



**MURDER:**

**THIS COULD NEVER HAPPEN**

**TO ME**

A Handbook for  
Families of Murder Victims  
and People Who Assist Them

*“I didn’t know life could be so grim.  
I didn’t know the meaning of human suffering.”*

# **MURDER**

## **This Could Never Happen to Me**

A Handbook for Families of Murder Victims  
and People Who Assist Them

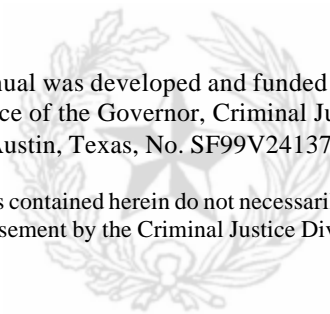
Revised Edition 2001

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(The views contained herein do not necessarily represent  
endorsement by the Criminal Justice Division.)



## Introduction

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The fact that you are reading this book probably means that someone you know or love has been murdered. You may have believed that *this could never happen to you*. But murder, once a rare event in the United States, has become an epidemic with a rate of 10 murders for every 100,000 people. Whether we realize it or not, murder has become a frequent incident in the lives of ordinary people.

No one deserves to be murdered. Not because they are old, or infirm, or exhibit behavior others disagree with. Not for any reason. “You shall not murder,” is one of the oldest rules of society and one of the earliest restrictions society placed on one person’s behavior toward another.

A single murder can tear at the fiber of an entire community, or even leave scars on a nation. Murder brings ordinary persons into involvement with the coroner, the police, the district attorney, the judicial system, and the media. To investigate and try one case can cost hundreds of thousands of dollars. And if the killer is not apprehended and brought to justice, clouds of suspicion can linger and other citizens may even be endangered.

Worst of all, however, are the psychological wounds on the survivors—wounds as deep and serious as those that killed their loved ones. These wounds are not always obvious, but they cannot be ignored, or they, like physical wounds, will fester and grow worse.

This handbook is designed to help family members of murder victims recognize and move toward healing these psychological wounds. Information has been provided on critical questions that may be faced, such as “Should I view the body?” or “Do I have to talk with the press?”

The handbook is also designed to benefit those persons who help and support families of murder victims during the overwhelming process of recovery.

The handbook is not perfect or complete, but it provides the chance to share the rage and pain and terror that result from hearing about the experience of victims.

It is from the experiences of loved ones of murder victims that this book is compiled and it is dedicated to their courage.

Carol A. McKay  
Christine B. Siegfried  
September, 1987

## Acknowledgements

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The Criminal Justice Division of the Office of the Governor of Texas originally published this small book in 1987. It was distributed free to families of murder victims. It has been my honor to work with many of these families, and I have gained knowledge through their grief and trauma. This book is a way to share that knowledge with others. Several other states along with local police and district attorneys use this book for distribution and training. The book has always been and is intended still for victims. To them it is dedicated.

Eventually the first edition became outdated and needed revision. Anna Tangredi and Ellen Crawford of TDCJ-Victim Services Division-The Texas Crime Victim Clearinghouse suggested that the book be updated. They offered extensive and ongoing help with the revision. Thanks also to Linda Starnes, and Sybil Zimmerman of TDCJ-Victim Services for their input. Jo Ann Starkey took charge of obtaining the photographs. Sumer Wassef revised the section on children, complete with age references. Christy Jack, a Tarrant County Assistant District Attorney, updated the sections on bail, parole, and the District Attorney's Office. The Victim's Assistance Offices of the Fort Worth and Dallas Police Departments helped update the sections on victim's assistance and police investigations. Numerous family members of murder victims read the text and gave suggestions. I thank them all. Without their help, the revision would not exist.

Finally, I wish to thank my editor, Erin Milam. The flow of the text and the readability of the content has much to do with her knowledge and skill. The errors and omissions are mine.

Like the 1987 edition, this book is designed to help victim's families and to benefit persons who help and support families of murder victims. Hopefully it will serve as a light for a dark and fearful path.

Jerry Harris, Ph.D., L.P.C.  
July 28, 2001

# **Murder: This Could Never Happen to Me**

A Handbook for Families of Murder Victims  
and People Who Assist Them

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## SECTION I Learning to Cope After Tragedy

### Chapter 1 Coping with the Emotional Reactions

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Coping with the death of a loved one is always difficult. When that loved one is murdered, the death, the police investigation, the media attention, and the chaos surrounding the murder creates a situation so difficult and complex to cope with, that the trauma is only matched by living in a war zone.

Not only has the victim's life been willfully taken, but the survivors and witnesses also have been violated. They, too, become victims. These survivors experience overwhelming shock and grief. They do not know how to feel or behave.

Immediately following a murder, family members may appear to be coping well. However, even though parents may continue to go to work and the children go to school, all is not well.

Family members feel estranged from each other and outsiders. It is not uncommon for parents to refuse to talk about a murdered child or refuse to enter the bedroom of the deceased. They may feel isolated as friends and



colleagues, not sure how to react and frightened by the murder, distance themselves. Additionally, family members may feel stigmatized by the murder and the complicated series of legal events and procedures that can cause further isolation and prolonged recovery.

Understanding the grief families experience and the obstacles they face in resolving their suffering is important to families, friends, and those that work with these family members. Family members of murder victims must try to prepare themselves, at least as much as possible, for the turmoil that will surround them for days, months, or years following a murder.

They must also realize that friends, professionals, clergy, and other families of murder victims can be important tools for assisting them in their long, slow, and painful journey to recovery.

### **The Process of Grief**

Grief is a common human experience. People experience grief when they leave particular places, when they divorce, when someone they know dies. But grief for families of murder victims has unique qualities. It is more profound, more lingering, more complex.

Murder changes normal reactions and responses and, without a doubt, influences the length of time necessary to resolve grief. It intensifies feelings and makes the journey to recovery for family members long and slow and difficult.

Just as families, people, and cultures differ, grief takes on a great many forms. Men and women experience grief in different ways. Even a person's religious beliefs can affect the way grief is experienced.

There are certain phases in grief, but it is important to understand that most individuals will not go through these phases in a rigid and fixed manner or in a sequence. Some may experience many feelings at once, while others may cope with grief one step at a time. The way these phases are experienced by survivors of murder victims may also differ somewhat from the way they are experienced by others.

The ten steps in the grieving process, according to psychologist Anna Westberg, follow: (1.) Shock; (2.) Emotion; (3.) Depression and loneliness; (4.) Physical symptoms of distress; (5.) Panic; (6.) Guilt; (7.) Hostility and resentment; (8.) Inability to return to usual activities; (9.) Hope; and (10.) Affirming reality. These steps or phases may occur repeatedly over the first several years following a murder, and often occur in no logical sequence. In fact, any and/or each phase may occur again and again over time.

### **Shock**

Shock is almost always the first stage of grief experienced by a survivor. Shock protects the survivor from experiencing the total extent of the reality of murder all at once. In fact, murder is so alien to human



experience, and so devastating, that it is not unusual for family members to think, “This is a bad dream. This is not happening.” During this time, family members commonly say, “I don’t believe it. I just can’t believe it.”

There is a part of the mind that does not want to accept the murder as “real” and “thinks” the loved one is alive and may appear at any time. These feelings often make the family members think they are “crazy.” In fact, it is a part of the shock and disbelief of grief.

Shock is considered healthy following natural death as long as it does not extend for more than a few days. In the case of murder, however, this stage generally lasts to some extent for three months to one year. Even at one year, the experience may seem “unreal.” Keep in mind that like any phase in the process of grief, shock may return from time to time in the months to follow.

## **Emotion**

Crying is not a strong enough word. In addition to “crying,” I needed such words as “wailing, moaning, groaning, and screaming.” I experienced these emotions or feelings (whatever they are) quite frequently, even though this was totally out of character for me. I am not an overly emotional person, but I found many times when I was alone in my car that the tears would turn into loud wailing and groaning. That seemed to be the only way I could release the horrific pain I was feeling. And again, let me emphasize that was so out of character for me. I would often almost feel out of body listening to myself and would think I had lost my mind—I sounded like a terribly injured animal. Had people heard me, they would have thought I was crazy!

*Jo Ann, mother of murdered child*

As the shock and disbelief begin to diminish, family members generally will experience intense emotion and emotional release, such as crying and screaming. While our society tends to discourage emotional behavior, especially in men, this emotional release is an essential part of grieving for many people. To try and hold back or “swallow” emotion is unhealthy and can actually prolong the grief experience. A person uncomfortable with these feelings should see a professional or seek help from a support group.

## Depression and Loneliness

Depression and loneliness may be felt at any time, and family members often experience these emotions during grief. Frequently a person thinks these feelings will last forever. Indeed, with families of murder victims, these feelings may last a considerable length of time. Trials often are delayed for years, triggering a return of all emotions when the case finally comes to the courtroom. In fact, the feelings may even be intensified as they are relived.

Thoughts of suicide are common during the grieving process. In fact, some grief-stricken survivors commit suicide to escape their pain. If the pain and grief bring on suicidal thoughts and if these thoughts become persistent, help must be sought. Watch for the following danger signals:

1. Persistent thoughts of self-destruction.
2. Extended isolation. The inability to reach out to others and talk with others about the important issues and feelings being experienced.
3. Rapid weight loss or weight gain.
4. Sleep disturbances. Either being unable to sleep or sleeping excessively.
5. Excessive use of alcohol or drugs (including prescription drugs).
6. Making a suicide plan.

The hardest time for me was around the third month after Kris's death. I came out of shock and realized it was not a dream, she would not be back, and I had to deal with life without her. It was very upsetting for me when a mother in another city committed suicide last year in the third month after her daughter's murder. I knew the pain she felt.

*Karon, mother of murdered daughter*

Some key predictors to look for in suicidal behavior are depression, withdrawal, anger, panic, and putting affairs in order. If you suspect a family member is thinking of suicide, openly ask him/her. A list of questions follows:

1. Are you thinking about suicide?
2. Do you have a plan?
3. What is the plan?

#### 4. Do you have a time frame for when you plan to commit suicide?

If he/she answers the questions in the affirmative and he/she does have a plan, seek professional help immediately. Suicide is most common during the grief stages depression, anger, and panic. It is not helpful for people to keep feelings inside and to go through each day acting like everything is okay, when it is not. Reaching out is very important to recovery. No one should be afraid to seek professional counseling or professional help.

The family of a murder victim faces a difficult time with depression and loneliness while dealing with holidays, birthdays, and anniversaries. For many, this makes the holiday season one of pain and difficulty. Feelings of depression and loneliness during the holiday season are complicated by the thought that “no one understands.” During Christmas, Hanukkah, and the New Year celebration, it may be difficult watching other families celebrating, laughing, and experiencing the festive spirit of the season.

It is important that family members do what they need to do to survive the holidays and the anniversaries. They could take a trip or stay home and continue or even change the holiday traditions. It is a matter of finding what is best for them at the time.

The family will have difficult times with the “small stuff” too. One cup of coffee in the morning. The missing plate at the dinner table. Picking up laundry for the victim. There are many small reminders that will have to be dealt with. These small events can trigger major emotions and intrusive memories of the loved one and the murder. These emotions must be dealt with as they occur; an individual must allow his/her grief. Unfortunately, these emotions and memories may manifest in public, which may make dealing with them more challenging.

### **Physical Symptoms of Distress**

Physical symptoms of distress can be experienced at any time during the grief process. Headaches, nausea, insomnia (or sleeping all the time), and an increase or decrease in weight during the grief experience are common. Some individuals state that they experience their loss as a feeling of physical pain, generally in the area of the chest or heart (especially if the loss was a child or spouse). It’s almost a physical feeling that the heart indeed is “broken.”

### **Panic**

Panic, a sudden overpowering feeling of terror, is another stage of grief that can occur at any time and can be very difficult to cope with. This feeling is not at all uncommon in families of murder victims. Often, the feeling is caused by the disorientation and disorganization prompted by the grief and the act of murder.

Most families in our culture do not experience murder of a close family member; therefore, the feelings associated with this cruel act seem abnormal both to victims and to others. During these panic attacks, individuals may feel and believe they really are going “crazy.” When you put a normal person into a bizarre environment, such as murder, that person may well feel “crazy.” It can help a great deal to talk with other families who have had similar feelings and truly understand what this crazy feeling is all about.

### **Guilt**

Family members commonly experience guilt during the grieving process. This emotion leads to the thinking, “If only I had (or had not). . .” Families of murder victims often feel guilt and regret for things they did or did not do or say. These feelings are greatly magnified compared to those experienced with normal deaths. Often, family members feel they should have protected their loved ones or should have done something to prevent their deaths. They spend a lot of time thinking “what if.” This guilt is almost always unjustified because the circumstances leading to murder usually cannot be controlled and are very difficult to predict.

These guilt feelings are intensified by people who say, “If that had been my daughter, I would have . . .” Such statements are attempts by others to assure themselves that murder could never happen to their family. Sadly, victims know murder can happen to anyone.

### **Hostility and Resentment**

Hostility and resentment, like most other grief phases, can occur at any time. During this phase, survivors may search for someone to blame. If a murder suspect is arrested, this hostility may flow in that direction. However, it is not unusual for families to direct their anger toward the police, the district attorney, other family members, or even themselves.

It may be difficult for survivors to overcome their anger due to its intensity. These feelings will resurface upon capture of the criminal, or during the murder trial, and may seem to last forever. If there is no trial,

the absence of a criminal creates an emotional vacuum, leaving the survivors with no way to identify or confront the source of their anger.

Many families try to release their rage and anger through fantasy. The most common fantasy is revenge, which is normal and can be helpful in providing an outlet for discharging frustration and anger. Most family members think about murdering the murderer. It rarely happens. These family members are not murderers. The desire for revenge, as well as the anger, should decrease in intensity as the individual progresses through the grieving process. Victims and those who help them should understand that anger may be a cover-up for other more painful feelings such as guilt, sadness, and depression.

### **Inability to Resume Normal Activities**

Grieving family members may find themselves unable to function in society and unable to resume normal activities. Difficulty in thinking and planning in a purposeful manner are common, and life may seem hollow and empty, without happiness. Activities that were once enjoyed now seem meaningless. There may be an inability to laugh for a long time. When laughter does return, it also may bring on feelings of guilt.

This lack of ability to function “normally” may not start until several months after the murder. Frequently, business associates and friends do not comprehend the implications of murder. They simply think it is time for the family to put the murder behind and go on with a normal life. They do not understand that recovery from the murder of a family member is much more complicated than from any other type of death, and that the recovery time is extended. Individuals should travel at their own pace and speak with others who have survived the murder of a family member.

### **Hope**

Finally, hope appears. Suddenly there is a realization that overcoming or transcending the tragedy is possible, even though the family will have to redefine the meaning of “normal.” It may take several years for the family as a whole to reach this stage of hope. At this point, family members will redefine the family and themselves, reestablish themselves in the community, and become reinvolved in activities.



## **Affirming Reality**

Affirming reality is the final stage of grief. Family members have been changed by the experience of murder. They realize that while things will never be the same, they can approach life with new understanding. Normal has been redefined, and the individual members affirm that reality.

Things are better now, but for a long while I didn't want  
to be around my kids like I used to, or talk to my  
husband, cook, clean house, or anything.

*Kay, mother of murdered son*

The journey to recovery for families of murder victims is long, painful, and full of obstacles. People trying to help families cope and adjust should be prepared for the intense emotions—anger, depression, and sorrow—and the possibility that victims will close themselves off. Some feelings are just too painful to be shared.

## Chapter 2 Coping with the Funeral

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When a loved one dies, the bereaved often feels overwhelmed and is not sure where to begin making arrangements. Fortunately, there are people who can help during this difficult time. The funeral director will assist the family in planning the funeral, choosing a burial site, flowers, a casket, and pallbearers. Generally, the director can be trusted to let the bereaved know what decisions must be made at this time. The funeral director is a professional and may seem overly efficient and detached for the occasion. However, it is important at this time for someone to accept the responsibility for being efficient.

### The Value of Friends

Friends can be invaluable in the days surrounding the funeral. Often, they are overzealous or may say the wrong things. However, their motivations are usually loving and they can assist the bereaved in many ways, such as contacting other friends and family, running errands, and preparing food. Although friends can relieve a great deal of the burden, the bereaved should be specific as to what duties they need help with. Involvement at this time will give the friends a sense of sharing their love with the family of the one who has died. This can be very beneficial.



### Planning the funeral

Funerals fulfill critical psychological and social needs after a death. Every culture has certain rituals and customs that dictate the pattern for funerals. These customs can be a source of confusion and pressure for the bereaved. According to psychologist T. A. Rando, “Whatever rituals

are adopted, the important issue is that they be personally meaningful to the bereaved.” The funeral itself can be either harmful or beneficial to survivors depending on how meaningful the ritual was to them. Mourners who do not feel they truly participated in the funeral, often experience unhealthy grief.

Religious funerals can provide mourners with an opportunity to fit the death into their own religious framework, as well as provide an event during which individuals can grieve.



### **Viewing the Body**

One of the most difficult decisions a mourner must make is whether or not to view the body. There are many viewpoints about this issue, but it is up to the survivors to decide which choice would be best for them.

Some people feel preparing the body for viewing is artificial and viewing the deceased is similar to worshipping the body (Manning, 1985). Many people do not want to remember the deceased in the casket or may be uncomfortable with the appearance of the body. It should be noted that the goal of body preparation is not to make the deceased look alive, but to provide an acceptable recollection of the loved one for the survivors and help survivors accept the reality of the death.

Viewing the body can be the first step toward handling grief and facing the reality of the death. One study finds that mourners who did not view the body or arranged for immediately disposal of the remains (excluding the Jewish ritual of not viewing the body) reported “the greatest hostility following death; the greatest increase in the consumption of alcohol, tranquilizers and sedatives; the greatest increase in tension and anxiety; the lowest positive recall of the deceased; and greater problems with adjustment to the death, especially in males” (Rando 1984).

Due to the brutal nature of my daughter’s murder, I chose not to view her in death. I chose to remember and retain images of her in life, vitality, and beauty. To this day, I have no regrets about my decision. At the time of



her death and in the days that followed, I was hanging on by the slenderest thread. To have seen her brutalized, little body would have surely snapped that thread. I haven't turned to medicating myself with alcohol, drugs, or unbecoming behaviors, but had I viewed her after death I am sure I would have. I saw and still see my decision as a way of protecting my sanity and myself.

*Syd, mother of murdered daughter*

Murder is problematic in cases where the victim was mutilated or the body was not discovered for a long time. Under these circumstances, the bereaved may not want to view the body. The family should be given the facts about the murder so they can make an informed decision about whether or not they want to view the body. Being in the room alone with the casket may be helpful. Viewing a recognizable part of the body such as a hand, scar, or birthmark can be a substitute for viewing the entire body. Even viewing or holding a ring or watch or some jewelry from the loved one may be helpful. If the family does view the body, those images will live forever in their minds, but may help them with the difficult process of accepting the death.

### **Coroner's Office**

The county medical examiner's office and the local police department generally share the responsibility for the notification of survivors when a body has been found and identified. This process can take from several hours to several days, depending on the time needed to identify the deceased, locate the family, and determine cause of death.

In large cities where heavy caseloads may delay the medical examiner's office, police are often used to expedite notification procedures.

The task of notifying a family member of the death of a loved one is unpleasant and requires tact and empathy. Usually, the medical examiner's office will attempt to make notification only after acquiring as much information as possible about the survivor's medical condition and, if possible, making sure the survivor is not alone. Telephone notifications are made when the deceased lives out of the county and the area police department is unable or unwilling to make a home visit.

Autopsies must be performed on all murder victims to determine the cause of death. When the coroner is finished with the body of the

deceased, the body is released to a funeral home of the family's choosing.

One question often asked at the medical examiner's office is, "When will the death certificate be completed?" Providing there are no complications identifying the body or with the police investigation, the death certificate usually is completed within one week.

However, delays can result from pending lab reports and weapons testing. Lab reports can usually be purchased from the coroner for a small fee, but the language in the reports is very technical and may not be understood by lay people. Other questions to the coroner from family members are usually directed to the police detective in charge of the case.



*Funeral of Michael McEachern*

*Courtesy of the Fort Worth Star Telegram*

## **Chapter 2**

### **Coping with Social Reactions**

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Historically, family members and friends, religious rituals, social traditions and customs have helped individual grieving. Today, grieving individuals must frequently face their pain and struggle alone. Neighbors, colleagues, and acquaintances often do not know what to say, especially when the loss involves murder, and they may choose to avoid the grieving family. Extended families often live far away and are not available for support.

Many people in our society shy away from discussing death. Society is geared to convenience and speed. TV news stories about murder have a beginning, a middle, and an end—and they last for three minutes. People do not know how to deal with a family whose grieving may take years. It is very easy to understand why many individuals do not effectively deal with the tasks of grieving. As a result, they may experience prolonged and destructive reactions to the murder of a loved one.

#### **Friends**

Almost immediately I began to experience avoidance from people, some of whom had been long-term friends. While this attitude was extremely hurtful for me, I began to realize why. I had now become their "worst nightmare" after the murder of my daughter. It was as if

they distanced themselves from me emotionally, they would somehow be insulated against the possibility of this ever happening to them.

*Syd, mother of murdered daughter*

Friends can be a source of comfort or confusion to an individual after a loved one has been murdered. This is a very difficult time for friendships, and they will either diminish or strengthen depending on the circumstances. Due to the horrible, senseless nature of the loss, friends often do not know what to say and end up avoiding the grieving individual. This can cause an irreversible strain on the relationship. In order to provide some understanding of what to say and what not to say at this tragic time, here are some experiences that victims have had with friends.

If they just held you and said, “I’m sorry,” it would have sufficed ... but to say, “I understand” when clearly they didn’t ... it upset me! Some overwhelmed me with love and concern ... while others still to this day have not mentioned it—even those with whom I work daily.

*Ellen, wife of murdered husband*

Friends helped by saying, “I can’t imagine how you feel.” They didn’t help by saying, “I know just how you feel.” My friends had to be tremendously supportive through long periods of depression. The ones who remained are as close as family. Friends seem to have the hardest time understanding my feeling of loss of control.

*Carla, sister of murdered sister*

Friends helped me most by just being there for me and listening to what I had to say. Some of the people we thought were our friends turned out not to be friends. It seems like they avoided us because we depressed them. The real friends have suffered, too, because they loved Kevin almost as much as we did.

*Kay, wife of murdered husband*

Being there and listening was helpful. People telling me there was a reason my husband was murdered, that God had a plan—that was painful. Such statements infuriate

me! Also, people saying, “something good will come out of this” or “you’ll be a stronger person because of this,” really upsets me. I feel these are stupid statements about a senseless waste of precious life.

*Steffenie, wife of murdered husband*

Most of my friends were understanding. But after a month or two, some think you should be over this kind of experience.

*Barbara, mother of murdered daughter*

**Do not say:**

- I know just how you feel.
- I understand (unless you too have had a family member murdered).
- You must be strong now.
- You will get over this.
- It’s Gods will.
- He/she lived a good life, and it was his/her time to die.
- Calm down and try to relax.
- Let’s not talk about that.
- Your anguish won’t bring him/her back, so forget it.
- You need to move on. Get over it.
- You are lucky that....
- Are you feeling better yet?
- Closure
- Everything will be all right.

**Do Say:**

- I care about you.
- I am sorry this has happened to you.
- I can’t imagine how difficult this must be for you.
- You don’t have to be strong.
- You did nothing wrong.
- It was not your fault.
- I feel for your pain.
- You have every right to feel this way.
- Is there someone I may call for you?
- I’m glad you’re here with me now.
- I am glad you are talking with me now.
- It’s okay to cry in front of me.

When there is a sudden death, especially in the case of murder, people will experience intense emotions. Individuals may experience psychological or physical symptoms of grief, including the inability to sleep, an increase or decrease in weight, depression, helplessness, disorientation, and the feeling that they are going crazy. Their view of the world and priorities will certainly change.

This is a time when the individual, especially the family members of murder victims, will most need love and support. Usually, support is given during the funeral, when family and friends gather. Unfortunately, during the following weeks, when support is needed most, the families of murder victims often find themselves alone.

### **Death of a Spouse**

The death of a family member has a profound effect on the existing family unit. A wife who loses her husband may find herself trying to support herself with a greatly reduced income. Facing loneliness, isolation, incompleteness, and disorganization, in addition to her grief, she may be forced to redefine her self-concept. A husband who loses his wife may have a great deal of difficulty managing the household and children while dealing with his grief. As a general rule, men find more discomfort in expressing their grief emotions than women. However, the expression of emotion is very important for the ongoing health of the individual.

Since my husband was murdered, our happy marriage of 16 years ended tragically with no time to say goodbye or tell him how much I love him. Sometimes I feel so much anger I have to be careful not to take it out on my family. I couldn't have made it without the support of my parents and daughter.

*Steffenie, wife of murdered husband*

## **When a Child Is Murdered**

The death of a child, especially the murder of a child, is particularly difficult for all involved. Society's orientation to children is one of supporting them and helping them grow and develop. Parents have been entrusted with this task and often feel extremely angry and guilt-ridden when their child dies. They may perceive the death as a personal failure. Unfortunately, outsiders may seem more concerned with trying to protect themselves than with listening to and supporting grieving parents.

Individuals who do not understand the trauma often make statements such as "that could never happen to me." The grieving parents feel that their friends have abandoned them when they need them most, adding further pain. Meeting with other parents who have had the same cruel experience can eliminate the isolation.



## **When a Parent Is Murdered**

Children of murdered parents have a devastating and overwhelming experience. Although it is not uncommon for a parent to die, very few children expect their parents to be murdered. After the death, the children may feel that the special source of love and caring is gone and can never be replaced. Insecurities may arise and an overwhelming sense of emptiness and loneliness occur, often forcing the children into premature maturity (Lord 1987). If one parent is murdered, the child may develop an excessive clinging and fear of loss involving the other parent.

Younger children may be overcome with guilt, believing they somehow caused the death by thinking bad thoughts about their parents. The child may be fearful that he/she will be killed as punishment for being bad. Misunderstandings regarding these issues can cause complications in the grief process and should be addressed by family, friends, or professionals.

It should be recognized that as time goes on, the understanding of what has happened will take on new meaning for the child. Certain life events can cause unpleasant feelings to resurface for children and the grieving to begin again. Mourning for a murdered parent may occur repeatedly over the years as children develop and face experiences they long to share with their deceased parents such as graduation, marriage, or the birth of a child.

## **Coping with the Family Unit**



The murder of a family member places tremendous stress on a family system. Husbands and wives can grow apart and children may feel alienated. It is important for family members to understand and care for each other as each individual struggles to understand the murder in his/her own way.

### **The Differences Between Men and Women**

Men and women deal with grief in different ways. Some men may not want to talk about the murder, while their wives want to “talk all the time.” Either a man or a woman may become overly involved with work, while the other spouse feels abandoned. The means with which they cope serves to push them apart.

As a general rule, and there are exceptions, men tend to be angry, while women tend to be hurt and depressed. These differences in coping put a tremendous strain on a couple and/or family while they are dealing with the murder of a loved one. Husbands and wives may grow distant, or they may find themselves involved in destructive arguments.

Marriage, Family, and/or Individual Counseling and the help of a support group may keep communication open and healthy in the marriage and family. In fact, it may save a couple from divorce. If a couple/family seeks counseling, it is recommended to seek a counselor that has experience with trauma and family members of murder victims.

### **Caring for Siblings**

Frequently, the brothers and sisters of the murdered person are forgotten. Surviving siblings look to their parents as an example for handling their grief. Yet, parents may be so caught up in their own grief that the children may feel left out, unloved, and unimportant. Parents may be afraid to show their love for their remaining children or may be overprotective, fearing that something may happen to them as well. Family routines may be painful and, therefore, abandoned, leaving the children to feel isolated and alone.

No one knows exactly how to respond to a murder or how best to comfort surviving family members. The need for group support meeting or family counseling should not be overlooked. In addition, children as well as adults need on-going attention and support from friends and family (LaTour 1983).

### **Injury to Basic Trust**



Basic trust is the feeling that the world is a safe place. For instance, most people feel safe walking to their car after shopping. They trust they will not be victimized. When someone becomes a direct victim of a crime, severe injury to that basic trust occurs. They do not feel safe anymore.

Similarly, when a loved one is murdered, a survivor may experience fear for themselves or for other family members. Children of a murdered parent may deeply fear the loss of the other parent and cling to the living parent. If a child is murdered, a parent may become over-protective of other surviving children. This over protection may border on the irrational. These feelings should be discussed and dealt with in a loving and considerate manner. Openness of communication and time help restore most basic trust.

### **Talking With Children About Death**

It is often difficult to know how much to tell a child about death, or whether or not they should attend the funeral. These are difficult decisions and should be given a great deal of thought. Many of the answers depend on the child's age, level of sensitivity, and relationship to the deceased. It is important to be straightforward, honest, and give facts. Below are a few suggestions on talking to children about death and understanding their grief:

#### **Birth to 2 years**

Infants and young toddlers cannot understand death. If a parent has died, they will sense the absence of that parent and the change in the emotional atmosphere at home. It is important to maintain a child's daily routine during this time. Children at this age are still learning to bond, so it is important to hold, play with, and nurture them.

### **Age 3-5**

Children at this age will sense something bad has happened. They are beginning to understand the basic meaning of death. They may ask questions and parents should answer them as simply and calmly as possible. If a child has previously experienced the loss of a pet, it may be possible to relate the two events. While no human being can be compared to a pet, relating the two may help the child understand the finality of this tragic event. Caregivers might say, "It's like when your puppy died, there is a time when things die."

Avoid statements such as, "you are too young to understand," since they can cause a child to feel insecure (Manning 1985). Caregivers should also avoid explaining the death by relating it to an "endless sleep." This can cause children to fear going to sleep. Caregivers must deal with a child's "what ifs" immediately. Young children may say, "if only I was good," or ask, "will mommy come back if I clean my room?" Explain to children that they are not at fault and there is nothing they can do to change the reality of the event.

Children at this age also may regress in their development, feel guilty, or have somatic complaints. Keep in mind, children at this age have difficulty expressing their feelings with words. It is helpful to have toys, paper, crayons, clay, markers, and dolls to allow children to play out or draw their feelings.

### **Age 6-12**

Children at this age will react similarly to younger children, but will ask more questions. Again, be honest and answer their questions in ways they can understand. However, the murder of a family member also provides adults with an opportunity to distinguish for the child the difference between natural death and violent death. Depending on the child's maturity, adults can explain to the child how, by society's rules, the murder is wrong, illegal, and punishable, and how from a religious point of view, it is bad or perhaps even contrary to God's wishes. These children should not be isolated from the family and left out of events surrounding the funeral. If isolated they may draw their own conclusions about the event. These conclusions may color their thinking and cause difficulties in years ahead. Children at this age may also act out the event and/or their feelings during play. This is normal due to their inability to express themselves verbally.

At this age, children may have feelings of guilt, which can result in assuming responsibilities for the death. Again, respond to these feelings immediately, assuring the child that his/her feelings, thoughts, and acts had nothing to do with the death. For example, a child may have secretly

wished his/her parent, friend, or sibling dead, and may now fear that wish caused the death. It is important to assure the child that they are not responsible.

Children at this age may experience anger, fear, nightmares, acting-out behaviors, and a decline in academic performance following a traumatic loss. These children may benefit from attending a children's grief support group. Also, children's books about death are available at bookstores and may be beneficial to grieving children.

### **Age 12-18**

By adolescence children have a more mature concept of death and its finality. Adolescents grieve much like adults. However, they may be reluctant to express their grief for fear of appearing abnormal or losing control (Sigelman and Shaffer 1995). Adolescents should be encouraged to talk about their thoughts and feelings in a safe, nurturing environment. Adolescents will relate death in their own terms, which may appear selfish to others, but it is their way of expressing the loss they feel. For example, they may talk of the vacation they will not get to take or the movie they won't get to see. These children should not be left out of the overall funeral process. To leave them out is not protective, and can create feelings of rejection and insecurity.



During this age, children are beginning to establish their identity and independence from their caregivers. A death may alter that development. In cases of the death of a parent, a child may attempt to take on an adult role to carry out the responsibilities of the dead parent. Children should be discouraged from doing this. They need to maintain an adolescent role and avoid jumping into an adult role too soon.

Furthermore, adolescents may act-out in response to the loss. Behaviors to look for include, but are not limited to, aggression, running away, substance abuse, sexual promiscuity, self-mutilation, suicidal thoughts, socially inappropriate behavior, negative peer association, decline in school performance, rebellion against authority, and school drop-out or truancy. Severe acting-out or showing no emotion may be an indication of depression or a cry for help. An adolescent support group or an individual counselor may be helpful for this age group.

Children of all ages should be encouraged to share their feelings and should have their questions answered truthfully up to the level of their understanding. With older children, parents may want to share their own feelings and beliefs.

Most importantly, children of all ages should be loved, touched, and supported. Children will pick up on the feelings of those around them. At all times, the special needs of a child should be considered and family members should be aware that the children are also grieving.

Help children avoid:

1. Insecurity during the funeral process. Days of preparation and a house full of people can create chaos and isolation.
2. Being excluded from the funeral process because adults are more comfortable with them absent.
3. Guilt—children also experience “If I had only . . .” thoughts.
4. Rejection—children are often lost in the crowd. Or parents are too overcome with grief to notice their confusion (Manning 1985).

Symptoms of childhood grief:

- Spending more time alone
- Rebellion
- Inappropriate anger
- Hyperactivity
- Running away from home
- Acting-out and getting into trouble (including sexual acting out)

- School failure, if previously successful
- Drug, substance, and/or alcohol abuse

If behaviors like these persist, families may want to seek the help of a professional counselor for the child.

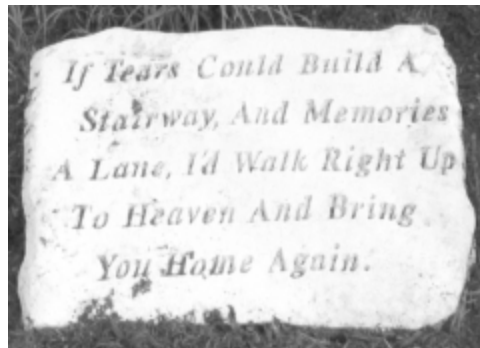
## Chapter 4 Religion

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At first I blamed God for this and couldn't understand—and still don't—why this happened to such a wonderful person and not to someone else.

*Kay, mother of a murder victim*

When the murder of a loved one leaves the survivors asking “why,” some turn to religion for the answer. An individual's religious background can provide answers or give some perspective to the situation.



However, the answers provided though religion can often increase the pain, anger, and confusion. While for some victims the tragedy solidifies and increases their faith, for others, a loss of faith occurs.

Common questions include: Why did this happen to me? What is God's purpose? Is this God's will? Will God punish the killer? Is God punishing me?

My church did me a great deal of harm when it insisted on telling me that this was God's will and I had to accept it. No questions asked. The attitude of the people in my church helped drive me away from God at a time when I needed God's strength most. On the other hand, several years later, a wonderful psychologist who also happened to be a part-time pastor at my new church, explored my feelings with me and helped me to rediscover the healing power of God's love. Religion was my downfall, but also my salvation. This experience revamped my faith. I have the faith of a child, one who sees no guarantees other than that God will not abandon you. I have a lot of arguments with people who insist that everything

happens for a reason or God is going to show you that this was a good thing. I am a cynical church member.

*Carla, sister of a murder victim*

Many people attempt to answer these questions with responses such as: The deceased is with God now; this is God's will; it will all work out according to God's plan; God will take care of it. While these comments might provide support to some, they most often deny suffering and grief and only increase pain.

My religion has had a very positive impact as my faith failed me only for a short while. It continues to sustain me... and comfort me, especially in the middle of the night when other sources are unavailable.

*Ellen, wife of a murder victim*

Following the murder of a loved one, the need to find an explanation for the death can prompt such beliefs as: "There is a reason beyond our understanding" or "there is no reason for this at all" or "it is a result of human freedom."

While there is no "satisfactory" explanation that will justify the murder of a loved one, there are several possible approaches a person might take to explain, from a religious standpoint, the existence of evil and suffering in the world.

Theologian T. C. Oden offers ideas on the existence of evil in the world:

1. Out of God's love, God allows for human freedom and human choice.
2. Because humans have freedom of choice, they can choose to do good or to do evil. Often this freedom is abused and misused.
3. God does not directly "will" evil and suffering. God intends for the good of all creation, though creation often ignores God's intentions.
4. God suffers with us and is first to cry with us.
5. Anger and doubt toward God are acceptable feelings for a person to work through.
6. Perhaps God works in ways that are more complex than people can grasp.

Victims may feel the need to discuss these issues and other questions and doubts with their clergy member. Families can also gain insight into the religious dimension of their grief by following these suggestions:

1. Talk with others who have experienced a similar situation.
2. Communicate with God, and honestly express anger, frustration, pain, dismay, and doubts.
3. Read scripture, particularly the lamentations of the Psalms.

Whether religion provides comfort to victims or merely makes things harder to understand depends on many things, including a person's basic religious beliefs and the response of church friends to the murder. Supportive clergy who allow family members to express feelings and even religious doubts can be a great help to the grieving family.



## Chapter 5 Advocacy and Support Groups

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I was leading a support group for families of murder victims when a new visitor started to say, “You just don’t understand.” He stopped before he finished his sentence. He knew those around him did indeed understand.

*Jerry H, author*

When I saw in those first weeks that mentioning my son’s death made my husband very uncomfortable and nervous, I knew I needed to find my emotional support somewhere else. That is when I sought out a homicide survivors support group. Finding other mothers who had lost a child to murder and understood what I was feeling helped me to know I was not alone and truly saved my sanity.”

*Jo Ann, mother of murdered son*

Family members of a murder victim may be confronted with a decision about whether or not to participate in support groups or advocacy organizations. While these groups may be helpful to many people, they are not for everyone.

Grief is highly personal, and the need to share emotions or experiences with others will be great for some people and small for others. It may also vary in the same person depending on where the person is in the recovery process.

### **Support Groups**

Join a victims group. They can offer you the emotional support you need that the general public cannot offer. You can hasten your healing by reaching out to others who suffered as much as you; therein lies your true healing!

*Ellen, wife of murder victim*

Support groups, which offer a bond with other families who have suffered similar losses, exist in most of the major cities across Texas. Participation in these groups has been encouraged throughout this manual because the evidence is strong that social support is significantly related to grief recovery.

Experience suggests, however, that some families may not feel ready to share their feelings in a support group for three months to a year. It seems to take this long to recover from the initial shock of the murder. Other families may want to attend immediately and to talk about their loved one. Some families may want to attend but only want to listen. Each family should respect their needs and travel at their own speed in coming and talking in a support group.

Support groups offer the following to family members:

- An arena to share where they are psychologically.
- An arena to talk about the loss of a loved one and his/her life.
- An opportunity to discuss legal cases and at what stage they are in the judicial system.
- Help in understanding how others have coped.
- Help in understanding how the police and the legal systems work.
- Support and understanding.

Unfortunately, it has been the experience of the author that some groups try to serve as both a support and an advocacy group. This is extremely difficult, and usually one function is not adequately fulfilled. For a new family member, raw with pain and grief, to enter a group where only political advocacy is dealt with can possibly make the person feel even more isolated and alone in his/her attempt to deal with his/her overwhelming emotions. It is very important to find out the function of the group and fit the group to your family's needs.

### **Advocacy Groups**

Advocacy organizations, groups devoted to making changes in the criminal justice system, also are on the rise. These groups can offer families a healthy way to vent the anger, guilt, and frustration they may feel at the slowness of the judicial process or the early release of prisoners. In Texas, these groups have made great strides in changing

the laws to help keep perpetrators incarcerated and give families of murder victims a voice.

Family members should carefully consider their own needs as well as the goals of the organization before joining. Participation may be highly beneficial for the families and individuals involved. Many members progress from needing the help of the group to helping others who face the same issues. The seasoned group members understand the new comers and both benefit. Helping itself is therapeutic.

However, it is not unheard of for individuals to become stuck in their grief as a result of letting advocacy issues and support organizations consume their lives. Families should never feel pressured to join a group and should never feel guilty about leaving a group when their need for it has been satisfied.

The goal for families should be one of acquiring and maintaining a healthy perspective about themselves and on the tragedy they've experienced.

I would encourage you to get help through a victims group and/or counseling. I could not have survived alone.

*Steffenie, wife of murdered husband*

It is not an exaggeration to say that meeting with other victims has completely alleviated the feelings of isolation I have felt since the murder.

*Carla, sister of murdered sister*

## Chapter 6 Process of Recovery

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I hate the words *closure, healing, recovery*. You close doors and windows; you don't close the life and death of your child. What does healing and recovery mean? I have a huge hole in my heart and in my soul that will never heal. I have just learned to build a new life and a new "normal" around that huge hole that will always be there.

*Jo Ann, mother of murdered son*

When a loved one is murdered, the act is so violent and permanent that it is truly difficult to believe that person is dead. However, before family members can begin the process of recovery, the reality that their loved one is dead must be faced.

### **Fantasies**

There is a part of the mind in which people never die and there is no progression of time. Sigmund Freud called this part of the mind the unconscious. Even though a loved one is dead, an individual can dream of the person or even "see" that person in fantasy, or the "mind's eye." The fantasies can be a comfort or an intense pain, depending upon the attitudes and beliefs of the grieving individual. This part of the mind can keep the loved one "alive," so to speak, and greatly prolong the grief period. It can also be a source of fond memories, and as such, a comfort.

During the initial shock of the murder, it may be difficult to accept the death because the experience seems so crazy and so unreal. The loved one is still "seen" in the mind's eye. The grieving survivor's unconscious expects the deceased to walk in the door or drive up in the driveway. Viewing the body of a loved one or visiting the gravesite is important in the process of coming to accept that the individual is actually dead.

### **Breaking Out of Isolation**

As time passes, it is important for families to talk about the loved one. It is especially important to do this on birthdays, holidays, and important dates. To outsiders this may seem to be causing more grief

and pain, but those images and memories are already in the mind and they need to be brought out. To not confront them is to create isolation.

A common feeling families of murder victims have is that people do not care and do not understand, and indeed, most do not understand. However, it is very important to break out of this isolation, to find and identify and talk with those individuals. This is one of the goals of a group of families of murder victims. These families truly understand.

Believe people when they tell you it will get easier. It never, never, goes away, but it does get easier to bear. When people first told me that, I wanted to scream!

*Kay, wife of murdered husband*

### **Finding Meaning**

Through the darkness slowly comes dawn. In the process of redefining their lives, grieving individuals will gain a new realization of the meaning the deceased brought to their lives. Family members tend to identify with loved ones. These loved ones become part of their self-concept and bring meaning to their lives. When a loved one is lost it may seem to family members that they have lost a part of themselves. The mourner may feel empty and hollow. Life does not mean what it used to.

Recovery, for the family member of a murder victim, means to redefine the family, the future, and their individual lives.

Nothing helps except time! I have taken the last 18 months to turn inside myself and become acquainted with *my* truth.

*Karon, mother of a murder victim*

Life is not the same following a murder, and it never will be the same. What seemed so very important before may not be important at all now. It is difficult to face questions such as: “What does life mean now?” “What is there to live for?” It may be important to “talk” with the loved one at the gravesite or in prayers or to write the loved one a letter. All of these are okay (they do NOT indicate craziness) and are attempts to redefine life in light of the missing loved one. This redefinition is painful and, at times, slow.

## **Getting Better**

An indication that individuals are getting better is when they allow themselves to laugh. Initially in a support group, the new members are unable to laugh. When they do laugh, they feel guilty, as if they should not enjoy their life anymore because their loved one is gone. Slowly, mourners will begin to be able to laugh and smile. Their lives will never be the same, but as they redefine “normal” they will be able to go on with new meaning.

## SECTION II The Criminal Justice System

### Chapter 7 Understanding Police Investigation and Bail Bond

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Following the initial shock and trauma of murder, families find they must communicate with several organizations that are working on resolving the crime. Most families have never before dealt with the police, the coroner's office, the district attorney's office, the courts, the prison system, or the parole board.

This can be frustrating if families do not understand how these organizations function. In order to promote understanding between the families of murder victims and these organizations, brief descriptions of how they function have been included. Descriptions are generally accurate for counties in Texas, but may vary somewhat from rural to urban areas.

#### Police Investigations

When a murder occurs, the police department is usually the first called and first on the scene. Initially the police try to preserve evidence, which may later be used to prosecute the murderer. In addition to collecting evidence, it is the duty of the police department to make arrests and file a case against the arrested suspect.

At the crime scene, the police will generally take photographs, and confiscate materials, objects, and personal effects that might aid in the investigation. Families who want these items returned may contact the victim's assistance coordinator (See Chapter 9) or the detective assigned



to the case, and materials can usually be released within a week. However, some articles may remain in police custody as evidence until the case has been tried. Families should be aware that the police department is not responsible for cleaning up the site of the murder. Families can call on friends or cleaning services for this unpleasant task or the victim coordinator may help with referrals.

There is no way to predict how much time the police investigation will take or to whom the detectives will need to talk. The detective will continue working on the case as long as there is workable information. He/she will monitor this case and attempt to tie it in with any other similar cases or with ongoing criminal activity. The goal is locating and arresting the murderer. The victim coordinator will help with understanding or coping with this process.

To obtain information from the police department, individuals should contact the victim coordinator assigned to the case or, if he/she cannot be reached, contact the detective, the unit sergeant, or the division lieutenant. They are available to answer questions and help in any way possible, within police department guidelines and within the law.

The report made by the patrol officer at the scene of the crime can be obtained by family members and other interested parties through the records division of the police department. The investigation file, made by the police department detectives, is not public information.

One member of a family should act as a liaison with the police department, although all members of the immediate family are welcome to call the victim coordinator to obtain information regarding the case. Families are welcome to make appointments to visit the police department and discuss the case. Families also are encouraged to contact the police department directly if they believe they have any information that might be important to the case. If families are having problems or concerns with the manner in which their case is being investigated, they should contact the victim coordinator or the immediate supervisor of that particular division of the department and see if the problem can be resolved.

Prior to filing any court case, the police department will handle any questions regarding the case or investigation. After an arrest has been made, the case will be filed with the district attorney's office, and families of victims should refer their questions there. The prosecutor directly involved with the case and the victims' assistance office (if there is one available in the county) at the District Attorney's Office are the most appropriate channels for questions.



## **Family and Police Communication**

When families of murder victims and the police interact, both should strive to understand the psychological difficulties facing the other and use patience as a guiding force in their relationship. For instance, the family is in a state of shock. They are confused and angry. They may see the police as indifferent and non-caring and may, in return, respond with anger.

Likewise, families need to understand that police officers are human beings, and they also have feelings. Although police officers often develop distant, cool, professional mannerisms, this does not necessarily mean they do not care about their jobs or the victims of a crime. It is merely a coping mechanism they adopt to prevent them from becoming overwhelmed by traumatic situations.

## **Bail Bond**

After an arrest, the suspect is taken before a justice of the peace or judge and bail is set. Bail is the amount of money the defendant must pay if he/she fails to appear for trial.

Survivors often dislike the guidelines considered when bail is set. For example, bail cannot be based on the assumption that the suspect might commit another crime. However, it can be based on the severity of the crime and whether or not the defendant will likely be present for the trial. The likelihood that he/she will commit violence against the same victim may also be considered. In general, bail is set at a level high enough to ensure the defendant's appearance in court, but low enough not to be oppressive.

After bail is set, the suspect normally has the opportunity to use an attorney or licensed bail bondsman to post a bond with the sheriff. This bond, which can sometimes be a cash percentage of the original bail amount or a written statement, is an assurance that the accused will appear for trial—or the bail bondsman is liable to pay the full amount of the bond.

The state of Texas publishes a bail bond schedule that specifies an amount of bail for the average case depending upon the category of the crime. The judge and the district attorney in each county use this recommendation. However, schedules may vary from county to county depending upon local judgment.

The bail schedule recommended by the Tarrant County Criminal District Attorney's office:

Capital Felonies	No bond if a Constitutional hearing is to be held within seven days, otherwise, \$100,000
Aggravated Robbery	\$25,000
Other Felonies of 1 <sup>st</sup> degree	\$10,000
Felonies of the 2 <sup>nd</sup> degree	\$5,000
Burglary of Building	\$2,000
Felonies of 3 <sup>rd</sup> degree	\$1,000
<i>State Jail Felonies</i>	\$750
Misdemeanors, Class A or B	\$500

This is a minimum schedule and is increased if 1) the defendant has a record of prior convictions, 2) the facts show it is a particularly aggravated case, or 3) there are other reasons that the accused is unlikely to appear for trial under normal bail, i.e., fugitive from justice, escapee, parolee, probationer.

If the defense attorney thinks the bond is too high for the type of crime a client has committed, the attorney can request a bond hearing before one of the criminal district judges. If the judge agrees with the attorney, the bond can then be lowered. If bond is lowered or if the suspect can pay the bond, he/she may then be released from jail. A suspect who is able to pay a substantial bail bond is generally not permitted to have a court-appointed attorney, but this decision is left up to a judge.

## Chapter 8

### Understanding the District Attorney's Office

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Most families of murder victims have an intense desire to see that justice is served and that the murderer is prosecuted to the fullest extent of the law. However, families of murder victims are not directly involved in the criminal lawsuits filed against murderers. It is the role of the state to prosecute the murderer, and the district attorney has the duty to pursue charges against the person responsible for having committed the crime.

Once the accused person has been charged with the crime, he/she becomes known as the “defendant.” The district attorney's office becomes the “prosecutor.” Rules that govern the actions of the district attorney are specifically spelled out by law and must be strictly followed. Families of murder victims, who often want instant justice and stiff sentences, tend to be frustrated by these rules—but the proper guidelines must always be adhered to.

#### **Working With the District Attorney**

Many families discover the criminal justice process to be slow, unresponsive and, in general, insensitive to their needs and to the memory of their loved ones. Frustration often results from a seeming lack of progress in the case. Families often feel angry with the district attorney because of things said in the courtroom.

Families need to realize that the prosecuting attorney assigned to their case is working for them, not against them. The goal of every prosecuting attorney is the successful prosecution and punishment of the defendant. However, each attorney has a number of serious cases assigned to him/her at any given time and must devote time to each to see that justice is done.

Families are welcome to discuss the case with the attorney, but the victim assistance coordinator in large counties has more time available to assist the family and is probably a more appropriate person to answer the family's questions (See Chapter 9).

In my ten years with the district attorney's office, I have met the most amazing people in the worst circumstances of their life. Their courage and strength are testaments to the memory of their loved one. I only wish I had more time to get to know each of them. But at the end of one

case, there is always another family who is hurting and needs my help, and I must be there for them as well.

*Christy Jack, Assistant District Attorney*

## **Understanding the District Attorney's Office**

After the police department has a suspect in custody and the investigation is completed, the district attorney's office is consulted to determine whether or not the case should be prosecuted. The "intake section" is particular branch of the district attorney's office devoted to making this decision.

The intake section screens cases submitted by the police agencies to determine if there is probable cause to justify filing the case. Once filed, additional investigation is sometimes required. In the case of felonies, the intake section also determines whether a case should be sent directly to the grand jury instead of filing the case with the district attorney's office.

Generally, the district attorney's office will not review a case for filing unless the police have met one of the following requirements:

1. The defendant was arrested at the time the crime was committed.
2. The defendant was arrested under lawful circumstances for another crime.
3. The police arrested the defendant after obtaining a probable cause warrant.

If these guidelines were not followed, the attorney handling the defect for the district attorney's office should discuss these problems with the filing officer. Additional investigation could possibly eliminate these flaws.

Guidelines used by the filing attorney to screen cases include:

- A criminal offense has been committed, and classification and identification of the crime has been made.
- All elements of the offense can be proved through admissible evidence that is outlined in the case report submitted for filing.
- The crime date is known.
- The place where the crime was committed (to establish proper venue) is known.
- The person or persons charged with the crime actually committed the crime.
- The evidence as to the identity of the person charged is admissible.

- Probable cause exists for a traffic stop, arrest, search, or seizure.
- Other admissible evidence corroborates accomplice testimony.
- Recovered property can be identified as the same property that was originally reported as stolen.
- Any written confession was obtained as the result of a lawful arrest or search.
- The confession is specific enough to convict the person of the crime with which he/she is charged.
- The value and identity of stolen property or property damaged or destroyed by criminal activity is properly established through admissible evidence.
- Injured parties are properly identified.
- An oral confession reveals information that results in the subsequent recovery of stolen property or evidence of the crime.
- Testimony of witnesses is admissible, competent, and will aid in establishing the guilt of the accused.
- Guilt of the accused is properly established.
- Lack of effective consent of the injured party is established where necessary.
- Probable cause arrest warrants and search warrants are based on proper affidavits and meet necessary guidelines.
- The accused is in custody at the time of filing or has been released on bond or to his/her attorney for subsequent surrender.
- A magistrate has determined probable cause for continued detention of the defendant.

When these requirements have been satisfied, the district attorney's office can proceed with filing of the case with the grand jury.

### **Grand Jury**

The types of cases presented directly to the grand jury are those where either the person committing the crime or the facts surrounding the crime are in doubt, so the defendant has not been arrested. The grand jury is composed of 12 citizens, who determine if there is enough evidence to prosecute the case. If there is sufficient evidence, the suspect is indicted for the crime. If there is not enough evidence the suspect is "no billed" and will be released. If the suspect is indicted, the case will be assigned to a court and placed on that court's docket.

### **Murder versus Capital Murder**

Some people believe that all murders are capital murders. However, the legislature distinguishes murder from capital murder. Murder is defined as the intentional taking of another life. Capital murder requires that the murder occur in the course of committing or attempting to commit another felony, such as kidnapping or sexual assault. Capital murder can also occur when a police officer or a child under the age of six is killed or two or more people are killed in the same criminal episode.

The penalty range for murder can be as little as five years and as much as a life sentence in the penitentiary. If a defendant has never been convicted of a felony, the jury may have community supervision before them as an alternative.

Capital murder carries either a life sentence or the death penalty as a possible punishment. However, the death penalty is not sought in every capital murder case. The district attorney's office will decide whether or not to seek the death penalty after a thorough evaluation of the case.

### **Plea Bargaining**

The District Attorney's office has the option to strike a plea bargain with a defendant prior to a case coming to trial. Plea bargaining has a negative connotation, but in reality, it is often a very efficient tool in moving cases through the court.

For example, Tarrant County has only nine district courts to conduct jury trials for felony crimes. Realistically, even under good conditions, nine courts could only try 300 cases per year. However, in Tarrant County the grand jury was expected to return more than 8000 felony indictments in the year 2000, meaning that there was no possibility of bringing even five percent of the felony cases before a jury. The remaining 7,600 or so cases must be handled in some way, and that usually is through plea bargaining. All large counties, and many smaller ones, face the same case overloads in the courts.

After a criminal indictment, a trial attorney reviews the evidence, based upon experience with actual jurors from the community, and estimates what a jury would do with the case if they heard it in a trial setting. Questions considered include "Would the jury convict the accused?" and "If so, what punishment would the jury be likely to assess?"

The prosecution and the defense must negotiate the sentence based upon what their experience indicates that a jury would do. When negotiations fail and the case goes to trial, juries occasionally give a much harsher punishment than the state expected; sometimes they are

more lenient than anyone would have predicted; and sometimes they even acquit the defendant.

In Texas, defendants have the right to have the jury set punishment, unless they state in writing that they want a judge to determine punishment. The standard used to determine what a case is “worth” for plea bargaining purposes is based on the punishment previously decided upon by the average county jury. Therefore, the punishment imposed by a jury in one trial will affect the disposition of many other cases in which a plea bargain is ultimately reached.

There is a popular misconception that plea bargaining means the defendant always gets community supervision or that a felony case is always reduced to a less serious charge. This is not true. Occasionally a defendant will receive a probated sentence as a result of plea bargaining because the prosecutor knows that a jury usually would give probation in similar circumstances. While some felonies are reduced to lesser status, that is the exception rather than the rule. Generally, if a prosecutor believes that a jury would send a defendant to the penitentiary, then the plea bargaining offer will be consistent.

In Texas courts, there are also checks and balances in the plea bargaining system. The prosecutor can recommend a certain punishment to the judge, but it is the judge who makes the final determination, and he or she may reject the agreement if it is found to be unfair either to the people or to the accused.

Plea bargaining offers major advantages for the prosecution and ultimately the public. With certain rare exceptions, a plea of guilty arising out of a plea bargain cannot be appealed. This means the public is guaranteed that the defendant will “stay guilty” and serve his/her sentence. A jury trial can be a very technical process. There is always the chance of error that might entitle the defendant to a new trial—perhaps years later when the evidence or witnesses have disappeared.

## **Attending the Trial**

Attending a criminal trial can be a very difficult and emotional experience. Families of victims should know what to expect prior to attending a trial *Spectators, especially family members of the murder victim, need to be aware that photos of the victim, crime scene, and autopsy will probably be shown, and a detailed description of the crime will be told to the jury.*

In addition, the defense attorneys often will try to discredit the deceased or smear his/her credibility to aid the defendant. Families need to be aware of this and determine what they can and cannot reasonably endure.

As spectators, families of both the victim and the defendant are expected to avoid impacting the trial. They must control their emotions and must avoid direct participation in the trial. Families and friends of the victim should not have any contact with the jury and should avoid contact with any of the witnesses. Spectators should follow the judge's instructions to the jury. If these guidelines are followed, families and friends will help to prevent a mistrial from occurring.

All questions or comments families have should be directed to either the victim's assistance office, if one exists, or the district attorney's office.



## Chapter 9 The Victim Assistance Program

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Families of murder victims and victims of direct assault suffer numerous losses through victimization. The victims and families need help at this critical time. All police departments in Texas are required to have a victim's assistance office or a victim's coordinator. Texas counties with populations over 150,000 are required to have a victim's assistance coordinator in the district attorney's office who provides support and assistance to the victims in the time of crises.

The purpose of the victim's coordinator is to support the crime victim or his/her family through the police investigation, to inform and help as the case progresses through the criminal justice system, and to refer the victim/family to other social agencies as necessary.

The coordinator can also accompany victims to trial, locate childcare, assist with the return of property, and furnish victims/families with financial assistance forms.

Victim's Assistance is usually found in both the police department and the district attorney's office. The police department's office (smaller departments may only have one victim's coordinator) will assist the family with the police investigation, claiming the body from the coroner, coping with trauma throughout the investigation, and filing for possible compensation for hospital and funeral expenses. The office in the district attorney's office will help the family understand the legal process. The purpose of these offices is to help the victim and the families of murder victims. They may be of assistance in the following areas.

1. Crisis Intervention
2. Filling out victim compensation forms
3. Dealing with the investigations through the police and district attorney's offices
4. Dealing with the medical examiner's office
5. The release of the body
6. Understanding the legal process
7. Filling out victim impact forms
8. Provide victim's rights information

## **Financial Assistance**

Under the Crime Victim Compensation Act, the Texas family of a murder victim has rights to receive financial compensation for certain losses and expenses caused by the murder. This compensation may cover:

1. Loss of earnings or wages.
2. Medical or hospital bills resulting from victimization and not covered by insurance.
3. Transportation of the body (at times to foreign countries).
4. Assistance for childcare to enable a spouse to work.
5. Counseling.
6. Funeral expenses not covered by insurance.

Compensation for pain and suffering are not covered. Property stolen or damaged is not covered. Benefits will be denied if:

1. The crime is not reported.
2. The victim knowingly and willingly participated in the crime.
3. The person or family making the claim did not suffer financial hardship from the crime.
4. The assailant or accomplice will benefit.

An application for compensation must be filled out completely and correctly in order to receive financial assistance. The form should be available at all district attorney offices and all police departments, or the family can call the Texas Crime Victim Resource and Referral Line or the Attorney General Crime Victim Compensation Line. Check the appendix for current phone numbers.

When filling out the form:

1. Fill in every blank. Use NONE or N.A. when there is no information or the information is not applicable. (Leaving questions blank will delay the application.)
2. Use the police report number, which can be obtained from the investigating police department.

## Chapter 10

### Understanding Prison and Parole Rules

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The Board of Pardons and Paroles determines who will be paroled from prison. The board's decision is final and is not reviewed by the governor or any other authority. Prisoners are not eligible for parole, however, until they have been in prison for a certain period of time. This period of time can be increased by "good time," which is the practice of giving a prisoner bonus days for good conduct. Good time is not counted toward eligibility for parole for generally violent offenses or those in which a deadly weapon was used.

Chapter 42 of the Texas Code of Criminal Procedure governs the period of time a prisoner must serve before becoming eligible for parole. This code states that when an individual has served 30 years in prison, or one-half of the sentence (whichever is less), he/she is eligible for parole depending on the date of the offense.

The Board of Pardons and Paroles (BPP) is composed of 18 full time members who are resident citizens of the state of Texas. BPP members are appointed by the governor and serve six-year terms. Names of the current BPP members and parole commissioners can be obtained by writing or calling:

Board of Pardons and Paroles  
8610 Shoal Creek Blvd.  
P.O. Box 13401, Capitol Station  
Austin, Texas 78711  
(512) 406-5202

### Prison Terms

It is important that victims be aware of what a sentence means in Texas. The fact that an inmate may be released on parole or mandatory supervision before he serves his entire sentence can intensify a family's pain and grief.

*It is also very important to note that these laws can be amended or changed at any time by the legislature of Texas.* For the most current information families may call the Texas Crime Victim Resource and Referral line (see glossary).

The Texas Code of Criminal Procedure states that, if a defendant is serving a sentence for offenses listed under Article 42.12, Section 3g(1) or (2)(a), Texas Code of Criminal Procedure, he is not eligible for release

or parole until his actual calendar time served, without considering good-conduct time, equals one-half of the maximum sentence, or thirty calendar years, whichever is less, but in no event shall he be eligible in less than two calendar years if the offense occurred after September 1, 1993.

Offenses listed under that section include murder, capital murder, aggravated robbery, aggravated kidnapping, aggravated sexual assault, sexual assault of a child, indecency with a child, and any felony offense where the defendant used or exhibited a deadly weapon during the commission of or in immediate flight from the offense, and the State’s pleadings gave the defendant notice of that fact.

For example, when a defendant is assessed a “life sentence” in prison for murder, he/she will not be eligible for parole for thirty calendar years. In other cases, an inmate may earn good-conduct time for good behavior and diligent participation in work, agricultural, or educational programs. The amount of good-conduct time that an inmate may earn is dependent on his/her classification at the Texas Department of Criminal Justice (TDCJ). Below is a table listing TDCJ classifications, the maximum amounts of good-conduct time that can be earned, and the total time credit for inmates serving sentences for “calendar time” offenses of which they have been convicted.

Inmates whose offenses were committed prior to September 1, 1987, earn good conduct time as follows:

<b>Classification</b>	<b>Maximum Time Earned</b>	<b>Total Time to Credit</b>
Trusty I, II, and III	45 days for each 30 served	75 days
Trusty IV	40 days for each 30 served	70 days
Class I	20 days for each 30 served	50 days
Class II	10 days for each 30 served	40 days
Class III	0 days for each 30 served	30 days

Inmates classified as trusty can earn an additional five to 15 days of good conduct time per month for completing a vocational or educational program while in prison.

Inmates whose offenses were committed after September 1, 1987, earn good conduct time as follows:

<b>Classification</b>	<b>Maximum Time Earned</b>	<b>Total Time to Credit</b>
Trusty I, II, and III	30 days for each 30 served	60 days
Trusty IV	25 days for each 30 served	55 days
Class I	20 days for each 30 served	50 days
Class II	10 days for each 30 served	40 days
Class III	0 days for each 30 served	30 days

Inmates classified as trusty whose crimes were committed on or after September 1, 1987, can earn an additional 15 days of good conduct time per month for completing a vocational or educational program while in prison.

The fact that the earning of good-conduct time may significantly reduce the number of years that an inmate spends in prison relative to his sentence can be very disconcerting for the family of a murder victim.

The Texas Department of Criminal Justice-Victim Services Division, Victim Notification will inform the family of the murder victim any time during the parole process, if requested to do so in writing. The written request must include the inmate's TDCJ number, available from the local district attorney's office or from TDCJ-Victim Services (800-848-4284; or 512-406-5424). Family members also may request to appear before the BPP.

The BPP is instrumental in the following actions concerning inmates in the Texas Department of Criminal Justice:

1. Full pardon and restoration of rights of citizenship
2. Conditional pardon
3. Reprieves
4. Reprieves of execution
5. Commutation of sentence
6. Remission of fines and forfeitures
7. Restoration of driver's license
8. Parole process
9. Terms and conditions of parole
10. Restitution
11. Revocation of parole/mandatory supervision

12. Reparole after revocation
13. Reinstatement
14. Standards and certification procedures for community residential facilities

### **Victim Impact Statement**

In the Victim Impact Statement (VIS), the family of the murder victim records the impact suffered as a result of a crime. Direct victims and families of murder victims can participate in the criminal justice process through the use of the information contained in this document. The Victim's Assistance Coordinator in the District Attorney's office provides the VIS to direct victims and victims' families. It is important to fill out the VIS as soon after the crime as possible and return it to the Victim's Assistance Coordinator.

Victims and their families should document the following areas:

- Economic loss suffered: This provides information about the amount of restitution that the prosecution may request as part of the sentence.
- Physical or psychological injury suffered.
- Psychological services requested as a result of the offense.
- Any change in personal welfare of the family due to loss of spouse or parent (and loss of the support and income) resulting from the offense

The prosecutor will use this information when presenting the case to a jury, and the judge will refer to it before imposing a sentence. Therefore, it is important to disclose how the crime initially impacted the life of the family or the direct victim and how it continues to impact it. Family members should include a statement as to whether or not they wish to be notified of future parole reviews.

The District Attorney keeps the VIS in a confidential file until the case goes to trial where it is used during the punishment phase. Since many cases end with a plea bargain, the judge must consider the statement before accepting a plea bargain.

If the defendant receives community supervision (probation), the community supervision officer will have access to the VIS for notification purposes. However, safeguards are in place at all levels of the criminal justice process to keep information confidential.

If the defendant is sentenced to prison, the commitment papers, including the VIS, are sent to the Texas Department of Criminal Justice

(TDCJ) Institutional Division. The TDCJ Victim Services Division maintains a confidential victim database and information from the VIS is entered into that database. If requested, letters are automatically generated to notify the families of murder victims and direct victims about parole review, Board actions, and release. The TDCJ Victim Services Division places the VIS and information submitted by families of murder victims and direct victims in the parole review file for consideration by the Board of Pardons and Paroles (BPP) at the appropriate time.

## SECTION III Victim's Rights

### Chapter 11 The Media

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I think at times we don't take into consideration what these people have been through. There's a pressure there, someone breathing down your back to go out and get that story, get that interview. We should be more sensitive to these people's feelings. Sometimes, I think we're a bit too aggressive.

*A TV cameraman, during  
"Crime Victims & The News Media,"  
a National Symposium sponsored by Texas Christian  
University and the Gannett Foundation.*

Family members of murder victims will inevitably have to face detailed accounts of their tragedy in the newspaper, or television, and radio. The media often sensationalize this type of crisis and will revive the story during the trial, capture, or confession of the criminal. The publicity often adds to the intense pain and suffering of the survivor-victims.

My brother's murder was front-page news because it was a horrible crime that even the press could not rationalize. Both the newspaper and local television stations printed and broadcast news about the murder before our family was notified by police. We felt stripped of our privacy and were made to realize this tragedy "belonged" to the media.

*Carla, sister of murder victim*

While many families feel victimized by the media, it is important to note that the media can play an important role in expediting the judicial process and educating the public. In other cases, the media can be helpful in expediting the police investigation by "pressuring" officials into action by high profile publicity.

Ed and Laurie, whose missing son was later found murdered, say the media helped gain public awareness when their son was missing. The



family also said the media helped them personally by reporting “how wonderful he was and what a loss his death was to everyone.”

In cases where the perpetrator is not caught, the survivors have no one to direct their anger toward. Representatives of the media may become the targets for some of this anger, especially if victims feel they have not been treated well or their stories have not been told correctly. While there are some unethical and unscrupulous reporters, it must be



recognized that the media is a group of people trying to do a job. Although reporters are trained to report the news in an unemotional way, many times they, too, are overwhelmed by the cruelty of the situation.

One family re-ported that area newspapers and television crews were at their home the day they were notified the mutilated body of their son was recovered. Politely, the reporters turned off their cameras and quietly left. Later, one of the reporters commented he was too emotionally overwhelmed to remain. This family felt the experience was an example of “ethical journalism and human compassion.”

The newspaper called on the day of the funeral. I hope I didn't say the wrong thing. This was a day I don't remember much. I was very mad, couldn't find peace anywhere! Sad, sad day to be talking to the newspaper.

*Barbara, mother of murdered teenager*

Almost everyone is familiar with the media's right to freedom of the press. However, it should be recognized that victims also have rights when dealing with the media. Families of murder victims should be aware of these rights and not be afraid to exercise them. The following information, reprinted with permission of the Sunny Von Bulow Victims Center, spells out a victim's rights with the media:

## **Victims' Rights and the Media**

### **You have the right to say no to an interview.**

Never feel that because you have unwillingly been involved in an incident of public interest that you must personally share the details and/or your feelings with the general public. If you decide that you want the public to be aware of how traumatic and unfair your victimization was, you do not automatically have to give up your rights to privacy. By knowing and requesting respect for your rights, you can be heard and yet not violated.

### **You have the right to select the spokesperson or advocate of your choice.**

Selecting one spokesperson—especially in multiple-victim cases—eliminates confusion and contradictory statements. You also have the right to expect the media to respect your selection of a spokesperson or advocate.

### **You have the right to select the time and location for media interviews.**

Remember, the media are governed by deadlines. However, nobody should be subjected to a reporter arriving unannounced at the home of a victim. When you are traumatized, your home becomes your refuge. If you wish to protect the privacy of your home, select another location such as a church, meeting hall, office setting, etc. It helps if you are familiar and comfortable with the surroundings.

### **You have the right to request a specific reporter.**

As a consumer of daily news, each of us identifies with or respects a reporter whom we may never have met. We often form personal opinions about reporters whom we feel are thorough, sensitive, compassionate, and objective. If a newspaper, radio station or television station contacts you for an interview, don't hesitate to request the reporter you feel will provide accurate and full coverage of your story.

### **You have the right to refuse an interview with a specific reporter even though you have granted interviews to other reporters.**

You may feel that certain reporters are callous, insensitive, uncaring, or judgmental. It is your right to avoid these journalists at all costs. By refusing to speak to such reporters, you may help them recognize their shortcomings in reporting victim-related stories. However, recognize that the reporter may write the story regardless of your participation.

**You have the right to release a written statement through a spokesperson in lieu of an interview.**

There may be times when you are emotionally incapable of speaking with the media, but you still wish to express your point of view. Writing and distributing your statement through a spokesperson allows you to express your views without personally granting interviews.

**You have the right to exclude children from interviews.**

Children already suffering from the trauma of crime are often retraumatized by exposure to the media. Children often lack the means to verbalize their emotions and may be misinterpreted by both the media and the public. You have a responsibility to protect the interest of children at all costs!

**You have the right to refrain from answering any questions with which you are uncomfortable or that you feel are inappropriate.**

You should never feel you have to answer a question just because it's been asked.

**You have the right to know in advance what direction the story about your victimization is going to take.**

You have the right to know what questions reporters will ask you, along with the right to veto any question. This places you in a partnership with the reporter who is covering the story.

**You have a right to ask for review of your quotations in a storyline prior to publication.**

Articles are reviewed and revised by editors who have neither seen nor spoken to you. All too often, victims' statements and the intended impact of their remarks are misinterpreted or inaccurate. To protect your

interest and the message you wish to convey, you have the right to request a review of direct quotations attributed to you in the storyline.

**You have the right to avoid a press conference atmosphere and speak to only one reporter at a time.**

At a time when you are in a state of shock, a press conference atmosphere with numerous reporters can be confusing and emotionally draining. If a press conference is absolutely unavoidable, you have the right to select one reporter to ask questions for the majority present.

**You have the right to demand a retraction when inaccurate information is reported.**

All news media have methods of correcting inaccurate reporting or errors in stories. Use these means to correct any aspect of media coverage that you feel is inaccurate.

**You have the right to ask that offensive photographs or visuals be omitted for airing or publication.**

If you feel that graphic photographs or visuals are not the best representation of you or your loved one, you have the right to ask that they not be used.

**You have the right to conduct a television interview using a silhouette or a newspaper interview without having your photograph taken.**

There are many ways for reporters to project your physical image without using your photograph or film footage of you, therefore protecting your identity.

**You have the right to completely give your side of the story related to your victimization.**

If you feel that a reporter is not asking questions which need to be addressed, you have the right to give a personal statement. And if the alleged or convicted offender grants interviews that are inaccurate, you have the right to publicly express your point of view.

**You have the right to refrain from answering reporters' questions during the trial.**

If there is any chance of jeopardizing your case by interacting with the media during judicial proceedings, you have the right to remain silent.

**You have the right to file a formal complaint against a reporter.**

A reporter's superior would appreciate knowing when his or her employee's behavior is unethical, inappropriate, or abusive. By reporting such behavior, you will also protect the next unsuspecting victim who might fall prey to such offensive reporters or tactics.

**You have the right to grieve in privacy.**

Grief is a highly personal experience. If you do not wish to share it publicly, you have the right to ask reporters to remove themselves during times of grief.

**You have the right to suggest training about media and victims for print and electronic media in your community.**

Resources are available to educate media professionals about victims, how to deal with victims, and how to refrain from traumatizing victims. You will be suggesting a greatly needed public service to benefit not only victims and survivors, but all members of the community who interact with the media.

**You have the right at all times to be treated with dignity and respect by the media.**

## Appendix A Texas Crime Victim Rights

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A victim of a violent crime is someone who (1) has suffered bodily injury or death or who has been the victim of a crime involving sexual assault, kidnapping, or aggravated robbery, (2) the close relative (spouse, parent, brother/sister, or adult child) of a deceased victim, or (3) the guardian of a victim. **As a victim of violent crime, close relative of a deceased victim, or guardian of a victim, you have the following rights:**

1. The right to receive from Law Enforcement Agencies adequate protection from harm and threats of harm arising from co-operation with prosecution efforts;
2. The right to have the magistrate take the safety of the victim or his family into consideration as an element in fixing the amount of bail for the accused;
3. The right, if requested, to be informed of relevant court proceedings and to be informed if those court proceedings have been cancelled or rescheduled prior to the event;
4. The right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process;
5. The right to provide pertinent information to a probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
6. The right to receive information regarding compensation to victims of crime as provided by Subchapter B, Chapter 56, including information related to the costs that may be compensated under that Act, the amount of compensation,

eligibility for compensation, and procedures for application for compensation under that Act, the payment for a medical examination under Article, 56.06, of this code for a victim of sexual assault, and when requested, to referral available social service agencies that may offer additional assistance;

7. The right to be informed, upon request, of parole procedures, to participate in the parole process, to be notified, if requested, of parole proceedings concerning a defendant in the victim's case, to provide to the Board of Pardons and Paroles for inclusion in defendant's file information to be considered by board prior to the parole of any defendant's release;
8. The right to be provided with a waiting area separate or secure from other witnesses, including offender and relatives of the offender, before testifying in any proceeding concerning the offender; if a separate waiting area is not available, other guards should be taken to minimize the victim's tact with the offender and the offender's relatives, witnesses, before and during court proceedings.
9. The right to prompt return of any property of the victim that is held by a law enforcement agency the attorney for the state as evidence when the property is no longer required for that purpose;
10. The right to have the attorney for the victim notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of a victim from work for good cause;
11. The right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any probable causative agent of AIDS, if the offense is an offense under Section 21.11(a)(1), 22.011, or 22.021 of the Penal Code.

b. A victim is entitled to the right to be present at all public court proceedings related to the offense subject to the approval of the judge in ?

c. The office of the attorney representing the state, and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is afforded the rights granted by Subsection (a) of this article and, on request, an explanation of those rights.

d. A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article. The failure or inability of any person to provide a right or service enumerated in this article may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

12. The right to request victim-offender mediation coordinated by the Victim Services Division of the Texas Department of Criminal Justice; and

13. The right to be informed of the uses of a Victim Impact Statement and the statement's purpose in the Criminal Justice System, to complete the Victim Impact Statement, and to have the Victim Impact Statement considered:

a. by the attorney representing the State and the judge before sentencing or before a plea bargain agreement is accepted; and

b. by the Board of Pardons and Paroles before an offender is released on parole.

i. A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to



the offense, subject to the approval of the judge  
in the case.

For more information on the Victim's Bill of Rights (*Texas Penal Code, Article 56.02*), contact your local prosecutor's office or the Crime Victim Clearinghouse, Austin, Texas.

## Appendix B

### Glossary of Legal Terms

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Listed below are words and terms that are likely to come up during the legal process following a murder.

**Administrative release:** A person released to parole or mandatory supervision under the Division of Parole Supervision of the Board of Pardons and Paroles.

**Appeal:** Following a conviction, a higher court may review a transcript of a defendant's trial to determine if any reversible errors have occurred. If there are no reversible errors, the case is affirmed, meaning the conviction stands. If reversible errors are found in the trial, the higher court may reverse the case for a new trial.

**Arraignment:** A proceeding in the law court at which the accused is formally advised of his/her constitutional rights and the charges against him/her. He/she makes a formal plea. If the accused pleads "guilty" he/she is sentenced by the court, either then or at some future time. If the accused pleads "not guilty", his/her case is set for trial. The judge decides what bail may be necessary, if any. A plea of "nolo contendere" means the charges are not contested, but the accused technically does not admit to guilt.

**Bail:** A monetary guarantee that the accused person will appear in court at an appointed time, after being released from custody.

**Beyond a Reasonable Doubt:** The standard by which a jury or the court must be convinced before returning a verdict of "guilty" to any offense.

**Capital crime:** A crime involving the intentional taking of a life while in the course of committing or attempting to commit another felony, such as arson, burglary, robbery, kidnapping, or sexual assault.

**Community Supervision:** (Formerly called probation) After being found guilty or admitting guilt, a defendant may receive a jail or penitentiary sentence which is suspended for a period of time. The defendant is released into the community provided he/she abides by all

of the terms and conditions set by the court. These terms and conditions are rules and restrictions that the defendant must follow. Once a defendant violates a term or condition of his/her release, and upon proof of said violation, community supervision may be reinstated, amended, or revoked by a judge. Depending on whether the offense was a misdemeanor or a felony, the judge may then sentence the defendant to jail time or to the penitentiary.

**Commutation of Sentence:** An act of clemency by the governor which modifies the condition of a convicted criminal's sentence.

**Continuance:** A delay or postponement of a court hearing.

**Deadly Weapon:** Any item, which in the manner of its use or intended use, is capable of causing death or serious bodily injury. When a defendant pleads guilty or is found guilty of an offense involving the use of a deadly weapon, and he/she is sentenced to the penitentiary, he/she must serve at least one-half of the sentence or 30 years, before being eligible for parole.

**Defendant:** The person charged with a crime.

**Docket:** A list of cases set for trial on a particular date.

**Felony:** A crime punishable by death or by confinement in a state jail facility or the penitentiary. Burglary, robbery, sexual assault, kidnapping, and arson are common examples of felonies.

**Full pardon:** An unconditional act of clemency by the governor which releases a person from any further punishment for a crime.

**Good time:** The credit an inmate receives on his sentence which is awarded for "good conduct" in prison. For most crimes, an inmate with good time credit can be released from prison after serving as little as one-ninth of the assessed sentence. No inmate is likely to serve more than one-half of the assessed sentence, except those given the death penalty.

**Grand jury:** A body of 12 citizens who serve three-month terms to consider whether indictments should be returned in felony cases. Grand jurors are nominated by a grand jury commission appointed by a district judge. The district attorney has no control over the selection. Grand jury

proceedings are not open to the public and witnesses take an oath of secrecy before testifying.

**Habeas corpus:** A written order challenging “on constitutional grounds” the right of the state to continue to detain or imprison a person.

**Indictment:** A formal accusation presented by a grand jury and usually required for the prosecution of felonies and other serious crimes.

**Incompetent to Stand Trial:** A defendant is incompetent to stand trial if he does not have sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding or a rational as well as factual understanding of the proceedings against him. In general, when a defendant has been found incompetent to stand trial, he/she is hospitalized for up to 90 days and is prosecuted at a later time. This is not the same as insanity.

**Insanity:** This is defense to a crime if at the time of the offense, the defendant, as a result of severe mental disease or defect, did not know that his/her conduct was wrong. If a defendant convinces a jury of his/her insanity at the time of the offense, he/she is found “not guilty by reason of insanity.”

**Invoking the Rule:** Attorneys for one side or another may “invoke the rule.” This rule prohibits a witness from discussing his/her testimony or the testimony of any other person with another witness. The rule also disallows the presence of one witness in the courtroom while another witness testifies.

**Magistrate:** A minor judicial officer, such as a justice of the peace, having jurisdiction to try minor criminal cases.

**Mandatory supervision:** The release of an inmate from prison, but not from the legal custody of the state, for rehabilitation outside prison walls under such conditions for supervision as determined by a parole board.

**Misdemeanors:** A criminal offense defined as less serious than a felony for which the punishment may include imprisonment for no longer than one year. Driving while intoxicated, assault, and theft are common examples of misdemeanors.

**Mistrial:** A trial that ends without a verdict, because of an error in the proceedings, or because a jury could not reach a verdict (i.e. hung jury).

**Nolo Contendere:** A plea in which the accused does not admit guilt, but does not contest the charge. It carries the same legal consequences as a guilty plea.

**Open Plea:** A defendant may admit his guilt and waive his right to have a trial. In an open plea, he/she would elect whether the judge or the jury will assess his punishment. The prosecution will present evidence of the crime to either the judge or the jury, who then determines the appropriate sentence.

**Parole:** The release of an inmate from prison, but not from the legal custody of the state. Parole is the same as mandatory supervision.

**Parole Agreement:** An agreement by an inmate to abide by all the terms and conditions of parole. An inmate will not be released until signing the agreement.

**Parole officer:** A person assigned the duties of investigating and supervising paroled persons to see that they comply with the conditions of parole.

**Parole panel:** A decision-making body authorized to act in parole matters.

**Plea bargain:** An agreement between the attorney representing the state and the defendant and his/her attorney, specifying the state will recommend a specific punishment in the case on the condition the defendant enters a guilty plea. A judge may reject the agreed-upon punishment.

**Perjury:** Deliberate false testimony under oath.

**Probable cause:** In order to return an indictment, the grand jury must be convinced probable cause exists, that a reasonable person would believe a specific crime was committed, and that the accused person probably committed the crime.

**Probation:** The granting of freedom to an offender who has admitted guilt or who has been convicted in court. Probation carries certain restrictions set by the court for a specified period of time.

**Prosecutor:** A public official such as the district attorney who conducts criminal prosecutions in court on behalf of the state or people.

**Reprieve:** A temporary release from the terms of an imposed sentence.

**Revocation:** The termination of either community supervision or parole.

**Secondary victimization:** The complications of problems a victim faces as a result of the crime (primary victimization).

**Serve all (SA):** A parole panel's decision to deny parole and require that the inmate serve the remainder of the sentence in prison.

**Trial officials:** The sheriff, prosecuting attorney, and judge in the county and court of conviction.

**Venue:** The county in which a jury is drawn and a case tried. The term **change of venue** means moving the trial outside the county in which the crime was committed when a jury or court is likely to be prejudiced.

**Verdict:** A jury's unanimous decision as to either the guilt or innocence of a defendant and/or the appropriate punishment.

**Victim Impact Statement:** A formal document completed by a family member of the victim. Family members are also allowed to address the defendant and describe the impact that his/her crime has had on the family and loved ones of the victims.

**Voir Dire:** The legal term used to describe jury selection.

## Appendix C References

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## Appendix D

### State Resource & Referral Numbers

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The Texas Crime Victim Clearinghouse maintains a directory of local resources and referrals to assist crime victims in handling the emotional, physical, and financial aftermath of crime. For further information, call the Texas Crime Victim Clearinghouse Assistance line. Most of the numbers listed below can be reached toll-free by anyone in the state.

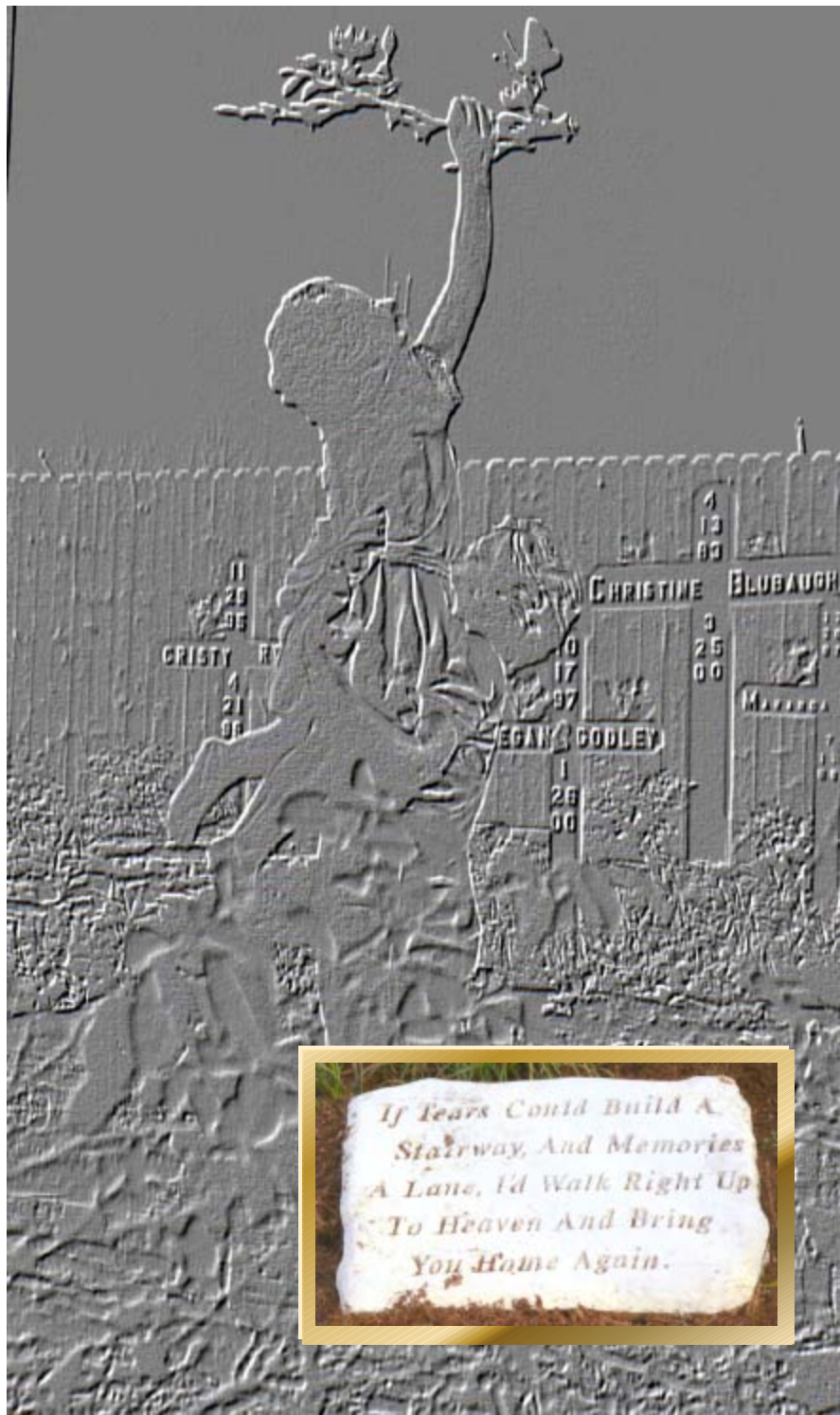
TDCJ-Victim Services, Texas Crime Victim Clearinghouse.....	1-800-848-4284 ..... 512-406-5424
Attorney General Crime Victim Compensation .....	1-800-983-9933 ext. 6-1233
Suicide & Crisis Helpline .....	1-800-SUICIDE
Child Abuse & Neglect Hotline .....	1-800-252-5400
Elderly/Disabled Abuse & Neglect Hotline.....	1-800-252-5400
Family Forward/Texas Parent Hotline .....	1-800-554-2323
Texas Runaway Hotline .....	1-800-392-3352 ..... 1-800-580-HELP
Texas Youth Hotline .....	1-800-210-2278
Mental Health /Mental Retardation Hotline .....	1-800-252-8154
Missing Persons Clearinghouse .....	1-800-346-3243
Texas Lawyer Referral.....	1-800-252-9690
Child Support Enforcement .....	1-800-252-8014
Family Violence Legal Line .....	1-800-374-4673



National Domestic Violence Hotline .....	1-800-799-SAFE
Texas Attorney General's Office .....	1-888-837-8079
Center for Disease Control .....	1-800-232-1311
Texas Crime Stoppers .....	1-800-252-8477
Automated Victim Notification System.....	1-888-778-2867
National Center for Victims of Crime.....	1-800-FYI-CALL
Social Security Administration .....	1-800-772-1213
Childfind of America .....	1-800-426-5678
Child Help USA .....	1-800-422-4453
MADD Texas State .....	1-512-445-4976
Mothers Against Teen Violence.....	1-214-565-0422
Texas Department of Public Safety Victim Services.....	1-512-424-5163
Emergency Pager .....	1-800-299-4099
	ID# 7553
National Missing/Exploited Children .....	1-800-843-5678
TX Department of Public Safety	
Missing Persons Clearinghouse .....	1-800-346-3243
Houston Area Women's Center .....	1-800-256-0661
Justice For All .....	1-713-935-9300
People Against Violent Crime .....	1-512-837-7282
Texans for Equal Justice .....	1-936-788-2273
Texas Youth Commission Victim Services.....	888-850-7369



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