

# The PROSECUTOR

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Stuart VanMeveren, Robert M.A. Johnson, Dan M. Alsobrooks, Jan Scully, James P. Fox, Mathias H. Heck, Jr., Robert P. McCulloch, Christopher D. Chiles with James M. Reams, center front

## The Homicide Family Support Group *Helping Victims' Families and Prosecutors*

BY BEN DAVID

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**SPEAKING FOR THE DEAD** is an awesome responsibility. For prosecutors handling a murder case, giving victims a voice in the courtroom can be especially daunting. Not only must we flesh out the humanity of a person we have never met, but much of our time, both leading up to the trial and during it, can be consumed by counseling family members of the deceased. For these relatives, an added layer of anger, fear, and uncertainty is mixed into the equation as they wonder who will be held responsible, what will happen in court, and whether their wishes will be considered.

In Wilmington, North Carolina, where I serve as district attorney, a group of ordinary citizens meets once a month to help victims' families through their grief when a death occurs. Having been in existence for over a decade, the Homicide Family Support Group (HFSG) helps the prosecutors and victim witness assistants who handle these cases almost as much as it benefits the family members.

The HFSG is made up entirely of victims' relatives who have experienced the tragic loss of loved ones

taken through acts of violence, ranging from driving while impaired offenses to first degree capital murder cases. Family members counsel each other through their grief and, in the process, learn about the road ahead as the case winds its way through the bizarre and unfamiliar territory of the criminal justice system.

The group meets one evening a month away from the courthouse. Everyone must sign a confidentiality pledge to enter the room. Media is strictly forbidden. Pizza is served and child care is provided. No professional counselors are present and participants are cautioned that the HFSG is not intended to replace the counseling that many require from psychologists, psychiatrists, pastors or other professionals. The only professionals in the room are a senior prosecutor and a victim witness legal assistant who answer general questions about the court process but stay away from the business of counseling.

Family members provide the healing, going around the room telling the others what has brought them to the group. There is no script for the meeting and everyone is told that there is no right way to feel. For

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returning members, many simply talk about the good and bad things that have happened in their lives over the preceding month. Members are told not to discuss the facts of a specific case, other than to give a brief description of the date of loss and manner of death. If they have specific questions or want to provide new information about their loved one's case, they are told to schedule a time during the business day to meet with the detective and prosecutor who are assigned to handle it.

### ***UPHOLDING VICTIMS' RIGHTS***

In North Carolina, like in many states, homicide victims' families have a Constitutional right to meet with the prosecutors handling the case, to be present at critical stages of the proceeding, and to speak to the judge at the time of sentencing or plea. The HFSG gives families a meaningful and constant connection to the District Attorney's Office for the time the case is pending—which, as we all know, can seem excruciatingly long. Frustration with the system can be addressed and sometimes allayed by others who have been there before. By the time new family members come to court, they know about the process and, frequently, a detailed letter or impact statement has been written.

### ***EDUCATING VICTIMS' FAMILIES ABOUT THE PROCESS***

Family members typically have lots of questions:

- What are the steps in the process (first appearance through trial);
- Why do some cases plead and others go to trial;
- Is the death penalty an option or is probation even possible?

For many of these questions, the moderating prosecutor may be able to provide an answer. Other times, this same prosecutor will report the family members' concerns to the prosecutor handling the case the next day.

Family members also educate each other. New

members hear words of warning from the veterans, like not talking to the press until the case is over. Some have also shared their experience of discussing the case with "an investigator from the county," only to be cross-examined later about the statement they gave to the investigator from the Public Defender's Office.

### ***BECOMING EDUCATED BY THE VICTIMS' FAMILIES***

As the fog lifts in the days after a funeral, some victims' relatives have meaningful information to provide that may aid in the investigation, head off a defense, or pro-

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vide more insight into the humanity of a victim who we will never meet. The HFSG is frequently the place where my office realizes that investigators need to conduct follow-up interviews and investigations. We also learn something about life. For instance, I have long learned not to use a word like "closure" when discussing their grief—some wounds never heal.

### ***ASSISTANCE DURING COURT PROCEEDINGS***

Members of the HFSG attend court proceedings to lend each other support. Imagine the impact this group has on a judge and jury. Without saying a word, this sea of people, diverse in every respect, united by

grief over the loss of the victim, conveys the magnitude of the loss to everyone in the courtroom. Some defense attorneys have made motions to bar the HFSG from the trial. These motions have never been granted.

The support that members give each other frees up very busy prosecutors and victim witness legal assistants to focus on the hearing or trial. In lengthy cases, or when a family is coming in from out of town for a loved one's trial, members provide home cooked meals to the family.

### *LIFE GOES ON—CONTINUING THE CONNECTION*

After the trial or plea is over, many family members still feel empty since no amount of punishment can bring their loved ones back. These relatives have now gone through the court process, making their participation in the HFSG more valuable than ever. Veterans educate newer members about the grief they experienced along the way and help demystify the process by talking firsthand about their journey through the system.

Over the years, many members report that their grief changes. Imagine when a mother of a child who was murdered last week hears from a mother who lost a child eight years ago that it took her four years to smile and really laugh again. That is hope given by someone who has been there. HFSG members get incredibly close with each other and frequently check in with one another. Members attend the biggest events of each others' lives, whether it is the birth of a child, a wedding, or another funeral. Not surprisingly, many lifelong friendships have been forged among the members of the HFSG.

### *A BRIDGE OF TRUST TO THE NEXT FAMILIES*

When a death occurs in our community, members of my office and members of the HFSG know that there is a family in shock that will soon be coming to the courthouse. The initial meeting with this new family is

made with members of law enforcement and then with members of the District Attorney's Office. At this meeting, we tell them about the HFSG. We ask them if it is okay for a current member to call them, typically a family who has experienced loss in a similar way. When a member of the HFSG calls a new family to assure them that the prosecutor who handled their case was caring and professional, the trust that is built goes a long way for the victim's family and for the District Attorney's Office.

### *A PUBLIC WAY TO CELEBRATE LIFE*

There is one event that the HFSG makes open to the public. Every May, the families come together to remember their loved ones in a memorial service that celebrates life and calls for peace. A slide show broadcasts images of the victims during good times. Music is played and flowers are brought forward as the name of each victim is announced. Members of my office, along with law enforcement officers and other community leaders, come to this collective "second funeral" for these victims. No one has more legitimacy in the community in showing the face of senseless loss through violence or impaired driving than the relatives who make up the HFSG.

The message is clear: People must learn from these senseless tragedies if these crimes are to stop. As a constant reminder of the lives that have been taken, these same pictures of victims are on permanent display in the lobby of the District Attorney's Office in the public waiting area. These images provide perhaps the most persistent reminder of why we do what we do: Giving voice to victims who are now absent but who are not forgotten.

### *STARTING A HFSG IN YOUR JURISDICTION*

Starting a HFSG in your jurisdiction is easy and the benefits are immeasurable. If you would like to learn more about our group, visit [MyDistrictAttorney.com](http://MyDistrictAttorney.com) and click on the court programs icon to get contact information for the HFSG coordinator.