



NORTH CAROLINA

Victim Assistance Network

What Can I Ask...When a Loved One is Taken by an Act of Violence

As a loved one of a homicide victim, your life changed within minutes when told that they would not be returning to your home...to your life. Everything changes in what you believe or perceive, as your faith may be shaken and trust will be challenged unsure of people, laws, or rights. Now you have been thrust into a world that may be entirely foreign to you nor one that you asked to be a part of; however, you are now a loved one of a homicide victim.

For many, the workings of a criminal investigation or prosecution are unfamiliar territory. The arenas whose focus may be so concentrated on the charging and conviction of the person responsible that the professions may not fully understand the impact on loved ones.

The “justice” piece of this system is misunderstood as the justice that is believed to be deserved upon the finding of guilt has to do with what the law determines to be a “just” punishment and not based on loved ones’ belief of what is deserved. Unfortunately, the criminal justice system is slow, complicated, and frustrating, and navigating the trauma needs and rights of loved ones may be lacking.

To help loved ones navigate this system, these “tips” are offered as you work with the investigating law enforcement agency or the District Attorney prosecuting the criminal case.

*Please note that these tips are not legal advice, but suggestions on how to be heard and understood as you work with the criminal justice system during this traumatic time.

Questions for Law Enforcement:

Asking questions helps ensure that you are well-informed and involved in the process while also reminding law enforcement of their responsibility to keep you informed and to provide the support you need during this critical time. It's also important to remember that you have a right to ask questions about the process and to request information, but there may be some details that can't be shared until the investigation is complete, especially if it could affect the case.

These are some key questions you might want to ask law enforcement during an investigation:

1. Case Details

- Who is handling the investigation (name, contact information, experience)?
- Are there any witnesses to the crime, or potential witnesses that will be interviewed?
- How will I know if anyone has been arrested or questioned in connection with the crime?
- What evidence has been collected so far?
- If I come across new information or evidence, what shall I do with this information?
- Will there be an autopsy performed on my loved one?
- How and when can I request a copy of the autopsy report?
- Is there a timeline for when the investigation will be completed?
- What happens to my loved one's case if all leads are exhausted?
- What is the current status of the investigation?

2. Communication

- What is expected of me during the investigation process?
- Are there any steps I should take to help the investigation?
- How will I be kept updated on significant progress or changes in the case?
- What is the best way to reach the investigator handling my case?
- How do I get a copy of the police report and what will that contain?
- What do I do if I want my loved one's belongings or property that was with them at the time of the crime?

3. Victim Support

- What should I do if the media attempts to contact me to talk about my loved one and the case?
- Are there victim assistance services or resources available to assist me through this process?
- Is there any financial assistance or support I can access (e.g., victim compensation funds)?
- How can I receive counseling or emotional support as I cope with this situation?
- Who do I contact should I feel unsafe or threatened and I need a protective or restraining order? What are my options?

4. Legal Process and Rights

- What are my rights as a loved one of a homicide victim?
- What should I do if I feel my rights are unfulfilled or are being violated during the investigation?
- Will I be notified if charges are filed and a person has been arrested?
- Can I request to speak with a supervisor or another officer if I feel my concerns aren't being addressed?

5. Timeline and Case Resolution

- How long does it usually take to complete investigations like this one?
- How long does a criminal case take to come to trial?
- If the investigation takes longer than expected, will I be informed of the delay?
- If the case is closed or no charges are filed, will I be notified, and can I get an explanation?

6. Post-Investigation

- What happens if a suspect is caught or identified—what are the next steps?
- Will I be involved in the decision for a plea deal?
- How can I find out if the perpetrator is incarcerated or received a sentence?
- Once the investigation is complete can I obtain a copy of the full police report?

Questions for the District Attorney's Office:

Upon the arrest of the offender who is believed to have committed the criminal offense of homicide, your understanding of the next steps in the criminal justice process will be necessary to help alleviate feeling unheard. This step in the criminal justice process will take time perhaps up to two to three years before the case will be heard in court. Key questions you may wish to ask the prosecutor (DA's Office) during a homicide case are suggested below:

1. Case Details

- Who is handling the prosecution of my loved one's case (name, contact information, experience)?
- What are the next steps in the prosecution process?
- Can you explain what the charges mean and what can I expect if the defendant is convicted?
- What is the likelihood of a conviction based on the evidence that has been collected?
- Will more evidence be collected after this arrest? Who collects that evidence?
- What happens to my loved one's case if a jury cannot decide on a verdict?

2. Communication

- What is expected of me during the court process?
- How will I be kept updated on significant progress or changes in the case?
- What is the best way to reach the prosecutor handling my case?
- If I come across new information or evidence, what shall I do with this information?
- When will I be informed that a plea is being offered? How will be informed?
- Will I receive notifications about hearings or trial dates? How?
- What do I do if I want my loved one's belongings or property after the trial?

3. Victim Support

- What should I do if the media attempts to contact me to talk about my loved one and the case?
- Are there victim assistance services, court advocates, or resources available to assist me through this process?
- Is there any financial assistance or support I can access (e.g., victim compensation funds)?
- Who do I contact should I feel unsafe or threatened and I need a protective or restraining order? What are my options?

4. Legal Process and Rights

- What are my rights as a loved one of a homicide victim?
- Do I as a loved one to a homicide victim need an attorney, and if so, how can they help me during the court case?
- Can I give a Victim Impact Statement to the court? When am allowed to give it?
- What are the expectations or guidelines for my loved one's family/friends during the trial?
- Am I allowed to talk with any witnesses to the crime?
- What shall I do if a family member is called as a witness?
- What kind of evidence will be presented during the criminal case?
- What should I do if I feel my rights are unfulfilled or are being violated during the criminal case?
- Can I request to speak with the District Attorney if I feel my concerns aren't being addressed by the assigned prosecutor?

5. Timeline and Case Resolution

- Is there a timeline for when the court case will be completed?
- How long does a criminal case take to come to trial?
- If the scheduling of the court case takes longer than expected, will I be informed of the delay and why the case is delayed?
- If charges are dismissed, will I be notified, and will I get an explanation?

6. Post-Trial

- What happens when a defendant has been sentenced, what are the steps to ensure that I receive notifications about release, escape, or death?
- Who will notify me?
- What happens if the conviction is appealed? Who will be involved, and will I be notified by them?

North Carolina Resources available for you:

North Carolina Victim Assistance Network - resources for loved ones and other crime victims:

<https://nc-van.org/support/surviving-loved-ones/>

North Carolina Conference of District Attorneys – information and resources

<https://www.ncdistrictattorney.org/>

North Carolina Attorney General's Office – resources for crime victims:

<https://ncdoj.gov/public-protection/victims-resources/>

North Carolina State Bar – helpful links for civil law concerns and other legal resources:

<https://www.ncbar.gov/for-the-public/helpful-links/>

and

<https://nclrf.org/en/home>