

A Guide for Homicide Victim Survivors



**Information for the family and
friends of homicide victims**

Provided by

**OFFICE OF THE KANSAS
ATTORNEY GENERAL**

INTRODUCTION

Grieving after the loss of a loved one to homicide is different from any other type of grief. The death is violent, unexpected and committed at the hands of another person who had control. There is often no chance to say goodbye. We refer to people who have had a loved one killed by homicide as homicide victim survivors.

Coming to terms with a violent death may take much longer than anyone expects. We do know that a person never “gets over” the homicide of a loved one. A survivor may feel a sense of being unbalanced, disconnected or out of control when they first are faced with the death of their loved one. Grieving may vary depending on the circumstances surrounding the murder. For some, the lack of information results in questions, which remain forever unanswered.

This booklet focuses on needs that are unique to homicide victim survivors. It is our desire to help survivors understand that their feelings related to the tragedy are normal. This guide will also provide an overview of financial help available, a guide to working with the media, and an explanation of the criminal justice system.

If you are a homicide victim’s survivor, we hope the information provided in this guide will provide assistance and comfort to you as you adjust to the unique circumstances, which resulted in the loss of your loved one.

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What is Trauma?

Trauma is a dangerous, scary, violent, or life threatening event that an individual experiences, witnesses, or is impacted by. Traumatic experiences can happen to anyone at any time or age. Everyone perceives their experiences uniquely, and what may be a traumatic experience for one individual may not be traumatic for another. Traumatic stress impacts hormone production and cognitive processing, and can affect brain development.

Everyone will respond to trauma in different ways, and may respond differently at different times. There is a wide range of behaviors people may express because of experiencing trauma. Those who have experienced trauma may react differently based on factors such as their age, the extent of the trauma, support they receive from others and their relationship with the offender. Often these reactions are automatic, and occur when the individual's ability to cope is overwhelmed as they attempt to manage difficult emotions. Reactions can also change over time, and may disappear and then resurface later. Certain people, situations, or locations may activate memories of the traumatic event. Those who have experienced trauma may or may not be aware of what causes the activation.

Signs of trauma are different in everyone, but some things to watch for include:

- Changes in behavior
- Changes in eating or sleeping habits
- Feeling fearful, depressed, or anxious
- Difficulty concentrating or poor performance in school/work
- Risky or dangerous behaviors
- Self-injurious behavior

GRIEF REACTIONS SPECIFIC TO SURVIVORS

Traumatic grief is different from other types of grief. A violent and sudden death can cause especially strong feelings in a survivor. A variety of emotions may also arise from the manner in which their loved one was killed, and not just the death itself. Additionally, survivors may experience delays in their grief process due to investigations, trials, appeals, etc.

Trauma is an event that overwhelms an individual's capacity for coping. Grief is an emotional response to death. Trauma impedes the grief process and grief makes processing the trauma difficult. For instance, frustration may run high for survivors when law enforcement fails to make an arrest, when plea bargains are made or when offenders are repeatedly considered for parole. For some survivors, attending trial proves too difficult a task due to the traumatic details presented in the proceedings.

Another factor, which cannot be underestimated, is the power of public opinion. Homicide investigations often take place in the public eye and unfortunately, society's tendency to "victim-blame" can leave survivors feeling helpless, exposed, deserted or ashamed.

Each person is different, and each will experience grief in ways that are unique and personal. Each situation is unique as well. However, knowing about typical reactions in these unusual circumstances can help you cope with the painful feelings of grief.

Sometimes people expect to go through stages of grieving. They expect to "be over" a certain stage after time. Although

we can describe stages in the grieving process, it is a mistake to expect any person to follow them closely. Stages of grief are better described as fluid. You may skip over stages or stay in one stage for an extended period.

The following information describes some common reactions to homicide. You will see there is a wide spectrum of feelings. There is no right or wrong way to grieve and survivors should not be surprised if their usual coping mechanisms for dealing with stress are no longer effective.

Below, are some of the physical, emotional and behavioral reactions a survivor might experience following the death of their loved one. It is important for survivors to remember that their thoughts, feelings and behaviors are inter-related, because their thoughts affect how they feel and their feelings affect how they behave. Additionally, past traumatic experiences and grief can affect the emotional response to traumatic grief.

Common Thought Process Reactions

- Flashbacks, nightmares, daydreaming, intrusive memories and images, searching for meaning and answers... WHY?, indecisiveness, inability to think clearly, fragmented thought process, mind is numb, thoughts of suicide, and preoccupation with thoughts of the deceased.

Emotional Reactions

- Denial, irritability, anger, rage, fear, terror, guilt, indifference, sadness, depression, anxiety, nightmares, insecurity, paranoia, lonely, distrust, helpless, powerless, numb, inconsolable grief, abandonment, confusion, preoccupation with death, and unrealistic expectations.

Behavioral Reactions

- Hyper-activity, hypo-activity, lashing out, detachment, avoidance, immobility, hypervigilance, disorganization, perfectionism, compulsive cleaning, hoarding, wandering, isolation, increased promiscuity, clingy, fear of intimacy, weight loss, over-eating, poor hygiene, substance abuse, gambling, stealing, and physical violence.

Physical Reactions

- Numbness, nausea, stomach ache, change in sleep patterns, elevated heart rate, sweating, light-headedness, hyperventilation, loss of appetite, increased appetite, headaches, tiredness, exhaustion, body aches, accident prone, shortness of breath, tightness in throat or chest, dry mouth, sensitivity to noise, light or alcohol, and general feeling of being unwell.

THE REACTION OF OTHERS

At the most painful times in our lives, we each grieve in our own way. You have just read what experts believe are typical reactions you might experience. Now we will talk about coping with the reactions of the people around you.

Family

When a family suffers a homicide, you might expect the tragedy to pull the family together. This is not always true. It is not unusual for counselors to observe families separate, both physically and emotionally. Communication is very important at this time. Work hard to express your feelings at this time within the family and with supportive friends.

Friends

When you hurt, you turn to people who have always been there...your friends. You may have a strong need to talk to friends about the homicide and about your feelings. You may find that even close friends often avoid these painful subjects. They may feel completely inadequate to help you, or simply want to avoid a topic that troubles them, as well.

Some friends may talk with you at first but then want to “move on”, even though you need to talk about the homicide. They may think that it is better for you “not to dwell on the homicide” or to talk about it.

People often cannot bring themselves to talk about homicide. Many do not want to hear the details of the tragedy, even when survivors need to talk about every part of the death.

Friends may feel they do not have the words to say, or the ability to listen. They may feel hopelessly inadequate. The loss of your loved one probably introduced them to a stark reality: it happened to you, it could happen to them.

You may notice that people you have known for years avoid you on the street or in the store. Your coworkers may avert their eyes and “not see you.” They usually have no idea that this feels like rejection and only adds to your grief.

You can face this problem in various ways. You may stop seeing some friends. You can continue contact but avoid the subject you most need to discuss. You can raise the issue of avoidance directly with your friends, which may allow you to deal openly and honestly with each other. You can add to your circle of friend’s other people who have lost loved ones or who are willing to share your experience.

Many people are ready to respond when they understand how important it is to talk with you about the experience. It helps when they realize that they need not have any “magic words” to alleviate your grief. You also may choose to seek help from a professional counselor or victim advocate. Some communities offer specific support groups to homicide survivors.

UNDERSTANDING & COPING WITH THE JUSTICE SYSTEM

Most survivors are new to the workings of the criminal justice system. As you progress through various stages, you may become angry and frustrated because your impressions of the justice system are false. People naturally want to see justice done swiftly so that they can heal from that part of trauma.

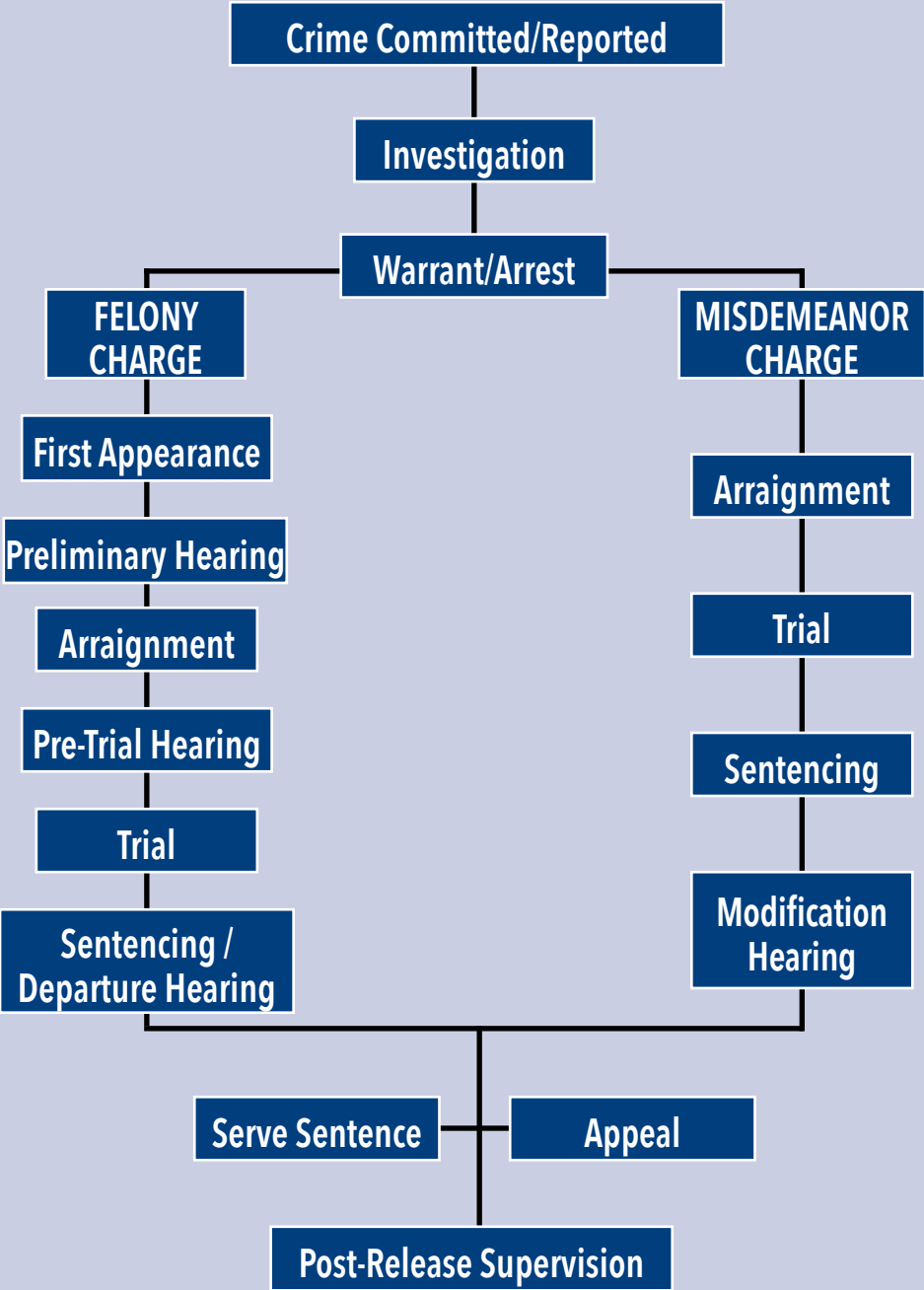
The criminal justice system may seem to prolong people's grief. For example, you may find that justice does not always prevail. Sometimes, the guilty are released on technical grounds. Some homicide cases are never solved or do not result in convictions, even if the identity of the offender is known. Some survivors feel a loss of control, as the case and all decisions regarding the case belong to "the state", not the homicide victim's family.

Sometimes, it can feel as if the only ones serving a "life sentence" are the victim and the victim's loved ones. Cases may drag on. Many cases never go to trial or if they do, take years for a conviction. If there is a conviction, it likely will be appealed, and a small fraction of cases find their way back to court for another trial.

Even with convictions and the desired sentencing, many survivors find the outcome does not feel "just." This can be a challenging time as survivors of homicide victims realize conviction does not always ease grief.

Our hope is that you will seek out supportive friends, counselors, and advocates to help you through this confusing and emotionally difficult ordeal.

CRIMINAL JUSTICE SYSTEM PROCESS OVERVIEW



COURTROOM PROCEDURE/ CUSTOMS & TIPS

For many survivors, this may be their first time inside a courtroom. Certain behaviors are not allowed in a courtroom. Many survivors may want to yell at or approach the defendant. While it may seem only natural for survivors of homicide victims to display emotions including rage, this type of behavior is prohibited in the courtroom. If anyone were to yell out in a courtroom, or attempt to approach the defendant, she or he may be held in contempt of court. The judge may forbid the person from the courtroom for the duration of the trial. The judge also may declare a mistrial, which means that the entire trial process must begin again with a brand new jury. Judges do not tolerate rolling of eyes, loud sighs, or talking.

Other behaviors are acceptable. Sometimes the details of the murder may be too much for loved ones to hear. They may leave the courtroom during these periods. Crying is okay, too. However, if it becomes noticeably loud, it may be best to leave the courtroom. A victim advocate may accompany you when you leave, unless you wish to be alone.

A majority of the time, defendants are in jail awaiting trial. Therefore, they will be in sheriff's custody during transport to and from the jail and while inside the courthouse. Sheriff's deputies are always present during the trial.

It may be best to sit away from the defendant's family or friends. If tensions arise, a sheriff's deputy will assist in diffusing the situation. While in the courthouse, one never knows which persons might be jurors or what a reporter could hear. It is best not to discuss the case in the courthouse. Courtrooms

are open to the public, which means anyone may attend a trial unless excluded by the presiding judge.

VICTIM IMPACT STATEMENTS

As a victim of a crime or a victims' family member, you have the right to prepare a Victim Impact Statement to describe how the crime has affected you and others close to you. The impact statement is used during sentencing and is your chance to address the Judge regarding the emotional, physical, and financial effects this crime has brought about. The assistance of a victim advocate or the victim witness coordinator is often very helpful to a victim or survivor who is preparing an impact statement.

Victims and survivors do not have to complete an impact statement, as it is voluntary; however, it may be helpful to the Judge when deciding what sentence the defendant should receive. This is your chance to express your feelings to the Judge. No one knows better than you do how this crime has impacted you and your family.

If your impact statement is being delivered in writing, it is generally done in the form of a letter. If a statement is being delivered orally in court, some individuals speak from the heart without notes, others find preparing a brief outline helpful. Some choose to prepare both written and oral statements. However, some judges only allow one or the other. Find out from your prosecutor or victim witness coordinator what to expect in your case.

Although there is usually no time limit imposed, it is a good idea to keep your statement short. Five minutes or less is the

recommended time frame when delivering a statement in court. If being submitted in writing, keeping it to one page is also advised.

Your impact statement should describe the ways the crime has impacted your life as well as the lives of your loved ones. Explain the psychological, emotional, or physical trauma you have suffered. You can explain the extent of any economic loss or property damage which resulted from the crime.

If the victim or survivor is unable to make the statement because of age or mental, emotional, or physical difficulties, a designated representative can speak on behalf of the victim or survivor.

VICTIM NOTIFICATION RESPONSIBILITIES

The District or County Attorney Office (DA/CA): The District or County Attorney's office will notify a victim/survivor of several important pieces of information:

- the scheduled date, time, and place of trial, including about the cancellation or postponement of any court proceedings that require the victim's attendance.
- the possibility of assistance through the Crime Victim Compensation Program.
- information about plea agreements in the case.
- the right to restitution.
- the right to make a written victim impact statement; the right to make an oral victim impact statement at sentencing in the presence of the defendant and notice of the time and place for the sentencing.

The Department of Corrections (DOC): The Department of Corrections will notify a registered victim or victim survivor of several important pieces of information including:

- the date the offender is expected to be released from custody or for work release or furlough.
- whether the offender is expected to return to the community where the victim resides once paroled.
- if an offender escapes from custody.
- the recommendation of the department for parole consideration of the offender.
- the date of release of the offender for parole or upon discharge of sentence.
- the transfer of custody of the offender to another state or federal jurisdiction.
- and about procedures for contacting the department to determine the offender's current institution of residence.

KANSAS VICTIM NOTIFICATION PROGRAM

Kansas Victim Information and Notification Everyday (VINE) is an automated service that lets you track the custody status of offenders in county jails over the phone or internet. You can also register to be notified by phone, text, emails, and/ or TTY if the custody status of an offender changes.

To access offender custody information:

- Call 1-866-574-8463
- Visit www.vinelink.com
- Download the VINElink app
- TTY users, call 1-866-847-1298

Registration

If the offender is in custody, you can register to receive VINE notifications.

If you register a phone number, you must create a four-digit personal identification number (PIN) that you will need when you receive notifications. Make sure your PIN is easy to remember. Write it down and keep it in a safe place.

Email registrations do not require a PIN.

Notifications

Once registered, you will be notified about offender custody status in county jail changes such as release, transfer, or escape.

When VINE calls, listen to the message, then enter your PIN followed by the pound (#) key when asked. Entering the PIN

lets VINE know that you received the call and will stop the service from calling you again.

No PIN is required to register for email notifications. You will receive one email when there is a change in custody status.



VICTIM'S RIGHTS AND THE MEDIA

Unfortunately, homicide victim survivors are almost always sought out by news media for interviews and statements as soon as they learn of the homicide. Most people have never experienced this type of invasion, but people do have rights when it comes to the media.

When a homicide occurs, the news media often rushes to find a photograph of the deceased. If the family chooses not to provide one, media may use other sources, such as a driver's license photo, police photo or other available photograph. It is often best for the grieving family to choose a photograph of the deceased for use by the media. A trusted person may take a copy of an original photo to the media and allow them to copy it. Remember, this is only a suggestion, and no one is under any obligation to provide a photograph to the media.

You Have Rights with the Media

Developed by the National Center for Victims of Crime

You have the right to:

- Say “no” to an interview request.
- Select a spokesperson or advocate of your choice.
- Select the time and location for media interviews.
- Request a specific reporter.
- Refuse an interview with a specific reporter, even though you have granted interviews to other reporters.
- Say “no” to an interview even though you have previously granted interviews.
- Release a written statement through a spokesperson in lieu of an interview.
- Exclude children from interviews.
- Refrain from answering any questions with which you are uncomfortable or that you feel are inappropriate.
- Know in advance what questions the reporter will ask.
- Ask to review your quotations in a story prior to publication, though the news media is not obligated to give you a review.
- Avoid a press conference atmosphere and speak to only one reporter at a time.
- Demand a correction when inaccurate information is reported.
- Ask that offensive photographs or visuals be omitted from airing or publication.
- Give a television interview with your image blurred or a newspaper interview without having your picture taken.

- Completely give your side of the story related to the victimization.
- Refrain from answering reporters' questions during a trial.
- File a formal complaint against a reporter
- Grieve in private.
- Suggest training about media and victims for print and electronic media in your community.

KANSAS VICTIMS' BILL OF RIGHTS

K.S.A. 74-7333. Bill of rights for victims of crime. (a) In order to ensure the fair and compassionate treatment of victims of crime and to increase the effectiveness of the criminal justice system by affording victims of crime certain basic rights and considerations, victims of crime shall have the following rights:

1. Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.
2. Victims should receive, through formal and informal procedures, prompt and fair redress for the harm which they have suffered.
3. Information regarding the availability of criminal restitution, recovery of damages in a civil cause of action, the crime victims compensation fund and other remedies and the mechanisms to obtain such remedies should be made available to victims.

4. Information should be made available to victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings.
5. The views and concerns of victims should be ascertained and the appropriate assistance provided throughout the criminal process.
6. When the personal interests of victims are affected, the views or concerns of the victim should, when appropriate and consistent with criminal law and procedure, be brought to the attention of the court.
7. Measures may be taken when necessary to provide for the safety of victims and their families and to protect them from intimidation and retaliation.
8. Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines should be developed for this purpose.
9. Victims should be informed of the availability of health and social services and other relevant assistance that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.
10. Victims should report the crime and cooperate with law enforcement authorities.

CRIME VICTIMS COMPENSATION

The Kansas Crime Victims Compensation Board provides victims with financial assistance for loss of earnings and out-of-pocket loss for injuries sustained as a direct result of violent crime. This includes reasonable medical care, mental health counseling or other services necessary as a result of the injury. Mental health counseling for children under the age of 16 who witness a violent crime may also be available. In the event of the death of the victim, reasonable medical expenses, crime scene clean-up and the partial cost of funeral, burial or cremation may be reimbursable. Personal property loss is not covered, with the exception of clothing and bedding seized as evidence.

Eligibility Requirements

1. Applications must be filed within two years of the incident with certain exceptions for sexual assault cases and children who witness a violent crime. Compensation for mental health counseling may be awarded to victims of sexual assault if a claim is filed within two years of notification of the results of DNA testing. Cases of child sexual assault are based on the date the crime was reported to law enforcement. It is the claimant's responsibility to establish proof that the claim was filed timely pursuant to K.S.A. 74-7305(b).
2. Victim suffered bodily injury (including mental disorder or death) as a victim of a violent crime.
3. The incident occurred in Kansas or outside the United States to a Kansas resident.

4. The incident was reported to law enforcement officials within 72 hours, or would have been reported within that time except for a valid reason.
5. The claimant (and/or victim) fully cooperated with law enforcement officials during their investigation and prosecution.
6. The victim was not an accomplice to and did not commit a crime in connection with this incident (e.g. gang activity, drug dealing.) Victim must not have provoked or caused the injury or death.

NOTE: Requirements 4, 5 and 6 do not apply to a victim of human trafficking who was 18 years or younger at the time of the crime.

Kansas Statute authorizes the Board to reduce or deny claims that involve the victim's contributory misconduct or participation in unlawful activities.

Award Maximums

- Overall maximum award of \$25,000.
- Funeral expense maximum of \$7,500.
- Grief therapy for family members of homicide victims is available. Call for separate grief therapy application. (Maximum award is \$1,500.)
- Outpatient mental health counseling maximum of \$5,000.
- Inpatient mental health care maximum of \$10,000.
- Lost wages/loss of support maximum of \$400 per week.
- Crime scene clean-up maximum of \$2,500.

How to Apply for Crime Victim Compensation?

To apply for compensation benefits, a homicide victim survivor must file an application for Crime Victim Compensation. Application forms and other essential information about Crime Victims Compensation can be found on the Kansas Attorney General's website at <https://ag.ks.gov/cvcb>. Applications can be submitted by way of email, fax or mail. Contact the program at (785) 296-2359 or toll-free at (800) 828-9745 for more information.

How Long Will the Application Process Take?

The complete application/investigation process may take approximately three (3) months. Your claim will be assigned to an investigator for processing. Once your completed application is received and all requests for additional documents and information have been received and reviewed, you will be notified in writing of the Board's decision. You will be sent a copy of the decision in writing setting forth the reasons why your claim was approved or denied. You should receive a letter within ten (10) days of the Board's decision.

If you have any questions while completing the application, please call Crime Victims Compensation at (785) 296-2359.

CRIME VICTIM RESTITUTION

No amount of money can compensate for the loss of your loved one. However, expenses are incurred as a result of the crime and restitution is one way to be reimbursed for such expenses. Restitution means payment of crime-related expenses to a victim by an offender.

Homicide victim survivors have the right to request restitution for all crime related expenses which have not been covered by insurance or the Crime Victim Compensation Program.

Inmates in Kansas who gain employment during their incarceration are required to pay a portion of their wages towards either restitution or to the Crime Victim Compensation Fund. Offenders who have been released and who are on community supervision have, as a requirement of their community supervision, the obligation to make payments towards any restitution. If you have questions about restitution, please call the Kansas Department of Corrections Victim Services Unit at 1-(866) 404-6732.

Once restitution is ordered, the offender should begin making restitution payments within the first six months of incarceration. Payments will be sent to you through the Clerk of Court's Office in the county where the offender was convicted of the crime. Keep the Clerk of Court aware of your current address so restitution can be sent to you.

What is the difference between restitution and compensation?

Restitution is only available if the offender is convicted of a crime and ordered by the court to pay. Restitution can be ordered for all of your expenses related to the crime, including property losses. Restitution is paid by the offender. Compensation refers to financial assistance provided by the Crime Victim Compensation Program of the Kansas Attorney General's Office. Compensation is paid for with criminal fines, penalties, and restitution. The Crime Victim Compensation Program cannot pay for property losses.

RESOURCES

There are some resources that a homicide survivor might call for support, other than to professionals in the criminal justice system. You can find the contact information for many victim assistance agencies and other support services in the “Helping Crime Victims” resource guide at www.ag.ks.gov which is updated each year with contact information and additional resources.

The following is a list of national and statewide homicide victim survivor resources that may be available for you and your family.

National Resources

Bereaved Parents of the USA (BPUSA)

Bereaved Parents of the USA was founded in 1995 by a group of bereaved parents from across the country to offer support, understanding, encouragement and hope to fellow bereaved parents, siblings and grandparents after the death of their loved one.

Website: www.bereavedparentsusa.org

The Compassionate Friends

A nonprofit organization that offers emotional support and understanding to families grieving the death of a child of any age, regardless of cause.

Website: www.compassionatefriends.org

National Contact: 1-877-969-0010

Dougy Center for Grieving Children and Families

Provides a safe place for children, teens, young adults and their families who are grieving to share their experience through peer support groups, education, and training.

Website: www.dougy.org

National Contact: 503-775-5683 or

Toll free 1-866-775-5683

Grief.com

Website: <https://grief.com/grief-after-a-murder/>

Grieving Parents Support Network

Website: <https://grievingparents.net/>

GriefShare

Website: <https://www.griefshare.org/findagroup>

MISS Foundation

Website: <https://www.missfoundation.org/>

Mothers for Justice United

Mothers for Justice supports moms who have lost children to violence and who have been overlooked by police departments. Mutual support for those in need.

Website: <http://www.mothersforjusticeunited.org>

Contact: 414-939-5599

Parents of Murdered Children (POMC) and other survivors of homicide victims

POMC provides the on-going emotional support needed to help parents and other survivors facilitate the reconstruction of a “new life” and to promote a healthy resolution.

Website: www.pomc.org

National Office Contact: 513-721-5683

Statewide Resources

AdHoc Group Against Crime

Kansas City

Website: <http://www.adhocgroupkc.com/>

Office: 816-861-5500

24-hour Community Hotline: 816-753-1111

Youth Hotline: 816-531-2665

The Compassionate Friends

The Compassionate Friends is the world's largest self-help bereavement organization, providing support to bereaved parents, siblings, grandparents, and close family members who are going through the natural grieving process following the death of a child of any age (from pre-birth to adult) from any cause. The groups are not representative of any specific religion, though may be hosted in some faith-based locations. Chapters are located throughout the state—please check the “Helping Crime Victims” resource directory at www.ag.ks.gov for updated contact information for the following locations:

- Dodge City, Ks (Ford County)
- Kansas City
- Lawrence, KS (Douglas County)
- Newton(Harvey County)
- Olathe (Johnson County)
- Salina (Saline County)
- Topeka (Shawnee County)
- Wichita (Sedgwick County)
- Wyandotte County

Corey's Network Inc.

Kansas City, MO

Provides support, advocacy, and services to surviving victims of homicide in the Kansas City metropolitan precincts without advocates.

Website: www.coreysnetwork.org

Contact: 24 Hr Hotline: 816-834-9161

Email: coreysnetwork@gmail.com

Grief Share Support Group

GriefShare is a friendly, caring group of people who will walk alongside you through one of life's most difficult experiences. Chapters are located throughout the state—please check the “Helping Crime Victims” resource directory at www.ag.ks.gov for updated contact information for the following locations:

- Garden City (Finney County)
- Hays (Ellis County)
- Liberal (Seward County)

Parents of Murdered Children (POMC)

POMC provides the on-going emotional support needed to help parents and other survivors facilitate the reconstruction of a “new life” and to promote a healthy resolution. Not only does POMC help survivors deal with their acute grief but also helps with the criminal justice system. Chapters are located throughout the state—please check the “Helping Crime Victims” resource directory at www.ag.ks.gov for updated contact information for the following locations:

- Wichita Kansas Chapter
- Kansas City Area Wide Chapter

DUI Victims Center of Kansas

The DUI Victims Center of Kansas provides services to victims and their families impacted by those who perpetrated impaired driving.

313 N Seneca, Ste 103
Wichita, KS 67203

Contact: 316-768-2096

From Victims to Survivors

Topeka

To meet the needs of family members or close friends of murder victims

Unitarian Universalist Fellowship of Topeka
4775 SW 21st St
Topeka, KS 66604

Email: fvts@cox.net

Website: <http://fromvictimstosurvivors.com/>

Kansas Support Groups

Database to find a variety of support and resources in Kansas.

Website: www.supportgroupsinkansas.org

Kansas Crime Victims Compensation Board

Contact: 785-296-2359

Website: www.ag.ks.gov/cvcb

Kansas Department of Corrections Victim Services

714 SW Jackson, Suite 300

Topeka, KS 66603

Toll-free hotline: 1-866-404-6732

Kansas MADD:

Olathe Office

PO Box 304

Olathe, KS 66051

Email: ks.state@madd.org

Website: www.madd.org/kansas/

Contact: MADD's Victim/Survivor 24-hour Helpline:

1-877-623-3435

Kansas VINE

Statewide automated victim notification system

Contact: 1-866-KS-4-VINE

Website: <https://ag.ks.gov/vine>

Momma On a Mission (M.O.M.)

Kansas City, MO

Momma On a Mission, Inc. advocates for families of homicide victims and was organized to help families by providing emotional and community support while seeking legal justice.

P.O. Box 140425

Kansas City, MO 64115

Contact: 816-499-1214

Email: contact@mommaonamissioninc.org

GLOSSARY OF LEGAL TERMS

Acquittal – A verdict of not guilty in a criminal case.

Adjudication – A decision regarding the offender in a case.

Alford Plea – Allows a defendant to plead guilty without admitting the elements of the defense. The defendant, in effect, pleads that he or she is not guilty but that if the case were to go to court, the evidence is likely to result in a conviction.

Alternate Jurors – Substitute jurors who are eligible to replace any juror who might be dismissed during the case for any reason. Alternate jurors listen to all testimony but are dismissed prior to verdict deliberations if not needed to replace a seated juror.

Appeal – The convicted offender or his/her attorney can make a request for a new hearing by a higher court. There are specific time limits and guidelines, set in law, on which the request must be based.

Arraignment – The defendant appears in court to answer the formal charges, trial information or grand jury indictment against him or her. It is during arraignment that a plea of guilty or not guilty is entered by the defendant.

Arrest – Law enforcement officers take a person into legal custody for the purpose of charging them with a crime.

Autopsy – A procedure that is performed when a person's cause of death is unknown or the death affects the public interest, such as a violent death, including all homicides. The law requires the county medical examiner to conduct a preliminary investigation of the cause and manner of death, prepare a written report of the findings and submit this report to the county attorney.

Bail – Money or property that the accused must post with the court prior to release from custody to assure their presence at future court proceedings.

Bench Warrant – A warrant issued by the court when a defendant fails to show up for a criminal proceeding.

Beyond a Reasonable Doubt – The amount of evidence needed for a jury or judge to find a person guilty of any crime. In Kansas, generally it is defined as amount of evidence needed to “firmly convince” the jury or judge of the person’s guilt.

Burden of Proof – A phrase referring to which party in a legal case has the responsibility, or the “burden,” of proving the case to the judge or jury. In criminal cases, the State always has the burden of proof “beyond a reasonable doubt” (see above). In civil cases, the party who brings the suit usually carries the “burden of proof,” but by a “preponderance,” or greater than 50% weight, of the evidence. The party that has no proof burden can win the case without doing anything at all if the other party’s evidence fails to meet that party’s “burden of proof.”

Charge – A formal allegation that a certain person has committed a specific criminal offense.

Circumstantial Evidence – A fact or chain of facts that tend to indirectly prove some other important fact. It is distinguished from “direct evidence,” which is testimony from person who claims to have personally observed the fact sought to be proved. Examples: Fingerprint and DNA evidence are “circumstantial evidence” 52 that the defendant was present at the scene of a crime. A witness testifying, they saw the defendant commit the crime is “direct evidence.”

Civil Suit (for wrongful death) – A suit against the defendant(s) or third parties for causing the “wrongful death” of the victim, brought by the victim’s estate. This is a separate legal action from a criminal prosecution (brought by the State against a person for intentionally or recklessly causing the death). If you choose to bring a civil suit, you have two years from the time of the victim’s death to do so. A person must hire a private attorney to pursue a civil suit.

Compensation – Financial assistance provided by the Kansas Attorney General’s Crime Victim Assistance Division for the victim of a crime where the crime threatened or caused injury or death. The Crime Victim Compensation Program pays the victim’s out-of-pocket expenses incurred as a result of injury by crime. There are dollar limits set by law for specific expenses such as funeral and burial costs, medical and counseling costs, and lost wages. The program does not pay for property damage or loss. Program costs are paid entirely by criminal fines and fees, and not by Kansas taxpayers.

Concurrent Sentence – Prison sentences imposed for more than one crime committed by the same person that a court allows the person to serve at the same time. Example: A person serving two “concurrent” 5 year prison sentences will serve no more than 5 years in prison.

Consecutive Sentence – Prison sentences imposed for more than one crime committed by the same person that a court requires be served one after the other. This is sometimes referred to as “boxcar” or “back-to-back” sentences. Example: A person serving two “consecutive” 5 year prison sentences will serve no more than 10 years in prison.

Continuance – A delay or postponement of a court hearing or trial granted by the court at the request of one or more parties involved in the case.

Conviction – The final result of a criminal case which ends in a judgment and sentence that the accused is guilty of a crime. Such an accused is said to have been “convicted” of the crime.

Cross Examination – Questions asked of a witness at a court hearing or trial by the attorney for the party that did not call the witness to testify. The attorney who called the witness to testify first asks questions of that witness during the “Direct Examination.”

Defendant – A person who has been charged with a crime.

Defense Attorney – The attorney who represents the defendant to the court. The defense attorney is hired privately by the defendant or is appointed by the court if the defendant is found to be indigent (without adequate funds).

Deferred Judgment – A sentencing option in which the adjudication of guilt and the imposition of a sentence are deferred by the court.

Deferred Sentence – A sentencing option in which the court enters adjudication of guilt but does not impose a sentence as long as the defendant does not violate the law.

Deposition – Statements given by witnesses prior to trial in response to questions by defense attorney or prosecutors. Deposition statements are recorded by a court reporter. Defendants have the right to attend depositions of witnesses, including the victim, in their case. Questions by the attorneys are not limited by 53 the same rules as those that apply to courtroom testimony.

Direct Examination – Questions asked of a witness by the attorney that called the witness. The opposing attorney asks questions of that same witness during Cross Examination.

Directed Verdict – A request by defense counsel that the trial judge renders a verdict of not guilty without the case going to the jury. The defense attorney claims that even if all the evidence presented by the prosecution were true, it would still not be enough to get a conviction.

Discovery – The process during which the prosecuting attorney and defense attorney must share information related to the case.

Evidence – Testimony and objects admitted at trial by the defense attorney and prosecutor to prove whether or not the defendant is guilty.

Expunge – The sealing, purging, or destruction of criminal or juvenile record information.

Felony – A serious criminal offense that may be punishable by imprisonment in the state prison.

Grand Jury – A group of citizens convened to investigate an individual or corporation in its county. If the Grand Jury finds probable cause that a crime was committed, it will return a bill of indictment against the subject of the investigation. Then, the county attorney in that county may file formal criminal charges.

Guilty Plea – A formal response by a person accused of committing a specific crime in which the accused makes a factual basis to each element of the offense and states that he or she is guilty of the crime(s) charged.

Homicide – The killing of one human being by another human being.

Homicide Victim Survivors – Family members and individuals who have special ties of kinship with murdered victims, left behind after a murder.

Hung Jury – A jury whose members cannot unanimously agree whether the accused is guilty or not guilty. A hung jury results in a mistrial.

Incompetent – A court's ruling that a defendant is unable to assist in his or her own defense and / or is unable to understand the proceedings because of mental disability. This determination occurs during the pretrial phase and may delay the proceedings until a time where the defendant obtains mental health interventions and is determined by the court to

be competent. A competency determination is wholly separate and apart from any legal defenses of insanity or diminished capacity.

Indigent – An accused person who has been found by the court to be financially unable to pay for his or her own attorney. The court appoints defense attorneys for indigent defendants.

Initial Appearance – A hearing held in front of a magistrate judge within 24 hours of an arrest on a criminal charge where the Defendant is informed of the charges against him or her. The magistrate court will also determine whether there is probable cause for the charge, set a bond, and determine whether a lawyer may be appointed. If the charge is something other than a simple misdemeanor, the court will also set a preliminary hearing at this time. (A defendant can plead guilty to a simple misdemeanor charge at the initial appearance, but not to more serious offenses.)

Jury – A group of citizens from within the county where the charges are brought who determine the guilt of the accused based on the evidence presented at trial.

Motion – A verbal or written request made by the prosecutor or the defense attorney before, during, or after a trial asking the court to issue a ruling, order, or injunction.

Murder – the killing of one human being by another intentionally, with premeditation, knowingly, recklessly, or with criminal negligence.

Notice – A written order to appear in court at a certain time and place.

Objection – One attorney taking exception to something that the other attorney is trying to do or say while questioning a witness during a trial. Also, a written response to a written filing by the opposing party resisting the other party's position.

The judge's ruling to the objection will be one of the following:

Over-Ruled – The objection has no legal merit. The judge will instruct the witness to answer the question.

Sustained – The objection has legal merit. The judge will instruct the witness not to answer the question.

Opening Statement – A brief introductory speech that counsel gives to the jury in which he or she tells the jury what he or she intends to prove or disprove during the trial.

Pardon – A decision made by either the President of the United States or a State Governor, which releases or excuses someone from the legal consequences of a specific crime.

Parole – Placing the convicted person under the supervised control of a parole officer after the offender has served an initial period of incarceration.

Perjury – Deliberate false testimony under oath.

Perpetrator – See “Defendant.”

Plea – A defendant’s formal answer in court to charges being brought against him or her.

Plea Bargaining – The exchange of prosecutorial or judicial concessions in return for a plea of guilty. Concessions might include pleading to a lesser charge, dismissing other pending charges, the prosecutor recommending a reduced sentence, or a combination of such terms.

Post-Trial Motions – Statements heard prior to sentencing which provide defense counsel with an opportunity to reargue alleged mistakes at trial which resulted in a conviction.

Preliminary Hearing – The hearing at which the prosecution must present sufficient evidence to the court to show “probable cause” that the defendant committed the crime.

Pre-Sentence Investigation – an investigation undertaken by the Department of Corrections at the request of a criminal court, into the past behavior, family circumstances, and personality of an adult who has been convicted of a crime. The pre-sentence report assists the court in determining the most appropriate sentence.

Probable Cause – A finding of “probable cause” is a finding that a reasonable person would believe a crime was committed and that the defendant committed the crime.

Probation – Placement of a convicted person into the community under supervised control of the Department of Corrections without first having served any time in prison.

Pro Se – Acting as one’s own defense attorney or filing a court document without an attorney (“pro se” is Latin meaning “for self”).

Prosecutor – An attorney employed by a government agency whose official duty is to do justice on behalf of the citizens, including pursuing criminal actions against defendants. A prosecutor does not serve as a personal lawyer for a victim or witness, but will serve as an aid and contact through the criminal trial.

Public Defender – An attorney employed by a government agency whose official duty is to represent defendants unable to hire private counsel.

Reasonable Doubt – The burden of proof that the prosecutor must meet in a criminal case in order to find the defendant guilty. “Reasonable doubt” is one that fairly and naturally arises from the evidence or lack of evidence presented. It is not proof beyond all doubt. If a person is firmly convinced of the defendant’s guilt, then there is no reasonable doubt.

Release on Bail – The release of the offender prior to trial after money or a bond supported by collateral is paid to the Court. If the offender fails to return to court, the bond or bail money will be forfeited to the Court.

Restitution – Monetary judgment made through a court order or other agreement where the victim or survivor, or the community, is compensated for a loss resulting from the actions of the offender. Restitution can be ordered for a victim’s or survivor’s expenses related to the crime, including property losses. Payment of restitution is solely the responsibility of the offender in a case.

Revocation Hearing – An administrative and/or judicial hearing on the question of whether or not a person’s bail, probation, or parole status should be revoked and the offender returned to custody.

Search Warrant – A document issued by a judicial officer, upon a finding of probable cause which directs a law enforcement officer to conduct a search for specified property or persons at a specific location, to seize the property or person, if found, and to account for the results of the search to the issuing judicial officer.

Sentence – The punishment which is imposed on an individual who has been convicted of a criminal offense. A sentence may include, but is not limited to, time in jail or prison, probation, mental health treatment,

finances and penalties, restitution, court and attorney costs, and community service.

Sequestration – Barring witnesses from the courtroom until after they provide their testimony. Sequestration is done so that the witnesses' testimony is not influenced by other testimony. Juries also may be sequestered. In such a case, jurors are not allowed to have any contact with the public or with the media until the case is over.

Stipulation – When both attorneys agree on the validity of a piece of evidence.

Subpoena – A court order which requires a witness to appear in court. Failure to appear may result in a "bench warrant" being issued by the court for the person's arrest.

Suspect – A person who is believed by criminal justice officials to be one who may have committed a specific crime, but who has not been arrested or formally charged.

Venue – The geographical area from which the jury is drawn and in which trial is held.

Victim Advocate – A person who offers emotional support and information to victims and their families, assists them through the justice system, and refers them to other resources. Advocacy includes speaking with, or on behalf of, the victim concerning the crime with other individuals or organizations.

Victim Impact Statement – A statement or document prepared by the victim, survivor, or friends of a victim that describes the effect the crime has had on their lives. Such information is considered by the judge prior to sentencing.

Voir Dire (vwar-deer) – The method of jury selection used for trial. Both attorneys have the right to ask potential jurors various questions to establish their suitability to act as jurors in that particular case.

Warrant – A court order authorizing a police officer to search a certain place or arrest a certain person.

Witness – A person who has directly seen an event, such as a crime, or piece of physical evidence, or a person who has knowledge that is related to a court case.



Victims' Services Division

120 SW 10th Ave., 2nd Floor

Topeka, KS 66612-1597

(785) 291-3950 • 1-800-828-9745 (toll-free)

Monday-Friday, 8 a.m.-5 p.m. CST

www.ag.ks.gov/victims

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