

A photograph of a gravel path winding through a dense forest. The path is covered in small grey stones and leads into the distance. The forest is lush with green ferns and moss-covered tree trunks. The lighting is soft, suggesting a canopy of trees above.

With You on Your Journey

Support and information
for family and whānau
bereaved by homicide

He whakawhetai, he whakaute

Our gratitude and respect

Skylight and Victim Support New Zealand wish to acknowledge and offer respect to those who have died by homicide and to their family, whānau, and friends.

Our organisations see the impact on those who have lost a loved one to homicide first-hand. We have developed this handbook in response to a need for comprehensive information for all affected by homicide. We hope this information will answer some of your questions and help guide you on your journey. Most importantly, we want you to know that you are not alone. Our organisations are here to help you for as long as you need.

We also want to express our heartfelt gratitude and respect to everyone who has played a part in creating this handbook.

To those who are the family and whānau of a homicide victim, thank you for sharing your experiences from inside this difficult place. You reminded us that each person's experience is unique, and we appreciate your courage in sharing with others to help them with their journey.

To those of you who support people bereaved by homicide in our communities, thank you for your thoughtfully considered contributions and guidance.

The homicide journey is a complicated and hard experience for everyone it touches. We offer our thanks to you all for sharing ways to understand, manage the best you can, and show there is hope.



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NOTE:

The information in this handbook is current as of the date of publication 2021. A downloadable PDF version of the handbook is available at www.skylight.org.nz and www.victimsupport.org.nz and will be updated as required.

With You on Your Journey

Support and information
for family and whānau
bereaved by homicide



Developed in partnership
by Victim Support and Skylight,
Aotearoa New Zealand

Introduction

To have someone in your family or whānau killed by someone else is a tragic, traumatic, and complicated life experience.

You may be reading this soon after hearing what happened, or further down the track. You may have a lot of questions about what's happened and what will happen next. It can be even more difficult because the answer to one question – who did this and why? – rests with another person, perhaps someone you might know.

There is no single path to follow.

Each person reacts in their own way to grief and trauma. Each homicide is different, and each investigation and court case is unique.

However, there are some things that people dealing with the homicide of a member of their family or whānau have in common:

- your rights as the victim of a serious crime
- the practical, financial, and emotional support that's available
- the need for relevant information you can use.

This handbook aims to help you better understand what you're going through. We offer key information about processes and systems you will be involved with and we've brought together support options and ideas that may be helpful.

We asked New Zealanders bereaved by homicide and those who work with them to tell us what they felt we should include, and any advice they had to share. We also drew on New Zealand and international information, research, and advice.

Who is 'a victim'?

The person who died by a homicide is of course a victim. However, our law identifies certain other people, such as their close family and witnesses, as 'victims' of crime. (See page 28.)

We recognize not everyone wants to identify themselves as 'a victim'. Our focus is on people who have very close relationships with the person who was killed. We use the term family and whānau to include all these people, whatever their specific relationship is.

How you can use this handbook

This handbook brings together some key information. It focuses on things victims told us that were new to them or hard to understand. It is designed to be read alongside information others give you.

The contents pages list all the sections in the handbook and you can go to any page, in any order, depending on what you need. You may wish to dip in and out of this book many times during your journey and share information with others too.

As you read this, you will see some suggested websites and other resources that may also be helpful.

Waiho i te
toipoto, kaua
i te toiroa

Let us keep
close together,
not far apart

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The First Days and Weeks

The shock of finding out

"I remember the utter stunning shock of the moment that I heard of my sister's death. It is still as fresh and as real as when I heard it 25 years ago. People say 'the world stood still' – it was exactly like that. Frozen, stopping breathing, fixed eyes, not believing, not understanding, my brain can't make sense of it. How can it be? It's not possible. How can even words describe it?"

Shock is our first reaction when we hear bad news or experience a traumatic event. Losing a loved one to homicide can be a traumatic and highly stressful event for those involved. Because our minds, spirits, emotions, and bodies are dealt such a blow by what's happened, we can't deal with it all at once. For a time, it can overwhelm our ability to cope. It is a deeply frightening and terrifying experience.

"Three days ago a piece of this family was taken from us and we have been left devastated."

At first there's disbelief. Denial is a way we try to keep a distance between us and the awful thing that's happened. People may think you're being strong and coping, when you are actually numb from the shock. In the beginning, this numbness can help you cope with the things that need to be done.

What's happening to me?

"It was just overwhelming, no matter what anyone said that first day it never sank in."

Hearing that a member of your family or whānau has been killed by someone else is a huge shock. You may feel flooded by thoughts, feelings, and physical sensations of all kinds.

These are some things people said they experienced:

shocked

can't make sense
of anything

angry

shaky

it's not true

afraid

It felt like
I was in a washing
machine – I had
no control

panic

wanting to be alone

needing to be
with others

blaming

faint

jumpy

confused

enraged

restless

safety fears

guilty

horrified

devastated

sick

scared

I can't breathe

a moment you
never forget

shattered

overwhelmed

heart felt like stone

uncertain

*nothing will
be the same
ever again*

it's not fair

nothing's going to
bring them back

*reliving what you
imagine happened*

hopeless

how did
they feel?

*what exactly
happened?*

someone has
to pay for this

wanting revenge

*I can't cope
with this*

I don't want to
know the details

I want to know
everything

I can't
bear this

I'll never trust
anyone again

what do I do now?

why them?

Taking it in takes time

Every person will gradually come to terms with the sudden traumatic changes that have happened and slowly adjust to a new “normal”.

Our reactions are physical, emotional, spiritual, and mental ones as we slowly work towards accepting a new reality, which can be a hard reality to live with.

Post-traumatic reactions are normal but can be intense and frightening. They can take us by surprise. People say it can sometimes feel like they’re out of control and going crazy. Everyone’s different and you might find you have varying reactions over time. If you were already having to cope with a challenging life situation, or a physical or mental illness, before the death, it may be even harder.

It’s normal to react to a violent and tragic death with powerful feelings of shock, horror, fear, and helplessness. Trauma can take you back repeatedly to the horror of the situation. You may be shaken by intense distress and vivid flashbacks for some time. It’s as if the event (or how you imagined it to be) is happening again and running in your head like a terrifying movie. Ask your Victim Support Worker for

the information sheet *Dealing with Flashbacks*. This is also available under *Homicide* in the *Get Support* section of Victim Support’s website www.victimsupport.org.nz

The range and intensity of your reactions is totally normal when you’ve suffered a trauma, even though it doesn’t always feel like it. They may last for some time and can be emotionally draining and confusing. Most people will find that flashbacks, powerful thoughts, and emotions become less intense over time.

You can find more about grief after homicide in our section on page 67.

**It feels like
a dark space
with no way
out, but there
will be light.**

Letting people know

The news of a sudden and traumatic death is difficult to share and hard for anyone to hear. It's important those close to the victim hear the truth as soon as possible about what is known at the time. This is best coming from someone who can do this with care.

Police can arrange for officers across the country to visit people who need to know quickly, or for international colleagues to do this overseas.

Police will only officially release the name of the person when the formal identification has been made and will talk with immediate family and whānau about this timing. Ahead of this, they may publicly release some details like the sex and approximate age of the person and where they were found. They might also state that they have referred the death to the coroner or started a homicide inquiry.

However, in the meantime, the media or others may choose to name the person or give enough details for them to be recognised. This information may or may not be correct.

Police and a defence lawyer can ask for name suppression (an order for the media to not name the person) for a period of time. Name suppression may be for the victim, the offender, or witnesses.

Make a list of the people who need to be reached quickly and others who can be told later.

If you're going to tell people, think about what you want to share with them. It might help to write down the things you want to say. It can be hard to deal with someone else's reactions. Or you might just want to be there when someone else you trust tells them.

If you work or study, or belong to a congregation, club or organisation, you could ask for a simple statement to be sent to people there on your behalf. Many families/whānau also choose to place a public death notice in newspapers.

Who you will need to tell

It's also important for someone to directly contact people and organisations who need to know about the death. This may be because they provided services to or did business with the person or were connected with them in some other way. You could find out who these are by checking mail, emails, or looking through their personal papers.

This is one of the practical things the family or whānau can ask someone else they trust to do. This task can take some time.

Your Victim Support Worker can give you the booklet *After a Death: Dealing with Practical Matters*. This provides a checklist of the types of people or organisations you may need to be in touch with. It is also available to download under *Homicide* in the *Get Support* section of Victim Support's website www.victimsupport.org.nz

Skylight's shop offers the book *Death Without Warning* which provides a helpful checklist of who you may need to tell. See www.skylight.org.nz or phone 0800 299 100 (weekdays).

Telling children and young people

If possible, children and teens need to hear the news from someone close to them first, who they trust.

Try to find a quiet, private place to talk to them where you won't be interrupted. You might ask someone you trust to be there too. Be as clear and calm as you can.

Let them know they are safe.

Keep calm and try to be reassuring, encouraging, affectionate, and loving. This will help bring them a sense of security and comfort, especially if they are feeling scared or anxious.

You could ask what they think happened. If they already know upsetting details that are true, don't deny them. If they have things wrong, you can help clear them up. Like adults, children who aren't told things clearly can make up stories that are worse than what actually happened.

Reassure them they did nothing to cause this death. Children may blame themselves and feel guilty about what has happened.

Avoid words like “passed away,” “gone,” or “gone to sleep.” Children tend to be very literal, and these phrases can make them confused and uncertain about what’s actually happened. They may think the person will come back or wake up later.

If you don’t know something, say so. Let them know you will tell them more when you can.

Some words may need explaining:

- *Death:* When a person’s body stops working and they can’t be alive anymore. We won’t be able to see them anymore.
- *Homicide or murder:* When a person ends someone else’s life on purpose.
- *Grief or grieving:* Normal thoughts, feelings, and reactions we have after someone close to us has died to help us deal with what’s happened.
- *Trauma or traumatic:* A sudden, frightening, and overwhelming thing that happens.

Don’t be surprised if children ask the same questions over and over. The news can be very disturbing to children and they can only take in small bits of information at a time. This doesn’t mean you did a bad job explaining. Children are just trying to make sense of what happened. It can be painful to have to repeat the story, but... you are helping children understand.

The Dougy Centre



Let them know what may happen.

For example, if they are unable to return home or if someone else will be looking after them for a time.

It can be hard to see young ones in

distress. You can't take their pain away, but you can hold them and be available to listen to them. It's also hard to watch them realise there are things that adults who care for them can't control and can't protect them from. It's hard to see their trust has been broken.

Children process things differently.

They'll be taking it on board in their own way. They may change the subject to ask what's for dinner or if they can go and play. This doesn't mean they haven't heard. They may play games that involve re-enacting the death, funeral, or other aspects of what's happened. This is their way of trying to make sense of it.

Let them know they can ask

questions at any time. They may hear or see things they don't understand and want to ask you about. When they do, give them your full attention. Be prepared for some blunt questions and probing for more detail. This can be hard to hear and even harder to answer. Over time, they may ask you

to go over things again as they work through the event and what it means for their lives. They may also ask more about how it has affected you and others.

It's okay to show your own feelings.

It helps them know you're sharing this experience and they're not alone. If your feelings become too much, step away for a while to catch your breath, then come back to be with them. Perhaps you can later talk with them about why you were upset. Check in to see how they felt when they saw your distress. Reassure them.

"Unfortunately, I did not get time to read anything and had to go on what I knew from my training as an early childhood teacher and what my instinct told me. That was tell the children the truth as much as I could and that, whatever they needed to know, I would always tell them the truth and if I did not know the answer I would try and find the answer. But some things, like why did her partner do this, we will never know."

Children need to know they have someone to trust and if they find out you have not told them the truth it can be devastating for them and may affect their relationship with you.

For more tips on telling children and young people about a homicide, and supporting them, your Victim Support Worker can give you the information sheet *Supporting Grieving Children and Young People after a Homicide*. This is also available under *Homicide* in the *Get Support* section of Victim Support's website www.victimsupport.org.nz



Other people's reactions

You, your family and whānau, and the person who was killed can be in the public spotlight because of what's happened. It is natural that you may feel your privacy is being invaded and you are being judged as you try to grieve.

Expect that others will say what they think about what happened and why it happened. This is how people try to make sense of the killing. This may include both people you know and complete strangers. They may ask what you think and feel or tell you what they're thinking and feeling.

Also, you can expect that the media will take an interest in the case. Their coverage may even begin before you hear what has happened. While police must have a formal identification and advise the next of kin before they confirm a victim's identity, media organisations aren't bound by the same requirements. Media coverage can also cover events from all sorts of angles every step of the way, sometimes for years later, which can be stressful and upsetting. Your Victim Support Worker can talk with you about ways to deal well with the media. See also page 62 for tips.

People might say all kinds of things

- Some things people say will be great and just right.
- Others may want your support when you already feel overcrowded and overwhelmed yourself.
- Some might say things that are hurtful and unhelpful, even if you know they mean well. Sadly though, some may say things to intentionally hurt you.
- People may not know what to say and their silence might upset you.
- They may seem insensitive or intrusive.
- They may have ideas about how to 'fix' how you feel.
- They may only talk with you about other things.

**She said she knew
what it was like for me
'cause her grandfather
had just died at 102.
I was speechless!**

"The most helpful people were ones who were empathetic as opposed to sympathetic – just a feeling or look – and few words are needed. One woman sticks out in my memory – I had never seen her before, but she came up and hugged me and cried and just said 'your beautiful boy, your beautiful boy...'. "

"We DON'T want to hear that things will get better, that our child is in a better place, or any other words that try to placate. We have to be allowed to fully BE and grieve. It is the most horrible thing and that should be recognised."



It can be useful to prepare ways to protect yourself when people make you feel uncomfortable. Below are some examples of things you could say.

- Yes, this is a difficult time.
- Thank you, I will let you know if there's anything you can do.
- I can't think about that just now.
- I'd rather not talk about that because it is very sad.
- I don't want to talk about this with you, thanks.
- I don't agree but I realise it's your opinion.
- Thank you for your idea. I am finding my own ways to get by.

You could also:

- hold your hand up like a stop sign
- change the subject
- walk away.

Who's there to support me right now?

Victim Support



Victim Support offers a free support service to victims of crime and trauma, including homicide, all over New Zealand. We are available any time 24/7 by phoning 0800 VICTIM (0800 842 846).

Sometimes it helps to have someone just for you to talk to from outside your family, whānau, and friends. Our Support Workers offer you support in the first days and weeks, throughout the court process, and for as long as you require it. We support you to make your own choices and to be in charge of restoring your life in your own way.

We have a free specialist service for families and whānau affected by homicide. We have highly-trained volunteer and paid homicide Support Workers who specialise in support after a homicide. They have in-depth knowledge of the impact of homicide on families and whānau, the services

available, and the criminal justice system process. We offer intensive support to immediate families and whānau of homicide victims, including witnesses.

Our support is completely free and confidential, and available throughout Aotearoa New Zealand.

Our Support Workers can support you with:

- emotional and practical support after a homicide – understanding grief and trauma, listening, providing information, guiding you to make decisions that work best for you
- understanding the many roles and agencies you will encounter including those of the police, Coronial Services, ACC, Court Victim Advisors, and the justice system
- help to understand your victim rights and to make informed choices
- information and help to answer your questions
- practical support and assistance to deal with things like funeral and coronial processes

- navigating the justice system – the trial, sentencing, appeal, parole, and beyond
- someone to assist and support you at court trials, hearings, and dealing with police and other government agencies
- help to prepare Victim Impact Statements and other important documentation
- accessing any financial assistance available for victims of homicide for costs relating to the funeral, crime scene, attending court and hearings, and other related costs
- help to access local support services and counselling to suit your situation
- support packs containing relevant resources and information for those affected by homicide.

We are committed to providing quality support to strengthen the mana and well-being of all those affected by homicide. Our website also offers a comprehensive section for those affected by homicide, including information for parents and caregivers supporting grieving children and young people. See www.victimsupport.org.nz – see *Homicide* under *Get Support*.

While we work closely with police to be available for victims and have staff in police stations across the country, Victim Support is independent of the police.

If English is not your first language

If you require support and information in your first language, Victim Support can use Ezispeak to connect you with an interpreter over the phone. Call us on 0800 842 846 and let us know. We will try to match you to a Support Worker who speaks your language. See page 26 about Victims' Information pamphlets that are available in different languages.

How do I get hold of Victim Support?

Police will refer a victim's family and whānau to us following a homicide as soon as practicable. Or you (or anyone else affected) can call any time to be connected to a Support Worker. Phone 0800 VICTIM (0800 842 846) 24/7. Our website contains useful information too: www.victimsupport.org.nz

Do I have to use Victim Support?

It's up to you. You can still access the financial assistance we administer and our registered counsellors even if you don't wish to have our support. If you don't want our support to begin with,

you can contact us at any stage later on if you need us. If you are being supported by another organisation, you are still entitled to our services. We will fully support you to make your own decisions about what is best for you and your family and whānau.

Who are your Support Workers?

Our Support Workers are highly-trained volunteers and paid staff from a wide range of backgrounds who've chosen to be there for people faced with the most difficult situations. We work with both heart and professionalism to ensure that you are not alone after a homicide.

Victim Support workers come from many different cultural and ethnic communities. All Support Workers are trained to respectfully support victims no matter their culture, language, gender, or background. If you prefer to have a Support Worker of a similar cultural background, Victim Support will try hard to help with this.

Where do we start?

A Support Worker can contact you, arrange to visit if this suits you, and stay in touch via phone, email, and visits for as often as you would like, for as long as you need us. We can help you work out what needs doing now and what can wait. You can call us 24/7 on 0800 842 846 to be connected with a Support Worker.

Can you support all my affected family and whānau?

We'll ensure everyone affected, whatever their age, can receive the support they need. We can provide you with information that can help you support children and young people, and we work with Skylight (see page 94-95) to support the whole family and whānau.

What about other people?

We're here for anyone who wants our help – family, whānau, friends, witnesses, first on the scene, neighbours, workmates, club members – anyone in the wider community affected by this crime.

We can help those who are supporting you, too. Anyone who wants our support, whether it be over the phone or face-to-face, can contact us at any time 24/7 on 0800 VICTIM (0800 842 846).

Can I be really honest?

Yes, what you say is strictly confidential. The exceptions are only if you disclose any risk to yourself or others' safety, or something that could be very significant to the successful investigation of the crime. We do this to ensure everyone is safe from further harm.

Do you offer free counselling?

Our Support Workers aren't counsellors, but they can talk to you about how counselling works and if you would like counselling, they will help you find a counsellor who is right for you. They can help you access the funding for free counselling and get in touch with registered counsellors. If you already work with a counsellor who isn't registered with us, they can apply. If they become registered the sessions can be funded through us.

Can you help with costs?

We can help you access government financial assistance for funeral arrangements and travel as well as financial assistance to attend trials and hearings, such as parole hearings. We can also give you information about other financial support that is available in your circumstances,

including grants for homicide victims' families and whānau and crime scene related costs, including cleaning. See page 24.

Can you come with me to court, an inquest, or a parole hearing?

Yes. We can support you when you attend court hearings throughout the trial and also assist you with the Victim Impact Statement and submissions to court and the Parole Board. We can help you access financial assistance to attend these types of justice related events too and help you with your travel arrangements.

What if the accused or defendant is found not guilty?

Our support is there for as long as you need it, regardless of the outcome of the proceedings in the criminal justice system.

Will it always be the same person?

Wherever possible we try to ensure you have contact with the same Support Worker, although we can't guarantee this. We know that can be hard and we try to make any transition as easy as possible for you.

Can you connect me to others who have gone through what I'm going through?

Victim Support publishes a newsletter specifically for New Zealanders bereaved by homicide. Let your Support Worker know if you would like to receive it. We also have a resource available that shares the experiences of individuals bereaved by homicide in Aotearoa New Zealand.

Skylight



Skylight Trust is Aotearoa's centre of excellence in child and family trauma, loss and grief. Our vision is building resilient children, young people, whānau and communities. We aim to provide the right help, at the right time, in the right way. This includes support for those bereaved by homicide.

For more information about Skylight's resilience hub and services, see pages 94-95, www.skylight.org.nz, or call 0800 299 100 (weekdays).

People who can help with day-to-day support

There's a lot to take in when someone is killed. There are decisions to make and practical things that need to be done. You may find it hard to focus or remember details. You can feel drained by dealing with so much. But there are people available to help you.

You don't have to do all this alone

Members of your family and whānau, and trusted friends, can use their different strengths to get things done. Talk about who thinks they can manage different tasks, like being the contact person with agencies such as Coronial Services or ACC. They can keep notes of the conversations and let everyone know about important actions and details.

Many people find it helpful to have a trusted supporter or support team.

Choose people you trust, who have the skills and experience you need, and who are willing to give you their support and time.

Some ways they can help:

- practical things like meals and cleaning, or childcare
- being the media spokesperson
- taking family and whānau members to school or appointments
- keeping track of who offers help, like with meals or childcare, and coordinate their actions
- finding things out and reporting back
- being the first contact for people who want to contact you
- sorting what needs to be done into manageable chunks
- with remembering things
- managing money and budgeting
- being there for you and with you as a trusted companion.

People want to help you and it's okay to let them. People are doing this from a place of love.

"Because my daughter was murdered in her house and the house was rented, my friend from rock'n'roll and her partner organised a group of people that wanted to help pack everything up. They moved everything out of the house into storage. Some people packed while others cleaned the house, cut the grass and got rid of anything that was not needed to the tip. I was so grateful for this as I just would not have been able to face doing this right at this time. As the years followed I have gone through boxes and things in my own time."

Your Victim Support Worker can also help you to access local support services suited to you and your family's and whānau's situation. Ask them for the booklet *After a Death: Dealing with Practical Matters* for helpful information on tasks you may need to deal with. It's available to download under *Homicide* in the *Get Support* section of Victim Support's website www.victimsupport.org.nz

Skylight's shop offers the book *Death Without Warning* which provides helpful information and support after a sudden death. See www.skylight.org.nz or phone 0800 299 100 (weekdays).

Thinking about confidentiality

At such an intense time, people usually have strong reactions and can say things with extreme emotion. You need to be able to talk with people you know and trust and feel comfortable that what you say won't be repeated. Ask your support people to keep what you say confidential. Your Victim Support Worker is always a good person to talk to confidentially if you want to vent and speak very honestly.

Financial support

Each situation will be different. There are set rules for each sort of assistance and you need to supply certain information to qualify.

- You may be eligible for some financial assistance from the Ministry of Justice and ACC as the victim of a homicide, including a discretionary grant.
- Victim Support can help you work out what you may be entitled to and how to apply.

You may be able to access financial assistance and grants for things like:

- expenses and general costs
- crime scene cleaning/emergency accommodation if your home is cordoned off
- trauma counselling for families, friends, witnesses, and those first on the scene
- funeral costs up to a certain limit covered by ACC
- travel and accommodation to attend court, parole, coroner's or other hearings, or restorative justice meetings
- some of the costs of raising someone else's child.

Victim Support can tell you more about the types of financial assistance available through their organisation (funded by the Ministry of Justice) and others like ACC. They can help you get more information, fill in the right forms, and talk with whoever you need to. You can call 0800 842 846 any time to be connected with a Support Worker to discuss financial assistance.

Court Victim Advisors can also help you apply for assistance related to support through the criminal justice system. See page 105.

ACC may offer financial support when a death has been confirmed by police as murder or manslaughter.


Ph 0800 101 996

Victims' Information

The Ministry of Justice offers a free phone line and an informative website for victims of crime about victims' rights, services, and resources, plus information for people who work with victims.

The Victims of Crime Information free phone line is 0800 650 654 9am – 6pm on normal working days.

The Victims' Information website also offers information and resources for victims of crime, and their family and whānau, about the justice system and how and where to get personal support. <http://www.victimsinfo.govt.nz>



Courage does not always roar. Sometimes courage is the quiet voice at the end of the day saying, 'I will try again tomorrow.'

Mary Anne Radmacher

The Ministry of Justice victim website offers pamphlets in various languages, including:

- for people affected by homicide – to help find the support that’s right for your family and whānau through the criminal justice system and emotional and practical support from specialist support agencies
- for people affected by crime
- for parents, carers, family and whānau of young witnesses
- for victims of sexual violence
- about the Victims Charter.

Languages available include: English, Māori, Arabic, simplified Chinese, traditional Chinese, Fijian, Hindi, Korean, Samoan, Somalian, and Tongan.

The website also includes:

- online video clips with an overview of the criminal justice system process
- information on court services for victims
- financial assistance fact sheets
- links to relevant government and other support agency information, such as:
 - how the New Zealand legal system works
 - contact details for courts.

Information can be provided to a support person

Under the Victims’ Rights Act 2002, information may be given to a support person of a victim, under certain circumstances, if:

- the victim cannot receive it, or
- the victim is not, or may not be, capable alone of understanding it.

An example of this might be if the victim has acquired a brain injury, or if they are currently psychologically unstable. In such instances, key agency representatives will talk with everyone involved to confirm if they think this needs to happen.

Your cultural concerns and needs

Government agencies like police, coroner, courts, and ACC recognise and respect that people have different cultural values, concerns, and needs, as well as varying spiritual approaches. They have thought about how they can meet these needs where possible. Talk with them as soon as you can to make sure your own family and whānau needs are recognised and actively supported.

All Victim Support Workers are trained to respectfully support victims no matter their culture, language, gender, or background. If you prefer to have a Support Worker of a similar cultural background, Victim Support will try hard to help with this.

Police are also committed to representing the communities they serve in terms of culture, ethnicity, language, and diversity. Please see page 51 for information on the police Iwi, Pacific, and Ethnic Liaison Officers.



Your rights as a victim of serious crime and homicide

Victims of some serious crimes are given special recognition under New Zealand law. This applies if the offence resulted in the death of someone in your immediate family.

What our law says

The Victims' Rights Act 2002 defines a victim as any person against whom an offence is committed or alleged to have been committed by another person. The definition of a victim includes child victims, parents of child victims, and close family and whānau members of a person who has died or been made incapable, unless that parent, guardian or close family member is charged with the commission of the offence.

Under the Victims' Rights Act, a victim is:

- a person against whom an offence is committed by another person
- a person who, through, or by means of, an offence committed by another person, suffers physical injury, or loss of, or damage to, property.

A victim is also:

- a parent or legal guardian of a child, or of a young person who is a victim, unless that parent or guardian is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the offence concerned
- a member of the immediate family of a person who, as a result of an offence committed by another person, dies or is incapable, unless that member is charged with the commission of, or convicted or found guilty of, or pleads guilty to, the offence concerned.

A victim may exercise his or her rights under the Act, irrespective of whether anyone is arrested, charged, or convicted of the offence(s) in question.

The Act ensures that if you've suffered harm, whether physical, emotional, or financial, as a result of an offence, you should be treated with courtesy and compassion and have your dignity and privacy respected. The law says you should also receive help with meeting any welfare, health, counselling, medical, or legal needs that you have as a result of the offence.

The Act states clear obligations that specified agencies have to provide information and offer assistance to victims of offences.

The Victims' Rights Act – serious offences

The Victims' Rights Act establishes specific rights for victims of the following serious offences:

- sexual violation or other serious assault
- an offence resulting in a serious injury, death, or a person being made incapable
- an offence that has led to the victim having ongoing fears on reasonable grounds for the physical safety or security of themselves or their immediate family.

**Everyone benefits
when we put victims at
the heart of the justice
system.**

Dr Kim McGregor, Chief Victims
Advisor to Government

As a victim, you can expect to:

- be treated with respect for your dignity and privacy and with courtesy and compassion
- get information about services and programmes that may help address your needs and any action a court can take to help you
- get information about the investigation of the offence and any action being taken against the accused person
- be given the opportunity to make a written statement about the impact the crime has had on you. This is called a Victim Impact Statement. (See page 107.)

For some serious offences you can also expect to:

- have the opportunity to give your views, and get information, about the release of the accused person on bail
- be offered the choice to get information (if you apply to be on the Victim Notification Register, see page 121) about the offender as they move through the justice system:
 - Parole Board hearings
 - release dates
 - temporary release from prison

- home detention
- hospital detention
- possible deportation of the offender.
- be given the opportunity, if you are part of the victim notification system, to make submissions on any decision to parole the offender if the prison sentence is longer than two years.

Victims of these offences also have the right to provide their views on whether:

- the accused or offender is bailed
- an offender's liability to be deported should be suspended or cancelled.

To find out more

The Ministry of Justice's Victims' Information service provides the full text of the Victims' Code here in both English and Te Reo Māori.

<http://www.victimsinfo.govt.nz/support-and-services/victims-rights/victims-code-full-text-version/>

To give feedback or complain

If you wish to make a complaint about any government or non-government service, you should ask the responsible agency for a copy of their complaints procedure. This request can be done by email, by phone, or in person. A lawyer or Victim Support Worker can assist you work through the complaint process.



What happens to my loved one's body?

This is one of the most urgent questions many people have. You may feel a need to be with your loved one as soon as possible, but there are some things that need to happen first.

A forensic investigation will be done first

After every unexplained sudden death, the law requires police to investigate the cause. Sometimes it can be unclear if a death was by homicide or another cause. For this reason, the person's body may need to remain at the scene for some time until a full forensic investigation around it has been completed. Police will collect all related physical evidence needed to assist in their investigation. They will take photos and sometimes might need to take personal items away, but these will be recorded and returned later.

The forensic investigation can be upsetting, but police must do this. There will be an officer in charge of the scene that you can speak with or you can talk to your police Family Liaison Officer. Inform them of any cultural or religious needs you may have. After

this scene investigation has been completed, police will ask the duty funeral director to take the person's body to the nearest mortuary with the necessary services, which may be outside your area. (This is at no cost to you.) The person's body will then be safely kept at the mortuary until they are formally identified, and the cause of death is confirmed.

Formal identification of the person who has died

Police will ask someone who knew the person well to visually identify the body formally. They won't officially release the name of the person who has died until they are certain of their identity.

Formal identification may take some time, depending on what happened to the body. In some circumstances police may need other evidence like personal belongings, dental records, and fingerprints to help with identification. They may also ask family and whānau members to provide a DNA sample. Sometimes identification is only possible after a post mortem, which is a full examination of the person's body to find out the cause of death. (Read about what a post mortem involves on page 36.)

If you are making the identification, police will take you to where the body is and will be there with you. It may also help to take a support person with you, which could be a Victim Support Worker.

- This is a tough thing to do. Take all the time you need to prepare yourself and then make the identification. You may want to take a moment to breathe slowly and deeply to help you manage. You may wish to stay with the person's body for a while. (See page 33.)
- Police will advise you what to expect and what you will see, such as where the body will be and if any injuries will be visible. You can ask them anything else that's on your mind before and during the identification process. Because there is a police investigation into the death, you can only see the body from a certain distance and cannot touch it. You won't be able to take any of the person's clothing or belongings away with you, but these will be returned later on.
- You will be asked to sign a statement. Someone else will also sign it as a witness.

"When they first told me he'd gone I said, look I wanted to, I needed to, go and see him. I wasn't allowed to because he was the property of the State. So that was hard. I couldn't go to him straight away because I might be tampering with evidence. It was like they were detached from the idea that he was my son."



Viewing and spending time with the person who died

Many people have a need to be with their loved one's body as soon as possible. As an investigation will have started, this can only be done in certain ways.

Before the post mortem

Before the post mortem, close family members or whānau may be able to view and spend time with the person's body at the mortuary, but there is likely to be a screen or window between you and the body.

All viewings must be authorised and organised through the duty coroner's office. This is because the body remains the legal responsibility of the coroner until it is released back to the immediate family and whānau.

Cultural and spiritual considerations will be taken into account by the coroner when they make their decision about viewing. For example, you can ask for someone like a church minister or spiritual advisor to be with you at the viewing, or to be at the viewing on your behalf.

The coroner will also consider other matters, including the condition of the

body, the facilities that the mortuary has available and the duration of an appropriate viewing. Unfortunately, it isn't always possible to view the person. This is usually when they've been very badly injured. If this happens, the Duty Coroner's office will talk with you about this.

Some hospitals have a family or whānau room for viewing, with a screen or window between them and their loved one. The family won't be able to touch the body or remove items from the body. For cultural or spiritual reasons, families can sometimes sit in a dedicated whānau room until the person's body has been released to them.

If you wish, you can also talk to a funeral director about any other options for sitting with or viewing the person's body after it has been released from the mortuary, or about following any specific cultural traditions you need respected at this time.

If family and whānau do decide to view the body at any stage, it can help for them to know that the person's body will look different. For example, their facial features and skin colour are likely to have changed. This is normal but can be unsettling for some.

After the post mortem

You may also spend time with your loved one afterwards and before the funeral. Well-meaning people, including police, may discourage you from viewing the body because they want to protect you from further distress. However, this is a decision only you can make. You may want to see them to really take in their death and say goodbye.

You may want to allow some people to view the body with the casket open, and then have a private ceremony to close the lid before others come to pay their respects and the funeral takes place. That is an immediate family and whānau decision.

Decide with your funeral director:

- if the casket will be open or closed
- where the casket will be until the funeral or tangihana
- who can visit or stay by the body. You may need to arrange it so some people aren't present at the same time.
- if people can bring things to leave with the casket.

If the body is badly damaged or injured

After the post mortem, your funeral director is often able to prepare the body so it looks less shocking. They can let you know what you can expect to see. Often, the reality is not as bad as you imagined, or as distressing as others think you might find it. Sometimes people regret seeing their loved one after death, especially when the injuries or damage are horrific, but others are relieved they don't have to. It must always be a personal choice.

Unfortunately, in some circumstances, it isn't possible to view the person's body at all. This is usually when they've been extremely badly injured. If this happens, the mortuary staff and/or the funeral director will talk with you about this.



There are still ways you can spend time with your loved one under these circumstances that may help you to accept the reality of what's happened and say goodbye including:

- draping a sheet over all or part of the body
- viewing photographs of the body or asking someone to take photos so you have the option later
- taking a lock of hair to keep
- sitting beside the closed casket.

Organ and tissue donation

Organ or tissue donation may be possible for those who have died as a result of homicide.

People who can donate organs for transplantation will be in a hospital intensive care unit (ICU) on a ventilator (breathing machine). The health professionals in the intensive care unit will discuss the option of organ donation with the immediate family and close whānau and they will be asked for their agreement at that time. Organ transplants can be life-saving for heart, lung, and liver recipients, while kidney and pancreas transplants dramatically improve the recipient's quality of life.

Tissue donation is possible in more circumstances following death and can be done a number of hours following death. Tissue donation includes heart valves to save the lives of babies and young children with heart conditions, eye tissue to restore sight and repair eye damage, and skin to treat people with severe burns.

Permission from the coroner for organ and/or tissue donation is required before a donation can go ahead. In some circumstances, the coroner might not allow donation to proceed if he/she believes it will interfere with their investigations or processes.

There is a donor coordinator available 24 hours a day on (09) 630 0935 to answer any questions and to help organise organ and/or tissue donation.

Organ Donation New Zealand

www.donor.co.nz

0800 436 667

Donor coordinator (09) 630 0935

The post mortem and coronial process

The coronial process begins when police report a death to the coroner and the coroner accepts jurisdiction. Police act as a coroner's agents in this process and will usually give the family and whānau a pamphlet about Coronial Services.

What is a coroner?

A coroner is a judicial officer who has jurisdiction (authority) under the Coroners Act 2006 to undertake an inquiry into all deaths that occur in unexplained, violent, or suspicious circumstances. The coroner's role is to determine, to the extent possible, the identity of the deceased and when, where, how, and why the death happened. In some cases, a coroner will open an inquiry to establish the cause and circumstances of death and determine what could be done to reduce the chances of future deaths in similar circumstances. The coronial process is not about determining liability or placing blame.

If police are undertaking a criminal investigation into the circumstances of the death, a coroner may delay the opening of an inquiry, or open an inquiry and adjourn it (put it on hold), until the police investigation, and any prosecution, is complete. You can read more about the coronial inquiry on page 100.

What is a post mortem examination?

When someone dies because of a suspected homicide, the coronial process begins with a post mortem. A post mortem examination (also called an autopsy) is a medical examination of the body to determine the cause of death.

The post mortem is performed respectfully by a forensic pathologist who examines the person's body externally and internally. The forensic pathologist may also have visited the scene of the death. Forensic pathologists are specialist doctors who have been trained to perform post mortems in the case of suspicious or complicated deaths.

The coroner will consider the circumstances of each case and decide the type of post mortem examination that is required,

often after talking with the forensic pathologist and police. Usually, the coroner will direct a full post mortem examination in relation to a suspected violent or unnatural death. Sometimes, however, the forensic pathologist won't need to do a full post mortem and will only need to examine a part of the body, such as the head, or conduct an external examination and take blood samples for toxicology analysis by a toxicologist. They can find clues about the cause of injuries, whether any weapons were involved, or whether the body was moved after death. These details help the police in their investigation.

The person is always treated respectfully by everybody involved.

"The post mortem is carried out in the most humane and dignified way we possibly can. We treat the person as if they were someone we knew, a friend or a family member. If there's anything we can do to accommodate the family needs, to explain what is happening or understand cultural considerations – please tell us or ask us. We will do what we can."

Mortuary team, Wellington Hospital



A post mortem may cause distress for families or whānau. Delays will be kept to a minimum and if possible, any cultural needs and concerns of the family or whānau will be taken into account.

A post mortem is key in establishing the cause of death in criminal cases. There's no charge to the family or whānau for any aspect of the post mortem.

Having a say on how the post mortem is done

As it is suspected the death was caused by a crime, the immediate family do not have the right to object to the post mortem. However, you do have the right to request that it's done in a particular culturally appropriate way, as much as possible. If you want to request this, you must do so as soon as possible, within 24 hours. Tell the duty coroner's office immediately by phoning 0800 266 800 and also your police Family Liaison Officer. The coroner will decide if they can grant your cultural request or not. If they cannot, they will explain why.

You may wish to have someone represent you at the post mortem, like a doctor, nurse, or funeral director. Or you, or someone on your behalf, may want to sit nearby in an allocated room. Ask the staff if your request is possible, or phone the duty coroner's office on 0800 266 800. It will be the coroner's decision.

What happens during the post mortem and how long does it take?

Post mortems for suspected homicides usually occur in the nearest hospital that has a forensic mortuary in Auckland, Palmerston North, Wellington, or Christchurch. It means your loved one's body may have to travel away from your area for the post mortem. If this happens, Coronial Services will organise the transport and there is no charge for this.

A police officer will attend the post mortem and give the pathologist any relevant information about the case, including photographs and other evidence. In a full post mortem examination, the forensic pathologist will examine the body externally and internally and may take blood and/or tissue samples. He/she will test for the presence of alcohol, drugs, chemicals, or poisons.

If someone has been charged in relation to the death, that person's legal defence team may ask for a second independent post mortem. This will be done as soon as possible but may mean it will take more time before the body is released to the immediate family and whānau. If you have questions or concerns about this, please talk to your police liaison officer.

Every effort is made to conduct the post mortem quickly, within 1-3 days. There can be delays in some circumstances for practical reasons, but they will always be kept to a minimum. For example, release of the person's body may also be delayed while collecting evidence of the person's identity. The staff know that this waiting time can be hard, and a police liaison officer will be in contact with you during this time so you know what is happening.

After the post mortem

The forensic pathologist will provide a preliminary report of the post mortem findings for the coroner, followed up by a final report once all test results are back. This can take several weeks or months, depending on the complexity of the tests.



Because a homicide is subject to a police investigation, the immediate family and whānau are usually unable to obtain a copy of the post mortem report until after any hearings are complete. However, police may discuss the post mortem findings with you in some cases. If you have questions, talk with your police liaison officer. The final post mortem report is a technical medical document written by the forensic pathologist. It includes graphic detail. If you request a copy of the post mortem report it is recommended you seek the advice of someone with medical expertise, like your doctor, to help you understand its contents.

Samples of body tissue may be taken during the post mortem. If you wish to have these returned to you, you can inform the duty coroner's office. The duty coroner's office will provide a form with their initial letter to you which you will need to complete and send to the coronial case manager assigned to you. You can also download a copy of the form at: <https://coronialservices.justice.govt.nz/what-happens-during-a-post-mortem/body-tissue-samples/>

In some cases, the forensic pathologist may need to keep the samples they take for testing for the purposes of the post mortem. You can request the return of the samples once they are no longer needed. However, in some cases, the testing process can destroy some or all of the sample. Your coronial case manager can explain this process.

If you requested the return of tissue samples, the immediate family will be contacted, and the return of the samples will be organised when they are ready. This is usually after the coroner's case is complete, which can be some years later in some circumstances. You'll receive a small box and inside will be the samples triple-sealed in test tubes or wax slides.

When the body is released

The body will be released to the immediate family and whānau after the post mortem examination is completed and the coroner is satisfied that identification of the body has been established.

The immediate family and whānau must decide together if they want family or whānau members to collect the person's body, or a funeral director

to do this. See page 58 for legal obligations regarding transporting a body.

You can find a local funeral director listed in these directories or ask family, whānau, or friends for recommendations:

Funeral Directors Association of New Zealand

<https://www.fdanz.co.nz/planning-a-funeral/find-a-funeral-director/>

NZIFH Independent Funeral Homes

<https://nzifh.org.nz/find-a-member/>

After this, steps must be taken to arrange the farewell and either burial or cremation of the person's body.

Your coronial case manager

Up until a person's body is released to the immediate family or whānau following a post mortem, a staff member of the duty coroner's office will keep you and your family or whānau informed about what is happening. After that, a dedicated coronial case manager will help and guide you and your family or whānau through the coronial process. They will keep you updated about what's happening and answer any questions you may have. They'll let you know

if an inquest will be held and when. They'll give you their contact details so that you can get in touch at any time during the coronial process. It can be helpful to choose one family member to be the key contact person on behalf of the whole family and whānau.

Others you will be dealing with

Other than your coronial case manager, representative/s from the police will also keep you updated. This person may change as the investigation progresses and you will be advised if this happens.

Your Victim Support Worker will also be available to answer questions, and provide practical help and emotional support. Police organise for a Victim Support Worker to link up with the immediate family and whānau as soon as possible. You can call Victim Support 24/7 on 0800 842 846 to be connected with a Support Worker.

You will also have Court Victim Advisors assigned to help through any criminal court hearings. Court Victim Advisors are provided by the Ministry of Justice and are independent of the police and Victim Support.

Having a family and whānau representative may be helpful

There will be things the coroner will need to tell the immediate family and whānau, and you may be asked for information during the coronial process. The family could consider agreeing to have one person to be the family's representative in all communications with Coronial Services. This can make things easier and they can then pass on the important information to and from the family and whānau.

Your coronial case manager can tell your family representative when anything important happens in the coronial inquiry. Some of the information may be painful to know and to share. The representative may find it helps to have someone they trust to talk to about how they're coping



with this role. The coronial process can take a long time, so perhaps other trusted immediate family or whānau members can be asked to take a turn in this role.

More information about Coronial Services

The Coronial Services website has information on how the coronial process works and what you can expect to happen.

<https://coronialservices.justice.govt.nz/home-2/>

This includes:

- contact details for the nine regional offices, the national manager of Justice Services for Coronial Services and the Office of the Chief Coroner
- two pamphlets available in several languages
 - *When Someone Dies Suddenly: A Guide to the Coronial Services of New Zealand*
 - *The First 48 Hours – What to Expect After a Sudden Death*
- information on coroner's findings and recommendations and accessing individual coronial records
- making information available for media enquiries.

Blessing the place where the death happened

"We had it done by our Minister. It was lovely, even the detectives came it was really beautiful. The first one back in the house was our oldest son and he went up on his own and came back and said it felt alright for us to go back to the house."

For some families, whānau, and communities, a ceremonial blessing of the site where a person has died is an important step in helping them come to terms with the tragic loss of life. It is an acknowledgement of the spiritual impact of the tragedy on so many people. It commends the spirit of the person who has died and respects the dignity of them, and of their family, whānau, and community.

Some family or whānau members may want to be part of this and visit the scene, others may not. This blessing may be led by a Māori kaumātua, another spiritual, community or cultural leader, or someone else the family or whānau invites.

Tapu and noa are key concepts of Māori culture and respected by many people in our New Zealand community. A thing or place that has been made tapu (sacred) because of a death must be made noa (how it ordinarily was) before it can be used again in an ordinary way.

The area where an unexpected death has taken place is considered tapu. Family and whānau may ask for a karakia (prayer or blessing) of the death site to lift this tapu, and to allow the person's spirit to return home to their ancestors. This process, noa, helps to make the area ordinary and safe again for everyday life and the living.

Be aware that if you choose to leave anything at this site, depending on where it is, it may have been taken away next time you visit.

Rāhui is a form of tapu that restricts access to or use of an area where a death occurred. A local kaumātua will lead a karakia to place the rāhui and lift the tapu when that is appropriate.

Family or whānau members may also wish for a blessing for any belongings of the person that were taken as evidence or tissue samples when they're returned.

Cleaning the scene

If the family home or property was the crime scene, there is a grant available through Victim Support to pay for the house to be professionally cleaned once all of the forensic evidence is gathered. Ask your police Family Liaison Officer or your Victim Support Worker about arranging this.

It mattered that I got help to clean where it had happened. I felt supported and understood.

Added challenges

If your loved one is missing

A police officer will make regular contact with the families and whānau of people reported missing. They let them know about the process and keep them updated on the investigation. If police are confident the missing person is in fact deceased, they then officially report it to the coroner. The amount of evidence police need to form this view differs from case to case.

It's possible for the coroner to rule that someone has died, even if a body hasn't been found. There is no set time for when the person must have been missing. The coroner can open an inquiry if they're satisfied that it's likely that the missing person is dead and that the body is destroyed, can't be recovered or is lost. The coroner will conduct an inquiry in a similar way to if a body had been found.

When someone dies as a result of an injury or homicide, ACC can help towards the costs of their burial, cremation, or related ceremonies. This grant can also be used for memorial costs if the body is not recovered.

It's also possible for someone to be charged and found guilty of murder even if a body has not been found. This can provide some answers and also raise questions for the family and whānau. Police will assist them with as much information as possible.

A helpful Coronial Services missing person fact sheet can be found here: <https://coronialservices.justice.govt.nz/about/declaring-a-missing-person-legally-dead/>

ACC may offer financial support when a death has been confirmed by the police as murder or manslaughter.
Ph 0800 101 996 for ACC.

If you witness the crime

Anyone who witnesses a homicide will probably have a lot to deal with.

- You may need to be involved in the investigation and legal process by providing information about what you saw, heard, or know.
- You may continue to feel afraid.
- You may blame yourself for not doing more to stop what happened.
- You may feel others think you could have somehow saved the person.
- You may be named and commented on in the media.

- The accused may be someone you know.

There's financial and emotional help available to support you as you come to terms with what's happened and understand any legal process you need to be part of. Victim Support is here for you. You can call us 24/7 on 0800 842 846 to be connected with a Support Worker.

ACC may offer financial support when a death has been confirmed by the police as murder or manslaughter.
Ph 0800 101 996 for ACC.

If you know the offender

Learning that someone you know has killed a member of your family or whānau can be devastating. It can be even worse if the offender is also a member of your own family or whānau.

You're grieving the loss of someone close to you and also struggling to deal with the actions of someone you know. In this situation, many people feel confused and conflicted. As well as feeling negatively towards the offender, you may have some understanding for their situation. You may even miss them if they have been close to you.

"I found it hard to know what to feel. I knew why she did it but I was still so shocked. It was a terrible thing she did."

"He loves his dad but he hates him and he's angry."

Divided loyalties can be hard. It might help to talk with someone outside your family or whānau. Talk with your Victim Support Worker, or they can arrange for you to speak confidentially with a counsellor.

People who have a family or whānau member convicted for homicide can feel shame and experience some negative reactions from their communities. If a family or whānau member is found guilty of the crime and goes to prison, there is support to help you cope with this hard situation.

Pillars is a New Zealand children's charity providing support services for children of prisoners and their families and whānau. The Pillars helpline is a free and confidential service for anyone who is affected by the imprisonment of a close family or whānau member or friend.

Pillars helpline 0508 PILLARS (0508 745527) during normal weekday work hours.

www.pillars.org.nz

Their support website for children of prisoners is <https://justus.org.nz/>

There are several prisoner support organisations around New Zealand. Your local prison can advise you on the one active in the prisoner's region. Or ask your Victim Support Worker to find this out for you.



If the offender dies too

If the offender or offenders also died, there's no one to answer your questions. There's no one to express your anger towards and no one to face the consequences of the crime. If this person is also a member of your family or whānau it can be hard to come to terms with another death. There may be even more public interest and gossip. It can also complicate practical and legal arrangements.

If it appears the person who killed the homicide victim also took their own life, there has to be a coroner's inquiry into their death. There will be a post mortem and a hearing. Once the coroner has consulted with police and the family and whānau, they will decide if there should also be an inquest.

If a New Zealander dies by homicide overseas

If your loved one dies overseas, this can make a difficult time even more distressing. However, Victim Support is still available to you. New Zealand embassies in the country concerned and the Ministry of Foreign Affairs and Trade can help you. They can liaise with police in New Zealand and the country the person died in about the local investigation and justice process.

They can let you know about:

- official processes required in the country where the person died
- local burial or cremation options and any requirements that must be met
- contact details for funeral directors in that country who could manage the funeral or tangihanga
- how you can bring back the person's body or ashes (repatriation) to New Zealand.

See more information at
<https://www.safetravel.govt.nz/death>

The death will be registered in the country where it happened. Other countries have their own police, coronial and legal processes and the New Zealand Government can't intervene in their decisions. It's important to note that any post mortem that is ordered will need to take place in the country where the person died, but immediate family and whānau can apply to the New Zealand Coroner to look at the case. The Ministry can advise you about the key people you need to contact, such as police, Interpol, local courts and hospitals.

"Take time to decide what you and the family feel would be best. This is a difficult time to make a decision like this. Talk with a local funeral director about all the options available to you."

A New Zealand funeral director

Urgent travel

For details on how to get an urgent passport if you need to travel overseas to attend the person's funeral, go to www.passports.govt.nz/urgent-travel/

Ministry of Foreign Affairs and Trade (MFAT)

(+64) 04 439 8000 24/7 phonenumber
www.safetravel.govt.nz/when-things-go-wrong

Translation Service (Department of Internal Affairs)

Freephone 0800 TRANSLATE
(0800 872 675)
www.dia.govt.nz/Translation-Service

Victim Support's role

Families and whānau in New Zealand can contact Victim Support directly for practical and emotional support when a family or whānau member dies overseas. You can call us 24/7 on 0800 842 846 to be connected with a Support Worker.

For families and whānau living or visiting overseas, Victim Support can also connect you to victim support agencies in other countries.

If a person's body or their ashes are being returned to New Zealand

When someone dies overseas, the next of kin can decide to bring the person home to New Zealand – known as repatriation – or carry out funeral arrangements where the death occurred. The Ministry and the embassy can help the family or whānau by advising on:

- options available – local burial or cremation or repatriation of remains or ashes
- approximate costs of the options and contact details for local funeral directors who can assist with arrangements
- contact details for local funeral directors who can manage the funeral or repatriation arrangements in consultation with the family.

The Ministry recommends next of kin contact a New Zealand funeral director to work with an overseas funeral director on arrangements, such as care for the person's body once it is released by the officials.

Embalming is not routinely carried out in some countries, and families may find that locally approved standards of embalming overseas are different from those in New Zealand.

Next of kin are responsible for all costs associated with the death of a New Zealand citizen overseas, including funeral expenses or repatriation and return of personal effects. Repatriation may be covered by the person's travel insurance, so check their policy. If the person was ordinarily resident in New Zealand, and their death has been confirmed by police as murder or manslaughter, ACC may provide financial support to cover some costs. Phone ACC on 0800 101 996.

To find a funeral director to assist with repatriation go to:

- Funeral Directors Association of New Zealand
<https://www.fdanz.co.nz/planning-a-funeral/find-a-funeral-director/>
- NZIFH Independent Funeral Homes
<https://nzifh.org.nz/find-a-member/>

For requirements when bringing the person's ashes into New Zealand go to <https://www.customs.govt.nz/personal/prohibited-and-restricted-items/>

If the homicide victim is from overseas

New Zealand Police work with international colleagues to contact the close relatives of the person. The family or whānau are able to access some assistance here in New Zealand such as:

- Victim Support - You can call us 24/7 on 0800 842 846 to be connected with a Support Worker.
- information from the Victims of Crime Information line 0800 650 654
- support through the criminal justice system.



The police investigation

The work of the police team

The police's role is to maintain public safety, to investigate and arrest, and bring a charge before the court when there is sufficient evidence.

The first priority for police is to make sure everyone is safe. If you called 111 to report the crime, you might have been surprised and even angry at all the questions the call taker asked you. They need details so they can give police and any other emergency services the best information about what to expect when they arrive.

Protecting the crime scene is essential so any possible evidence can be recorded or collected. It's important for police to do all they can to collect vital evidence to convict the offender. Police will remain at the scene until the forensic investigation is completed. They will collect all related physical evidence needed to assist in their investigation. They will take photos and sometimes might need to take personal items away, but these will be recorded and returned later.

There's always a police officer on the scene whose job is to be with the body. Police know how hard it can be for family and whānau when the person's body can't be taken from the crime scene for some time. They will try and protect it from public and media view. They may allow family and whānau members to gather close by.

It may seem to you that police have an open and shut case and it's quite plain to you who is guilty. However, they need to have enough strong evidence about what happened, who was responsible, and what their intentions were, to give a jury or judge so they can make up their minds beyond reasonable doubt.

A lot of what police do and how they do it is directed by the law. It's as if they have to follow a recipe for each step. All the ingredients must be there and they have to use the right method. It's the same in the courts.

The investigation team is led by a senior CIB (Criminal Investigation Bureau) officer, with experience in other homicide cases. This officer in charge (OC) brings together a large team of uniformed and CIB staff. Their findings regarding the cause of death will also be reported to the coroner.

Your Family Liaison Officer

Your police Family Liaison Officer will come and meet you and stay in touch throughout the investigation. This officer is an important part of the police team and your link to police and what's going on. They are your first point of contact for anything you want to discuss or ask about the investigation.

Your Iwi, Pacific, or Ethnic Liaison Officer

New Zealand Police have Iwi, Pacific, and other Ethnic Liaison Officers to advise and provide support on cultural issues. They can help families and whānau to understand the procedures and protocols that must be followed after a suspected homicide death. They can talk with you about the criminal investigation process and the criminal court proceedings. They also help you to know your rights as victims.



Giving a statement as a witness

Family, whānau, and friends can be important witnesses. Everyone will have a different experience of what happened. Police need to know what people saw or heard themselves.

It's important not to influence one another about what you all remember both before your statements are taken and if you are a witness, in court. This means what you remember won't be confused with what someone else told you. The law needs to be sure you are speaking the truth from your own experience.

It's especially important to be careful not to influence what a younger person can tell police. Police may bring in an expert at working with young people to help children talk about their experience. The parent or legal guardian will be briefed after the interview and be part of discussions if any more action is needed.

Police will tell you when they are asking you to give a formal statement. Someone will write down what you say, and police may also record or film you. You will be able to

read the statement or have it read back to you. You can then ask for changes or sign it as correct.

Bail

People who have been charged with the crime or related crimes may be remanded at large (released without any restrictions until the next court appearance), in custody (held in police or court cells, prison, or a psychiatric facility), or allowed to have bail. Bail is when a person is released with set conditions until the time they are called to appear in court. This could be:

- after they are charged with an offence but before that charge is determined
- after they are convicted but before sentence
- after conviction or sentence when an appeal is pending.

The rules governing the granting or refusal of bail are set out in the Bail Act 2000. Our law starts with the view that a person is considered innocent until proven guilty. The court takes into account that someone who has been charged or convicted for offences may pose a significant risk of harm to the community, may offend again if bailed,

or may fail to appear before the court if not kept in custody until that time. The judge can also consider things like how serious the charge is, how strong the case against the person is, and how serious the likely punishment would be.

Your views on bail

It can be distressing to know someone might be released on bail if you believe they are guilty or you're frightened of them. If someone is charged with certain serious offences, including an offence resulting in a person's death, the court must take into account any views of the victim about whether bail should be granted. Police can tell you how you can let the court know what you think about bail.

Bail can be with certain conditions

These may be that the person lives at a set place, has no contact with certain people, or doesn't use alcohol, or go out between set hours. The victim's immediate family and whānau should be told if anything changes when someone is out on bail, such as if they change where they live or work.

For more information, please see www.courtsofnz.govt.nz/about-the-judiciary/how-decisions-are-made/bail/

Practical matters

Some of the processes following a homicide can be complicated. It can help to ask for some assistance whenever you need it.

Victim Support is available to provide practical and emotional support to you and your family and whānau. Call us 24/7 on 0800 842 846 to be connected with a Support Worker. Ask them for the booklet *After a Death: Dealing with Practical Matters*. This is also available under *Homicide* at www.victimsupport.org.nz

Contact Skylight for their book *Death Without Warning* which offers practical information after a sudden death. Call 0800 299 100 (weekdays) or see www.skylight.org.nz

Some information about the justice system and the support you can get after a homicide is available in other languages. You can also get help to find and use interpreters, including for New Zealand Sign Language. Ask Victim Support or any of the people allocated to support you by different agencies about arranging what help you need.

If you find reading difficult, ask someone you trust to read and discuss this handbook with you.

Keeping track of what's happening

There is so much happening, and you're grieving at the same time, that it can be hard to keep track of things sometimes – even important things.

Immediately after learning of the death your head is in such a spin trying to come to terms with what you have to face next. Keep a notebook and write things down as you are not in the right head space to remember.

People dealing with traumatic events say they've found it helpful to have a notebook where they write down things like:

- questions
- names of people you're in touch with
- things that need to be done now or soon
- things that need to happen later
- things you want to tell people
- information from meetings or talks you have
- important dates and times
- things you want to remember

- ideas for the future
- things you want to get out of your head.

"What seemed to work well was getting victims to keep a journal with upcoming appointments, contact with agencies, feelings, and thoughts. I initially explained this meant that all the hundreds of ideas and bits of information were safely written down and didn't need to continually churn through their minds. People found this gave them the freedom and flexibility to focus in depth on selected issues, enabling them to take some time to make informed decisions."

A Victim Support Worker



It's useful to keep information like booklets, letters and messages in one place, so you and others can find them easily. You may need to go over things when you feel it's easier to take things in. Store them somewhere safe when you've finished using them. Sometimes other family or whānau members may later ask to look at the information to understand more about what happened.

You can use the back page of this handbook to record the names and contact details of key people you are in touch with, such as your police Family Liaison Officer, coronial case manager, and Victim Support Worker.

Legal paperwork

Registering the death

The law says someone must register a death that happens in New Zealand with the Births, Deaths and Marriages Office within three days of the body being buried or cremated. A funeral director or anyone responsible for the burial or cremation can do this. The coroner must issue an authorisation before the death can be notified for registration. Registering a death is free.

Births, Deaths and Marriages Office
(Department of Internal Affairs)

Freephone 0800 22 52 52

<https://www.govt.nz/browse/family-and-whanau/death-and-bereavement/registering-a-death/>

The death certificate

This is needed for some legal processes and for sorting out personal affairs like banking. You need to obtain an official copy and there is a cost to this. Your funeral director can assist you.

An interim death certificate

You can ask for a death certificate at the same time as the death is notified for registration. It takes around a week. Because the death will have been referred to the coroner, there will first be an interim certificate, which says 'subject to coroner's findings' in the 'cause or causes of death' field. Once the cause of death has been determined, and Births, Deaths and Marriages has been advised, this interim certificate can be replaced with a final death certificate that includes the full cause of death.

The final death certificate

The final death certificate will not be issued by Births, Deaths and Marriages until the coroner has issued the final findings and the coroner's case is closed. There is no extra cost for the final death certificate. Your funeral director can get a copy of it for you.

You can also request a certificate yourself, either online or call Births, Deaths and Marriages Freephone 0800 22 52 52. You may also be asked for some identification. Anyone over 16, including the media, can access the death certificate. You need to provide:

- the full name of the person who has died
- the date or year of their birth
- the place of the death.

Because this certificate process will take a while, some banks may accept a copy of the death notice or the death registration form instead to allow access to bank accounts.

Births, Deaths and Marriages Office
(Department of Internal Affairs)
Freephone 0800 22 52 52
Outside New Zealand
(+64) 9 463 339 0852
<https://www.govt.nz/organisations/births-deaths-and-marriages/>

The will

Once someone dies, everything they own is called their 'estate'. A will formally sets out a person's instructions about:

- what they want done with their property and possessions
- how they want their dependents to be looked after
- who will handle these matters.

Their instructions can include what they would like to happen after they die, such as burial or cremation, and their thoughts about a funeral.

Wills usually appoint one or more people as executors and trustees who have two sorts of responsibilities.

- As executors, these people must find the will, arrange the funeral and ensure the instructions in the will for the distribution of the estate are carried out as smoothly and efficiently as possible.

- As trustees, they will hold any estate assets in trust if the will says that, for example, money is to be kept for a child until they are 20 years old.

The people named in the will as trustees or executors also apply to the High Court for a probate order confirming the will and giving them authority to deal with estate assets. They then follow the person's wishes shown in the will.

Once the will is granted probate it becomes public record and anyone can get a copy – including the media.

If you don't know where the will is, look for any record that the person used a lawyer or trust company to make one. It could be the same legal firm they used if they bought or sold a property. Their bank manager may know. It may be under a different or former name or made somewhere they lived before. You can ask a lawyer to help you with your search, for example, by advertising to other lawyers.

Perhaps the person didn't make a will. If no will is found, the person is said to have died 'intestate'. The law appoints an administrator and decides how the estate is divided. This is usually to a surviving spouse/partner and immediate family and whānau, or near living relatives, in set proportions. It also sets out what happens to the people who depend on the person who has died.

Until Probate or Letters of Administration are granted, if a person has died intestate, their individual bank accounts are frozen and no withdrawals can be made. Funds in joint bank accounts are not frozen.

For information on getting a copy of a will from the Ministry of Justice see <https://www.justice.govt.nz/courts/high-court/apply-for-probate-and-get-copy-of-will/>



Planning the farewell

The way you and your family, whānau, and friends choose to farewell the person who has died can help you as you come to terms with their death.

You will need to delay any ceremony with the person's body until the coroner has released it. This waiting period can be very difficult.

You are not legally required to use a funeral director when transporting the body or preparing the funeral, tangihana, or farewell ceremony, however many people find it easier to do so. Please note, there are legal obligations you must meet if you choose to arrange the transportation and/or farewell yourself (see <http://www.diyfuneral.co.nz> for more details). A funeral director can still guide you while allowing you to control the process and ensuring you meet all legal obligations.

If using a funeral director, it's useful to decide on one ahead of time so you can talk about collecting the person's body from the coroner, and what preparations are needed to care for them and prepare for viewing, burial, or cremation. They will do as much or as little as the family wants.

You may wish to discuss timeframes and costs upfront with your funeral director so you can be prepared. You can discuss how much you and your family and whānau want to be involved at this stage. Some people may wish to take part in preparing or dressing the body, or putting items in the coffin/casket as part of their cultural or spiritual practice. You can also discuss what might happen when any body parts retained by the coroner are returned.

Funeral directors learn about what is important to cultures in our communities. They can work with you to follow your own customs and rituals to acknowledge the death. They can also talk about parts of the funeral process that you or others could do yourselves.

Planning a tangihanga

When planning a tangihanga, seek out those prominent kaumātua and kuia in your whānau, hapū, or iwi who can guide you on tikanga. It's always good to meet with them as a whānau, to express your wishes for the farewell of your loved one. Key decisions can be made and agreed on at this hui, such as where the body will lie, which marae you will use, and where he/she will be buried. This advice will help you to meet the wishes of the whānau.

"At the end of the tangi I basically just collapsed because it was a week of exhaustion and then there was the media."

Planning the ceremony

While it may seem you've already waited a long time, allow yourself enough time to plan a farewell that feels right for you. Don't add a deadline pressure to what is already a very difficult time.

Ceremonies and rituals help people to regain their footing in a world that has become a little emptier than it was before.

Emily Esfahani Smith



A funeral director, minister or spiritual leader, cultural leader, or a funeral celebrant can help you make arrangements and prepare for the farewell ceremony your family and whānau want. The person who died may have already written some funeral requests in their will or told others what they'd want. It's important to check and then consider these wishes.

You may choose to have more than one farewell, to give the community the opportunity to show their respect and also let the family and whānau honour the person privately. You may wish to have a community service in memory of the person who has died after they have been buried or cremated.

People who can't attend in person may be able to take part through a live video-link, or a recording could be shared later. Talk to your funeral director about this.

Here are some of the things you can think about together:

- Do you want a public funeral or a private ceremony – or perhaps both?
- Do you want a religious or non-religious ceremony?
- Where will the ceremony or ceremonies be held?
- Who will lead the service?
- Who will play a part or speak?
- What sort of music, if any, would you like played and when?
- Do you want a display of photos or artwork, or a film to be shown?
- Would you like the service to be recorded to watch later and share with those who can't come?
- Who would you like to be at the burial or cremation?
- Will you allow the media to be present?

Younger family or whānau members can benefit from being part of an event that helps them say goodbye. Children may treasure this chance to hear more about the person and what they meant to others. Talk with children about what the service is for and what will happen. Explain that some people will be sad.

You might like to ask someone they know and trust to sit with them and take them outside if they get restless.

You may invite media to attend or ask for there to be no one from the media at the funeral, tangi, or memorial service. The police media team can inform the media of your wishes. Even if you don't want media at the farewell, the media are still allowed to take photos from a public space and talk to anyone who is happy to talk with them. See page 62 for tips on dealing with the media.

Paying for funeral, tangihanga, or ceremony expenses

Funerals can be expensive. It is a good idea to ask your funeral director for a breakdown of costs upfront so you can decide what fits your budget. It's important to remember that you don't have to agree to anything that's outside of your budget. Some funeral directors are willing to be paid in instalments if the estate or family or whānau cannot meet the full amount all at once.

When someone dies as a confirmed result of homicide, ACC can help towards the costs of their burial, cremation, and related ceremonies.

This grant can also be used for memorial costs if the body is not recovered.

The ACC grant is usually paid directly to the funeral director, or if the account has been paid, it can be reimbursed to the estate or the person who paid the account. You can talk with ACC directly on 0800 101 996 or see their online information here: <https://www.acc.co.nz> (Search funeral)

The Funeral Directors Association of New Zealand www.fdanz.co.nz
New Zealand Independent Funeral Homes www.nzifh.org.nz/



Dealing with the media

Media attention can often be overwhelming or unwanted at a time when your family and whānau are in shock and grieving, and as you deal with the coronial and court processes following a homicide. Strangers may share their opinions about your loved one or what happened on social media, and you may feel you or your loved one are being judged or put on trial.

Expect that media may continue to contact you each time something happens in your case that they consider relevant or newsworthy, even years later. This may catch you by surprise and take you back to how it felt in the toughest times.

“And every time something happened they would ring and say, what do you think of this? Have you got any statements? As if I was the queen of grief or something.”

The media do have the right to cover news and will do so with or without your permission. They may:

- approach family or whānau members for comment
- not clearly explain who they are and what their job is
- photograph and film anywhere and anyone they feel fits with their story
- use photos and film of and personal information about the victim and your family or whānau from other people, publications, and social media, now and in the future
- quote things the victim, you or other people said in person or through other media.

The media may also choose to report on:

- court appearances
- bail
- the will
- the coroner’s inquiry, inquest and findings (see page 100)
- the parole hearings and results (see page 124)

- the person/people accused of the crime
- events later in the lives of the family and whānau.

You may prefer not to read, listen to, or watch media coverage. It's your choice. You could perhaps ask someone else to collect coverage if you think you or others might want to see it later.

There are positive and negative things about talking to the media and having what you say reported. For example, asking the public for help via the media may encourage new information that could help find the person or people responsible. You may wish to show your respect for the person who was killed by saying what they meant to you.

It's also important not to risk creating problems for the investigation by commenting on the case. Things you're reported as saying can go far and wide very quickly. If you feel the coverage is not a fair representation of what you said or meant, it's hard to correct it after it has been reported.

There is no such thing as 'off the record'. The media may use anything you say or have said to them at any time. This includes through Facebook or Twitter, texts or emails to friends, and conversations with people in your workplace or social and sports groups. Anything you say to others might be passed on to the media, and people might comment on how they thought you looked and felt. People may feel they're helping you and the case by doing this.

Police can provide helpful guidance for your contact with the media. They will introduce you to a member of their media team early on to support and guide you through the media attention. They're experienced in working with the media and can discuss any questions or concerns you have about coverage or approaches. They can also let you know what's being said in the media.

When possible, ask police to let you know about any media statements they make before they release them.

They'll let you know if they think it would help the investigation for a family or whānau spokesperson to talk to the public through the media. Examples may include asking for help to find someone or something, or talking about the person who has died and what they

meant to you. You might prefer they act as the channel for you and send the media a statement on your behalf, for example:

“This has been an unexpected and shocking event for everyone concerned. The family would like to acknowledge the overwhelming support they have received and ask that the media respect their need for space and time to deal with the loss of a loving husband, father and grandfather.”

From a whānau media statement

You will also need to consider whether you want the media to attend the funeral, tangi, or farewell. Unless you specify otherwise, expect that media may attend the event and report on what was seen and heard. This includes filming from a public place and talking with those who attend. The police media team can assist you and provide guidance for managing the media depending on your wishes.

Talk about the media with your family and whānau. Work out in advance the things you can say to media who approach you, such as providing information you’ve agreed on, or “No comment, thank you”. Check your social media settings, so your images and things you say aren’t available to the public. The police media team and Victim Support can give you more guidance on social media.

Media coverage can be challenging. You may need to remain silent while your grief and personal details are made public. People may say all sorts of things about the person who was killed and your family and whānau.

It can also feel odd if there’s minimal or no coverage of something with such a powerful impact on your life. You may also find after a period of a lot of coverage there is suddenly no longer any media interest.

It may help to remember that the media have their own reasons for what they choose to report and how and when they do this. This is not a reflection on the value of the life of the person who has died or on your loss.

Ask your Victim Support Worker for the leaflet *Managing Media Attention After a Homicide* or download a copy online. Look under *Homicide* in the *Get Support* section of Victim Support's website
www.victimsupport.org.nz

People who didn't know

There'll be people who you will want or need to tell some time later on that the person has died by homicide. It can be helpful to prepare a way to explain that gives only the details you wish to share.

Be prepared to experience different emotions as you tell them and you see their response. You may find yourself hit by a wave of memory and sadness.

"Once a man sitting next to me on the plane asked how many kids I had. I said I had three because even though one had died, he will always be my child."



**There is a sacredness in tears.
They are not a mark of weakness, but
of power. They speak more eloquently
than ten thousand tongues. They are
the messengers of overwhelming grief,
of deep contrition and of unspeakable
love.**

Washington Irving



Your Grief Journey

“The terror, the horror... the complete upheaval of life.”

The death of someone close and important to you can cause great grief and sadness, whatever the cause of their death. However, having this person's life taken by another person, and being forced to deal with all the difficult things that happen after that, makes this kind of loss so much tougher.

How you think about your future has probably changed because this person won't be alive in that future with you.

You may have intense and frightening emotional reactions after a homicide. It shakes you to your core and changes the world as you know it.

You may feel:

- deeply hurt or damaged by what's happened
- things are out of control
- afraid for your own safety
- unsure how anyone can feel this much pain and survive
- very strong and raw emotions – anger, rage, guilt, shame, anxiety, fear, sadness and sorrow

- dark and depressed thoughts, perhaps even thinking about suicide
- the way you live your life and what you can now expect for the future is changed or lost
- your belief system is shaken, and you need to sort out what this means for you
- you no longer have complete control over what happens to you.

“We have entered a whole new world and many of us are like newborns. And worse still, murder rips away hope, trust, and belief and without that it is hard to write ourselves into this new world.”



Your experience is unique

No two people will have the same experience when the life of someone they care about is taken by another person.

Many things affect your grief experience, including:

How you found out

Your relationship to the victim

How you were feeling at the time

If you were there when it happened

If it happened at your place

If you identified the body

If it happened overseas

If the person is missing

How long the investigation takes

The body's injuries or condition

You know the offender

If and when someone is charged

What happens in court

If the person who died had children

Things people do and say about it

Things people don't do and say

The type of media coverage there is

Your age

How social media responds to the death

Other things also going on in your life

The support you get – or don't get

How much the public knows

How your close family and whānau gets on and works together

The ways you use to cope with tough times

Grief is a process

"You've just got to find your own way. Nobody can tell you how you should be grieving or for how long it's going to go on for. You've just got to do whatever is right for you and it will be what it will be. You've just got to go wherever the day takes you."

Grieving is an important but difficult process

It is the natural process that helps us gradually adjust to the loss of someone important to us and be able to gradually move forward. You are experiencing your own personal reactions to trauma and loss and they are normal, understandable, acceptable, and necessary.

The complex experience of a homicide loss causes additional emotional trauma. This means the grief is more intense and complicated than after most other deaths. It is also usually experienced intensely for longer.

Through the experience of grief, you can slowly come to terms with the reality of what's happened and what it means for your life, and for other

family, whānau, and close friends. It will help you move from shock and numbness to where you can remember positive memories about the person. People sometimes talk about experiencing 'a new normal' – a life where things are in some ways the same, and in other ways very different. Having something so precious stolen away forever hurts and feels unfair. You may find it hard to accept how the person died.

It can be hard to imagine you'll ever find a way through to find hope again and feel ease for your hurt and heart. You might even feel angry and upset that someone could tell you this may be possible. But grief, believe it or not, is a healing process and it takes the time it needs to take.

Grief can affect every part of your life:

- your mind – thoughts
- your emotions – feelings
- your body – physical reactions
- your spirit – what you sense and believe about life and death
- your social world – your relationships with others.

The loss you have experienced will understandably always be a part of your life. But at some stage it will no longer dominate everything else. You will go about your life knowing you are in a new situation and can move forwards, one day at a time.

There is no grief timetable

There's an old view that grief unfolds in stages. However, we now know that while there are some general phases many people do experience during grief, these don't occur in any set order.

Grief has a beginning you did not choose and no set end point. It will take the time it needs to take for you.

- You start from a place where many things are new.
- The grief process takes a lot longer than most of us realise.
- Be patient with yourself, you've been through a lot.
- Don't allow anyone to set expectations for your recovery or for you to 'get over it'.

The brain "on grief" is like an older-model computer running a programme drastically too complex for its capacity – it grinds and stutters and halts over the simplest calculation.

Sue Klebold, A Mother's Reckoning

- How you feel may startle and frighten you at times.
- You may no longer trust things you did or feel secure or certain about others.
- There will be good days and bad days, good moments and bad moments.
- Your feelings might come back powerfully when something reminds you of what happened. It might be something you hear, see, smell, touch, or taste. This is normal. Bit by bit the size of these 'waves of grief and memory' will usually lessen.
- Expect there to be good days and bad days for quite a while after your loss. Grief never happens in a predictable, straight line. Use the support available.
- Finding your way back to having hope in your life, and being able to enjoy it again, can take many twists and turns. In time, you will find a new normal.

"The grief you experience is probably nothing like anything you have previously experienced. Do everything at your own pace."

"We live with it forever, so please remember each day could present the same pain, or something different, or all of it at once – that is the nature of the aftermath of homicide. We all find our own way to deal with it. It's your journey no one else's, so do not judge yourself or let anyone else judge you. And, yes, it is easier said than done."



It's not time that heals – it's what you do as time passes that will make the difference

When you're grieving, it's more important than ever to take care of yourself. The stress of a major loss can quickly drain your energy and emotional reserves. Looking after your physical, emotional, and mental health, and spiritual needs, will help you get through this difficult time. Use any positive ways of coping that have helped you before when you've been very distressed. They may help you now.

Using alcohol or drugs to try to deal with emotional pain does not take away or heal grief. It can delay it and may make it worse. Using drugs or alcohol in this way can become another problem for you, and your family and whānau, to manage.

What we have once enjoyed and deeply loved we can never lose, for all that we love deeply becomes a part of us.

Helen Keller



Anger and guilt

Anger and guilt are grief reactions that are common whenever someone dies, especially unexpectedly. When the death is a homicide, people can be startled by how intense these feelings are.

"I didn't feel angry towards the person – just nothingness, and sorry for him! I was more angry with death itself. How could someone as alive and bright as my sister just in a moment not exist anymore? Who came up with this idea of living and dying? It makes no sense."

Anger can be helpful.

- Expressing angry thoughts and feelings can help us let out tension and grief that's been building up inside.
- It can help us defend ourselves if we're threatened.
- It can help us say what we honestly think and believe.
- Anger can help us stand up for ourselves.

Anger may also be overwhelming and frightening at times. You might feel angry at:

- yourself
- the person or people who did it
- the victim because of things they did or choices they made
- someone who tells you something that's awful to hear
- people, processes, and decisions in the criminal justice system
- people who talk about 'getting over it'
- how people around you can act as if nothing has happened
- death itself
- God
- everyone and anyone.

You may be shocked by how angry you feel. You may have thoughts about revenge or hurting the person. While it is normal to feel you'd like to protect the person you care about, it's important not to act on these thoughts. You need to find other ways to direct your angry energy. If you feel overwhelmed by such intense emotions, or you're harming yourself or acting out your anger at other people, do talk with someone about this. (See pages 94-97.)

Guilt can be a powerful and confusing emotion.

"I struggle with my guilt around what I did and what I could have done differently. While people say 'drop the guilt', it is difficult to do so as we do not get to change the outcome which is so final. There are so many 'what-ifs'."

You may feel:

- guilty because you couldn't change what happened
- there might be something you could or should have said or done – or not said or done – that would have changed things and saved the person
- the 'if only...' thoughts keep coming into your mind
- your family or whānau or society blames you or thinks less of you
- guilty about how your relationship with the person had been going
- guilty that they died and not you.

It can help for you to talk with someone if you are experiencing guilt. Discussing what happened can help you understand that there was nothing you could have done to change the situation.

You did not do this or cause this, nor would you have chosen it.



Letting things out

"Because I allowed myself to cry, I actually managed more matter of fact stuff than Mum who kept the 'stiff upper lip' and went a bit gaga. I found I would have a clearer head after I'd vented and then I could make some of the decisions."

Letting your thoughts and feelings out can release a lot of tension and distress.

Here are some suggestions for ways to express how you're feeling and release some of the emotions and tension your body is holding onto. Don't force yourself into doing any of these things or be angry if you try any but don't feel better. It can take a while for you to find the right time and place or the things that work best for you. You may want to do something alone, or with others you trust and like being with. Learning ways to express your grief and release your inner tensions is part of the grief journey. And as you express some of the painful emotions, you may find you can have some small moments and memories that bring you some relief.

"Humour and laughter sometimes helped us as a whānau through the pain and hurt."

Grief can't stay hidden forever. Cry, scream, and yell if you need to - maybe even into a pillow. Express what's inside. Talk to a safe person or let it out in private. Do it in your way - but do it.

What might work for you?

*spend time
outside
and in nature*

*shout or scream
into a pillow*

walk, run, cycle,
go to the gym

dance

play a sport

gardening

throw or kick
a ball around

*do some
deep breathing*

stretch

cry

*write down how
you are feeling*

sing

play music

draw or paint

meditate

make
something

pray

spend time by
or in water

light a candle

*go somewhere
you like being*

read others'
stories and
experiences

*do household
chores*

find out
information
you need

go to work

*get some
things
organised*

*help other
people*

make plans

take some
time by
yourself to
think

*talk with
someone*

share memories
with others

hug a friend

Grieving with your family, whānau, and friends

"His death had a profound effect on each of us and as an intimate unit."

"It has affected our relationship hugely. We've had some real tough times and it's not only our relationship, it's our relationship with our children."

You will be grieving together – and alone.

- This can challenge your close relationships.
- It can be hard to know how to be there for each other.
- Sometimes people dealing with a shared loss can be a great comfort to each other.
- At other times, people can feel hurt or disappointed by things others close to them say and do, or don't say and don't do.

Everyone is different.

- Sometimes people want to be alone, while others want to be together.
- People used to sharing their feelings with someone they're close to may feel shut out if that person doesn't want to listen or talk.
- When people grieve in different ways, it can cause misunderstandings.
- Some family or whānau members may be especially fearful and anxious or protective of others, which may be hard to cope with.
- People may snap more easily and be more irritable with each other.
- Some may take risks or use distractions to try to escape the grief and pain.
- People may have different ideas about who should make decisions.
- Some may want to fight for a public cause after the death, while others might prefer to keep a low profile.
- People new to the family or whānau, or those who join after the homicide, may feel like outsiders as they haven't shared the whole experience that the others did.

Staying in touch with each other and knowing how trauma and grief may affect people can help you understand and support each other.

It can be hard to see someone you care about in distress. You can't fix their pain, anger, and grief, but you can show them you care. You may need to make time to just be together for a while.

"We couldn't find the right ways to comfort each other at first. We had to give each other space. Eventually we began to talk about it and listen. Really listen."

Find ways to talk together about how you each are feeling. You may decide on a simple sign to let the others know when it's too hard to talk, like a hand over your heart.

Dealing with practical issues together can give you a shared focus, and help you find new ways to connect. Keeping up your usual routines can make a positive difference. This doesn't mean anyone thinks things are just the same as before, but it can help everyone feel some things haven't changed, and you can still make choices and control some of what happens each day.

When people judge each other's grief, it can push people away from each other. Being understanding, patient, and keeping on communicating are keys to keeping relationships working after a crisis.

Lynne Ewart



How your friends react

People who are close to you may struggle to know how to help you and be with you. Your friends may behave in ways you don't expect.

- Some will know how to help and you'll feel well supported.
- Some may feel so distressed by what's happened or unsure how to help that they stay away.
- Some may try to help and get it really wrong for you, such as saying something thoughtless.

"There have been times when people have crossed the road because they were unable to express their emotions to us, and there have been other friends and even strangers who needed to share."

"There have been times when we felt so alone we wanted the company of others. And there have been times when the company of others was not wanted. But as soon as they left, we needed them again."

"And there have been times when no matter how much help, love, and support we received it just never seemed to be enough. Because until you've lost siblings, family, or friends at the hands of another, your friends will think they can understand, be it just a little, but of course they can't."

People's reactions may make you feel isolated and misunderstood. It can help to talk with someone else who is experiencing something of what you are going through. See page 97.



As time goes by


"One thing that did change after that, was remembering her and how she was, instead of the horror. It was then I could be at ease with the memories. That took a long time."

"I think you have to learn to come to peace with it within yourself."

As time passes, people continue to think about what happened, as well as what it means to them in their present lives.

People may:

- change how they feel about the person who died
- change how they feel about the offender
- want to know about different aspects of the case
- want to learn about things they didn't want to know before
- want to talk more, or less, about what happened
- be able to express things they couldn't earlier
- get involved with a support or advocacy group or project.

A photograph of a forest path. The path is covered in fallen logs and is heavily covered in green moss. Tall, thin trees line the path, and sunlight filters through the canopy, creating dappled light on the ground.

**Although the world
is full of suffering,
it is also full of the
overcoming of it.**

Helen Keller

People go about this process at their own pace and reach their own understanding.

"The loss and grief are still there but I have learned how to move around them. The horror of the murder has lessened as time passes but we all still shake our heads in disbelief, despite having sat through a trial and sentencing. Life can actually be simple. One has a choice to be happy or unhappy. One can choose to stay in the same spot or move onto a bigger and better world. And you don't have to go on this path to recovery alone."



Supporting children and young people

What's happened will affect each of the younger members of your family or whānau in their own way.

Things that make a difference include:

- their age and stage
- their relationship with the person who was killed
- their personality
- if they saw what happened
- if where they live and who they live with will change
- how they have learned to cope with stress
- if they have faced difficult loss and grief before.

Should I be upset in front of the children?

You have reason to be sad, frustrated, or angry. Children will know you're upset. Sharing your feelings helps them accept these are a natural part of grieving. It lets them know that it's safe to express them within the family and whānau. However, if you can, avoid sharing your strongest,

most intense feelings when children are present. It can be frightening for them and they can feel unsure how to comfort you. Step away for a bit, take some deep breaths, and return when you are more settled. Check in to see how they felt when they saw your distress. Reassure them.

At another time find someone you trust to talk to about how you're feeling. When you're with the children, try to focus on ways you can comfort and support them as your first priority.

It can be very helpful for children to know you're able to face the hurt. They will see it's possible to work through it and regain control. This will help them see that such raw sadness or anger is normal and can pass safely.

Talk with them about how waves of feelings can come at any time and that that's normal. For example, they might come because of a memory, sight, sound, or smell. Talk about some ways people can manage strong feelings and sudden rushes of grief or remembering.

Helping them recover

These reactions are common for younger people after trauma. They may happen in the first days, weeks and months – or even quite a long time after the event:

- numbness and shock
- being tearful or being unable to cry
- confusion and not being able to take things in
- finding it hard to focus
- physical responses – aches, pains, shaking, feeling sick, hot and cold
- up and down emotions, at times very intense
- changes in day-to-day patterns – sleeping, eating, toileting
- wanting to be with others a lot, or to be alone
- being withdrawn
- loss of trust in people or things
- changes in confidence or perhaps feeling fearful
- on alert and jumpy – on the lookout for threats
- nightmares or reliving what happened – or what they think happened

- an increase in anger through words and actions
- some risk-taking behaviours to try and escape grief and memories.

Trauma can have a big impact for a while. Help them understand what's happening and reassure them that this intensity of thoughts and emotions won't last forever. Spend more time with them, so they feel your care and support.

Re-establish everyday routines as soon as possible to remind them of what hasn't changed and set sensible behaviour boundaries. Help them with ways to help manage any irritability or anger safely, and not direct it at other family or whānau members. Ask them to be part of making day-to-day decisions, so they feel they can still have some control over what happens.

Talk about how people react in different ways and that this is normal. Don't allow any teasing or judging if others are being clingy, jumpy, tearful, or quiet.

Give them opportunities to talk about their thoughts and feelings if they want to. But respect it if they don't want to. Some may tell their story in their play, music, or pictures.

Help them to use healthy coping strategies – getting enough sleep, eating well, drinking enough water, doing physical exercise, talking things out with someone they trust, asking questions, having times to play, relax and get their mind off things, taking time with others, using the help and guidance of others.

Find ways to remember with them how good life can still be – sharing hope for a positive future by finding things to enjoy and things to look forward to. Let your young person know it's OK to laugh and have good times.

"My son told me that at first he didn't think he'd ever feel happy again. After hanging out with his best friend he said he knew he'd get through okay because he could still have some good times."

Sometimes opportunities to help others can help them. It can give young people a chance to do something positive in the face of what's happened. This may help to change their focus, relieve tension and bring hope.

Children whose care is changing

Who takes care of children may change in the short or long-term. This can be complicated. There may be new arrangements to set in place, additional costs for the caregiver, and everyone coping with stress and grief in their own ways.

Be as clear as you can about what's happening, depending on the children's age and ability to understand. Try not to make promises you can't be sure you can keep, such as about visiting them.

It can be really hard for family and whānau members to suddenly have the full care of children. There's a lot to think about and decide in the short term, and the future.

"Don't let yourself get railroaded about decisions such as looking after children. Bounce your ideas off someone who is not involved."

Find out more

Work and Income has a web page with information about who can help you and the types of financial help you may be able to get to care for children and young people.

www.workandincome.govt.nz/eligibility/carers/care-someone-else-child.html

The Grandparents Raising Grandchildren Trust provides support services that help to reduce stress, promote and preserve the wellbeing of families and whānau and maximise stability in the lives of grandparents, kin-carers, and children in circumstances where the children are not being raised by their parents.

Free phone 0800 472 637 ext. 1
www.grg.org.nz

Ask your Victim Support Worker for the information sheet *Supporting Grieving Children and Young People after a Homicide*. This is also available online under *Homicide* in the *Get Support* section of Victim Support's website
www.victimsupport.org.nz

Skylight has information and resources for supporting children and young people through trauma, grief, and change, including counselling services. See page 94.

Phone them on 0800 299 100
www.skylight.org.nz

Supporting children at school and in the community

When your child returns to their early childhood centre or school or goes out into the community – even to the local shops – they may find themselves the centre of attention. People may ask them about what they think happened or try to tell them things that they think or feel. Talk with your child about what they can say in this situation. Practise some ways they can choose to respond or not if they feel uncomfortable about any questions or comments. Discuss which adults they could feel comfortable approaching for help if they're upset or afraid, or if they need some protection from others. Practise the words they can use to say clearly what they need. Let them know that asking for help is a useful skill to have.

Talk with them about managing any comments made on social media, to help protect them from harm and hurt that could be avoided. Netsafe has helpful advice for parents about this here: <https://www.netsafe.org.nz/social-media-parents/>

You may want to get in touch with their teachers and community group leaders, and possibly with parents of your child's friends, to talk about:

- how best they can support your child through these tough times
- the sorts of reactions and behaviours they might expect from your child and how to respond
- what you and your child have decided to say about what happened
- about any additional pressures on your child like changes to living arrangements or court appearances, etc.
- that you have told your child to ask for help whenever they need it
- that you are happy to talk with them more if they have any concerns or questions.

"I was worried about going back to school so Mum asked my teacher if I could bring a toy with me to cuddle if I felt sad."

"I spoke to my son's coach because he'd missed some games. He told me not to worry, he'd just get my son back into things again. He said this was an exceptional situation and missing the games wasn't a problem."

You will need to continue to have these sorts of conversations with your child, and with people who are their caregivers in the community. How your child is responding to the situation is likely to change in intensity at times. How others respond to them will vary.

Support for those supporting your child

Schools and early childhood education centres will have plans and resources in place to support their staff, children and young people, families, whānau, and communities in any traumatic situation.

Skylight has information and practical resources that can also help those supporting your child or young person to understand the nature of traumatic grief at different ages and stages. They are also able to support them to better understand and manage their own reactions to what's happened. See page 94.

Victim Support may also be able to support people in your wider community affected by this crime. See page 18.

When and how should I get help for a child or young person?

For most children and young people, their reactions after a traumatic loss will gradually decrease over time. However, if you're concerned about any of the following you should seek help from a professional:

- reactions getting extreme or worse, or making daily life very hard for them
- they are experiencing powerful flashbacks (reliving what happened) or ongoing disturbed sleep
- strong reactions continue a long time without any change
- you feel something just isn't right with them
- or think your child or young person is at risk of harm.

You can get help, support and advice from your doctor, a counsellor or psychologist, their school counsellor, a youth worker or children's worker, a mental health worker, or a support worker from a local family support agency. Your Victim Support Worker can help you find local people you could contact. Skylight's support services are listed on page 94.

Some children and young people may use risk-taking behaviours to try to escape or dull their painful emotions, difficult thoughts, or memories. They may behave thoughtlessly and without regard to danger. For example, drinking or drug taking, fast driving, or making unwise decisions about relationships and actions. Step in to make sure they recognise the risk and get support to help manage their behaviour if you need to. Reassure them that having strong feelings is normal after such a terrible thing has happened and it's what they do with their feelings that counts. Explain that they won't always feel this way. Talk about ways to let out their feelings.

Suicidal thoughts may affect some vulnerable young people. ALWAYS seek professional help immediately if you know or suspect they're having suicidal thoughts and stay with them until help is provided. At any time you can phone or text 1737, which is a free, confidential helpline, to speak with a counsellor for advice. In an emergency, if you think they are at immediate risk of harm, always dial 111.

Remembering the person's life

When someone is killed by another person, there may be so much focus on how they died, that it's hard to find time to remember and celebrate their life and what you treasure about them.

Memories can be precious, comforting, and wonderful, but sometimes painful at the same time. Grief isn't about forgetting. It's about finding positive ways to remember. When you're ready, give yourself the time you need to remember the good memories.

"The person who died will always be part of your life and a part of who you are. Remembering and finding ways to stay connected means you can keep your special link with them. Talking about them is not 'living in the past' as some people may tell you. It's recognising their treasured and lifelong connection with your life."

Here are some things you might feel like doing with others, or by yourself. Do whatever feels right for you at the time. You could:

- create a memory box or scrapbook
- plant a tree or a memory garden
- safely light a candle
- make something to honour memory
- play music the person enjoyed
- visit places you enjoyed together
- cook meals you used to share with them
- share stories about their life
- display photos of the person
- celebrate special days or birthdays by doing something they would have liked
- do something you had planned to do with them
- write music, a poem, song, or prayer
- talk to them or write to them to share things
- follow cultural traditions that comfort you
- give gifts or make a donation in their name.





"We erected a memorial seat for my sister on Mt Roskill where she used to wag school all the time. Treasure their memory and don't stop talking about them just because it makes other people feel uncomfortable."

Special days

On some specific dates, the gap where the person would have been may seem wider and they will bring many things to your mind and heart, such as:

- the person's birthday
- your own birthday
- anniversaries
- holidays
- celebrations like Christmas or Mother's Day or Father's Day.

There may be ways you can mark these times together as a family or whānau.

You could talk about:

- what could be meaningful for each of you
- ideas for things you could do together
- if you want to do the same thing each year, or try something new
- who chooses to be part of this and who would rather not.

Worrying about the day that was coming was worse than the day itself. The anniversary was sad but we were together, and that felt right.

First times

There will be many times when you have to do something for the first time after this death, such as:

- visiting where it happened
- going to the person's school, workplace, place of worship, or club

- doing something alone that you used to do together
- going back to work or study yourself
- seeing someone else do something you'd thought the person who died would do such as graduate, retire, or have a committed relationship or child.

These firsts may cause some difficult feelings and thoughts. Take time to think about how you can get through this time as well as you can.

- When would it be best to do this 'first'?
- What do you think might happen?
- How might you feel?
- Who could you take with you as a support person?
- Is there anyone you don't want to share this with?
- What have you found useful so far as you deal with tough stuff like this?
- What could you say to people about this?
- What do you want to do afterwards?

The darker side of grief

Grief reactions can be very deep and powerful. At first you may feel your reactions will never ease. For most people, the intensity does decrease over time. However, for some, grief can become a very complex and ongoing challenge. Some of the challenges can include:

- *Depression*

Grief and depression have some things in common. Both may include intense sadness, fatigue, anxiety, disturbed sleep and appetite, low energy, loss of enjoyment, and difficulty concentrating. A grieving person usually stays connected to other people, can still feel OK and happy at times and can manage to cope as they gradually rebuild their life. They struggle, but they don't feel permanently stuck. However, when someone is seriously depressed, connecting with others and even brief moments of enjoyment can be missing in their lives. They can feel very flat. Low, depressed emotions make it hard for them to handle everyday life. Depressed people sometimes liken their experience to being in a deep hole they can't find a way out of. For some, suicidal thoughts may also trouble them.

- *Complicated, prolonged grief*

Some people continue to feel such a deep hopelessness and pining for the person who died, that they can't function in their daily life or work like before. The painful emotions are so long lasting and severe that they may avoid anything that might set them off. They can have trouble accepting the loss and resuming their life. They can feel stuck.

- *Post-traumatic stress disorder (PTSD)*

Experiencing some stress is normal after experiencing or witnessing a traumatic event. A few people may find their stress becomes extreme and they develop a post-traumatic stress disorder (PTSD). This usually involves flashbacks (reliving what happened), avoidance of reminders of the event, high anxiety, and hypervigilance – staying on alert in case something like that happens again. The intense reactions don't ease up and can be very difficult to deal with. Some people find getting through the day can feel impossible.

There is support available

If any of these serious reactions sound like something you're experiencing, or you're concerned for someone else, there are people who can help. No one has to bear this intensity of trauma and grief without support. Seek help from a doctor, counsellor or psychologist to get a diagnosis and professional help. Ask your Victim Support Worker about local professionals you could contact, or contact Skylight about their counselling services on 0800 299 100 (weekdays) www.skylight.org.nz

If you think there is an immediate danger of harm to you or someone else, don't hesitate to call 111 for emergency support.



Extra support during your grief

Victim Support



Victim Support offers a free support service to victims of crime and trauma, including homicide, all over New Zealand. We are available any time 24/7 by phoning 0800 VICTIM (0800 842 846).

We have a free specialist service for families and whānau affected by homicide. We have highly-trained volunteer and paid Support Workers who specialise in support after a homicide. Our homicide Support Workers have in-depth knowledge about the impact of homicide on families and whānau, the services available, and the criminal justice system process. We offer intensive support to immediate families and whānau of homicide victims, including witnesses.

Sometimes it helps to have someone just for you to talk to from outside your family, whānau, and friends. Our Support Workers offer you support in

the first days and weeks, throughout the court process, and for as long as you require it. We support you to make your own choices and to be in charge of restoring your life in your own way.

Our support is completely free and confidential, and available throughout Aotearoa New Zealand. See page 18.

Your Support Worker can also let you know about any local grief and bereavement services or support groups in your region.

Skylight



Aotearoa's centre of excellence in child and family trauma, loss and grief. Our vision is building resilient children, young people, whānau and communities. We aim to provide the right help, at the right time, in the right way. This includes support for those bereaved by homicide.

- We offer **skilled, specialised counselling support, for all ages, around New Zealand, including online.** Phone 0800 299 100 or email info@skylight.org.nz to enquire.

- **We can post to you a personalised pack of support information and resources**, or it can be posted to someone you are supporting. We're well known for this unique, tailor-made support service, posted anywhere in New Zealand. To request a pack, contact us and briefly outline what the situation is, and who you are seeking support for. If there are children, teens or young adults needing support, mention their ages. A pack will then be posted within seven days. A donation/koha is invited to help cover costs of this service.

To request a support pack:

Phone us weekdays on 0800 299 100

Email info@skylight.org.nz

Online www.skylight.org.nz

- **Our resilience hub website** offers helpful information, articles, downloads and support resources for all ages and homicide related and bereavement support links that you may find helpful. See www.skylight.org.nz
- Our **Resource and Information Centre** is open to visit weekdays in Wellington. Phone 0800 299 100 or 04 939 6767 to arrange a time to browse through all its support

information and resources relating to getting through tough times of change, loss, trauma, and grief.

- Our **loan library** offers some books on a homicide bereavement and on trauma and grief, for all ages. These can be borrowed from anywhere in New Zealand. To ask about the books available and/or to arrange a loan, phone weekdays on 0800 299 100 or email resources@skylight.org.nz or visit the centre in person.
- We have a wide range of **bereavement support books and resources** available to buy, for all ages. See the shop at www.skylight.org.nz or phone 0800 299 100 weekdays to enquire, or visit us at Level 3, 5-7 Vivian Street, Te Aro, Wellington. Skylight's resources are highly respected. Many have been developed in New Zealand or sourced for their quality from around the world.
- We can present **community workshops** for communities impacted by a homicide. Phone 0800 299 100 or email info@skylight.org.nz

Counselling

Victims of a serious crime are entitled to some free counselling sessions with any counsellor registered with Victim Support. Families, whānau, and close friends of a homicide victim, witnesses, and people first on the scene of a homicide are all eligible for this counselling, funded by the Ministry of Justice and managed through Victim Support.

It's up to you to decide if this is something you want and when you want it. The sessions can take place at any time, even years after the homicide.

Counselling provides a safe, independent, and supportive place where you can talk about how things are for you and find assistance to cope with your loss and your responses.

A counsellor can help you to:

- understand how trauma and grief are affecting you
- provide a safe place to express your honest thoughts and feelings
- think things through
- find some ways to help you cope with your strong thoughts and feelings

- process your grief and find more balance in your life
- identify and work through issues that arise.

It's important to have a counsellor who is a good fit for you. You can choose to change if you don't feel comfortable.

Skylight can also provide counselling around New Zealand, including online. Contact them weekdays on 0800 299 100, or see www.skylight.org.nz

Counselling for younger people

Skylight offers some counselling services for younger people around New Zealand. (See page 94.) Contact Skylight weekdays on 0800 299 100, or see www.skylight.org.nz

Victim Support can also refer families and whānau to local counsellors who are experienced in working with children and young people.

"Sometimes she'd give me coping mechanisms, and sometimes she'd just listen. Through talking I'd be able to come up with my own coping mechanisms. I'd come away from the sessions tear-streaked but feeling lighter and better about life."

Your GP

See your doctor if you're concerned about any ongoing reactions that are making daily life or work difficult. These might include sleep problems, eating problems, illness or troubling health condition, high levels of anxiety, distressing flashbacks, depression, or suicidal thoughts. Encourage others facing these kinds of issues to see their doctor too. See <https://www.mentalhealth.org.nz/get-help/in-crisis/find-a-gp-or-counsellor/>

Your employer

Ask your employer about any workplace support available such as bereavement leave, EAP services (Employee Assistance Programmes), or discretionary leave.

Sharing experiences

Talking with others going through bereavement after homicide can be supportive and comforting, even though your situations will be different. You can each share how you're dealing with your loss and your lives now.

"I contacted a number of co-victims and spoke with them. This has been far more valuable than anything I read and at times it has been far more helpful than counselling. And whilst there were still times we do not always understand each other, there is a place we find that we meet and engage."

Victim Support publishes a newsletter specifically for New Zealanders bereaved by homicide.

The publication allows victims to connect with one another and share stories. It contains contributions by victims and topics of special interest to those impacted by homicide. Victim Support can also provide information on homicide support networks. Talk to your Support Worker about this or call 0800 842 846 to be connected with a Support Worker.

Victim Support's research, *Exploring the Needs of Families of Homicide Victims*, shares individuals' experiences around the trauma and grief of homicide. You can find it at www.victimsupport.org.nz or ask your Support Worker.

Taking action

Some people feel strongly about certain aspects of their experience and want to influence legal and social changes in areas such as:

- victims' rights
- the effects of homicide on families and whānau
- homicides related to specific influencing factors such as firearms, alcohol, drugs, or mental health
- family or whānau violence
- violent crime
- dealing with police
- aspects of the legal process, such as sentencing.

They may feel that speaking out about what happened, and its impact, is a way of showing respect for the memory of the person who was killed and of getting some justice for them. Some say reaching out to others helps them too.

See page 130 for some organisations that advocate for change for victims.

"If you had met me 20 years ago, I was shy and very quiet, and introverted. Now I am getting out there and I can talk. For a written submission to Members of Parliament, a group of us stood up and spoke about sentencing. That is such a big thing for me. I am now outgoing, working, and believe it or not I'm in a good space."

"Later on when I joined Victim Support, I joined the homicide team. That has been great therapy for me, working with other victims."



LAW COURTS

Dealing
with Legal
Matters

and the Criminal
Justice System

The coroner's inquiry, hearings, and inquests

This section deals in more detail about the public hearing side of the coronial process. Other aspects of the process, such as the post mortem, can be found on page 36.

The coroner's role

The coroner's role is to determine, to the extent possible, the identity of the deceased and when, where, how, and why the death happened. The first stage in this process is the post mortem examination. In some cases, a coroner will open an inquiry to establish the cause and circumstances of death and determine what could be done to reduce the chances of future deaths in similar circumstances. The coronial process is not about determining criminal, civil, or disciplinary liability, or apportioning blame.

The coroner will usually put any inquiry on hold during a criminal prosecution. Once the prosecution, and any appeal, is complete, the coroner may decide not to proceed with opening an inquiry if he/she is satisfied that the High or District Court has adequately established the cause and circumstances of death.

If the coroner re-opens an inquiry, he/she will investigate to determine the cause and circumstances of your loved one's death. Depending on the circumstances, an inquiry can take several years, particularly if other agencies are also conducting their own investigations into the death. The coroner will gather a lot of evidence from police and other agencies during the inquiry.

Once the coroner has gathered all the evidence he/she thinks is required, a hearing is held. This is when the coroner looks at all the evidence collected during the inquiry and determines the cause and circumstances of the death. A hearing can happen in one of two ways, as described below.



A hearing ‘on the papers’

When a hearing happens privately in the coroner’s office (called chambers), this is known as a ‘hearing on the papers’. This is the most common way a coroner completes his/her findings. The coroner will privately read all the paper evidence available, including formal Victim Impact Statements from family and whānau members and other witnesses, and reports from police, the pathologist, and other agencies. Then he/she will make a ‘finding’, which is a written document that sets out the coroner’s determination as to the cause and circumstances of death, made after considering all the evidence. It may take the coroner several weeks to write the finding. This hearing isn’t held in public, which means that family and whānau, witnesses, or other interested parties don’t attend.

An inquest

Or, if the coroner decides he/she needs to hear evidence from witnesses in person, he/she will hold a hearing in an open Coroner’s Court. This is known as an ‘inquest’. An inquest is usually held when there are complicated issues or there is speculation or significant public interest in the case.

It’s a public hearing that family and whānau, witnesses, other interested parties and members of the public can attend. At an inquest, immediate family and whānau, either themselves or through a lawyer, may ask questions of the witnesses. The witnesses may include police, the forensic pathologist, other individuals, and staff of other agencies. Family and whānau may also be called as witnesses. You may have support people with you at the inquest, including a Victim Support Worker.

Families and whānau and other interested parties may also request an inquest, although the coroner will make the final decision on this. If you feel there are reasons why an inquest should be held regarding the death of your loved one, please write to your case manager. The coroner will consider those reasons along with the other material and make a decision.

The finding

After the inquest, the coroner will issue his/her finding. That process can take some time because the coroner has to consider all the documents and the evidence the witnesses have given and draft the finding. Once the coroner has completed the finding it will be sent to you. The finding is an official record of the coroner's decision about the cause and circumstances of your loved one's death, based on all the evidence he/she has heard or gathered during the inquiry and the hearing.

The coroner may include comments or recommendations designed to reduce the chances of any further deaths occurring in similar circumstances.

The finding is usually the last step in the coronial process.

The media can attend an inquest and can request the coroner's final finding. The law allows the coroner to make orders prohibiting the publication of some details, such as witness names, in certain circumstances. It is likely your loved one's death will be reported on by the media at some point. Victim Support can support you through this if you have any concerns.

Support through the coronial process

Your coronial case manager

After a person's body is released to the immediate family following a post mortem, a dedicated coronial case manager will help you and your family throughout the coronial process. They will keep you updated about what's happening and answer any questions you may have. They'll let you know, for example, when and where an inquest will be held and what to expect at it. They'll give you their contact details. It can be helpful to choose one family member to be the key contact person on behalf of the family.

Your Victim Support Worker

They can attend the coronial inquest with you and help you prepare for what to expect. Talk with your Support Worker or you can call Victim Support 24/7 on 0800 842 846.

The Coronial Services website

This has information on how the coronial process works and what you can expect to happen.

<https://coronialservices.justice.govt.nz/home-2/>

This includes:

- contact details for the nine regional offices, the national manager Justice Services for Coronial Services and the Office of the Chief Coroner
- their helpful booklet *When Someone Dies Suddenly: A Guide to the Coronial Services of New Zealand*
- information on coroners' findings and recommendations and accessing individual coronial records.

When a case involves homicide, you'll need to be prepared for the justice process to last several years.

This is why using the support available can make the journey a bit easier. Each case is different, and this means the timing and people involved will vary. There is likely to be a complex police investigation, coronial inquiry, multiple hearings, and a trial or trials, followed by sentencing, and then later parole hearings. At each step, there are opportunities for family and whānau to be involved.

The process can be confusing and stressful, but it can also be helpful for

you to participate. Some people find being involved gives them something they can do and have some control over. Some see it as doing something positive for the person who died and this can provide some comfort.

Being involved may help you to be reassured that nothing could or should have been done differently. Or, it may help you to understand that some of the answers may never be found.

"The criminal justice system can feel like another world, and it's mostly not at all like what you've read or seen on TV."



Finding out what YOU need to know

Many of those affected by a homicide find they need to ask a lot of questions. For some, getting answers can help to make sense of the events and settle their mind. Some find that getting the facts stops them from imagining things as worse than they actually were.

Ask for information to be provided in ways that are helpful for you. If you're struggling with low energy or having difficulty remembering, perhaps you can have someone else ask questions for you, or ask for things to be repeated or written down.

If you find reading information difficult, you can ask people to talk the information through with you instead.

If you have English as a second language, you can ask for some translation assistance. Ask your Victim Support Worker about this.

At times, police, the coroner, and the Crown prosecutor may need to share upsetting information with you. They'll talk you through as much as you can manage. You can ask them for more details later if needed. You can also ask

to have a support person with you and may also want to consider counselling to help you cope with what you have heard. Ask your Victim Support Worker about arranging this.

There will be caring people available to support you. The police, Coronial Services, Victim Support, and your funeral director will be working to ensure that the process is made as smooth as possible. The most important thing is to ask questions if there is something that you don't understand or are simply not sure about. No question is a silly question. Ask, ask, and ask again until you understand.

"Ask questions and don't give up till you have those answers you need."

"I would take a notebook of questions along with me and tick them as I asked them."



Support for victims during the court processes

Court Victim Advisors

Court Victim Advisors at your local court can help you understand what happens in the court case. Their service is free and confidential. An advisor will get in touch with you to offer their services after the accused has first appeared in court for prosecution. Police will let them know. Someone from your area will phone you or write to you if they can't reach you by phone.

If the case moves from your area, you'll be put in touch with a Court Victim Advisor in the new area.

They can:

- explain the court system, what happens and who's involved
- let you know what's happening with the case
- explain your rights
- explain when and how you can have your say as a victim
- talk through what you need to know if you are a witness

- talk with a young witness about what this means
- let police or others connected with your case know about any concerns you have
- explain bail conditions
- give you information about services and support available to you as a victim of a serious crime, including financial support
- arrange for an interpreter to be present if you need one.

Court Victim Advisors can work with you until the sentencing, or until the end of any appeal. They will explain how you can find out when the offender is to be released on parole, from home detention, or from a hospital.

For more information or to contact a Court Victim Advisor <http://www.victimsinfo.govt.nz/support-and-services/support-at-court/court-victim-advisors>

Call Victims of Crime Information Line
0800 650 654

You can also speak with them at your local court.



Police

Police are trained to assist victims to write their Victim Impact Statements. Your Family Liaison Officer will also assist with information when it is needed.

Victim Support

Your Support Worker will support you throughout the justice process, for as long as it takes. They can prepare you for what to expect and provide assistance with arrangements to attend court, including financial assistance and court information. They can provide practical support such as helping you prepare your Victim Impact Statement, and emotional support such as accompanying you to court during the trial and other hearings as your support person. Victim Support will make sure your rights are upheld and you can access the support you need when you need it.

The Ministry of Justice provides this brochure: *Court services for victims: helping victims through the court process*. www.justice.govt.nz/courts/going-to-court/

Making a Victim Impact Statement

As a victim of a serious crime, you have the right to make a written statement that can tell the court and the judge how the crime has impacted you and your family and whānau.

If the accused or the defendant has pleaded guilty, or been found guilty, then the judge will consider your Victim Impact Statement before the sentencing. The judge will use your statement to understand how the crime has affected your life.

Your Victim Impact Statement is a living document and must be current when submitted to the judge. You may start working on it when police are first investigating the crime and update it as time passes. In the statement you can say how the crime has affected you physically, emotionally, financially, in your relationships with others, and in any other ways you have found difficult.

If the accused is found not guilty the judge will not be able to consider what is in your statement.

What difference does it make?

It lets the judge understand how the offence has affected you and your family and whānau before they decide on the sentence. It lets the accused know the consequences of their actions.

Your Victim Impact Statement can help influence the sentence that a judge gives the accused. The judge will also consider things like formal reports about the accused and sentences given in similar cases. Perhaps most importantly, it can help empower you, as it is your one formal opportunity to tell the court how you've been affected by the crime.

"The judge did take on board what we had written. For me it was really important to put some feelings and emotion into the case other than just the facts and figures the police and defendant's lawyers could put in."

How is it presented in a court?

A Victim Impact Statement is usually presented to the court in writing. (You can get help to write it. See below.)

If the judge allows, you can also choose to read your statement to the court or you can ask someone else to read it out for you.

"It was finally our chance to have an input into the court case that seemed to be completely out of our control. It finally gave us some rights. It helped immensely to be able to confront the defendant in the court room, although I didn't feel strong enough to read it. The Support Worker from Victim Support did a great job relaying it in a mother's voice. I held my son's picture in his direction the whole time and I took over reading towards the end where I felt it was an important part for me to say. It was daunting, looking into the dock of the killer of our son. However, it also gave me the power back. I felt in control for the first time in ages."

Who will help me to prepare a Victim Impact Statement?

Police are responsible for assisting you to write your Victim Impact Statement, however your Victim Support Worker or your Court Victim Advisor can also help. If you feel unable to write the statement, you can agree that police or your Support Worker will do this with you.

For guidelines on preparing your statement you could also see www.victimsinfo.govt.nz

When do I need to submit my Victim Impact Statement?

This usually happens when criminal charges are being filed with the court, but before the defendant's first court appearance (where possible). The officer in charge of the case will make sure it's completed by the defendant's second court appearance, as this is when the defendant may enter a plea.

As the case progresses through court, you can make changes to your statement to keep it up-to-date. The police prosecuting lawyer can organise this for you with the officer in charge of the case.

Do I have to make one?

No. If you don't want to make one, then the judge will still consider the effects of the crime on you but will base this on the information provided in the case's evidence.

Can I say what I want?

It's up to you what you write. However, there are guidelines around what you can and can't say in a court of law. The prosecuting lawyer will check that the content is suitable for the public court. If it's not, they may advise you how to change it.

Does the accused get to hear what I say?

Yes.

When the case is over

When a court case ends, your Victim Impact Statement becomes part of the official court file. Any member of the public or a journalist can ask to read a court file, although the court might not always allow it.

If the judge speaks about your Victim Impact Statement at the sentencing hearing, then their comments can be made available to the media to report on. In some circumstances the judge can rule that your statement can't be published.

You may find that stating the impact that the crime has had on you is difficult but also empowering. Over time, it can help you realise how far you have come since the crime occurred.



Circumstances influencing the trial

If no one is charged

When no one is charged for the crime:

- you can't respond to the person who did it
- you may feel on edge all the time and as if you are keeping watch for the possible offender
- you might have your own thoughts and fears about who the offender might be
- you may feel there is something you could have done to help find the offender
- you may feel you've let down the person who died
- it can be hard to accept you may never find out what happened and why
- advances in the investigation may give you hope
- you may feel let down if no progress is made
- you may feel let down by the system.

As you come to terms with this difficult reality, the focus on getting answers and justice for the person who died may start to feel less intense and preoccupying.

Deciding on the charge

The prosecution must prove 'beyond reasonable doubt' that the accused or defendant (the person charged with the crime) committed the crime they're accused of. The law sets rules about what ingredients must be present for each charge. There can be multiple offenders with multiple charges in homicide cases.

It is not a case of the Crown putting up the most serious charges it can. The Crown must ensure that the charges, on which the accused will be tried, properly and fairly reflect the evidence.

'Homicide is the killing of a human being by another, directly or indirectly, by any means whatsoever'. This definition is given in Section 158 of the Crimes Act, 1961.

For homicide to be a crime it must be culpable - that means blameworthy in law. Culpable homicide is defined in Section 160 of the Act.

Culpable homicide is either murder or manslaughter.

- Murder is when one person kills another deliberately or while acting recklessly, knowing that death is likely. Murder has specific definitions under Sections 167 and 168 of the Act.
- Manslaughter is culpable homicide that doesn't fall within these legal definitions of murder. It is defined under Section 171 of the Act (which has one exception, provided in Section 178).

Often with hunting or driving-related deaths, murder or manslaughter charges cannot be laid. There are various other charges that may be laid for these deaths. Police and the Crown prosecutor will give you more specific information about the case and why a charge is laid.

If the accused pleads guilty

If the accused or defendant pleads guilty to the charge, there is no jury trial. The Crown prosecutor tells the judge a summary of the facts. The accused, and their lawyer, both have a chance to speak to the judge. Immediate family and whānau members can choose to give a Victim Impact Statement. See page 107. The judge will convict the accused and decide on the sentence.

If the accused pleads not guilty

If the accused or defendant pleads not guilty to the charge, the case will go to trial to be heard before a judge and jury. It takes time for possible hearings before the trial and for the prosecution and defence to prepare their cases. It is sometimes more than 12 months before the trial begins.

If the accused is young

In New Zealand, a child can be prosecuted for murder or manslaughter from 10 years old. People under 18 years old who are charged with murder or manslaughter go to the Youth Court first before being transferred to the High Court.

If the accused is 'unfit to stand trial' or 'insane'

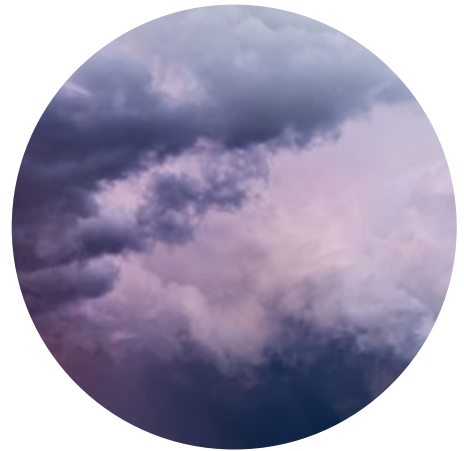
Our justice system recognises the need for special options and processes for defendants who are mentally impaired or found to be legally insane. This is a very complex area of law. The police and Crown prosecutor will explain to you what happens and why. They will also tell you where you may be able to have a say as a victim, and what information you can be given about the accused over time.

A defendant who is committed into the mental health system is considered to be a patient rather than a prisoner. Victims may feel the defendant does not have to face up to their actions in the same way as a prisoner. Some victims may even feel that the accused is 'faking' an illness to avoid a prison term.

The Criminal Procedure (Mentally Impaired Persons) Act 2003 doesn't give a definition of mental impairment. This allows for judicial interpretation of the term on a case-by-case basis with consideration of both mental disorder and intellectual disability, as well as other mental impairments (for example, those caused by a degenerative

condition or acquired brain injury). The requirements for psychological reports and health assessments may add to the time it takes for a case to come to trial.

There are rules that cover what victims may be told about what's happening to someone through the mental health system. For more information, see <https://www.health.govt.nz/publication/victims-rights-health-system>



The trial

Sometimes there may not be a sense of justice, even if the accused or defendant is found guilty.

The trial takes place once police have identified a suspect, made an arrest, and completed the investigation. This can take months or years.

How things happen in court aren't always the way people expect. Victims have said that even when things were explained to them they didn't feel anything could really prepare them for what they were going to hear. There was also the stress of the unknown.

Attending the court case

"I didn't want to but I had to. There were times when I walked out – they recounted each blow. And there was forensics and they showed pictures. I don't think any of us wanted to be there but we felt we needed to be."

The court case will probably include information that will be hard or uncomfortable for you to hear. You don't have to attend if you don't want to. You may choose to go every day, or just sometimes.

If you choose not to attend:

- Court Victim Advisors and your police Family Liaison Officer can let you know what happens and what may happen next
- you can still make a Victim Impact Statement at the time of sentencing and have it given to the judge
- you can get support to help you deal with how you feel.

If you do choose to go:

- Court Victim Advisors and Victim Support Workers can provide you with support, such as explaining the process.
- there may be some financial support for you to attend court and travel
- you can take support people with you, including your Victim Support Worker
- you will see the defendant and their supporters in the courtroom and around the court precincts
- you can access support to help you deal with how you feel.

"Being in the court with him there, you know, he's got the screen around him, but then we could see his family, and that was very awkward."

The crime is against the State

Many people believe that legally the crime was against the victim. This isn't correct. In New Zealand, as in all other countries, our criminal law treats crimes as being against the State or the Crown, because the State makes the laws.

Criminal law covers actions that our society has outlawed as a threat to the safety or welfare of the public. A crime is investigated, prosecuted, and punished by the State through police and the courts.

The trial will focus on the accused or defendant because it's the Crown prosecutor's responsibility to present evidence that the accused's intentions and actions mean they should be judged guilty of the crime beyond reasonable doubt.

Because the accused and the State are the two official parties in the trial, victims can feel shut out of the court proceedings. That's why it can help to have your Victim Support Worker with you in court.

It can also seem that the whole justice system is centred around the needs of the accused, rather than around you as a victim. That's because our system of justice requires the accused person to have a fair trial. Families and whānau may feel it's unfair that the accused has these rights when their loved one who was killed has none.

The accused doesn't have to prove they are innocent

Our law says that the person who is accused is entitled to the 'presumption of innocence' and it's the job of the Crown to prove them guilty. They are innocent until proven guilty. The law also says an accused person doesn't have to prove they didn't commit the crime.

The Crown prosecutor

The Crown prosecutor presents the prosecution case on behalf of the Crown, representing the community. It's not their role to advocate for the victim in the same way that the defence counsel advocates for an accused.

The Crown has an overwhelming obligation to be fair, including to the accused who is innocent until proven to be guilty. This doesn't mean that the Crown prosecutor can't present the Crown's case strongly.

"My response is that it is important to be patient about the process. Once convictions are entered, then it is a completely different ball game and the accused person will then feel the true consequences of their actions."

Crown prosecutor

Crown prosecutors must by law take into account the rights and interests of victims of crime. For example, if the defence applies to change where a trial is held, the Crown prosecutor should always consult with the immediate family and whānau. They must make sure that the court is made aware of what this change might mean for them. For example, there could be extra cost, a lack of family or whānau support, or the need to take leave from work.

The defence lawyer

The defence lawyer's job is to be the advocate for the accused or defendant, their client. They will work to persuade the jury that the case the Crown puts up doesn't present enough evidence to prove their client's guilt beyond reasonable doubt. Sometimes, in their attempt to prove their client is not guilty, the defence may present evidence about the victim that the family and whānau find unfair and upsetting.

"I was warned that the defence lawyers may try to paint a picture of my son as something he might not have been, but I was very lucky that they didn't really go there... That was part of the trauma, sitting there waiting for it in case it happened."

The criminal justice system operates slowly, sometimes frustratingly slowly, but it takes the time it needs to take.

The accused might not take the stand

People often assume that an accused person will give evidence at their trial. However, as above, they don't have to prove their innocence. It's the Crown that must prove its case beyond a reasonable doubt. So, it's not at all uncommon in criminal trials for the only evidence the jury hears to come from the Crown's witnesses and for the jury to hear nothing from either the accused or their witnesses.

Why the court doesn't always hear about previous convictions

The general rule is that previous convictions are not admissible in evidence against an accused. This is because every accused person is entitled to be tried on the facts of the present case with the jury's minds not affected by anything they hear about a previous conviction. However, if the previous conviction is directly relevant to a particular fact in issue in the trial then, sometimes, the jury may receive that evidence.

If you are called as a witness you will get support to take part in the court process

- The court wants to hear what you saw or know, and about what happened in your own words.
- Court Victim Advisors and Victim Support Workers can provide you with support and explain the process and courtroom setup.
- The police officer in charge of the case or Court Victim Advisor will tell you when and where you need to be at court. An official notice will be provided to you.

There may be financial support available to attend court and if you have to travel.

- Your police Family Liaison Officer, Court Victim Advisor, or Victim Support Worker can explain this.
- You may not be able to attend the court case until you've given your evidence. This is to prevent what other people tell the court affecting your testimony.
- You can access support to help you deal with how you are feeling.
- Young witnesses get special support appropriate to their age.

Keeping you informed during the justice process

Police and Court Victim Advisors try to work closely with the family and whānau to keep people informed as much as they can. There will be times when they won't be able to tell you all the details they're uncovering. They may have things developing, but they can't tell you about it. They will share what they can, when they can.

Police also want to know if you or your family and whānau members have any concerns about how things are going, including any issues with the police team. If there is an issue, and you're feeling uncomfortable about addressing it, ask someone you trust or your Victim Support Worker to be responsible for letting police know. Police can then respond and explain things as they need to.

Different family or whānau members may want to know more or less about the circumstances of the death, at different times. Some find that knowing what actually happened is easier than feeling the distress of imagining things as worse than they actually were.

Police may uncover aspects of the victim's life that are new to you during the investigation and they may be presented in evidence. You may find this distressing. You might feel angry and let down by the person. Details of the death and the person's life, including some that may later be proved to be untrue, may all be covered by the media and talked about by people around you. This can be very hard on families and whānau.

Police will try to let you know ahead of time if there's anything they hear about gossip in your community, or when the media is going to talk about something that's new to you or disturbing.

You will hear rumours and innuendoes. You may see things that you don't understand or you want an explanation for. You can ask your police Family Liaison Officer about anything that concerns you and you want to know more about.

Explaining what happened can be hard. Police know it's hard to remember things in order and every detail. They know you want to do what you can to help. They will take notes of everything you say to them and about what they see. Police interviewers will take

special care to avoid further trauma, particularly when victims are vulnerable because of age or what they've already been through. They have experience in asking questions that will help you give them information that will help them work out what happened.

It may seem as if they take a long time or ask you the same question in different ways. This is so they can help you remember more of what you saw and heard. Some questions may make you feel uncomfortable or angry. Police need to collect as much information as possible and their questions are part of working out what happened and who was responsible. You may find as the shock wears off, you can remember other things. Let police know to add this to the evidence.

"I understand the police and prosecutors have a job and they can't release information for fear of jeopardising the outcome. He was out on bail when he killed my son. But we had to sit there quietly and knowing all that sort of stuff. So yeah, being quiet was hard. Because we didn't want to jeopardise things as well."

The role of the jury

The jury is a group of 12 members of the community who are chosen at random to sit on the jury panel and hear a court case, usually for criminal cases. (In less serious cases there is no jury in the court.) The jury's job is to decide together beyond reasonable doubt if the accused or defendant is guilty or not, based on both the facts they hear in the court and what the law says. They need to assess the credibility of some witnesses and evidence given throughout the trial.

The judge can give the jury guidance about the law and may make legal decisions about aspects of the case, such as what items can be accepted into evidence or not.



The verdict

The jury retires to decide its verdict when all the evidence has been presented, the prosecution and defence have closed their cases, and the judge has summed up each of their positions to the jury.

- If the verdict is guilty, the person will be sentenced at a later date.
- If the verdict is not guilty, the accused person is acquitted, which means the charges are dismissed and the accused is free to go.
- If the jury cannot make a decision (a hung jury), there may be another trial.
- Both the prosecutor and the offender have the right to appeal the verdict and the sentence. This would mean another court case.

You continue to have the same rights to support as the victim of a serious crime and of a homicide even if no one is convicted for the crime or there is an appeal.

“He was charged with murder. The first trial was hung. It was not quite a year later when we had another trial and he was found not guilty of murder but guilty of manslaughter. We were really disappointed. Shocked.”

Restorative justice

Restorative justice is an informal meeting between the victim(s) and the offender, aimed at repairing the harm to the victim caused by the crime. It can be requested by either the offender or the victim before sentencing, if the offender:

- pleads guilty or has been found guilty
- is willing to accept responsibility for the crime.

With the judge’s approval, you will have the opportunity to meet a facilitator beforehand to explore whether restorative justice is appropriate for you. Restorative justice can then only go ahead with the approval of you as the victim, the offender, and the meeting facilitator.

If the meeting goes ahead, it will be mediated by the facilitator, and both you and the offender can have support people present. It’s a safe opportunity to talk openly about what happened and the harm it has caused you and your family and whānau. You may wish to talk about what steps the offender can take to help repair the harm.

The cultural needs of both the victim and offender will be considered, such as offering the opportunity to request a specific location for the meeting, and/or to include a mihi, karakia, prayer, or other ritual.

After the meeting, the facilitator reports back to the judge on the meeting and any agreements made by the offender. The judge may discount the offender's sentence if the offender has shown remorse and/or agreed to certain actions as a result of meeting with you.

"And just the strangeness of meeting someone that's killed your wife, you know? I didn't want to shake hands, but we ended up shaking hands... You realise that they are a human being, and I'm glad that I got to know that the person had some redeeming features, what sort of life he had, and that he's trying hard to change..."

"I have to say it was an amazing experience. I was very reluctant and fearful to go into it... I think it's a good process and should be supported... but boy, it's difficult."

Sentencing

Your police Family Liaison Officer, Court Victim Advisor, or Crown prosecutor will let you know the date for sentencing.

Sentencing is complicated. The judge takes various things into account, including your Victim Impact Statement if you choose to make one, reports about the person who was convicted, and sentences other people have been given for similar crimes. Police, the Crown prosecutor, and your Court Victim Advisor can explain what the sentence means in this case. This includes when the offender may become eligible for parole when sentenced to imprisonment.

When the accused or defendant is found guilty of more than one charge, sentencing can be cumulative or concurrent.

- Cumulative means that two or more sentences run end to end. The court will impose one sentence for each offence and the offender will serve them one after another.
- Concurrent means that two or more sentences run at the same time. The court will impose separate sentences for each offence but the offender will serve them in parallel.

"Our feelings were that he needed to go to jail. And it doesn't really matter whether it was three years, one year or two years, as far as I'm concerned. But I was happy with the outcome, which was a jail term."

"I was extremely disappointed in the outcome. I thought the judge had just made a precedent for anybody who wants to kill someone."

Appeals

Both the prosecutor and the offender have the right to appeal the verdict and the sentence. This may result in another court case in a higher court, either the Court of Appeal or Supreme Court. The prosecutor cannot appeal against an acquittal. You will not be required to give evidence at the appeal hearing, but you can attend.

If the appeal is upheld, the court can make decisions including:

- changing the sentence given to the offender
- ordering a re-trial, where you may be required to give evidence again if you were a witness
- acquitting the offender, which means the charges are dismissed and the accused is released.

The Court of Appeal is located in Wellington but also sits in Auckland, Christchurch, and Dunedin.

The Victim Notification Register

Being kept informed is your right

As a victim of a serious crime like homicide, you can ask to be kept informed about what's happening to the offender as they move through the justice system. To receive this information you must apply to be listed on the Victim Notification Register.

The Department of Corrections runs the confidential Victim Notification Register service. There are laws about who can get information about an offender and what information is made available. The information shared with you is called a *notification*.

The police are responsible for telling you about this Register, asking if you'd like to apply to be on it, explaining how to apply, and providing you with any assistance that might be needed. They are also responsible for checking each application is authentic and that the applicant is eligible to apply. They also check that the required Victim Request Form has been filled in correctly.

When your application is accepted, the victim information manager will write to you, or to your chosen representative, to confirm you are on the Register.

Once you are listed on the Register, you will be told about any significant events involving the offender, including their Parole Board hearings, temporary prison releases, home detention, hospital detention, prison release date, or a possible deportation.

Only designated staff authorised by the Department of Corrections or the New Zealand Parole Board can confidentially access victim information on the Register.

What are the benefits?

Many victims say they feel acknowledged, respected, and supported when they are given notifications. It provides opportunities to have your say on things like the offender's parole or parole conditions when they are released.

Also, knowing the facts about what's happening to an offender can help increase your, and your family and whānau's, sense of safety. By being registered, your home location will be considered when an offender proposes a residential address to live at after

their release. Concerns will immediately be raised if that address is too close to you.

You can choose if you want to go on the Register or not

You can apply to go on the Register at any time after a person has been charged with a serious offence. It is important to understand that registration is an *opt in* process, which means victims of serious crimes are not automatically placed on the Register. You must apply to go on it.

You can choose someone to get the notifications for you

Receiving news about the offender can be very stressful. You can ask a trusted person to receive the notifications on your behalf. They can then share the information with you, if that's what you want. They must agree in writing to be your representative. There is a place for their details and signature on the Victim Request Form that must be filled in.

At any stage you can ask for the notifications to be sent to you instead, or you can choose someone else to represent you, if they agree. You must send your requests for any changes to the victim information manager. Their contact details are at the end of this document.

How to apply to go on the Victim Notification Register

- You will need to fill in the Victim Request Form. The police will provide you with this form or you can access it on the police website: www.police.govt.nz/about-us/publication/victim-notification-register-victim-request-form
- The police, your Victim Support Worker, or your court victim advisor can help you complete the form. (You can call Victim Support 24/7 on 0800 842 846 to be connected with a Support Worker.)
- If you've chosen someone else to get the notifications on your behalf, then they need to be named on the form and must also sign it.
- When it's been completed, the Victim Request Form must be given, posted, or emailed to the police.
- The police check each application and also check the applicant is eligible to be on the Register. If there is any reason why you cannot be accepted onto the Register, the police will explain this to you.

- If a victim is a child or young person under the age of 17, their parent or legal guardian can apply to be on the Register on their behalf. They can apply to go on the Register themselves once they turn 17.
- Once an application is approved, police send it to the Department of Corrections as soon as the offender is in custody (including remanded in custody).

If you change your mind

If you have been accepted onto the Register, you can ask for notifications to be stopped at any time. You can also ask for them to be started again. It's always your choice, but all requests must be made in writing.

To make your written request:

Email: victim.notification@corrections.govt.nz or

Post:

Victim Information
Department of Corrections
PO Box 1206
WELLINGTON 6140

How long can a victim be listed on the Register?

A victim's registration will be formally closed, and all notifications will finish, when the offender's sentence has been completed. The Department of Corrections will let you know when this happens.

Always keep your contact details up to date on the Register

Let the victim information manager know whenever your contact details change, including your phone, address, or email details. This means notifications can continue to reach you, or your chosen representative. You can update your details by phone, email, or post.

Phone: 04 460 3240 or 04 460 3064

Email: *victim.notification@corrections.govt.nz* or

Post:

Victim Information
Department of Corrections
PO Box 1206
WELLINGTON 6140

For further detailed information about the Register

- See the VNR page on the Department of Corrections website: www.corrections.govt.nz/information_for_victims/victim_notification_register
(This page includes information about how to make a complaint if you feel you haven't been provided with information you should have or your safety has been compromised in any way.)
- Victims Information about VNR (Ministry of Justice) www.victiminfo.govt.nz/after-sentencing/staying-informed/
- Or you can call Victim Support 24/7 on 0800 842 846 to be connected with a Support Worker who can answer any questions you have.

Parole for the offender

As a victim of a serious crime, you have rights to be informed about and involved in the parole process for the offender. There is a lot of information to take in.

What is parole?

Parole is the managed release of offenders, serving a prison term of more than two years, who are released from prison before the end of their sentence on conditions. People on parole are subject to recall if they breach their release conditions, re-offend, or their risk increases in any way.

Each prison sentence includes a set time when the prisoner must stay in prison.

- For offenders serving a prison sentence of two years or less, they must serve half before they are automatically released on conditions that have been imposed by the sentencing judge.
- For those serving more than two years, the Parole Act sets out when an offender must be seen and what processes the Parole Board must follow when conducting hearings. Unless a longer minimum non-parole period has been imposed by the sentencing judge, an offender must be considered for parole after serving one third of their prison sentence.

Time the offender has already spent in custody on remand is counted as time served.

Who decides and how?

It is the Parole Board's job to decide if an eligible prisoner should be released on parole and under what conditions. The focus of the parole process is on the offender. The board has to consider whether this person would pose an undue risk to the safety of the community if they were released on parole.

What happens will depend on things like:

- the length of the sentence
- the non-parole period the judge imposed
- how the offender responds in prison
- what programmes the offender has undertaken.

The law says offenders must be considered for parole when their non-parole time has been served. Offenders don't apply for parole. Being eligible for parole is no guarantee of release – it simply means an offender is entitled to appear before the Parole Board.

However, the Parole Board must grant parole if its members are satisfied that an offender, if released on parole, will no longer pose an undue risk to the safety of the community. It can be hard for victims to understand that

parole can be granted even if they're not satisfied the offender has shown remorse or told the full truth.

Once on parole, the offender will serve the balance of their sentence in the community and will be required to abide by standard conditions as set out in the Parole Act, plus any special conditions that the Board imposes.

Some victims have interpreted this as the prisoner being released 'early'. However, the non-parole period is set by the sentencing judge within the framework of the Sentencing Act.

Offenders sentenced to life imprisonment or preventive detention and who are granted parole by the Parole Board, are on parole indefinitely.

Conditions may include:

- reporting regularly to their probation officer
- working or living arrangements and restrictions
- a ban on consuming alcohol, illicit drugs and/or firearms
- a ban on communicating with the victim's family or whānau and/or any co-offenders
- taking part in rehabilitation programmes.

An offender on parole can be recalled to prison should they breach any of their release conditions. Recall decisions are made by the Parole Board following application by the Department of Corrections. Once the conditions are set, the *Community Probation Service* section of the Department of Corrections is responsible for managing the offender.

If the Board declines release, offenders by law have to see the Parole Board again within 12 months. However, in special circumstances, the Board can postpone the next hearing for a specified time, up to three years.

It's possible that an offender may serve their entire sentence. The Board will impose conditions for offenders who've reached the end of their sentence without having been granted parole. For those cases, the Parole Board's only role is to impose conditions for a period of six months following release. Those offenders can't be recalled to prison. However, should they breach any of these release conditions, they may be subject to breach action through the court.

The views of victims

The Board is required by law to give 'due weight' to the views of victims. Only victims registered on the Victim Notification Register are automatically notified of hearings.

If you're on the Victim Notification Register you:

- will be automatically told when an offender has a parole hearing coming up
- can make written and oral submissions, with support people if you wish
- will be told the Board's decision
- are informed of the outcomes of all hearings, whether or not you have made a submission.

A booklet with information for victims and a submission attachment is sent to all registered victims before the offender's first Board appearance.

If you decide to make your submission in person, the Parole Board will hold a Victim Meeting to meet with you. You will speak to the same Board members who will be seeing the offender, but the hearing you attend will not be in a prison and won't include the offender. Oral hearings may be face-to-face or via audio-visual link.

"The parole hearing we went to, we actually printed out an A4 size picture of [daughter] and put that on the table and we said, 'well, we're here to talk about her, she should be here.' And I wanted them to see her. I think personalising it helped."

If you are not on the Victim Notification Register

Even if you are not listed on the Victim Notification Register you:

- can make written submissions
- can ask to make oral submissions, with support people if you wish
- will be told the Board's decision.

The offender will usually see copies of all the material the Board is considering. That means they may get to read your written submissions, without your address and contact details.

Support during parole

Your Victim Support Worker, Court Victim Advisor and police Family Liaison Officer can tell you more about the Victim Notification Register, whether you choose to register or not. They can give you the information and support you need during the parole process. Victim Support can help you apply for financial assistance to attend a hearing. Read about the Victim Notification Register on page 121.

For Parole Board booklets and online information, see www.paroleboard.govt.nz or phone 0800 PAROLE 0800 727 653.

Helpful Links

Victim Support



www.victimsupport.org.nz

- If you've been affected by crime or trauma, you are entitled to free support from Victim Support.
- Services are free and available all day, every day.
- 0800 VICTIM 0800 842 846
- See page 18

Skylight



www.skylight.org.nz

- Supports people facing tough life situations of change, loss, trauma, or grief – whatever the cause and whatever their age.
- 0800 299 100 or 04 939 6767 during standard office hours, weekdays.
- See pages 94-95

Police

<https://www.police.govt.nz/advice-services/advice-victims>

- Ph 111 if you're concerned someone could harm themselves or others.
- Police will let you know who you and your immediate family and whānau can keep in contact with during the investigation and trial.

Ministry of Justice

www.justice.govt.nz

Victims Centre

www.victimsinfo.govt.nz

- Provides information for crime victims about available support services and the Justice system processes.
- Support booklets in 14 languages online (www.victimsinfo.govt.nz/publications/)
- Victims of crime information line: 0800 650 654 available 24/7

Coronial Services

<https://coronialservices.justice.govt.nz/home-2/>

Funeral Directors Association of New Zealand

www.fdanz.co.nz

New Zealand Independent Funeral Homes

www.nzifh.org.nz

ACC

www.acc.co.nz

- ACC may offer financial support when a death has been confirmed by police as murder or manslaughter. Ph 0800 101 996.

Births, Deaths and Marriages

www.govt.nz/organisations/births-deaths-and-marriages/

Court Victim Advisors

<http://www.victiminfo.govt.nz/support-and-services/support-at-court/court-victim-advisors/>

Victim Notification Register

https://www.corrections.govt.nz/information_for_victims/victim_notification_register

Parole Board

www.paroleboard.govt.nz

Translation Service

www.dia.govt.nz/Translation-Service

Ministry of Foreign Affairs and Trade

www.mfat.govt.nz

Work and Income

www.workandincome.govt.nz

Grandparents Raising Grandchildren Trust

*Free phone 0800 472 637 ext. 1
www.grg.org.nz*

The Grandparents Raising Grandchildren Trust provides support services that help to reduce stress, promote and preserve the wellbeing of families and whānau and maximise stability in the lives of grandparents, kin-carers, and children in circumstances where the children are not being raised by their parents.

The following groups advocate for change for victims

The Campaign for Action on Family Violence

*<http://www.areyouok.org.nz/>
0800 456 450*

The Campaign for Action on Family Violence offers a website about family violence. The site covers what family or whānau violence is, where to get help, and how you can help if you know someone affected by family or whānau violence.

JustSpeak

www.justspeak.org.nz

JustSpeak is a youth-led movement for transformative change of criminal justice towards a fair, just, and flourishing Aotearoa.

The Sensible Sentencing Trust

www.sst.org.nz


The Sensible Sentencing Trust is a non-profit and non-partisan organisation, run by volunteers, that seeks to bring about positive changes that support a New Zealand that is safe from crime.

If you're concerned for your own safety and wellbeing – or that of someone else

Get help and support as soon as you can. There are people who can help you. Talk to Victim Support, your doctor, a mental health team, a trained counsellor, a Skylight counsellor, or a support worker from a local family and whānau support agency. Or phone or text 1737, a free, confidential helpline to speak with a counsellor 24/7.

You can use the next page to note down the names and numbers of key people.

In an emergency, if there is danger of harm, call 111 immediately.



O le tele o sulu e maua
ai se figota, e mama
se avega pe a ta amo
fa'atasi.

My strength does not
come from me alone,
but from many.

Samoan proverb

My contact list

Police

Officer in charge of the case

Family Liaison Officer

Iwi/Pacific/Ethnic Liaison Officer

Media liaison adviser

Victim Support Worker

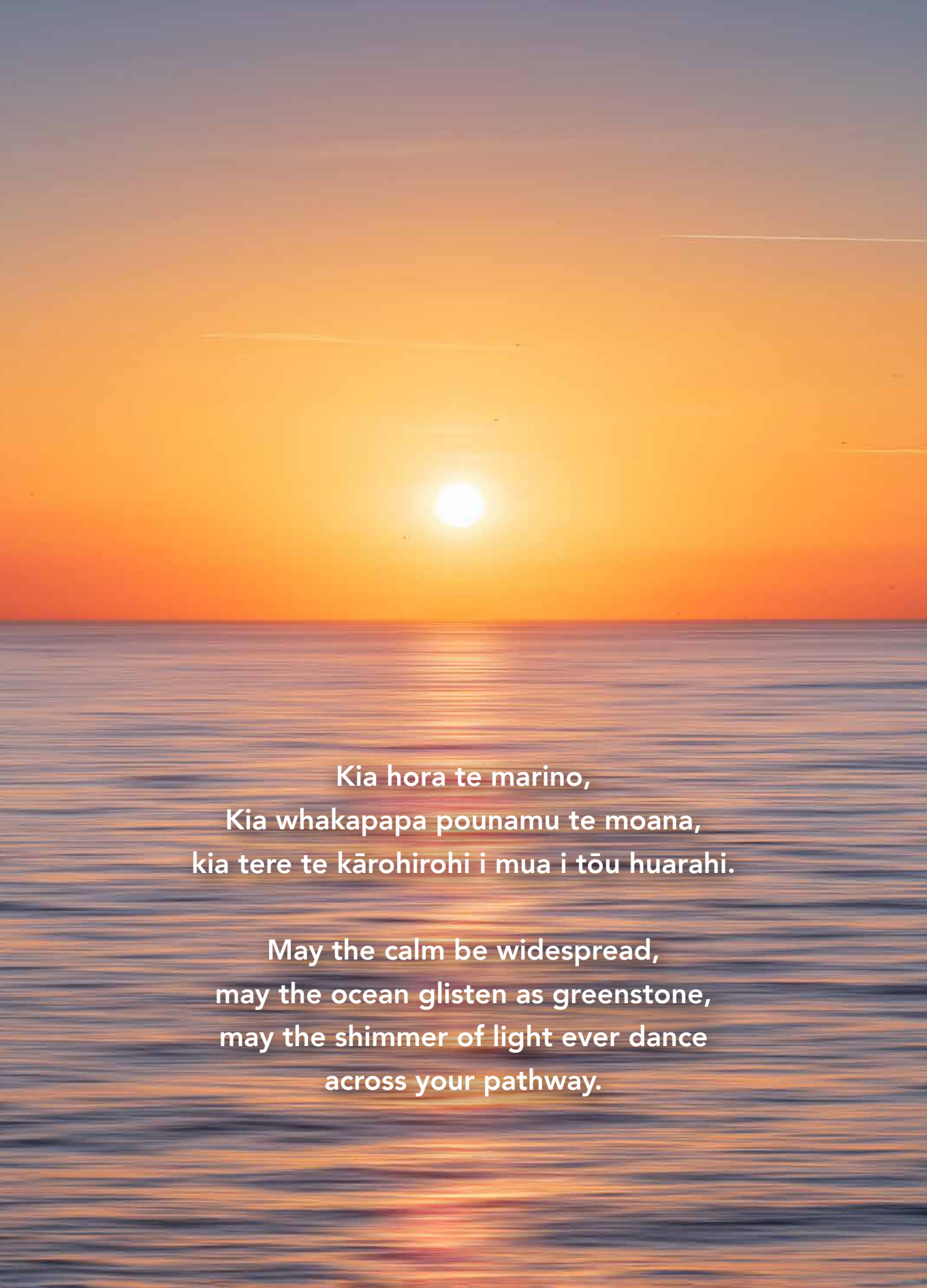
Coronial case manager

Funeral director

Court Victim Advisor

Skylight Contact

Other key contacts



Kia hora te marino,
Kia whakapapa pounamu te moana,
kia tere te kārohirohi i mua i tōu huarahi.

May the calm be widespread,
may the ocean glisten as greenstone,
may the shimmer of light ever dance
across your pathway.



Homicide is an extreme, destructive,
and disturbing form of violence.

Someone's life has been taken by another person.
It's a serious crime.

It casts a long shadow.

This handbook draws on the honest experiences of New Zealanders
who have had a family or whānau member die by homicide.

It offers key information about grief and trauma, the legal and court
processes and systems that victims are involved with,
some of the practical matters they have to manage,
and the support that is available.

Victim Support and Skylight are honoured to
bring this resource to those bereaved by homicide,
and those who are caring for them.

