

FAMILIES SURVIVING CRIMINAL HOMICIDE



Los Angeles County
District Attorney's Office

One of the most important responsibilities of the Los Angeles County District Attorney's Office is seeking justice for homicide victims.

Cases of criminal homicide present extremely complex emotional and legal issues. Prosecutors and staff from the District Attorney's Victim-Witness Assistance Program work tirelessly to assist these families at each step of the criminal justice process.

Criminal court proceedings can be unfamiliar and intimidating. Be patient and ask questions if you want more information about the process. Police and prosecutors are professionals and will pursue justice on behalf of you and your loved one. Although no outcome is guaranteed, you can expect their best efforts.

This pamphlet was created to help families and friends of homicide victims understand the justice system and learn about the resources available to them. It also provides useful advice on how to cope with the aftermath of a loved one's homicide.

As District Attorney, I am fully committed to holding killers accountable for the lives they've taken and the devastation they've caused families.

To learn more, please visit the District Attorney's website at <http://da.lacounty.gov/vwap>.

Steve Cooley
District Attorney
Los Angeles County

WHAT IS CRIMINAL HOMICIDE?

A person commits criminal homicide if he/she intentionally, knowingly, recklessly or with criminal negligence causes the death of another person.

Homicides that are neither justifiable nor excusable are considered crimes and can lead to criminal charges.

These charges may include murder, manslaughter, vehicular manslaughter and drunken driving homicide.

The facts and circumstances from a police investigation and applicable laws will determine what charges, if any, are filed.

Families should consult with police, prosecutors and victim advocates if they have questions about the possible charges and the relevant laws.

DEALING WITH GRIEF

The loss of a loved one from a criminal homicide often intensifies grief. Overcoming grief takes time and the healing process happens gradually. Ask for and accept help if you need it. Although there is no right or wrong way to grieve, family survivors have found the following helpful:

- Talking with others, especially family members, friends, support groups and professional counselors
- Reading books and listening to other victims' stories – especially how they experienced a similar loss, learned to cope or became active in a cause
- Writing down innermost thoughts and feelings when the depth of loss prevents you from speaking about them
- Calling upon religious organizations, clergy and the faith-based community for healing, strength and solace
- Exercising the body to release anxiety, built-up anger and distress

LOS ANGELES COUNTY
DISTRICT ATTORNEY'S
VICTIM-WITNESS
ASSISTANCE PROGRAM
1-800-380-3811
<http://da.lacounty.gov/vwap>

RESOURCES

California Department of Corrections and Rehabilitation
Office of Victim and Survivor Rights and Services
1-877-256-6877
www.calvcp.ca.gov

California Victim Compensation Program
1-800-777-9229
www.boc.ca.gov/victims

Los Angeles County Department of Coroner
1104 North Mission Road
Los Angeles, California 90033
General information: 323-343-0714
Notification for release of body: 323-343-0755
Personal Property Section: 323-343-0515
<http://coroner.lacounty.gov>

Los Angeles County Department of Public Health
Vital Records Office - Death Section
313 N. Figueroa Street, Room L-1
Los Angeles, California 90012
213-240-7816
<http://publichealth.lacounty.gov/dca/dcadeath.htm>

Los Angeles County District Attorney's Office
Victim-Witness Assistance Program
1-800-380-3811
<http://da.lacounty.gov/vwap>

Los Angeles County Registrar-Recorder/
County Clerk's Office
562-462-2137
<http://rrcc.lacounty.gov>

U.S. Department of Justice
Office for Victims of Crime
www.ojp.usdoj.gov/ovc

FUNERAL/BURIAL COSTS

A family member or friend who pays for funeral and burial expenses of a criminal homicide victim may be eligible for reimbursement up to \$7,500 from the California Victim Compensation Program. Contact a victim advocate from the District Attorney's Victim-Witness Assistance Program before final arrangements are made with the funeral home to discuss victim compensation claim benefits.

AUTOPSY

The Los Angeles County Department of Coroner must investigate any death where criminal homicide is suspected. An autopsy will be performed to try to determine the manner and cause of death. The victim's body will not be released to family members for burial until the coroner's investigation has been completed. Please call **323-343-0755** to ensure proper notification concerning the release of the victim's body.

RETURN OF PROPERTY

The Los Angeles County Department of Coroner may have custody of personal effects, jewelry and clothing on the victim at the time of death. Police investigators also may have custody of a victim's property that is needed for the investigation. For items held by the coroner, contact the Personal Property Section at **323-343-0515**. For all others, contact the police investigator.

DEATH CERTIFICATE

When its findings are completed, the Los Angeles County Department of Coroner will issue a death certificate, which will be filed with the Los Angeles County Department of Public Health. Next of kin may purchase a certified copy of the death certificate at the Department of Public Health's Vital Records Office or from Los Angeles County Registrar-Recorder/County Clerk's offices located throughout the county. The funeral home also may assist in obtaining a copy of the death certificate.

MEDIA CONSIDERATION

When a criminal homicide has media interest, the family should decide whether to maintain privacy or respond to requests for interviews. Some reasons to grant media requests include assisting in the apprehension of the perpetrator(s), honoring the victim's memory, maintaining public interest in the case and correcting misinformation about the victim. The family should consult with police investigators and prosecutors to avoid compromising the investigation or prosecution.

VICTIM ASSISTANCE AND COMPENSATION

The District Attorney's Victim-Witness Assistance Program has victim advocates available in courthouses and police stations throughout the county to assist crime victims with crisis intervention, emergency shelter, mental health referrals, return of property, court support, criminal justice orientation, relocation, restitution and other victim services. The advocates also assist victims in filing for reimbursement through the California Victim Compensation Program for medical bills, counseling, lost wages, funeral/burial expenses, moving, child care and other qualifying expenses.

NEXT OF KIN RIGHTS

Family survivors, as next of kin, have certain rights. These include the right to be notified of court dates, to be seated in court, to be reasonably protected from the defendant, to give a victim impact statement at sentencing, to restitution and to be informed of the case's disposition and release of the defendant. You must make a request to prosecutors and the judge to have certain rights honored. The *Crime Victims – Know Your Rights* and *Marsy's Law* pamphlets published by the District Attorney's Office explain these rights more fully.

CASE SETTLEMENT AND DISMISSAL

Prosecutors continuously reevaluate the strengths and weaknesses of cases after charges are filed because prosecutors are required to prove the charges beyond a reasonable doubt. A defendant may plead guilty and may receive an agreed upon sentence without a trial. Also, a judge may dismiss the case or certain charges whenever he/she finds that there is legally insufficient evidence to support the defendant's conviction.

TRIAL VERDICTS

A defendant is presumed innocent of the charges until he/she is found guilty. The jury, or a judge in some cases, will decide whether the defendant is guilty or not guilty based upon the evidence presented in court and applicable laws. A not guilty verdict stands forever and cannot be appealed. After a guilty verdict, the case will be set for sentencing and may be appealed to a higher court by the defendant. If jurors cannot reach a unanimous verdict, a judge will declare a mistrial and the defendant may face a new trial.

VICTIM IMPACT STATEMENTS

At the defendant's sentencing, members of the victim's family have the right to make statements explaining how the crime affected them. The statement may address the victim's life, the family's loss and any wishes for the defendant's sentence. If a person is unable or reluctant to speak in court, he/she may have someone else read the statement or may submit a recorded or written statement to the judge. He/she also may use photographs to illustrate his/her statement. The statement is considered at sentencing and at parole hearings if the defendant goes to prison.

The Los Angeles County Probation Department also will contact family members for a statement for the sentencing report. Both statements allow family survivors to have their voices become a permanent part of the case record. Victim advocates can assist family members in preparing their impact statements.

NOTICE OF PAROLE

A family member who wants to be notified of a parole hearing or the scheduled release or escape of an inmate sentenced to state prison should complete the California Department of Corrections and Rehabilitation (CDCR) **Request for Victim Services** Form 1707 and always keep the CDCR's Office of Victim and Survivor Rights and Services informed of his/her current address. To obtain the form and filing instructions call **1-877-256-6877** or visit www.cdcr.ca.gov/victim_services. Victim advocates can assist in completing the form.