Families Surviving Criminal Homicide

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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 services representatives 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, surviving family members 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

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 Board. Contact a victim services representative from the District Attorney's Bureau of Victim Services before final arrangements are made with the funeral home to discuss victim compensation claim benefits.

Autopsy

The Los Angeles County Medical Examiner-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 medical examiner-coroner investigation has been completed. Please call **323-343-0714** to ensure proper notification concerning the release of the victim's body.

Return of Property

The Los Angeles County Medical Examiner-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 medical examiner-coroner, contact the Personal Property Section at **323-343-0515**. For all others, contact the police investigator.

Resources

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

California Victim Compensation Board
1-800-777-9229
http://victims.ca.gov/

Los Angeles County Medical Examiner-Coroner
1104 North Mission Road
Los Angeles, California 90033
General information: **323-343-0512**
Notification for release of body: **323-343-0506**
Personal Property Section: **323-343-0515**
http://mec.lacounty.gov

Los Angeles County Department of Public Health
Vital Records Office - Death Section
313 North 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
Bureau of Victim Services
1-800-380-3811
http://da.lacounty.gov/victims

Los Angeles County Registrar-Recorder/
County Clerk's Office
562-462-2137
www.lavote.net

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

Death Certificate

When its findings are completed, the Los Angeles County Medical Examiner-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 Services and Compensation

The District Attorney's Bureau of Victim Services has victim services representatives 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 service.

The representatives also assist victims in filing for reimbursement through the California Victim Compensation Board 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 contain additional information about these rights.

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.

DA-2519-A 06/21

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.

Los Angeles County District Attorney's

Bureau of Victim Services

1-800-380-3811

http://da.lacounty.gov/victims

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 services representatives 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 services representative can assist in completing the form.