

Your loved
one is a
victim of
homicide.

Right now,
you are looking
for **answers.**

The New Hampshire Attorney General's Office
of Victim/Witness Assistance



This publication was supported by Cooperative Agreement No. 2011-WF-AX-0032 awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.



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Office for Victims of Crime
OVC

No one but you
and your family knows
what you are going
through right now.

We want you to know
that we are here to help
you navigate through
the criminal justice system
and the emotional journey
that lies ahead.

We are the Attorney
General's Office of
Victim/Witness Assistance.



NEW HAMPSHIRE ATTORNEY GENERAL'S
OFFICE OF VICTIM/WITNESS ASSISTANCE
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TO THE LOVED ONES OF A HOMICIDE VICTIM:

The New Hampshire Attorney General's Office wants you to know how sorry we are for the loss of your loved one.

This handbook is designed to help you understand the services and support that are provided by the Office of Victim Witness Assistance (OVWA) Advocates as well as find information about what you may experience emotionally, mentally, and physically.

OVWA recognizes that the criminal justice system can often be confusing and frustrating. As you read through this guide, you may have questions. Please know that we are here to answer those questions and provide you with a better understanding of what you may expect.

The goal of OVWA is to ensure that you are treated with the dignity and respect you deserve and that your voice is heard.

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The New Hampshire Attorney General's Office is responsible for prosecuting most homicide cases in the state, with the exception of some manslaughter cases and all negligent homicides which are prosecuted out of the County Attorneys' Offices.

OVWA Advocates are on call 24 hours a day to respond to the state's homicide cases and to provide direct services to family members of homicide victims.

Crisis Intervention and Support

Provide you with emotional support at the time of the homicide.

Assistance with Immediate Concerns

Assist you with retrieving essential personal items from the crime scene, placement of pets, crime scene clean-up, coordination with funeral home and other issues that may come up.

Employer, School, Landlord and Creditor Intervention

Assist you with addressing problems that are directly related to the homicide.

Referrals

Provide you with referrals to trauma informed mental health counseling and other community resources for further assistance.

Media Coordination

Provide you with guidance on how to work with the media.

Criminal Justice System

Outline the investigative process and court procedures.

Case Disposition

Notify you of case updates, dates and times of hearings, trials, final disposition, sentence review, sentence reduction, and parole hearings.

Court Advocacy Services

Provide you with pre-trial courtroom tours, and accompany and support you throughout the pre-trial hearings, trial, and post-disposition hearings.

Assistance with Victim Impact Statements

Assist in the preparation of a statement to the court describing the impact the crime has had on you.

Post-Conviction Services

Ensure that you are notified of sentence review or reduction hearings, parole hearings and your right to participate in these hearings.

Property Return Assistance

Facilitate the return of property being held as evidence.

Homicide/Suicide

*OVWA acknowledges that the criminal justice process looks very different for the survivors of a homicide/suicide. OVWA's initial response and services remain the same (see *The Immediate Aftermath*).*

What Does the Criminal Justice Process Look Like for Me?

With homicide/suicide cases, instead of a trial, a final report may be generated by the Attorney General's Office. The final report is a document that summarizes the facts of the investigation. The report is written by the prosecutor assigned to the case. After the prosecutor has read and reviewed the investigative files, the final report is written. Before the final report is released to the public, the advocate will review the report with you. After the final report is issued, the prosecutor will file a motion with the court to have any property that was taken as evidence returned to the legal next of kin.

Please note this process can take a year or longer.

Grief and Loss

The traumatic grief that you may feel in response to the sudden loss of a loved one can be intense. Each person may experience unique feelings toward the situation. These feelings can vary with each family member and it is important to recognize and respect the differences.

While trying to cope with the traumatic death of your loved one, you may experience many different emotional and physical reactions. Sadly, there is no guidebook on how you should feel. Be patient with yourself during this time because you may feel differently every day.

Physical Reactions to Traumatic Grief

Some examples of physical reactions may be, but are not limited to:

Sleeping problems	Nightmares, inability to sleep, or sleeping too much
Health problems	Stomach aches, headaches, chest pain, frequent colds, or sensitivity to noise and sudden movements
Trouble with eating	Loss of appetite or over eating
Activity	The feeling that you are unable to stop and relax, or lethargy (<i>you just don't care</i>)

Reactions to Traumatic Grief

Some examples of other reactions may be, but are not limited to:

Flashbacks

Memories of your loved one or an event surrounding their death

Memory disturbances

Short-term memory issues or forgetfulness

Difficulty concentrating

Disorganized thoughts or the inability to focus

Difficulty making decisions

Feeling distracted and unable to evaluate situations confidently and clearly

It is recommended not to make any big decisions immediately (*e.g., selling your house or quitting your job*)

REMEMBER:
All of these are NORMAL
reactions to ABNORMAL
circumstances.

Emotional Reactions to Traumatic Grief

Emotional reactions may become very intense at times. It is important to remember that your emotional reactions are a part of healing. There are many ways to help deal with the emotional reactions associated with this traumatic event. It may be necessary to talk with a mental health provider about the feelings you are experiencing.

Guilt or self-blame

You may experience guilt. This is often described as survivor's guilt.

Emotional numbing

You may feel like it is too difficult to experience the full magnitude of the pain.

Sensitive

You may feel like you are becoming upset or getting easily angered.

Feeling of helplessness

You may feel constant worry and stress about the future.

Shock

You may feel hysterical, remain calm, feel numb, laugh, or even appear to function "normally." This is your body's way of protecting itself from fully experiencing the trauma of this event. Shock can last for several days to weeks.

Fear

You may be fearful for yourself or other family members. You may feel like "if this happened once, it could happen again."

Denial

You may experience fantasies or moments of recognition (*where you believe for a moment you just saw your loved one*). Even though your mind knows they are gone, emotionally you may be having a hard time accepting this has happened. This is another way that your body protects itself from the full impact of the event.

Emotional Reactions to Traumatic Grief

Anger, Rage, or Vengeance

These emotions may be more intense at some times than others. It is okay to have these feelings and it is also okay not to have these feelings. You may experience violent thoughts of what you would like to do to the offender and this might be scary for you. It is important to express these emotions appropriately (*exercising, writing, yelling*). Be aware that the anger you may feel toward the offender can sometimes be transferred to those around you.

Depression

The sorrow you are feeling about the death of your loved one and how your loved one died can become very overwhelming. It may make you feel very isolated when your mind starts to process the full impact of the loss.

Meaningful Occasions

Holidays, birthdays, and other meaningful occasions can be particularly difficult. It is normal to have mixed feelings about these days. Here are some suggestions that might help:

- 🌀 Find ways to incorporate memories of your loved ones into your holiday traditions
- 🌀 Share some memories
- 🌀 Do something that you used to do together
- 🌀 Allow yourself to be sad
- 🌀 Look after yourself
- 🌀 Avoid holding your feelings in

Most importantly, do what feels right for you.

Coping With Your Loss

During this difficult time, it is very important for you to take care of yourself. Make sure you are eating, sleeping, and drinking plenty of water. It is okay to ask for help. As human beings, we are not equipped to automatically know how to deal with the traumatic death of a loved one.

Some suggested strategies for coping with your loss:

Writing	Keeping a journal or diary can be very helpful. It will be a way for you to keep track of your feelings. You can also write letters to your loved one, express your feelings about your loss or say goodbye.
Talking	It may be helpful to talk with someone you can trust (<i>counselor, clergy, friend</i>).
Counseling	The advocate can give you a referral to a counselor in your area. This counselor may have been specifically trained to work with loved ones of homicide victims.
Exercise	Exercise can be a good way to relieve stress and reduce tension. Try to exercise three times a week.
Crying	Give yourself permission to cry. It is the body's natural way of releasing stress.
Routines and goals	Set a schedule for yourself, such as when to get up, eat, or go to bed. Set achievable goals for yourself as it will help you stay focused.
Self-Care	Take time to do something for you, like meditation, gardening, massage, reading, or aromatherapy.
Join a support group or read books on grief	See the Resources section of this handbook to find suggested reading. Ask the advocate for information on homicide support groups.
Create a memorial	Plant a tree or create a memory book or box.

Frequently Asked Questions

When will I feel “normal” again?

Your “normal” may never be the same as before, but you can create a new normal.

How long will I feel like this?

Everyone’s experience is different. Be patient with yourself and ask for help and support when you need it.

Why haven’t I cried?

Not everyone shows pain by crying; many show it in other ways. Allow yourself to cry if it happens, but do not put pressure on yourself if you do not have the urge to cry.

Why are people avoiding me?

Many people just do not know what to say or how to respond to your traumatic loss. (*see Is There Anything I Can Do to Help?*)

Will I need mental health counseling?

When your loved one is murdered, it is often very helpful to get professional counseling to assist in dealing with the trauma. It may be more helpful to go to someone who is trained in trauma and loss.

New Hampshire Network of Homicide/Trauma Informed Mental Health Providers

OVWA has developed a Network of Homicide/Trauma Informed Mental Health Providers (Network) who are on a referral list to work with homicide survivors, including children. Please ask the advocate for a referral and for assistance in connecting you with a Network provider in your area.

Helping Children with Grief

Just like adults, children respond to grief. Emotional reactions for children are very similar to those of adults. It is helpful to talk with children and young adults about these feelings and why they are having these feelings, thoughts, reactions, and emotions.

What Adults Need to Know

Children may have any of the following reactions:

- Wanting to talk about the person who died
- Having overwhelming thoughts about the person who died
- Sharing with friends thoughts and images about the death
- Not wanting to be alone
- Being fearful of the dark or doing things that normally were not a problem before
- Needing constant reassurance
- Experiencing sleep problems
- Having a loss of appetite
- Having physical discomforts
- Participating in increasingly risky behavior
- Having difficulties with school work and childhood friendships

Sometimes children do not express any feelings about the death. It is important to give the child a safe environment to talk openly about the death.



It is important to remember that children watch the adults around them and how they are reacting to the death of their loved one. Your actions will help develop appropriate coping skills for children and young adults. It is important to be aware that as children grow, they may want to revisit the loss and ask new questions.

Sharing positive memories of your loved one with your children is a starting point for many conversations on how the children are feeling. Maintaining positive ways for children to engage physically and mentally (*drawing, reading, and writing*) are important for healing.

From a Survivor...

“I may find myself craving someone just to smile, give me a hug and someone just to say ‘I’m sorry.’ Sadly, most people do not know what to say to someone who has lost a loved one to homicide.”

“People tell me: ‘I think about you all the time.’ Don’t think about me. Write to me. Ask me to spend some time with you. Even if I refuse, you have told me you care. Don’t tell me to call you. I’m much too tired to do that. Please call me. Don’t tell me you will call, write or keep in touch if you can’t do so. I expect you to keep your promise and I feel betrayed when it doesn’t happen.”

“‘I don’t know what to say.’ You don’t have to say anything. Just being here is enough. Listening to me is even better.”

Shirley Bostrom, Homicide Survivor Newsletter

Is There Anything I Can Do to Help?

Most friends are anxious to find out what they can do for you.

Suggestions for friends and relatives:

Get in touch

Even if much time has passed, it is never too late to express your concern. Let the family know you care.

Say little on an early visit

In the initial period (before burial), just being there and offering words of affection may be all that is needed.

Avoid clichés and easy answers

“He is in a better place” and “Aren’t you lucky that…” are not likely to help. A simple “I’m sorry” is better.

Be yourself

Show your concern and sorrow in your own way and in your own words.

Keep in touch

Be available.

Attend to practical matters

Find out if you are needed to answer the phone, greet callers, prepare meals, clean the house, care for the children, etc. This kind of help lifts burdens and creates a bond. It might be needed well beyond the initial period.

Accept silence

Do not force conversation if people don’t feel like talking.

Be a good listener

Sometimes what is most helpful is to be able to vent and to have someone just be there to listen. Accept whatever feelings are expressed. Be as understanding as you can be.

Suggestions for friends and relatives:

Do not tell people how they should feel

Try this instead, "I can't imagine what you are going through."

Do not ask for details about the death

Listening with understanding is important. They will offer information that they are comfortable sharing with you.

Comfort children in the family

Do not assume that a seemingly calm child is not sad. Be a friend to the child. Children do not need to be shielded from the grieving of others.

Allow the "working through" of grief

Do not whisk away clothing or hide pictures. Let them decide what they want to do with their loved one's belongings.

Encourage the postponement of major decisions

Whatever can wait, should wait.

When returning to social activity, treat him or her as a normal person

Acknowledge the loss, but do not dwell on it.

Adapted from New Mexico Survivors of Homicide, Inc.

There may be no words to express exactly how sorry you are. Sometimes just your presence is comforting.

It may be very hard to focus on the practical yet essential matters that must be dealt with when a loved one dies. We hope this information will assist you.

Medical Examiner and Funeral Arrangements

Because of the nature of your loved one's death, it is necessary for an autopsy (*see Autopsy*) to be performed in order to determine the cause and manner of death for use at future legal proceedings. This will be conducted by the Medical Examiner's Office. In order for you to make the necessary arrangements, you should be aware of the following:

- ☞ The Medical Examiner may take several days to complete this procedure.
- ☞ You will need to contact the funeral home of your choice.
- ☞ The funeral home will call the Medical Examiner's Office directly to arrange transportation of your loved one to the funeral home.
- ☞ The funeral home will make an appointment with you to come into their office to make the funeral arrangements.

The advocate can provide assistance with any of these steps if necessary. The advocate will notify you when your loved one is ready to be released to a funeral home.

Do I Need an Attorney?

The Attorney General's Office is tasked with handling the criminal case of your loved one's death (the crime that was committed against the state). They cannot assist you with civil matters. You may want to consider hiring a civil attorney for all other matters surrounding your loved one's death (*see Important Papers You Will Need to Locate*).

Important Papers You Will Need to Locate:

Pre-arranged Funeral Policies

If there has been a pre-arranged agreement, you will need to locate it so that the funeral arrangements can be made.

Cemetery Plot Deeds

If one has not already been purchased, this will have to be done in most cases. Cemetery plots are handled by the cemetery, separate from the funeral home.

Will

If there is a will, try to think where it would be kept: security deposit box, attorney's office, home? If there is no will, you may want to contact a civil attorney to see if the estate must go through probate court.

Death Certificate

You can obtain a certified copy of the death certificate from your funeral home. You will need several copies of the death certificate for social security, insurance, bank or other matters where proof of death is needed. For a fee, you can also obtain copies from Vital Records.

Marriage and Birth Certificates, Divorce Decrees, and Birth Certificates of Surviving Children

These documents may be kept in the same place as the will.

Insurance Policies (*life, disability, health, travel*)

Do not forget, some organizations such as banks or travel clubs may automatically cover the member with some type of insurance. (*The advocate may also provide insurance companies with confirmation that your loved one died from a homicide and that the beneficiary had no role in this death.*)

Important Papers You Will Need to Locate:

<p>Stocks and Bonds</p>	<p>Joint ownership goes to the survivor. Single ownership goes to the estate for probate court.</p>
<p>Bank Accounts</p>	<p>If the accounts are in both of your names, you will have access. If the account is in the deceased's name only, money cannot be taken from the account until an executor is appointed. A civil attorney can help you draw up the appropriate forms for the bank.</p>
<p>Annuity Payments</p>	<p>If the deceased was receiving annuity checks, you must notify the company of your loved one's death. Do not cash any checks dated after the date of death. Return them to the company. If there is a beneficiary, the checks will go to them as soon as the requirements are met to certify the death.</p>
<p>Pensions, IRAs, Union or Other Benefits, Social Security Benefits</p>	<p>You or your children may be eligible for Social Security Survivor benefits. Contact the Social Security Office for more information and assistance.</p>
<p>Military Papers or Veteran's Administration (VA) Benefits</p>	<p>If the deceased was a veteran, you may be eligible for veteran's burial allowance, widow's pension or VA insurance. Contact your VA Regional Office for assistance.</p>
<p>Mortgages</p>	<p>Sometimes, if insurance coverage was purchased, the mortgage will be paid off at the time of death. Check your papers. The insurance premium is usually paid in the mortgage payment.</p>
<p>Vehicle Registration and Titles</p>	<p>You must contact the Department of Motor Vehicles to have your loved one's information removed from the system. They will request a copy of the death certificate.</p>

The New Hampshire Victims' Compensation Program was established to help relieve the financial burden that can come from being a victim of a crime. As a family member of a homicide victim, you may be eligible for help with expenses directly related to the crime, which are not covered by insurance or other resources. Victims' Compensation is the payer of last resort. The advocate will help you with the application and will work with the Victims' Compensation Program to facilitate the processing of your claim. As the person completing the application, you are considered the claimant.

Who May Be Eligible?

An immediate family member or domestic partner of a homicide victim, including:

- Parents, stepparents and domestic partners of a parent
- Child or stepchild
- Sibling or stepsibling
- Spouse or domestic partner

A claimant must have out-of-pocket loss or liability directly related to the crime.

A claimant must cooperate with all reasonable requests of law enforcement officers and prosecutors in the investigation or prosecution of the case.

What Expenses May Be Eligible?

- Funeral and burial costs, including a grave marker (*limits apply*)
- Biohazard crime scene cleanup costs (*if there is no insurance available*)
- Mental health counseling with a licensed therapist
- Medication and medication management
- Mileage to and from both medical and mental health appointments
- Loss of earnings (*limits apply*)
- Loss of support (*limits apply*)
- Expenses associated with participation in Victim Offender Dialogue

NOTE: *The program cannot award money for property loss or pain and suffering.*

When is Someone Not Eligible?

- If the victim's own actions contributed to their death
- If the victim was engaged in illegal conduct at the time of their death
- If there are other resources available to cover the costs (eg., *insurance*).

How Do You Apply?

- Please ask the advocate for assistance in this process.
- The application is available online at:
www.doj.nh.gov/grants-management/victims-compensation-program/index.htm
- Send the completed application to the Victims' Compensation Program to be reviewed. Additional information or documentation may be required. Please respond promptly to additional information requests.

How Long Will It Take?

- You will receive an acknowledgement letter from Victims' Compensation approximately two weeks after submitting the application; however, the decision to determine if you can be assisted may take several weeks or months, based on the investigation status of the case.
- You can help speed up the process by responding as soon as possible to requests for additional information or documentation.
- All claims are unique. Payment will be made once the claim is approved by the Victims' Compensation Commission Board.
- Once all the required documentation has been received from law enforcement and other providers, your claim will be presented to the Commission for a decision.

How Do You Contact the Victims' Compensation Program?

New Hampshire Victims' Compensation Program
 Attorney General's Office
 33 Capitol Street
 Concord, NH 03301-6397

www.doj.nh.gov/grants-management/victims-compensation-program/index.htm

Telephone: (603) 271-1284
 Toll free: 1-800-300-4500 (*in NH only*)

Dealing with the Media

You need to know that you have the right NOT to speak with the media. If you choose to speak, you should not discuss the facts of the case since you, as a family member, are often given information that is not available to the public. You may want to focus your comments on your loved one.

The advocate will work with the media to help ensure your privacy and protection. The advocate will notify you of any press release being issued by the Attorney General's Office so that you receive all of the case information from the advocate, not from the media.

It is important for you to know that there may be times when the media may obtain information from other sources which the advocate or the Attorney General's Office has no control over (*eg., a decision may be released by the court and the media may receive the information before the advocate does*).



Dealing with the news media can often be stressful.

Common concerns that victims express about the media include:

- ❧ Interviewing survivors at inappropriate times
- ❧ Filming and photographing scenes of the crime
- ❧ Searching for the “negative” about the victim
- ❧ Inappropriately looking into the victim’s past
- ❧ Printing a victim or victim’s family’s name or address

As a homicide survivor you have the right to:

- ❧ Grieve in private
- ❧ Say “no” to an interview
- ❧ Select the spokesperson 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 instead of an interview
- ❧ Exclude children from interviews
- ❧ Not answer any questions that make you feel uncomfortable or that you feel are inappropriate
- ❧ Avoid a press conference atmosphere and speak to only one reporter at a time
- ❧ Request a correction when inaccurate information is reported
- ❧ Ask that offensive photographs or visuals be omitted from airing or publication
- ❧ File a formal complaint against a reporter

You have the right at all times ...

... to be treated with dignity and respect by the media and you will often find that the media acts responsibly. The advocate can assist you in dealing with the media and can play an effective role as a “go-between” for you and the media. This can minimize the invasion of your privacy. The advocate can also assist you in preparing a statement for the media if you choose to do so.

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Your Loved One Has Been Murdered ...

What Can You Expect?

OVWA advocates are on call 24 hours a day to respond to all of the state's intentional homicide cases and to provide direct services to meet the urgent emotional and physical needs of the family members of homicide victims.

Death Notification

Whenever possible, the OVWA advocate will give the death notification to family members while accompanied by a police officer. This is possible only when the family members live in or near New Hampshire and if there is no chance that the media may report on the homicide before the advocate is able to notify the family.

If the family members live out of the area, the advocate will make arrangements with law enforcement in the town where the family members live to do the death notification in person, and to let the family members know that the OVWA advocate will be in contact with them shortly.

The advocate's role is to ensure that death notifications are made prior to the initial press release from the Attorney General's Office.

Initial Crime Scene

The location where the homicide happened becomes a crime scene. It is important that investigators collect as much evidence as possible in order for the case to be successfully prosecuted and for the offender to be held accountable.

This may take time.

Unless your loved one was killed in a public outdoor space, the police must first get a warrant before they can search the area and collect evidence in the case.

The evidence collection process is usually completed within 48 hours, but it could take up to a week. You will not be allowed to enter the scene until the evidence collection has been completed. The advocate will notify you as soon as the scene is released and will assist you in gaining access to the scene.

Immediate Necessities from the Scene

Advocates will do the best they can to make arrangements for any immediate necessities that you may need from the crime scene before it is released, which may include:

- ✎ Medications, only if a new prescription cannot be obtained
- ✎ Children's items such as their favorite blanket, stuffed animal, etc.
- ✎ Your clothing or your loved one's clothing that is needed for burial services, if the crime scene has not been released

Crime Scene Cleanup

If there is biohazard at the crime scene, the advocate will arrange for a company to remove the biohazard from the scene. The advocate will notify you once the scene is released.

If there is property insurance, the insurance company is responsible for clean-up costs. If there is no insurance, as long as you qualify for the program, Victims' Compensation will pay the bill. (*see New Hampshire Victims' Compensation Program*).

Autopsy

Once your loved one can be removed from the crime scene or the hospital where they died, they will be taken to the Medical Examiner's Office for an autopsy. An autopsy **MUST** be done in all homicide cases as it is a very important and necessary part of the investigation.

It documents and determines:

- ❧ The cause of the death (*how your loved one died*)
- ❧ The manner of the death (*whether your loved one died of a homicide, accident, natural death, suicide, or an undetermined manner*)

An autopsy is necessary in order to prosecute any homicide and to hold the offender accountable. If the case goes to trial, the prosecutors **MUST** prove that one person took the life of another and what caused the death of that person.

Once the autopsy has been completed, the advocate will be notified of the autopsy results and will notify you of the cause and manner of the death and what injuries were found.

Funeral Arrangements

It is up to you to pick out a funeral home to handle your loved one's funeral arrangements. Once the autopsy has been completed, the funeral home will transport your loved one from the Medical Examiner's Office to the funeral home. In most cases, this is when you will be able to view your loved one.

The advocate may answer questions from the funeral home about payment through the Victims' Compensation Program, as well as discuss security issues and media presence with the funeral home on your behalf, if necessary.

Referrals and Resources

In addition to direct services and support, the advocate may be able to provide you with referrals to other community agencies and connect you with other resources that may be available to assist you with issues directly related to the homicide such as:

- 🌀 Personal safety
- 🌀 Emotional/mental health issues
- 🌀 Housing
- 🌀 Food
- 🌀 Clothing
- 🌀 Access to transportation
- 🌀 School
- 🌀 Work
- 🌀 Financial assistance

Investigation

The advocate will explain to you the process of a homicide investigation, which can be different in every case, and will notify you of any new developments in the case. The investigators may want to talk with you at various points in the investigation. If you feel you have any important information for the investigators, let the advocate know and they will coordinate with the lead investigator to talk with you.

Placement of Children

When there are children present at the scene of the homicide, they will be immediately removed by law enforcement and taken to a safe place. The advocate is required to notify the child protection agency, Division of Children, Youth and Families (DCYF), of the situation. The children may be immediately placed with a neighbor or family member, but if temporary placement is needed it is the responsibility of DCYF to coordinate where the children will go.

Placement of Pets

If there are pets at the crime scene, the advocate will arrange for them to be placed temporarily until you or someone else is available to take them. If no one is available, the advocate will call the town's animal control officer, a local Humane Society or an animal shelter for assistance with placement until someone can retrieve them. The State is unable to pay the bill for the placement of pets.



The New Hampshire Criminal Justice System

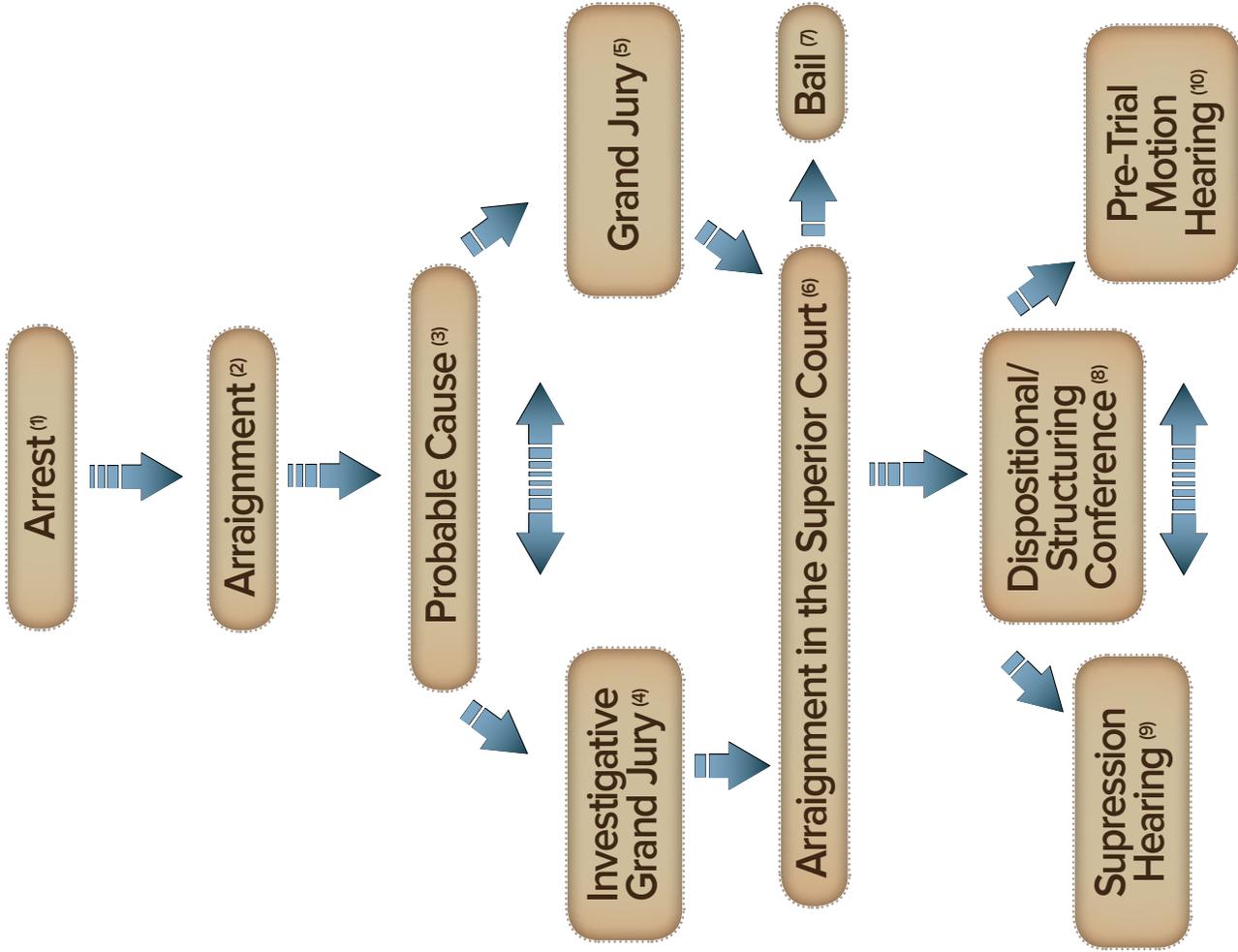
OVWA recognizes that the criminal justice system may be overwhelming. You may get discouraged and feel frustrated by delays and continuances. The duration between the initial investigation and the conclusion in court can be a lengthy process which often takes a year or more.

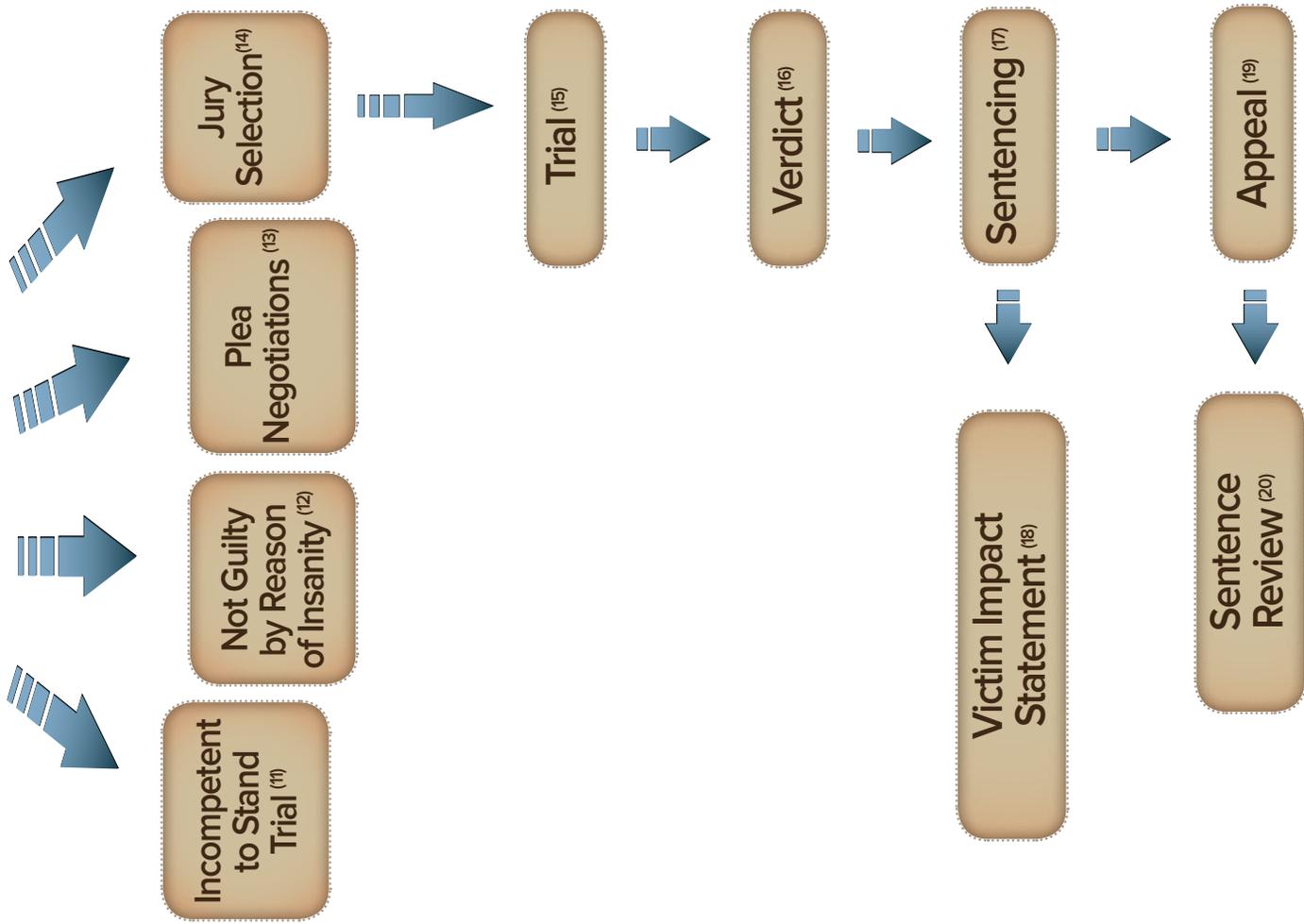
The criminal justice system is a process that often feels more about the defendant and their rights rather than the death of your loved one. There is no right or wrong way to participate in the process. You may not want to participate at all or you may want to attend every hearing.

The following is a description of the steps in the criminal justice process and the role the OVWA advocate plays at each step.

*Note: The numbers in the New Hampshire Criminal Justice System Flow Chart match the numbers and terms listed in the Criminal Justice section. The words that are **bolded** and *italicized* are all defined in the Glossary.*

The NH Criminal Justice System Flow Chart





Courtroom Behavior

There are certain guidelines to follow when you are in the courthouse:

- ❧ Dress neatly, take hats off, and remember to show respect in court.
- ❧ Shut off all cell phones and electronic devices.
- ❧ Leave drinks and food, including gum, outside of the courtroom.
- ❧ Stand when instructed to do so by the judge or bailiff. This will usually only occur when either the judge or jury enter or leave the courtroom.
- ❧ Never speak during court. Save conversation for breaks. Keep gestures, facial expressions and head shaking to a minimum so you do not distract the jury.
- ❧ Never attempt to talk to, gesture or photograph a member of the jury.
- ❧ Wait until the jury exits before leaving the courtroom.

Pre-Trial

Arrest ⁽¹⁾

In most cases the criminal justice process begins when a crime is committed and a person is arrested for that crime.

The advocate assigned to the case will notify you when an arrest is made.

Arraignment ⁽²⁾

Within 24 hours of the defendant's arrest (unless it is on a weekend), they will be arraigned in the circuit court located where the homicide took place. Typically three things will occur:

- A *defense attorney* may be appointed for the defendant if they cannot afford one.
- A date for the *probable cause hearing* will be set.
- The charges will be read to the defendant.

A plea of not guilty or guilty cannot be entered at this time. **NOTE:** At this point the defendant will be held in jail without *bail* as bail can only be set by the *superior court* in murder cases. In cases where the defendant is charged with manslaughter, they can request bail.

The advocate will notify you of when and where the arraignment will take place and will accompany you to the hearing.

Probable Cause Hearing ⁽³⁾

The prosecution and defense will return to the circuit court for a *probable cause hearing*, typically within 10 days of the arraignment in the circuit court. The purpose of the *hearing* is for the *judge* to determine whether the *State* had enough *evidence* to make the arrest.

At the hearing the defense has the right to cross-examine *witnesses* and to present evidence to argue that the State does not have enough evidence to hold the defendant. The defendant may waive this hearing.

The advocate will notify you if the probable cause hearing will or will not take place and will accompany you to the hearing if it is held.

Investigative Grand Jury⁽⁴⁾

An investigative grand jury is a tool that is sometimes used by the *prosecutors* to try to get more information from witnesses for the record.

Because the investigative grand jury is a confidential proceeding, the advocate is not permitted to notify you of the date, attend the hearing, or discuss what occurred in the grand jury room. Neither the defendant nor their attorney will be present at the hearing.

Grand Jury⁽⁵⁾

If the circuit court judge finds probable cause the case will be sent to the *superior court*. The prosecution has 90 days from the probable cause hearing to present the case to a *grand jury*. There are many times when the prosecution will ask the court to extend the 90 days because more investigation is needed. The grand jury is a panel of between 12 and 23 citizens randomly selected within the county where the crime occurred to serve as grand jurors.

The grand jurors listen to the evidence presented by the prosecution and determine if the prosecution has enough evidence to *indict* (*formally charge*) the defendant.

The grand jury is a confidential process and is one of the only parts of the process that you are not able to attend. The only people allowed in grand jury hearings are the prosecutors, the grand jurors, and the witnesses *subpoenaed* to testify. The prosecutors present the evidence to the grand jury and neither the defense attorneys nor the defendant is allowed to attend.

The advocate will notify you when the grand jury has made a decision, and what the next step will be.

Arraignment in the Superior Court ⁽⁶⁾

The purpose of this arraignment is to inform the defendant of the crimes they are being charged with and discuss bail. It is at this time the defendant will enter a *plea* of guilty or not guilty. Often times, the defendant will decide not to have the charges formally read and no hearing will take place. In some courts, the judge will still require the defense and the prosecution to come to the court and tell the court on the record that the defendant does not wish to have the charges read.

The advocate will notify you of when and where the arraignment will take place and will accompany you to the hearing.

Bail ⁽⁷⁾

The superior court may set bail in certain homicide cases. If the defendant is released on bail, they will have certain restrictions to follow, which will include having no contact with you, your family or any witnesses.

If the defendant is entitled to bail, the advocate will work with the jail to request that the advocate be notified if the defendant makes bail and will notify you of their release from jail.



Dispositional/Structuring Conference ⁽⁸⁾

The prosecutors and defense attorneys have a hearing with the judge to schedule dates, set deadlines for filing *motions* with the court, and to set a date for *trial*. Please know that the trial date may be *continued*. You have the right to attend the hearing, but often, the judge may choose to hold the *structuring conference* in the judge's chambers (*office*). The public and the defendant are not invited into chambers with the judge and the attorneys. Because of this the defendant may not be transported to the courthouse.

The advocate will notify you of when the dispositional/structuring conference will take place and will accompany you to the hearing.

Suppression Hearing ⁽⁹⁾

In homicide cases it is common for the defense to ask for a *suppression hearing* to hear motions to suppress evidence (*to keep certain evidence from being introduced at the trial*) early in the process. An example is if the defense thinks the police seized evidence illegally. This hearing may last anywhere from several hours to several days.

The advocate will notify you of the date of the hearing, explain to you the issues that will be argued in front of the judge and accompany you to the hearing. There may also be the opportunity to meet with the prosecutors on the day of the hearing to further discuss the issues.

Pre-Trial Motion Hearing ⁽¹⁰⁾

A motion is a formal request made in writing by the prosecutor or defense for the judge to make a decision on a specific issue. Such motions may ask the court to keep certain evidence out of trial.

The advocate will notify you of the date of the hearing and will explain to you the issues that will be argued in front of the judge. There may also be the opportunity to meet with the prosecutors on the day of the hearing to further discuss the issues.

Homicide Cases Can Result in the Following Outcomes:

The defendant is found incompetent to stand trial.

The defendant pleads not guilty by reason of insanity.

The defendant enters into a plea negotiation and pleads guilty in exchange for a certain sentence.

The defendant goes to trial, is found guilty or not guilty, or the jury cannot reach a decision and there is a mistrial.

Incompetent to Stand Trial ⁽¹¹⁾

In some cases the defense will claim that the defendant is *incompetent to stand trial*. A person is *incompetent to stand trial* when their mental state prevents them from understanding the court process or causes them to be unable to assist their defense attorney in their defense. If the defendant is found to be incompetent, the trial may not take place until the defendant has been restored to competency. The process is as follows:

- 🌀 The defendant is evaluated for *competency* by a psychologist or psychiatrist.
- 🌀 A competency hearing is scheduled. After hearing testimony from the experts, the court must decide whether the defendant is competent. If the court finds the defendant is competent, the case can proceed to trial. If the court finds that the defendant is not competent to stand trial at that time, a determination is made whether the defendant can be restored to competency and what the best plan is to try to restore competency.
 - The State has a year to restore the defendant to competency with therapy and medication. During this time the defendant is placed at the Secure Psychiatric Unit (SPU) at the New Hampshire State Prison where the defendant is treated.
 - If at the end of the year, the defendant is still incompetent, the State will not be able to take the defendant to trial.
- 🌀 At the end of the year, a civil hearing may take place to involuntarily commit the defendant to SPU or to the New Hampshire State Hospital. This is called a dangerousness hearing. You do not have an automatic right to attend this hearing. Only if the judge and the defense attorneys agree to your presence will you be allowed to attend the hearing.
- 🌀 If it is determined that the defendant is dangerous they will be sent to SPU. This placement will be evaluated up to every five years. There is always a chance that the defendant could be released to another facility within the five years, if the defendant is responding to treatment.

The advocate will explain the process to you and will notify you of any hearings or of any changes in the status of the defendant. If the defendant is released back into the community, the New Hampshire Attorney General's Office will be notified and the advocate will notify you.

Not Guilty by Reason of Insanity⁽¹²⁾

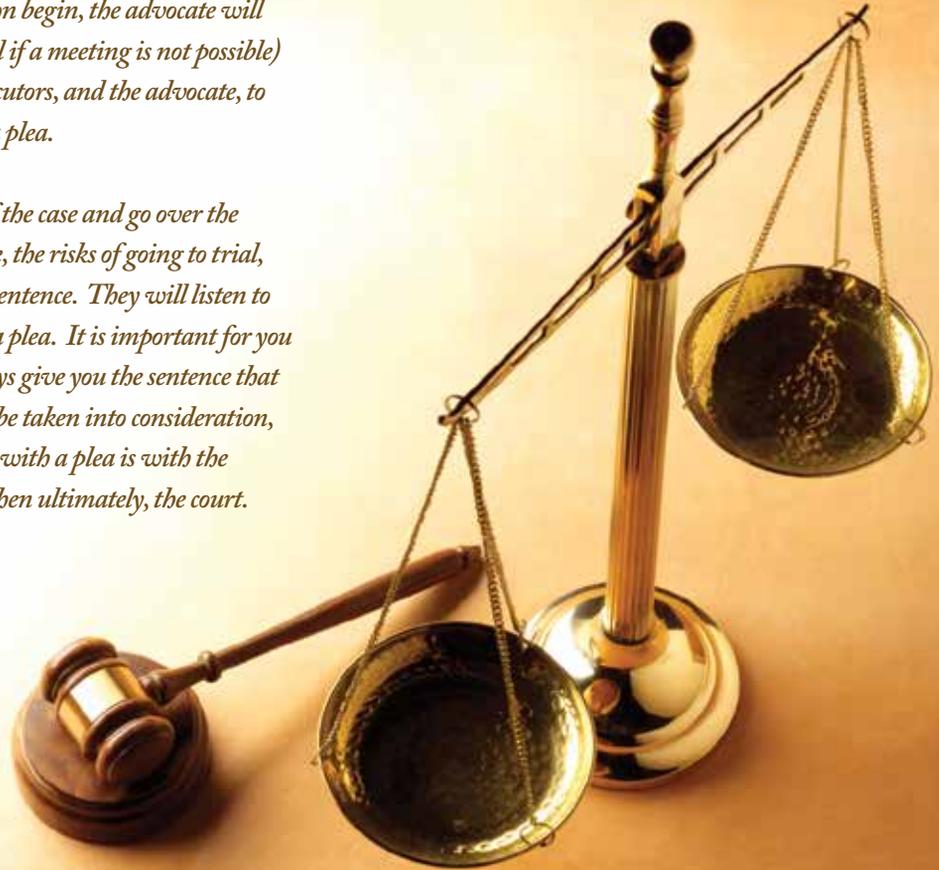
In some cases, the defendant will plead not guilty by reason of *insanity*. **This means the defendant is claiming that the defendant was insane at the time of your loved one's death.**

- ☞ If it is determined by both sides that the defendant was insane at the time of the homicide, the defendant will enter a plea in criminal court of not guilty by reason of insanity and be committed to SPU at the New Hampshire State Prison for a period of up to five years.
- ☞ The defendant is then reevaluated up to every five years to determine if they have regained sanity. If it is determined at the review that the defendant has regained their sanity, the defendant will be released through a reintegration process into society.



Once discussions of a plea negotiation begin, the advocate will set up a meeting (or a conference call if a meeting is not possible) between you, your family, the prosecutors, and the advocate, to inform you about the possibility of a plea.

They will explain to you the facts of the case and go over the strengths and weaknesses of the case, the risks of going to trial, and what is being considered for a sentence. They will listen to your input and how you feel about a plea. It is important for you to know that the State cannot always give you the sentence that you think is fair. Your feelings will be taken into consideration, but the final decision to go forward with a plea is with the prosecutor, Attorney General, and then ultimately, the court.



Plea Negotiations⁽¹³⁾

In most homicide cases, the judge asks the prosecutor and defense if they are able to settle the case without a trial. This is done by a *plea agreement* between the prosecutors and the defense attorneys. The defendant agrees to plead guilty in return for a specific sentence. The defendant must admit to having committed the crime and the judge must approve the plea.

A Plea of Guilty:

- ☞ The defendant has to admit that they committed the crime.
- ☞ The defendant has to tell the judge that they are pleading guilty because they are guilty of the crime.
- ☞ You don't have to go through a trial, where often your loved one's life is exposed in great and sometimes painful detail.
- ☞ The risk is avoided that a jury could find the defendant not guilty and that the defendant could be set free with no punishment.
- ☞ The risk is avoided that the trial could end in a mistrial or in a hung jury, which could mean having to go through a second trial.
- ☞ The defendant must give up the right to appeal to the Supreme Court (which is a process that can take several years to complete).
- ☞ The defendant must give up the right to have a sentence review hearing before a panel of three judges who could possibly reduce their sentence.

The Trial

Jury Selection ⁽¹⁴⁾

If a case goes to trial, a jury will be selected. The superior court will send out letters to citizens throughout the county where the homicide occurred, informing them they have been selected to participate as a potential juror.

There are two ways a jury can be selected:

- ☞ The jury pool is brought into the courtroom and people are called randomly, and if they do not have a conflict or a hardship (*family, health, or work issue*) preventing them from sitting on the jury, they are selected.
- ☞ The jury pool is selected in a longer process called *voir dire*. The jury pool is brought into the courtroom and asked if they have a conflict or a hardship. Once those people are excused, the remaining people are put into a room in the courthouse and called one by one to take the stand to answer questions by the prosecution and defense. If both sides agree this individual would make a good juror, the juror is seated in the jury box. If both sides do not agree, the potential juror is excused.

Twelve jurors are needed to decide a case, but the judge will usually ask the attorneys to select two or more extra jurors just in case a juror becomes ill or has a family emergency. This will prevent the trial from having to stop and start all over again.

You are NOT encouraged to attend jury selection. No facts of the case will be discussed during jury selection. The advocate will let you know when the jury selection is complete and when the trial will begin.

Trial ⁽¹⁵⁾

The trial is usually held at the superior court in the county where the homicide was committed (*jurisdiction*). Proving that the defendant is guilty (*burden of proof*) is the responsibility of the prosecutors, not the defense. Both the prosecutors and the defense attorneys present opening statements to the jury, and then the prosecutors call witnesses to present evidence of the defendant's guilt.

Sometimes either the prosecutor or the defense attorney will *object* to certain testimony. The judge will either agree with (*sustain*) or deny (*overrule*) the objection. The defense attorneys may cross-examine (ask questions) the State's witnesses. After the prosecutor has presented all of the *exhibits* and testimony, the defense also has the right to put on defense witnesses, and the State has the right to cross-examine their witnesses.

The defendant does not have to testify. Both the prosecution and the defense will present closing arguments. Once both sides have presented all their evidence, the judge will read the law and give instructions to the jury. The case will then be turned over to the jury to decide if the defendant is guilty or not guilty.

You have the right to attend all or part of the trial. The advocate will notify you of the trial date and will attend the trial each day to provide you with support and information and to answer any questions you may have. The advocate will inform you of the evidence that will be presented each day and prepare you for any testimony that may be graphic or disturbing. If you do not attend trial, the advocate will keep you updated.

The advocate also works as part of the prosecution team, coordinating witnesses and assisting them when necessary.

Testifying as a Witness

As a *co-victim*, it may be necessary for you to testify in the case. The prosecutors will meet with you ahead of time to prepare you for your testimony. Things to keep in mind while you are testifying:

- ☞ Be truthful. Just tell the facts, simply, as you know them.
 - ☞ Listen carefully to the questions. If you do not understand a question, ask that it be repeated or explained.
 - ☞ Answer only the question asked. Do not try to say everything at once or volunteer information that is not requested.
 - ☞ If a question cannot be answered truthfully and fully with a “yes” or “no,” you can explain after first answering “yes” or “no.”
 - ☞ Do not guess. If you do not know an answer, do not be afraid to say so. Do not stop to figure out whether your answers will help or hurt your testimony for either the prosecution or the defense. Just answer questions to the best of your knowledge.
 - ☞ Be prepared. Do not try to memorize what you are going to say; try to recall relevant facts.
 - ☞ When an attorney objects to a question, do not answer the question until the judge rules on the objection and instructs you to answer the question. If the judge agrees with the grounds for an objection, the objection will be *sustained*. When a judge does not believe the objection has merit, the objection will be *overruled*. If you are confused, ask the judge for direction.
 - ☞ Remain calm and courteous. Do not lose your temper or become angry, as it may affect your testimony and credibility.
 - ☞ Speak clearly and loudly. Always face the person questioning you, and speak clearly enough to be heard by the jury. Do not simply nod for a “yes” or shake your head for a “no.”
- Note: If you, as a co-victim, are called to testify, you have the right to attend the proceedings and cannot be kept out of the courtroom (sequestered).*

Jury Deliberations

After all the evidence is presented, the jury will begin to decide on a verdict (*jury deliberations*). Depending on how many jurors sat through the trial, only 12 of the jurors will be selected to go into the jury room to decide the case. The remaining jurors will be alternates and will stay in a separate room away from the other jurors. If a juror has to be dismissed, an alternate will take their place. There is no time limit or any way to know how long a jury will take to come up with a verdict. It could take hours or it could take days.

The advocate and the attorneys will remain at the courthouse while the jury is deciding the case. You are encouraged to stay close to the courthouse while the jury is deliberating since the verdict will be announced as soon as the jury has reached a verdict.

Verdict⁽¹⁶⁾

As soon as the jury has unanimously decided on a *verdict* they will notify the court that they have reached a decision. They may find the defendant guilty or not guilty. If the jurors cannot come to an agreement it is called a *hung jury*. At that point, the judge will declare a mistrial and a new trial may be ordered. If the jury finds the defendant not guilty (*acquittal*) the defendant is set free and cannot be charged again with the same crime (*double jeopardy*).

As soon as the jury has decided on a verdict, the court will notify the prosecutors and the defense attorneys and the advocate will notify you that the jury has made a decision. There is often very little time between the time the verdict is reached and the time the verdict is announced in open court.

Sentencing⁽¹⁷⁾

If a defendant is found guilty by a jury and it is a *first degree murder case*, which has a *mandatory sentence* of life without *parole*, the defendant may be sentenced immediately after the guilty verdict is announced. If the defendant is found guilty of *second degree murder, manslaughter, or negligent homicide or pleads guilty*, the sentencing hearing is usually held within 60 to 90 days.

Pre-Sentence Investigation Report (PSI)

Before the sentencing hearing, the judge may request that the Department of Corrections Field Services do a *pre-sentence investigation report*. A *parole officer* will conduct an investigation of the defendant's background and may want to talk with you to get your input about the impact the crime has had on your life. A report will be prepared for the judge, which will include a sentencing recommendation. This report is only seen by the judge, the attorneys, and the defendant. Often the attorneys will find out what the PSI recommendation is on the morning of the sentencing. The final *sentence* is decided by the judge. (*see Sentencing in New Hampshire.*)

The advocate will explain the PSI process to you. The advocate will also explain the sentencing process, notify you of the hearing date, and accompany you to the sentencing hearing.

Restitution

Right before the defendant is sentenced, the advocate may ask you about *restitution*. The judge may require the defendant to reimburse you for all out of pocket crime-related expenses not covered by the Victim Compensation Program. You must provide the advocate with receipts in order to be reimbursed.

The advocate will give this information to the prosecutor for consideration at sentencing.

Victim Impact Statement⁽¹⁸⁾

At the *sentencing hearing*, you and your immediate family members have the right to make a *victim impact statement*, which is the opportunity for you to address the court and tell the judge how this crime has impacted your lives. There are several ways that you can address the court:

- 👂 You can speak from your heart.
- 👂 You can read from a prepared written statement.
- 👂 You can have the advocate or someone else read your prepared statement.
- 👂 You can give your written statement to the prosecutor to be given to the judge.

If the statement is given to the court, it will become part of the defendant's permanent file and the defendant will have access to it.

When addressing the court, there are only two rules: you cannot swear and you cannot threaten the defendant. You may decide after trial you don't want to say anything at the sentencing.

The advocate will talk with you about writing a victim impact statement.

See brochure at:

<http://www.doj.nh.gov/criminal/victim-assistance/documents/victim-impact-brochure.pdf>

Sentencing in New Hampshire

A defendant is sentenced to a *minimum sentence* and a *maximum sentence*. The defendant must serve the minimum sentence before being eligible for a parole hearing. New Hampshire has what is known as **truth in sentencing**. This means that when a defendant is sentenced to a term at the state prison, they must serve the minimum sentence before becoming eligible for parole. Unlike many states, New Hampshire has **NO** “time off for good behavior.” Instead, 150 days of “bad time” are automatically added to each year of their minimum sentence as an incentive for inmates to behave themselves in prison.

Inmates who exhibit good behavior usually get released when they reach their minimum sentence. Paroled inmates will remain on parole until their maximum sentence is reached. If an inmate does not behave while in prison, the Parole Board may deny parole and the inmate may serve up to their maximum sentence.

The only way a defendant can change his/her minimum sentence is to:

- ☞ Successfully *Appeal* the case to the New Hampshire Supreme Court
- ☞ Apply for a *Sentence Review* Hearing
- ☞ Petition for a *Sentence Suspension/Reduction* Hearing

The Appeal ⁽¹⁹⁾

After being sentenced, the defendant has 30 days in which to file a notice that they will be appealing the case to the New Hampshire Supreme Court. Almost every defendant who is found guilty of homicide will appeal the conviction. An appeal must be based on legal issues.

After the Supreme Court accepts the case, the following will happen:

- ☞ The Supreme Court will order transcripts of the trial for the judges to review.
 - ☞ The appellate attorney (*an attorney for the defendant*) will submit a *brief* with the Supreme Court.
 - ☞ The State will file a brief in response to the issues the defense raised.
 - ☞ An oral argument hearing is scheduled before the five justices at the Supreme Court in Concord.
 - ☞ Both the State and the defense are given 15 minutes to present their side of the case.
- NOTE:** The judges have already thoroughly read and reviewed the case before the hearing.
- ☞ During this hearing, the justices only listen to the legal issues being presented. The defendant is not present and you do not have a right to speak.

After the hearing, the court will issue its decision in writing. If the Supreme Court *affirms*, then the conviction remains the same. If the court *reverses* the conviction, the prosecutors will then review the case and discuss the options with you.

The advocate will notify you when the appeal is filed and if requested, will provide you with copies of the briefs. The advocate will notify you of the appeal hearing date and will accompany you to the hearing.

NOTE: *A defendant gives up the right to an appeal if they plead guilty.*

Sentence Review⁽²⁰⁾

At the sentencing hearing, before the defendant is taken to prison, the defendant is told by the court of their right to apply for “sentence review.” The defendant has 30 days to request a Sentence Review hearing.

If the defendant requests a sentence review, a hearing is scheduled before the Sentence Review Board. Hearings are held at the New Hampshire State Prison for Men. The Board is made up of three superior court justices appointed by the Chief Justice to review the defendant’s request. A prosecutor from the Attorney General’s Office will represent the State at the hearing.

At the hearing the Board may do any of the following:

- ✎ They may decide the sentence should remain the same.
- ✎ They may decrease the sentence given by the original judge.
- ✎ They may increase the sentence given by the original judge.

If a hearing is scheduled, you will be notified by the advocate who will accompany you to the hearing if you choose to attend. You may address the judges in writing or with an oral statement. The Board will then review the facts and make their decision. You will be notified as soon as the decision is made. It is rare in homicide cases for the Board to change the original sentence given by the original judge.

The advocate will notify you if the defendant files for sentence review and will accompany you to the hearing. You have a right to either speak or present the judges with a written statement.

NOTE: A defendant gives up the right to a sentence review if they plead guilty.

Property Return

Once the sentencing or plea and the appeal processes are over, you may request to have your loved one's personal belongings that were held as evidence returned to you. The advocate will obtain the list of evidence being held in the case and you can decide what you would like returned.

The prosecutor will then file a motion with the court to return property and specify any evidence to be destroyed. Once the motion has been granted, the advocate will make arrangements with you to return the property.

Sentence Suspensions/Reductions

After serving 2/3 of the sentence, the inmate may ask the court to suspend part of the sentence. A judge may decide to hold a hearing or make a decision without a hearing. If a hearing takes place, both the defense and the State may present witnesses to testify to why they think the sentence should change or not change. You have a right to attend this hearing and to speak or submit a written statement. In the majority of homicide cases, these requests are denied.

The advocate will notify you when a sentence suspension/reduction request has been filed and will ask you if you would like to submit a written statement to be included in the prosecutor's response to the request. The advocate will then notify you of the judge's decision or of a hearing date if one is held and will accompany you to the hearing.

Post-Conviction Victim Notification

The advocate will explain to you the role of the New Hampshire Department of Corrections (DOC) Victim Services and the post conviction services they provide. (*see New Hampshire DOC Victim Services Division.*)

Once your case has been resolved and the defendant has been sentenced to the state prison, the advocate will notify the Department of Correction's Victim Services, requesting that you be notified of any change in status of the inmate (e.g. move to another facility, escape, work release, etc.) and of any Parole Board or Parole Revocation Hearings.

In order for you to continually be kept informed of what is going on, **it is important for you to notify OVWA of any changes in your address, phone number, and email address.** If you have any questions about the status of the inmate, contact the OVWA advocate.

Parole Board Hearings

Once you have been registered for DOC notifications, you will be notified by DOC Victim Services of any parole hearings. OVWA is also notified by DOC and the OVWA advocate will make contact with you and explain to you the parole process and your right to be present and to speak.

You have certain options:

- ☞ You may choose not to attend the hearing but provide a written a statement that can be either read at the hearing or be submitted for the *Parole Board's* review.
- ☞ You may choose not to address the Parole Board at all.

If you choose to attend the parole hearing the advocate will accompany you. The prison has a victim resource room where you will be able to wait and not come in contact with the inmate. The advocate will escort you at all times while in the prison. At the parole hearing you have a right to tell the Parole Board why you do not want the inmate released.

If the inmate is paroled and they violate the conditions of parole, the Parole Board will notify you and OVWA of any parole revocation and what the consequences will be on the parolee.

NOTE: The Parole Board bases their decision on the inmate's behavior while they are in prison and **not** on the original crime committed.

New Hampshire Department of Corrections (DOC) Victim Services Division

The DOC Victim Services Division has victim advocates who are available to assist you on specific issues regarding the inmate. See <http://www.nh.gov/nhdoc/divisions/victim/index.html> for details of the victim services available through the Victim Services Division, as well as other resources, publications and information on the New Hampshire prison system.

DOC Victim Services will notify you of any change in status of the offender including parole hearings, and can assist you if you have any problems such as an inmate trying to contact you.

NH DOC Victim Services

P.O. Box 1806 | Concord, New Hampshire 03302-1806

(603) 271-1937 | Fax (603) 271-5639 | Toll free: 1-888-NH NOTICE (888-646-6842)

victimservices@nhdoc.state.nh.us

Victim Offender Dialogue

There are some cases when a family member may ask to speak directly with the person who murdered their loved one to assist in their recovery and healing.

As a result of these requests, the DOC Victim–Offender Dialogue Program was created. The program is available only at the request of the victim, never the offender. If all parties agree, the DOC Victim Services Division coordinates a facilitated dialogue in a safe environment. The dialogue only occurs after extensive collaboration and preparation. With sufficient structure, preparation, and resources, a facilitated dialogue between victim and offender may offer an opportunity to address the personal impacts of the crime.

Access to Homicide Case File

At the conclusion of a homicide case and after the appeal process is over, you may request the homicide case file through the advocate.

If your request is for the purpose of gaining as much information as you can about the homicide to meet your emotional needs and promote healing, it is considered to be an OVWA service. Once any confidential information (e.g. medical records) is removed from the file, the advocate will arrange for you to come to the Attorney General’s Office to review the file and will be available to provide you with support if needed.

If the file is being requested by an attorney or other entity, a formal Right-to-Know request must be filed with the Attorney General’s Office in order to access the case file.

Glossary

of Legal and Criminal Justice Terms

Accomplice	Someone who helps someone else commit a crime and who may also be held legally accountable for the crime.
Acquittal	The decision by a judge or jury that a defendant is not guilty of a charged crime.
Advocate	An individual employed by the prosecutor's office to provide support and services and inform crime victims of their rights and available services and to assist them through the criminal justice system, also called a Victim/Witness Advocate.
Affidavit	A sworn document containing a summary of the facts of the case that is written early on in the investigation and is used to obtain a search warrant or arrest warrant from a judge.
Allegation	A charge or claim that the prosecutor expects to prove in court.
Appeal	A request by the defendant that the Supreme Court review the legal decisions of a lower court. The court can overturn the conviction or can agree with the lower court's decisions.
Arraignment	<p>At the Circuit Court - A brief hearing which typically happens within 24 hours of the defendant's arrest, at which charges are formally presented to or read to the defendant. An entry of not guilty is placed on the record on behalf of the defendant and no bail is set. A probable cause hearing will be scheduled at this time.</p> <p>At the Superior Court - Another arraignment is held at the superior court after the defendant is indicted. The judge may set a bail amount and conditions at this hearing.</p>

Arrest	When law enforcement takes an individual into their custody and charges them with committing a certain crime(s).
Attorney General	The chief law enforcement officer for the state. The Attorney General's Office is responsible for overseeing the investigation and prosecution of most homicide cases.
Bail	An amount of money required by a judge to be paid by the defendant and restrictions set to ensure future attendance at court proceedings. A hearing may take place at which bail is set or modified.
Brief	A legal document, which outlines under the law, why the court should or should not have let in evidence or certain statements from witnesses.
Burden of Proof	A legal standard that determines the amount of evidence that must be shown to prove a contested issue. In criminal trials, the burden is on the prosecutor to prove the elements of the offense beyond a reasonable doubt.
Certification of a Juvenile	A child who is at least 13 years or older may be ordered (be certified) to stand trial as an adult for certain felony offenses. To determine whether a case will be handled in adult court, the juvenile court considers such matters as the child's age, maturity, prior contacts with law enforcement, the seriousness of the charge, and the availability of appropriate punishment in the juvenile system. If a child is charged with committing a homicide, the case may be transferred to the superior court to be tried as an adult.
Chambers	Judge's private office.

Circuit Court	The lower court that handles violations and misdemeanor offenses which are punishable by fines and up to 1 year in the county jail. All cases begin in circuit court, however felony offenses progress to the superior court.
Co-Defendant	One of two or more persons charged in connection with the same crime.
Competency	A determination that a defendant has sufficient mental capacity to stand trial.
Concurrent Sentences	When a defendant has multiple charges that are given separate sentences but they are served all at the same time.
Consecutive Sentences	When a defendant has multiple charges that are given separate sentences, with one sentence beginning when the other sentence has been completed.
Contempt of Court	When someone willfully disobeys a court order or shows disrespect or unacceptable behavior in the presence of the judge/court.
Continuance	A delay or postponement of a scheduled court proceeding.
Conviction	When a defendant is found guilty at the end of a trial or pleads guilty.
Court Order	The decision of a judge on any motion or request when a specific outcome is granted.
Defendant	A person charged with committing a crime.
Defense Attorney	The attorney who represents the defendant.

Depositions	Formal pretrial meetings in which attorneys have the opportunity to question, under oath, potential witnesses in the case.
Discovery	The pretrial procedure in which each attorney shares the evidence in their possession, including witness statements, police reports, etc. Discovery helps the attorneys to prepare their case and to ensure a fair trial.
Dismissal	A decision by a judge to end the prosecution of a case without deciding whether the defendant is guilty or not guilty.
Disposition	The final outcome or sentence in a criminal case.
Dispositional/ Structuring Conference	When attorneys from both sides meet with the court to schedule hearing and trial dates and to set deadlines for both sides to file any motions with the court.
Double Jeopardy	The act of putting a person through a second trial for an offense for which he or she has already been prosecuted, convicted of, or trying to punish the defendant twice for the same crime.
Evidence	Testimony, documents, material objects or anything presented to prove or disprove any fact relevant to a case.
Exhibit(s)	Any document or other physical item offered and admitted into evidence at trial.
Felony	A crime that is punishable by over a year in state prison.

Fine	Amount of money a defendant is ordered by the judge to pay as part of the sentence.
Grand Jury	A group of 12 to 23 persons who hear the evidence in a case to determine whether there is sufficient evidence to bring a defendant to trial. The grand jury may approve an action with a simple majority. Grand juries sit in each county, typically for a day or two each month.
Guilty Plea	When a defendant admits guilt to the court. Although any criminal defendant has an absolute right to plead not guilty and to force the prosecution to prove their guilt at trial, each defendant also has the right to plead guilty and admit the charges. When a defendant pleads guilty in most courts, the judge will ask several questions to ensure that the defendant is aware of the rights s/he is giving up due to the plea and the possible consequences of the resulting conviction.
Hearing	A court proceeding in which evidence and arguments on a particular issue are presented to a judge.
Homicide	When one person kills another.
Homicide/Suicide	When one person kills another and then kills themselves.
House of Corrections	A facility which holds prisoners who are awaiting trial as well as those who have been convicted of crimes and are serving sentences of less than one year. Each county has a House of Corrections (also called the County Jail).
Hung Jury	When jurors cannot unanimously agree on a verdict of either guilty or not guilty and the judge declares a mistrial. The prosecutor makes the decision on whether or not the case is retried.

Incompetent to Stand Trial	When a defendant's mental condition prevents them from understanding the court process and cannot assist the defense attorney in their own defense.
Indictment	A formal charge of a crime decided by a grand jury.
Insanity Defense	A criminal defense that is based on the theory that the defendant suffered from a mental disease or defect which caused them to commit the crime.
Interlocutory Appeal	An appeal to the Supreme Court that is done before trial to challenge an order made by the trial court . This will delay trial.
Judge	A public official appointed to preside over legal proceedings and decide questions of law brought before him/her. Judges are also referred to as "the Court."
Judgment	The final decision of the court in a given case.
Jurisdiction	The subject matter and geographical range of a court's authority over a particular case or issue.
Jury	A panel of citizens selected according to law and sworn to hear evidence and render a verdict in a case.
Jury Deliberation	The process of a jury's decision. After all of the evidence is given to the jury, they "deliberate" or decide if the defendant should be found guilty or not guilty.

Juvenile Petition	A document that describes the specific criminal offense that the juvenile is alleged to have committed. Similar to an adult criminal charge, a juvenile delinquency petition is the beginning of a prosecution of a juvenile.
Mandatory Sentence	The sentence automatically given for certain crimes as mandated by law. First degree murder carries a mandatory sentence of life in prison without the possibility of parole.
Maximum Sentence	The maximum time a defendant serves in prison or is under the supervision of the New Hampshire Department of Corrections.
Minimum Sentence	The minimum time a defendant must serve before becoming eligible for parole.
Misdemeanor	A criminal offense considered by law to be less serious than a felony. It is punishable by no more than a year in the House of Corrections.
Mistrial	When a trial must be stopped because of a legal error, or when jurors cannot unanimously agree on a verdict (a hung jury). Whether or not the case is retried is a decision made by the prosecutor and the court.
Motion	A formal request made by the prosecution or defense for the judge to make a decision on a legal matter in a case. The two most common motions filed are suppression motions and pre-trial motions.
Nolle Pros	A dismissal of criminal charges by the prosecutor.

Objection	When an attorney formally objects to a proceeding or piece of evidence during the case.
Overruled	When a judge decides to rule against the attorney's objection.
Parole	The conditional release of an inmate into the community. Release on parole typically requires checking in with a parole officer, remaining crime-free and compliant with specific conditions such as curfews, maintaining employment and avoiding alcohol. Violations of any condition of parole may result in a return to prison.
Parole Board	The Board authorized to determine whether and under what conditions an eligible inmate should be released on parole to serve the remainder of his or her sentence under supervision in the community.
Parole Officer	An officer of the Department of Corrections whose responsibility it is to supervise offenders throughout their parole period.
Parole Revocation	When a person violates any of the conditions of parole, the parole officer may request that the Parole Board review the circumstances and determine if the parolee will be returned to prison.
Plea	When a defendant pleads guilty or not guilty to a formal charge in court.
Plea Agreement	An agreement by both the prosecutor and the defendant for the defendant to plead guilty in exchange for an agreed-upon sentence. The judge may accept or reject the plea.

Pre-Sentence Investigation Report (PSI)	A written report prepared by the Department of Corrections prior to sentencing. A Probation and Parole Officer from the NH Department of Corrections may conduct an interview, which would include talking to the defendant and may include talking to the victims of a crime.
Probable Cause Hearing	A hearing at which the prosecutor has to prove to the judge that they have reasonable grounds, or enough evidence to make an arrest. The defense attorney has a right to cross examine the State's witnesses and present their own witnesses. A defendant can agree to waive this hearing.
Prosecutor	The attorney for the State who oversees the case against a person charged with a crime.
Prison	A State or Federal confinement facility for persons convicted of felony crimes punishable by more than one year. New Hampshire has two men's prisons, one women's prison and one federal prison.
Public Defender	An attorney appointed by the court to represent defendants who are unable to pay the costs of hiring a private attorney.
Restitution	An amount of money ordered by the court for the defendant to reimburse a crime victim, for out-of-pocket expenses, typically medical bills or funeral costs.
Reverse	A ruling from the supreme court that sends the case back to the superior court because of an error made during the trial process.
Sentence	The punishment in a criminal case as determined by the judge.

Sentencing Hearing	A hearing which determines the sentence a defendant will serve. After a defendant has been convicted or pleads guilty, there will be a hearing for sentencing. During this time the prosecution and defense are permitted to present evidence and arguments in support of the sentence they want the judge to give the defendant. It is at the end of this hearing that the judge sentences the defendant. Victims in the case have a right to speak in court and give a Victim Impact Statement on the impact the crime has had on them and their family, as well as tell the judge what sentence they would like imposed.
Sentence Review	A process by which a convicted defendant or the State can request that a sentence be reviewed by a panel of 3 judges or judicial referees. The Sentence Review Board can choose to keep the sentence the same, lower it or raise it.
Sentence Suspension/ Reduction	A petition by a defendant to reduce his or her sentence. A defendant may petition the court after the defendant has served 2/3 of the minimum sentence.
Sequestration	When witnesses are kept out of the courtroom during court proceedings so that they do not hear the testimony of other witnesses and are told not to discuss the testimony with other witnesses.
Structuring / Dispositional Conference	When attorneys from both sides meet with the court to schedule hearings and trial dates and to set deadlines for both sides to file any motions with the court.
Subpoena	A written, legal document ordering someone to appear in court. If they do not show up it can result in an arrest.

Superior Court	The court responsible for handling all felony crimes, including homicide cases. There are eleven superior courts in New Hampshire, one in each county and two in Hillsborough County (Nashua and Manchester).
Suppression Hearing	A pretrial hearing in which a criminal defendant seeks to prevent the introduction of evidence alleged to have been seized illegally.
Survivor	A family member of a homicide victim.
Trial	A formal legal proceeding where guilt or innocence is determined. A trial is typically held at the superior court of the county in which the crime was committed. 12 jurors are selected to hear the case. Evidence will be presented by the prosecution and then sometimes the defense. The jury must find that the evidence is sufficient to prove guilt, beyond a reasonable doubt or the defendant will be found not guilty. Evidence at trials may be presented by witness testimony, documents and photographs, and direct observations of important places like crime scenes.
Testimony	Statements given under oath by witnesses as evidence.
Verdict	The formal decision by a jury at the end of a trial.
Victim	A person who suffers emotional or physical injuries or who dies as a result of a crime.
Victim Impact Statement	A statement written by victims of crime to be read at a sentencing hearing. Victims have a right to speak or submit a written statement at the sentencing hearing describing the physical, emotional and financial impact the crime has had on their life.

View	When the jury goes to the crime scene before the trial begins in order to better be able to picture the place where the homicide took place.
Voir Dire	A process of questioning perspective jurors by prosecution and defense to screen out persons who may be biased or incapable of deciding a fair verdict in a case.
Warrant	An order issued by the court which directs law enforcement to arrest a person, search a location, seize an object or do some other specific act.
Witness	A person who has personal knowledge of certain facts of a case and who may be called to testify under oath as to what s/he has seen, heard, or otherwise observed.
Witness Fee	A minimal fee provided to witnesses for each day they are required to come to court to testify.

Resources

Adults
Children
Faith-Based
Internet

Resources

Resources for Adults

- What to Do When the Police Leave: A Guide to the First Days of Traumatic Loss**, Bill Jenkins
- A Grief Like No Other: Surviving the Violent Death of Someone You Love**, Kathleen O'Hara
- Coping with Traumatic Death: Homicide**, Bob Baugher & Lew Cox
- The Forgiving Place: Choosing Peace After Violent Trauma**, Richard R. Gayton & Amrienne Williamson
- Homicide Survivors: Misunderstood Grievers**, Judie A. Bucholz, PhD
- No Time For Goodbyes: Coping With Sorrow, Anger and Injustice After a Tragic Death**, Janice Harris Lord
- When a Child Has Been Murdered: Ways You Can Help the Grieving Parents**, Bonnie Hunt Conrad
- When Father Kills Mother: Guiding Children Through Trauma and Grief**, Jean Harris-Hendricks,
Dora Black & Tony Kaplan
- Life After Trauma: A Workbook For Healing**, Mary Beth Williams & Dena Rosenbloom
- Living with Grief after Sudden Death**, Kenneth J. Doka
- Permanent Heartache: Portraits of Grief, Hope, Survival and Life After Homicide**, Marcella Hammett
- What Murder Leaves Behind: The Victim's Family**, Doug Magee
- I Wasn't Ready to Say Goodbye: Surviving, Coping, and Healing After the Sudden Death of a Loved One**,
Brooke Noel & Pamela D. Blair
- Cry Until You Laugh: Comforting Guide to Coping with Grief**, Richard Obershaw
- How to Go On Living When Someone You Love Dies**, Therese A. Rando
- After Homicide: Practical and Political Responses to Bereavement**, Paul E. Rock
- Everything You Need to Know When Someone You Know Has Been Killed**, Jay Schleifer

Resources for Children

A Terrible Thing Happened, M. Holmes, S. Mudlaff & C. Pillo (Grades Pre-3)

After A Murder: A Workbook for Grieving Kids, The Dougy Center (Grades 1-8)

The Boy Who Sat By The Window: Helping Children Cope With Violence, Chris Loftis (Grades 3-7)

Children Also Grieve: Talking About Death and Healing, Linda Goldman (Grades 1-5)

Just One Tear, L. Mahon (Grades 6-12)

Reactions, Alison Salloum (Grades 3-8)

When Someone You Know Has Been Killed, Jay Schleifer (Grades 6-9)

Breaking The Silence: A Guide to Help Children with Complicated Grief, Linda Goldman (For Parents)

When Dinosaurs Die: A Guide to Understanding Death, Laurie Krasny Brown and Marc Brown (Ages 4-8)

Children Are Survivors, Too: A Guidebook for Young Homicide Survivors, Kathleen A. Aub (Grades 1-8)

Death is Hard to Live With: Teenagers Talk About How They Cope with Death, Janet Bode (Young Adults)

Part of Me Died, Too, Virginia Lynn Fry (Ages 10 and up)

Straight Talk about Death for Teenagers: How to Cope with Losing Someone You Love, Earl A. Grollman
(Ages 12 and up)

Bereaved Children and Teens: A Support Guide for Parents and Professionals, Earl A. Grollman
(Children and adolescents)

Sad Isn't Bad: A Good-Grief Guidebook for Kids Dealing With Loss, Michaelene Mundy (Ages 5-8)

Faith-Based Resources

When the World Breaks Your Heart: Spiritual Ways to Live with Tragedy, Gregory S Clapper

Healing After Loss: Daily Meditations for Working Through Grief, Martha W. Hickman

God and the Victim: Theological Reflections on Evil, Victimization, Justice, and Forgiveness,

Lisa Barnes Lampman, Michelle D. Shattuck

Healing Stories of Grief and Faith: From Denial and Despair to Comfort and Peace, Kathrine Palmer Peterson

Life Beyond the Final Curtain: Death Is Not the End/How to Cope With Grief: Words of Comfort—A Rabbi's Personal Statement, Samuel Porrath

Good Grief: A Constructive Approach to the Problem of Loss, Granger E. Westberg

Internet Resources

Parent of Murdered Children and Other Survivors of Homicide, www.POMC.org

Mothers Against Drunk Driving, www.MADD.org

New Hampshire Attorney General's Office (Department of Justice), www.doj.nh.gov

Homicide Survivors, Inc., www.azhomicidesurvivors.org/WelcomeHome.asp

Murder Victims.com, www.murdervictims.com

Homicide Victims Support Group Inc. (Australia), www.hvsgnsw.org.au

Office for Victims of Crime, <http://www.ojp.usdoj.gov/ovc/>

THE NEW HAMPSHIRE CRIME

Victims of felony crimes committed by an adult offender are entitled to the following rights under NH RSA 21-M:8-K:

- ↻ The right to be treated with fairness and respect for their dignity and privacy throughout the criminal justice process.
- ↻ The right to be informed about the criminal justice process and how it progresses.
- ↻ The right to be free from intimidation and to be reasonably protected from the accused throughout the criminal justice process.
- ↻ The right to be notified of all court proceedings.
- ↻ The right to attend trial and all other court proceedings the accused has the right to attend.
- ↻ The right to confer with the prosecution and to be consulted about the disposition of the case, including plea bargaining.
- ↻ The right to have inconveniences associated with participation in the criminal justice process minimized.
- ↻ The right to be notified if presence in court is not required.
- ↻ The right to be informed about available resources, financial assistance, and social services.
- ↻ The right to restitution or victim's compensation for their losses if eligible.
- ↻ The right to be provided a secure, but not necessarily separate, waiting area during court proceedings.
- ↻ The right to be advised of case progress and final disposition.

VICTIM BILL OF RIGHTS

- ↻ The right of confidentiality of the victim's address, place of employment, and other personal information.
- ↻ The right to the prompt return of property when no longer needed as evidence.
- ↻ The right to have input in the probation pre-sentence report impact statement.
- ↻ The right to appear and make a written or oral victim impact statement at the sentencing of the defendant. No victim shall be subject to questioning by counsel when giving an impact statement.
- ↻ The right to be notified of an appeal, an explanation of the appeal process, the time, place and result of the appeal, and the right to attend the appeal hearing.
- ↻ The right to be notified and to attend sentence review hearings and sentence reduction hearings.
- ↻ The right to be notified of any change of status such as prison release, permanent interstate transfer, or escape, and the date of the parole board hearing, when requested by the victim through the victim advocate.
- ↻ The right to address or submit a written statement for consideration by the parole board on the defendant's release and to be notified of the decision of the board, when requested by the victim through the victim advocate.
- ↻ The right to all federal and state constitutional rights guaranteed to all victims of crime on an equal basis, and notwithstanding the provisions of any laws on capital punishment, the right not to be discriminated against or have their rights as a victim denied, diminished, expanded, or enhanced on the basis of the victim's support for, opposition to, or neutrality on the death penalty.
- ↻ The right of access to restorative justice programs, including victim-initiated victim-offender dialogue programs offered through the department of corrections.





The New Hampshire Attorney General's Office of
Victim/Witness Assistance is here to assist you.