been “changed” from the person they used to be.
- You experience a loss of the sense of control over your life.
- You experience increased feelings of isolation and loneliness.
- Very often homicide survivors question their faith or religion “How could God allow something like this to happen?”

Holidays and Anniversaries

Family members/friends do not want to talk about victim. Makes them feel uncomfortable.

Elements of a Stabbed and Broken Heart

- You feel cheated. Hopes – Dreams – and plans have been crushed
- You are haunted by ifs – if only – regrets – painful memories
- You experience being tormented by “videotape replays” of a painful or cruel death.
- Anger, guilt and depression are three emotions you experience a lot

Hurtful comments from others add to their grief.

Helping a Homicide Survivor Heal:

- Allow for numbness
- Accept the intensity of the grief
- Don't be frightened by rage
- Feeling anxious and fearful is normal
- Understand the need to ask “Why?”
- Be compassionate
- Avoid clichés
- Be a good listener
- Be respectful
- Listen to Questions about Faith
- Be aware of Support Groups

Realize that you cannot say nor do anything to a homicide survivor that could possibly hurt them any more than the murder of their loved one.



Criminal Justice Intervention

Victim Impact Statements

Victims of crime and their families have the right to participate and to be heard in the criminal justice system through the use of Victim Impact Statements. A Victim Impact Statement provides the victim with this opportunity to address the court prior to sentencing.

At sentencing, the victims explain to the court how the crime has impacted their life and the lives of their families. This process may also aid victims in their emotional recovery.

You have the option to present your victim impact statement in a written or oral form. Exercising this right gives the victim the choice to provide information to the judge for the court to consider at sentencing. Moreover, it allows the victim the opportunity to articulate the pain, anguish, and financial devastation the victim has experience as a result of the crime. It is not uncommon for victims to submit a written statement to the advocate before sentencing and then the day of sentencing stand and speak before the judge.

A Victim Impact Statement provides the court with essential data, which leads to appropriate sentences and suitable restitution.

THE VICTIM IMPACT STATEMENT MAY BE THE VICTIM'S ONLY OPPORTUNITY TO TELL THE JUDGE ABOUT THE CRIME.

What Should A Victim Impact Statement Include?

- **A “brief” summary of the harm or trauma suffered by the victim as a result of the crime.** An effective statement is approximately 3-5 minutes in length.
- **A summary of the economic loss or damage suffered by the victim as a result of the crime.** Include requests for restitution for out-of-pocket expenses.
- **The victim’s reactions or objections to the proposed sentence.** Jail, prison, work release, and community service can be addressed.
- **A concise statement of what outcome the victim would like and the reasons to support this opinion,** including support for or opposition to treatment or community service programs.
- **Highlights about the victims.** They’re past accomplishments, hopes for the future, and what the crime has done to curtail these activities.
- **The overall effect the critical incident has had on the victim and family.**

CONSIDER THE FOLLOWING FACTS WHEN WRITING OR SPEAKING TO THE COURT:

- The physical injuries incurred – temporary or permanent;
- Emotional/psychological injuries suffered and prognosis for future treatment;
- Loss of ability to work and lost wages;
- Change in lifestyle – ability to work, drive, forced relocation;
- Persisting emotional trauma – anxiety, nightmares, desperation;
- Your feelings about people who commit crime;
- Effect of sudden death to remaining family members – spouse, children, parents, siblings – loss of hopes, dreams, companionship, financial security; and
- The victim’s accomplishments, awards, and activities – photographs or family portraits may be helpful.