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Sheffield.

**Hidden Victims:
The criminal justice experiences of
homicide bereaved people
in England and Wales**

Lauren Bradford

A thesis submitted for the degree of Doctor of Philosophy

School of Law

October 2019

Abstract

This thesis explores the experiences of the criminal justice system according to a distinct group of crime victims: homicide bereaved people. It focuses on the criminal justice system in England and Wales. By 'homicide bereaved people' is meant anyone with a familial relationship to the deceased victim, and in this research involved parents of, adult siblings of and adult offspring of victims. Since the focus is on the criminal justice system, 'homicide' was taken to be victims of murder and manslaughter, rather than road traffic accidents or infanticide.

The central aim of the research is to explore what the criminal justice experiences of homicide bereaved people are and what is meaningful to them in their interactions throughout the CJS and their experiences of support mechanisms, using an interpretive lens and privileging their perspective. The interactional constitution of victims is the theoretical viewpoint that underpins this project.

Drawing upon qualitative interviews with 17 homicide bereaved people, observations of murder trials within three Crown Court centres and semi-structured interviews with criminal justice and victims' practitioners, this thesis highlights that the criminal justice processes that are encountered cannot be separated from the complex grief processes that occur in the aftermath of homicide. They form a reciprocal relationship and as result homicide bereaved people's experiences do not fit within a normative legal framework on which responses to victimisation occurs. As a result, the current support frameworks for homicide bereaved people often render them feeling powerless and voiceless which prolongs grief and victim status.

Despite victimology being a field of study in its own right for approximately 50 years, there remains a number of gaps in our understanding of victims of crime and their experiences through the criminal justice system. There is a paucity of literature and research about homicide bereaved people as a distinct group of crime victims, so this research aims to situate the experiences of homicide bereaved people within the victimological and criminological literature, by drawing out the distinctive features of their criminal justice experiences which coincide with traumatic grief processes and bereavement. My research offers unique insights into the experiences of those collaterally victimised through bereavement by homicide. Through analysis of their stories and comparison with data gained from interviewing criminal justice and associated professionals and observations from court visits, my research informs suggestions for change that would improve the experiences of those bereaved by homicide.

Acknowledgements

I would like to begin by thanking my amazing supervisors, Professor Joanna Shapland and Dr. Maggie Wykes. I can honestly say that from the beginning of the research process I realised how lucky I was to have two supervisors who were fully invested primarily in me and also in my project. Both of you have offered me support and encouragement beyond the realm of PhD supervision and I am truly grateful. Thank you for your patience over the last four years, and your constructive and insightful feedback throughout every stage of the PhD process.

Thank you to the Economic and Social Research Council for funding the project. Without funding I would not have been in the position to have conducted the study. They also provided a number of useful and insightful events throughout the course of the PhD which enabled me to network with others in the field and beyond.

There have been a number of staff members and academics in the School of Law at the university of Sheffield who deserve a thank you: for feedback at conferences; answering my opportunistic ‘knocks on doors’; and many ‘just to clarify’ emails. A big thank you also to my colleagues at the University of Nottingham, who over the last year have literally got me through being a new academic while I finish my PhD. I am so grateful for your enthusiasm, reassurance, and patience with me. A special mention goes to Dr. Kerry Clamp for her support, both academically and personally, and always reminding me why I was hired. A special ‘thank you’ also to Dr. Elena Genova for proofreading some of the thesis which was met with encouragement and insight.

Another thank you goes to those in the PGR room across the various years of my PhD. That room for me meant community and I got a sense of belonging and solidarity with many former and current PGRs. A special mention goes to Dr. Abigail Stark, my partner in many endeavours and a true and forever friend. I’ve especially enjoyed our many mutual ‘freak-outs’ over the uncertainty of academia, the challenges of the job, and general imposter syndrome-esque panic. At least we took it in turns, and it was always countered with reassurance, inspiration and the occasional ‘catch yourself on’. Another special PGR is Ruwani Fernando, who tirelessly proofread my chapters and put me to shame over my inability to use a comma.

To all my family and friends, thank you for your continued support over the last four years, proofreading work, formatting chapters and listening to practice-runs of presentations. Thank you for all the childcare, nursery pick-ups, and cooked meals, particularly in the last few months before submission. Especially to my ‘not-just-a’ mother-in-law, Kathy, for all the proofreading, encouragement, and flower deliveries. And my late ‘wee papa’ who I lost during my PhD – you always believed in me and are the voice of reason in my head.

To the wonderful judges I met during my fieldwork, thank you for your willingness to engage with research and for proving me wrong in my assumption that access would be tricky. The compassion that came through for homicide bereaved was truly notable and I hope that all members of the judiciary have the same approach. Likewise, the ushers I met, the courts would truly collapse without your knowledge and workings in all aspects of the delivery of justice. To the practitioners whom I interviewed, thank you for seeing the value of the research and being so accommodating with being interviewed. Especially to Support After Murder and Manslaughter who helped with many aspects of the research design and process.

To my wonderful homicide bereaved participants, I cannot say thank you enough for letting me hear about your experiences and for how you represented your loved ones in such a devoted and caring way. Without you, this research could not have taken place. I humbly thank you for allowing me to convey your voices in honour of the ones you have so tragically lost. I got to see, in the fullest sense, the love of a mother, of a father, of a daughter, of a brother, and of a sister through the loss and grief you expressed – so wonderful and so tragic a thing to behold.

To my own beautiful mum, how I wish you were to share this accomplishment. You will forever be my motivation, my reason to fight. In your short time on earth, you set such an example to me of what a strong woman is.

And finally, my beautiful daughter, Sarah. You embody this achievement. You are my ‘PhD baby’. You were conceived and born during my PhD, accompanied me to supervisions, frequented the PGR room, and missed me while I worked towards submitting. In the face of numerous personal and unforeseen challenges that I encountered during my PhD ‘journey’; you were my reason for persevering. You are my motivation and inspiration in everything I do. This is for you my baby.

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1 Setting the Scene – Introduction

This thesis provides an original and novel contribution to the field of victimology by exploring the experiences of the criminal justice system according to a distinct group of crime victims: homicide bereaved people. It focuses on the criminal justice system in England and Wales. By ‘homicide bereaved people’ is meant anyone with a familial relationship to the deceased victim, and in this research involved parents of, adult siblings of and adult offspring of victims. Since the focus is on the criminal justice system, ‘homicide’ was taken to be victims of murder and manslaughter, rather than road traffic accidents or infanticide.

In the last 50 years since victimology emerged as a discipline, there has been little research done on this group of crime victims, and the criticisms in the field which pointed to the lack of research, statistics, literature and narrative of victims of crime remain valid (Shapland *et al.*, 1985; Gekoski *et al.*, 2013; Rock, 1998; Walklate, 2017). What research there is has primarily focused on ‘direct’ victims, where the loss, injury etc. is experienced by the individual, whereas in homicide cases, the direct victim is dead. My project explores criminal justice ‘experiences’ from the perspective of those bereaved through homicide to better understand what meaningful interactions and encounters there are in the aftermath of homicide. It does not limit ‘experiences’ to a normative understanding of criminal justice processes, but rather enabled the subjective and significant perceptions from this distinct group to emerge, in order to give them a voice within the criminological literature and hopefully beyond.

In England and Wales, there were 732 homicides recorded in the year ended December 2018 (The Office of National Statistics, 2019), but little is known about the families who are ‘left in the wake’ of the criminal justice system (CJS) (Casey, 2011; Gekoski *et al.*, 2013). This research adds to the scant existing victimological literature and research conducted on homicide bereaved people to explore the meaningful criminal justice experiences of this distinct group of crime victims (Casey, 2011; Gekoski *et al.*, 2013; Malone, 2007; Rock, 1998).

Victims of crime are a powerful motif within criminal justice policy and practices, which are underpinned by neoliberal principles of efficiency where victims are consumers of

the criminal justice system (CJS). It is this conceptualisation that forms the basis for the current responses to victimisation (Hall, 2017; Spalek, 2018). The research set out in this thesis points to homicide bereaved people often being little more than symbolic pawns in the overall pursuit of an outcome at court, and ties into existing debate around the role and place that victims of crime occupy within adversarial justice (Jackson, 2003; Kirchengast, 2016).

This thesis adds to debates within the victimological literature on the interactional and definitional processes around the construction of victims, where victims of crime are rendered powerless by the institutional assumptions of the criminal justice system, rather than by their actual lived experiences (Kenney, 2004). Victims of crime commonly feature on the political agenda and there have been a number of key reforms that expand the discourse on the needs of victims, for example the 2012 EU Directive which led to the 2015 Code of Practice for Victims of Crime (Hall, 2017). Nevertheless, there are persisting debates over the extent to which victims are central to the CJS (Hall, 2017; Jackson, 2003; Shapland *et al.*, 1985; Walklate, 2007). This research aimed to explore what the experiences of homicide bereaved people are as they encounter the criminal justice system and considers the extent to which the current support framework adequately addresses their needs and concerns or not.

1.1 Significance of the viewpoint adopted in this research

This is an original piece of research that has used multiple qualitative methods to conduct a rigorous exploration from the perspective of the bereaved. It applies an interpretivist framework to examine what is meaningful to them. This was theoretically and practically informed by immersing myself within current judicial processes, and engaging with practitioners who work with, guide and support homicide bereaved people through the CJS. This research provides a contemporary application of Goffman's (1959) emphasis on performance as it was enacted at court, as well as Carlen's (1976) staging of the magistrates' courts, using dramaturgical analyses of interaction, particularly within the court setting. What is more, this research is original due to my 'lens' as an insider researcher, where I claim membership of the population that I am studying: homicide bereaved people. My insider status provides a unique and nuanced perspective of the research topic and is reflected upon throughout the research (see particularly Chapter 4).

1.2 Research Aims and Research Approach

The central aim was to explore what the criminal justice experiences of homicide bereaved people are and what is meaningful to them in their interactions throughout the CJS. The interactional constitution of victims is the theoretical lens that underpins this project and has provided a cornerstone elsewhere within victimological research (Kenney, 2003/4; Rock, 1998). Informed by the exploration and discussions in the literature in chapters 2 and 3, the core research questions are:

1. What are the experiences of homicide bereaved people that are distinctive from other types of victimisation?
2. Is the current role of the Family Liaison Officer adequately meeting the needs of the bereaved?
3. Are homicide bereaved people at the heart of the criminal justice system?

This was a multiple qualitative methods study that combined observations, interviews with practitioners and interviews with homicide bereaved people. The first two methods informed the third, and the findings are primarily drawn from the perspective of the homicide bereaved. The inextricable link between the complexities of traumatic bereavement and how this frames the criminal justice experiences is my key focus.

1.3 Thesis Layout and Overview

The next chapter of this thesis, *A Set of Interrelated Motifs*, explores the literature in relation to victims of crime by drawing on a number of interrelated motifs as they relate to homicide bereaved people. Victimological and bereavement literature theoretically inform the research design. The chapter begins by considering the debates around the construction of the victim. Much of this focuses on the social construction of victimhood and the premise of this thesis is that victims are interactionally constituted through their encounters with the different stages of the CJS and the agencies and individuals that they meet along the way (Kenney, 2003/4; Rock, 1998). It is these victim assignment practices in which the victim status is achieved, denied, or rejected (Kenney, 2003/4; Spalek, 2006; Strobl, 2004). For homicide bereaved people, the indirect nature of their victimhood adds a layer of complexity around their construction that has meant they often feel

disenfranchised through the CJS (Gekoski *et al.*, 2013; Malone, 2007; Rock, 1998). The chapter explores 'victim' in terms of both the label and its conceptualisation.

This construction of victimhood as it relates to homicide bereaved is then explored in relation to the social nature of bereavement and symbolic structures of identity which, as a result of traumatic bereavement, are transformed to create a new reality (Rock, 1998). In the aftermath of homicide, unlike other forms of bereavement, Rock (1998) points to the sequence of events that occurs in the CJS, thus for Riches and Dawson (1998), the processes of bereavement are framed by criminal justice processes. What is more, bereavement is often enacted within a hierarchy, where society value judges the experience of loss, which also contributes to the overall construction of victimhood.

Chapter 2 also explores the political and policy responses to victimisation and draws on victimological debates on the centrality of the victim in the CJS (Hall, 2017; Jackson, 2003; Shapland *et al.*, 1985; Walklate, 2012). It considers some of the key reforms that have led to the latest version of the 2015 Code of Practice for Victims of Crime which sets out the main entitlements for victims of crime. The underpinning premise of the chapter argues that victims are often little more than a symbolic motif, who have little formal participation in criminal justice proceedings.

Here, we also explore reforms within the support framework for victims of crime, looking at Victim Support and its Homicide Service as a key supporting agency with influence on policy and practice (Simmonds, 2013). Neoliberal principles underpin much of the policy and political responses to victimisation which has led to some local commissioning of support services for victims of crime (Hall, 2017). However, much of the support for homicide bereaved people and victims of other serious offences continues to be nationally delivered, and these services are market-driven based on efficiency, often seeing victims as consumers of the CJS (Hall, 2017; Simmonds, 2013; Spalek, 2006) rather than sufferers of grief.

My discussion on policy responses introduces a number of agencies which deliver the criminal justice system, many of which are encountered in the aftermath of homicide, which often involves a prolonged process which has the potential to delay and/compound grief (Brown, 1993; Gekoski *et al.*, 2013; Malone, 2007; Rock, 1998). The chapter finishes by introducing the agencies that homicide bereaved people interact with as part

of the interactional constitution of their victimhood. Significantly, the Family Liaison Officer is a key actor whose intimate and ongoing involvement in the criminal justice experiences of homicide has the potential to shape much of the aftermath (Gekoski *et al.*, 2013; Malone, 2007). These interactions informed and identified the key agencies and led to interviews with professionals working with them, as part of phase 2 of the research fieldwork.

Chapter 3, *Going to Court*, builds on the consideration of criminal justice interactions and explores the Crown Court in England and Wales as a pivotal point of the CJS. This is done from the perspective of homicide bereaved people to address the central research objective which explores the criminal justice experiences of this group of crime victims. This chapter is theoretically underpinned by the construction of victims and the relational nature of bereavement as discussed in Chapter 2. It considers court as a setting which is symbolically, physically and ritually enacted to restrict victims' participation and sustain their 'outsider' status (Bibas, 2006; Erez *et al.*, 2013; Kirchengast, 2016).

The theoretical framework to explore court as a setting draws on Goffman's (1959) dramaturgical application to the everyday and Carlen's (1976) focus on the staging of magistrates' courts. This chapter considers the physical, practical, ritual and symbolic dimensions that interact within a court setting. It also reflects on the temporal considerations of attending court for homicide bereaved people in the stages that they encounter during proceedings and how their time is managed as outsiders (Bibas, 2006). The chapter then goes on to consider power relations as they relate to communication and participation.

In Chapter 4, *Methodology and Ethics*, I set out the research process and present the methodological and ethical considerations used in the design and implementation of this project. After introducing the research approach, I draw on debates around positioning oneself in the research and examine the relationship between the researcher and their participants when insider research is done. I discuss the three methods that were used: observations in the Crown Court; interviews with criminal justice and victims' practitioners; and interviews with homicide bereaved people. The strengths and weaknesses of each method are discussed in relation to their suitability in addressing the research: *An exploration of the criminal justice experiences of homicide bereaved people*. Each method is discussed in turn and I draw on the ethical considerations that were

relevant throughout each phase of the fieldwork. Additionally, the importance of reflexivity is implicit throughout the entire project and visible at each phase of the research. I discuss the steps I took to maintain this and the ways in which the research was theoretically and practically informed in order to carry out a rigorous and original piece of research. This chapter finishes with discussing the thematic analysis that is used to triangulate the three phases of the research.

The next three chapters communicate the findings of the research, and these are presented by following the sequence of events in the stages of the CJS. Chapter 5, *The Shock Knock*, discusses the meaningful and significant experiences in the immediate aftermath of a homicide. It begins with the death notification which is the moment that propels individuals into this identity of homicide bereaved and looks at the interactions with the criminal justice agencies and individuals right through to just before court begins. This chapter shows homicide bereaved participants' reflections on the different agencies and individuals they encountered, given that the theoretical basis for this thesis is that they are interactionally constituted (Kenney, 2003/4; Rock, 1998). These interactions notably point to the crucial role that Family Liaison Officers (FLOs) play in framing the experiences of homicide bereaved people. Discussion of the FLO role flows into each of the findings chapter. This chapter also deals with experiences of the Coroner and death processes, highlighting the differences between 'natural' death processes and death following a homicide.

Chapter 6, *Performing Justice*, presents the experiences of homicide bereaved people as they choose to attend court. It considers their position in court, what role they felt they had, and the extent to which they felt supported and by whom. The findings presented in the chapter above around the traumatic nature of bereavement and grief processes provide the backdrop to court being encountered. This chapter builds on Goffman's (1959) front stage/backstage theoretical precept and identifies a number of different meaningful stages from the perspective of homicide bereaved people. What is meaningful for them does not always occur during formal proceedings, but rather a number of notable experiences happen in the different 'layers' of front stage and backstage. This is underpinned by the literature in chapter 3 on the ritual, symbolic, physical and ritual dimensions of court that are encountered by 'outsiders' to the court (Bibas, 2006; Rock, 1993).

The final findings chapter, Chapter 7, *After court processes and procedures*, presents other significant findings that occurred after the close of judicial proceedings enacted at court. This chapter introduces a number of unanticipated findings, given that the original research design focused on court as a pivotal point, therefore the intention was to end the inquiry with the outcome at court. Yet the central aim was to explore homicide bereaved peoples' 'criminal justice experiences' as they framed them, and therefore this chapter introduces a number of meaningful events, interactions and encounters following the court outcome. In some instances, what is presented may have been significant to only one or a few participants, nevertheless they indicate important insights that helped to shape these participants' overall experience. In this chapter, I also discuss the legacy scripts of homicide bereaved people which points to the activities, fundraising, charitable endeavours and other ways in which they perform as a way to honour or memorialise their loved one following their death. Here, I also reflect on my insider status and the impact this has had on both my research process, and me as an individual.

Finally, in chapter 8, *Homicide bereaved people's criminal justice experiences: a discussion*, the findings are discussed and concluded in relation to how they addressed and responded to the research questions. The chapter draws links to how my research expands and contributes to the field of victimology and our overall understanding of the experiences of homicide bereaved people as a distinct group of crime victims. It outlines my novel and rigorous exploration of the topic and points to potential future research where gaps in knowledge have been identified in this project. It also introduces possible ways to improve policy and practice which might make the aftermath of homicide less traumatic and alienating for those affected.

2 A set of interrelated motifs

This chapter introduces a number of intersecting and overlapping motifs that situate and explore the literature as it relates to victims of crime. It begins to consider the experiences of homicide bereaved people as a distinct group of crime victims with their own set of criminal justice experiences. The issues discussed here provide the premise which theoretically and practically informed the research design process. There is no distinctive order to the sections, and they do not flow neatly into each other, nevertheless, they are interlinked and related to each other.

In a criminal justice system (CJS) which claims to be centred on the victim (Jackson, 2003), there are debates around the extent to which the criminal justice process and other relevant social agencies continue to compound the original trauma of victimisation, often referred to as secondary victimisation (Gekoski *et al.*, 2013; Kenney, 2002; Rock, 1998). This chapter sets out the interactionally constituted understanding of the bereaved and the symbolic and ritual processes that are acted out as they are ushered through the CJS by the key agencies and actors that are involved (Rock, 2003/4; Kenney, 2004). The first section looks at the construction of victims and the constraining and limiting factors of assigning victim status. It considers the ‘indirect’ nature of victimisation for homicide bereaved people, and the complexities surrounding the interplay between victimhood and traumatic grief. The definitional and interpretive processes that constitute victims of crime is examined in relation to the conceptualisations of homicide bereaved people being ‘secondary’ or ‘indirect’ victims, and the interactional limitation of agency accorded to this group as they encounter the CJS. Section 1.2 builds on these processes of construction to introduce some of the issues of traumatic bereavement, and the grief networks that homicide bereaved people encounter. It considers the symbolic structures of identity and how these are transformed as a result of victimisation (Rock, 1998). Having established a clearer idea of the construction of homicide bereaved people and their experiences, Section 1.3 explores the development of policy as it pertains to victims of crime, and homicide bereaved people as victims of serious offences. Here we challenge the centrality of victims of crime (Jackson, 2003; Hall 2017/18) and the limitations of policy which often constrains homicide bereaved people as political pawns without doing enough to address their complex experiences (Casey, 2011; Elias, 1986, Walklate, 2007). Finally, Section 1.4 looks at the operationalisation and implementation

of policy by considering the interactions with criminal justice and support organisations in the aftermath of homicide. This links back to the interactions that constitute and define victimhood (Kenney, 2002).

2.1 Constructing the Victim: Interpretive and Definitional Processes

Sexual assault victims have the trauma of the sexual assault... But it is a crime which, when it's over, you're alive. In a homicide, it's sudden. It's complete. There is no fixing it...What you're left behind with is the mother or father, brothers and sisters, husbands, wives – the whole shebang – who have nothing (Rock, 1998:30).

Victims of crime once considered the 'forgotten man' of the criminal justice system (CJS) (Shapland *et al.*, 1985), now occupy an undeniable political space within criminal justice discourse and policy (Kenney, 2002; Rock, 1993/4; Walklate, 2007). This section considers the victim label and its assignment to homicide bereaved people as a distinct group of crime victims. The conceptualisation of homicide bereaved people as victims of crime is problematic in nature, often incorporating ideas and terminology that symbolically restricts and limits this group from achieving the full victim status (Rock, 1998). Therefore, throughout this project, it was important to consider the extent to which family members of those murdered can be located within the broader context of victimisation and identify how the social construction of this group is determined through interpretive and definitional processes (Kenney, 2004).

The construction of victims of crime is reliant on interactional processes that occur throughout the responses to them as they encounter the CJS. Kenney argues that it is through "victim assignment practices" that are allocated by institutions, both legal and therapeutic, that can "exacerbate rather than [to] alleviate the problem of helplessness" (2004: 225; 230). As a result of these assignment practices, there is potential for victims of crime to be negatively impacted by their criminal justice experiences. In their research for example, Gekoski *et al.* found that participants reported feeling "disempowered, ignored, side-lined, unsupported, and with a diminished faith in justice" (2013: 322). In Section 1.4, we will further consider the specific institutions which homicide bereaved people interact with and how this links to the overall construction as a group of crime victims.

The ‘indirect’ nature of homicide bereaved people’s victimisation can render them denied of full victim status (Spungen, 2007). The ‘direct’ victim is deceased, with Armour pointing to the State as becoming the ‘surrogate victim’ where narratives of harm by the offender are against the State (2003: 519). As a result, there is a perpetuating lack of a clear definition and interpretation that encapsulates the process that homicide bereaved endure (Rock, 1998; Spungen, 2007). The argument here is not one of terminology but the symbolic underpinning of assigning the victim label to homicide bereaved people. This detraction of victim status can be experienced by homicide bereaved people. Gekoski *et al.* (2013) and Casey’s (2011) research points to a denial through the interactional assignment practices through the CJS. Gekoski *et al.* (2013) assert that until recently, this group of people were invisible throughout literature, research, history, and statistics. This has resulted in the propensity for institutional and social responses to belittle the potential resilience that these families exemplify in the aftermath of such a traumatic event (Kenney, 2004; Gekoski et al, 2013; Rock, 1998).

Of course, some scholars reject the term ‘victim’ for its passive depiction of those who have been impacted (Lees, 2002; Spungen, 1997), but rather than focussing on terminology, it is the symbolic denial of victimhood and experience that is problematic. Strobl (2004) points to the impact on individuals when they are denied the victim label, where the victim role is denied or restricted due to the ‘indirect’ nature of their victimisation. For homicide bereaved people this is additionally complex. The extent of harm encountered as a result of being bereaved through homicide is ‘seismic’ according to Armour (2003), and yet homicide bereaved people often feel ignored by the CJS (Armour, 2003; Casey, 2011; Gekoski *et al.*, 2013; Rock, 1998).

The complexity of homicide cases means that in discourse, referring to homicide bereaved people as ‘victims’ can be confusing, given that in police, criminal justice and media discourses, the victim is the deceased murder victim (Spungen, 1997). For this reason, homicide bereaved people can also be referred to as ‘co-victims’ (Spungen, 1997; Eaton and Christensen, 2014; Connolly and Gordon, 2014; Rock, 1998). According to Connolly and Gordon (2014) the definition of co-victim is “individuals who have familial connections with the victim and thus are indirectly victimised” (2014: 1).

The term ‘victim’ in itself is further problematised in that it is generic and can be applied to an array of misfortunes which signifies the interpretive process involved in the

construction of crime victims (Kenney, 2004; Walklate, 2007). Thus, Walklate argues that the ‘powerful motif’ of the victim label is in fact a politicised notion, thus linking in with Kenney’s assignment practices according to an agenda that does not always have the interests of the victim at the centre. Rather, Kenney (2002) argues that, at worst, following reforms in the 1970’s, victims were used in order to facilitate a right-wing agenda rather than for the interests of the victims themselves. As such, this challenges the notion of a victim-centred criminal justice system, a popular tagline commonly used within the political arena (Jackson, 2003). This debate is expanded in Section 1.3 where the development of victim policy is explored. Conversely, Casey (2011) found that despite this claim to put victims at its heart, the operation of the CJS in England and Wales often renders homicide bereaved people “trembling its wake” (Casey, 2011: 6). In this manner, there is a growing concern for those who are bereaved by homicide and their needs within the broader CJS and beyond which challenges the conventional rhetoric (Casey, 2011; Gekoski et al, 2013; Gross, 2007; Kenney, 2004; McEvoy and McConnachie, 2012; Rock, 1998).

In search of symbolic recognition of the impact of homicide and an appropriate terminology that allows victim status to be achieved, the nature of the event means that the word ‘victim’ can be confusing given that the murder victim is deceased. Some, therefore, prefer ‘co-victim’ (Spungen, 1997; Eaton and Christensen, 2014; Connolly and Gordon, 2014; Rock, 1998). Another term used for homicide bereaved people, is ‘secondary victim’, however these terms potentially distance and limit their impact as somehow less or inferior to that of primary victims (Rock, 1998; Spungen, 1997; Spalek, 2006; Gekoski et al, 2006). In reality, Casey contends that bereavement through homicide is “the absolute worst breakdown of societal norms” and results in ongoing grief (2011: 5). Given the effects, Kenney (2002) argues for homicide bereaved people to be involved in definitional processes as a way to inform societal and institutional responses in the aftermath.

Another term that can be applied to these individuals is ‘survivor’. Although this term is primarily used in relation to rape and sexual assault victims, some apply it to those bereaved through homicide. Some feminist victimologists argue that the term ‘survivor’ allows individuals to avoid being permanently labelled a victim, but at the same time acknowledges their experience of harm (Lees, 2002; Walklate, 2007; McGarry and

Walklate, 2015). Thus, this term does not render them powerless to overcome and move on from the event and allows their new identity to be acknowledged, something that will be considered in this chapter. This links into Kenney's (2004) notion on the resilience of crime victims and their ability to exercise agency in their potential ability to cope in the aftermath. Kenney's (2004) participants were clear that coping was different from recovering, or going back to normal, but rather functioning despite their victimisation. Rock (1998) chooses to use the term 'survivor' in his research as he argues it empowers the individual and allows autonomy in the adoption of a new identity. Yet as this term is often used for victims of rape and domestic abuse, it can be problematic. Furthermore, as Rock (1998) contended, it can be misinterpreted to imply that a person has survived an attempt on their own life. Nevertheless, he used this term in his research for the resilience it affords to the individuals.

In reality, the symbolic conceptualisations of homicide bereaved as victims, co-victims, survivors or secondary victims are institutionally reflected which will be discussed further in section 1.4. Rock (1998) aims to highlight the institutionalised understandings of grief and the implications of this for the phenomenology of bereavement, in contrast to the processes of construction by the bereaved themselves attempt to regain control following the trauma of the event. This links in with Kenney's (2004) conception of human agency and the institutional denial of this. The conventional rhetoric surrounding families who are bereaved through homicide can be problematic and has the propensity to disempower and hinder of these individuals from achieving full recognition as victims of crime (Kenney, 2002).

Of course, the victim label is not always desirable and is accompanied with many negative connotations (Fohring, 2018). McGarry and Walklate (2015) assert that the victim status being assigned is contingent on power relations and choice, and that use of the term 'victim' is not an empirical reality. Hall and Shapland (2007) point to the loss of trust and shattering of faith in society, shock, fear, anger and changes to lifestyle as a consequence to their criminal victimisation. The severity to which these impacts occur can vary between individuals, which follows McGarry and Walklate's (2015) discussion of the trauma narrative that is associated with criminal victimisation. The social milieu in the aftermath of a homicide will be further discussed later.

In this way, victims of serious offences are more likely to be affected by their victimisation, with some having lasting impacts that span a considerable amount of time (Shapland, 2017). McGarry and Walklate (2015) identify two emerging narratives when considering the impact that victimisation can have: 1) trauma narrative and 2) victim narrative. It is the convergence of these two narratives, they argue, that provides the backdrop for the responses to victimisation. According to their emphasis, the victim narrative is preoccupied with understanding the complex explanations for becoming a victim which focus on the interplay between power, choice and suffering (McGarry and Walklate, 2015). In opposition to the victim narrative which often creates hierarchies of victims and constructs 'victims' as vulnerable and blameless (Christie, 1986; McGarry and Walklate, 2015; Strobl, 2004), the trauma narrative challenges this by more readily assigning victimhood to anyone who has suffered. Thus, McGarry and Walklate (2015) contend that manifested through a highly mediated world, we are all now victims. The victim label is thus more readily applied for indirect victimisation according to the trauma narrative, or following McGarry and Walklate's emphasis, the trauma creep.

Homicide is complex because there are both direct and indirect victims. Victim narrative is much more readily applied to the direct victim, whereas homicide bereaved people are often viewed according to a trauma narrative. In homicide cases, there has been some documentation over the impact of homicide on the surviving loved ones, however much of it tends to focus on the psychological impact as well as practical implications (Casey, 2011; Connolly and Gordon, 2014; Gekoski et al, 2013; Kenney, 2004; Rock, 1998). In addition to symptoms of Post-Traumatic Stress Disorder (PTSD) which can manifest through shock, anxiety, and depression and other psychological responses (Casey, 2011; Gekoski et al, 2013), Casey found that the bereaved faced problems in relation to their employment, childcare, financial burdens and ability to sustain relationships. Furthermore, in his research, Rock (1998) asserted that loss through murder is different to other types of bereavement, where homicide bereavement individuals tackled anomie through the disintegration of meaning, and the structures which represented their self were replaced with feelings of a stolen identity, lack of purpose and loss of future. This will be discussed further in Section 1.2.

The conceptualisations of victims and specifically homicide bereaved people is complex and layered. The conflict between power relations and agency that is documented

(Kenney, 2002; McGarry and Walklate, 2014) and is discussed throughout this chapter is heightened by a perceived invisibility in how victim status is assigned or denied. This is further considered below in relation to the nature of bereavement and how this is shaped and framed through relational ties and societal reactions. Following the above discussion around defining homicide bereaved people as victims and the plethora of potential words that could be used for this group of crime victims, the decision was taken throughout this research to use 'homicide bereaved'.

2.2 Kith and Kin: Relational Bereavement

This section will explore how the construction of bereaved families' reality impacts on the symbolic structures of identity which are transformed to create a new reality following traumatic bereavement (Kenney, 2004; Rock, 1998). Here, the literature points to the wider social nature of bereavement. In order to contextualise the experiences of homicide bereaved people as it is explored throughout this project, it was necessary first to consider the impact of losing a loved one in the circumstances of homicide. Riches and Dawson (1998) assert that bereavement processes in the aftermath of a homicide become 'subordinate' to criminal justice processes. Therefore, the CJS constrains the emotional responses through the obligatory processes, which in turn compounds the original trauma of losing a loved one through homicide (Brown, 1993; Gekoski *et al.*, 2013; Rock, 1998).

When considering who is impacted by the death of a loved one, Robson and Walter point to that "hierarchies of loss" both in the practical sense when it comes to the estate of a deceased person, but also for social norms where society knows how to respond appropriately (2012:101). This links to Christie's (1986) notion of the ideal victim and the role that society plays in assigning victimhood. In terms of homicide, this is complex. Kenney found that loss following homicide bereavement extended beyond the grief of losing a loved one, and identified a number of "metaphors of loss" which included: "(1) permanent loss of future; (2) violating devastation; (3) being a 'different person now'; (4) loss of control; and (5) loss of innocence" (2002: 219). For many homicide bereaved people, they experienced family and friends avoiding them, resulting in feeling of stigmatisation and isolation (Kenney, 2004; Rock, 1998). As a result, these interactions meant that they felt more powerless and victimised than ever (Kenney, 2004). This ability

to maintain positive relationships is not limited to homicide bereaved people. Hester and Lilley (2018) found this in relation to rape victims also. Social milieu therefore has power to shape and frame experiences. Valentine (2008) emphasises on the social nature of grief and argues that after the death of a close friend or family member, the everyday social patterns are shaped by the bereaved persons' network of relationships. The additional layer of institutional responses throughout the CJS is also important to consider in the aftermath of a homicide and is discussed in section 1.4.

What is more, in the aftermath of homicide, Rock (1998) points to the shared networks that are established amongst homicide bereaved people as cohorts. Therefore, where some relationships are shattered, others are cultivated through a collective sense of loss. This community is developed through the pain associated with defining their loss. Armour (2002) considered traumatic bereavement as an interaction between loss and trauma with bereavement as a result of homicide differing from other forms of loss (Rock, 1998; Gekoski *et al.*, 2013; Malone, 2007, Riches and Dawson, 1998a). The prolonged grief and overwhelming emotions that are experienced by homicide bereaved people has led to a sense for some, that unless one has experienced homicide bereavement it is impossible to imagine the grief (Malone, 2007). This explains the emphasis on the networks that Rock (1998) identified, however, also leads to a concern of being 'trapped' by victimhood.

Accordingly, concepts of self are embedded within a wider network of relationships and interactions where an individual's life is relational to the lives of others (Goffman, 1959; Mason, 2004; Smart, 2007). These notions have yet to be transferred to understandings of bereavement, and in particular bereavement through homicide. Smart (2007) contends that individuals are shaped through kin relationships, and therefore meaning and self are relationally constituted. The shattering of meaning and relational ties, for example through the loss of control of the deceased victim's body, as discussed further below, means that for many homicide bereaved people they need to contend with a sense of anomie in the aftermath of homicide (Riches and Dawson, 1998b; Rock, 1998; Smart, 2007).

However, some theorists assert that death does not end the relationship but instead changes it, as individuals maintain a transformed relationship with their loved one through the existence of 'continuing bonds' (Klass et al 1996; Smart, 2007; Valentine,

2008). Much of the conventional research on bereavement in general and the limited literature on bereavement through homicide limit the conceptualisation of death and bereavement in clinical terms (Balk, 1990; Hogan and DeSantis, 1992, 1996; Gekoski et al, 2013; Kenney, 2004). In doing so, however, it denies the social nature of grief and fails to recognise the “experience of death and bereavement as integral to life rather than a condition to be treated” (Valentine, 2008: 3; Kenney, 2004). Acknowledging the transformation or shattering of identity in the aftermath of homicide challenges therapeutic models of bereavement where victims must “pass through all the stages of grief” (Kenney, 2004: 229). Kenney (2004) was critical of this therapeutic model for its neglect of human agency in their ability to cope in the aftermath of trauma. While therapeutic approaches to victimisation imply that treatment or understanding is necessary given the impact of crime on powerless individuals, “even the best responses to victimisation may be aversive to the victim” (Taylor *et al.*, 1983 in Kenney, 2004: 229).

In fact, Kenney (2002) challenges the very emphasis of the therapeutic model even when it attempts to emphasise equipping victims to help themselves by arguing that this involves that therapeutic control is required, rather than acknowledging the potential resilience of these individuals. We saw this above where the effects of homicide bereavement is often limited to clinical terms rather than understanding the broader definitional processes. This links to conceptualisations of victims as passive and powerless (Christie, 1986) rather than the reality of an imposition of rhetoric which renders them powerless (Kenney, 2004; Spungen, 2007). This highlights the necessity for those bereaved through homicide to be involved in the definitional and interpretive processes determining their status within a broader social context, the policy and the institutional responses.

2.3 Policy Responses and Support Frameworks for Homicide Bereaved People

In this section, we consider the development of victim policy and services for victims. A brief contextual background and overview to how policy has developed in England and Wales and how this relates specifically to homicide bereaved people is provided. What is more, we look at the role of Victim Support as a key agency, before discussing how

local commissioning of victims' services have changed the landscape for victims of crime. Following on from the key developments in the entitlements for victims of crime in England and Wales, this section introduces some of the key agents that homicide bereaved people come into contact with as they progress through the CJS. In the following chapter, we look at how policy is enacted in relation to participation during court proceedings.

Victims of crime in contemporary society occupy a central place in criminal justice policy discourse (Rock, 2004; Walklate, 2016). The 2002 White paper *Justice for All* emphasised the need for policy to put victims at its heart, a pledge that has been repeated and come under continuous scrutiny since its first claim (Jackson, 2003; Hall, 2017). Victims policy has been on the cross-party agenda, with continuous calls for reform. The Victims' Movement, which began with grassroots calls saw reforms in the UK, Netherlands and United States in the 1970s (Goodey, 2005; Hall, 2007; Rock, 1993; Spalek, 2006). In the UK, a key event in policy reform for victims of crime was the 1964 Criminal Injuries Compensation Scheme (CICS) which saw publicly funded compensation for victims of crime (Hall, 2017/18; Rock, 1990). The criteria for receiving compensation is often criticised as being exclusionary, however, for example, for homicide bereaved people, CICS can restrict payments based on the conduct of both the 'qualifying relative'¹ and the deceased victim (Ministry of Justice, 2012c). Therefore, in homicide bereavement there is an additional layer of eligibility.

Internationally, attention to victims of crime can also be seen to be building in the 1985 UN Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power which applied to all jurisdictions and called for compassionate and dignified treatment for victims (Hall, 2017). In response to the UN Declaration, England and Wales implemented the 1990 Victims' Charter which identified victims' 'rights' (without a framework that enforced these rights) and followed the treatment standards seen in the UN Declaration (Hall, 2017/18; Spalek, 2006). This period also saw the development of

¹ According to paragraph 59 of the Criminal Injuries Compensation Scheme, a qualifying relative is a) the spouse or civil partner of the deceased, who was living with the deceased in the same household; (b) the partner of the deceased (other than a spouse or civil partner), who was living with them in the same household and had done so for a continuous period of at least two years immediately before the date of the death; (c) a person who would satisfy sub-paragraph (a) or (b) but who did not live with the deceased because of either person's ill-health or infirmity; (d) the spouse or civil partner, or a former spouse or civil partner, of the deceased who was financially dependent on the deceased; (e) a parent of the deceased; or (f) a child of the deceased. (Ministry of Justice, 2012c:16).

publicly funded support services for victims in England and Wales. Since 1987, Victim Support were key players in the provision of support for victims of crime and received core funding from the government (Hall, 2018; Rock, 1990; 2004). In addition, Victim Support expanded their support to deliver the Witness Service in Crown Court services since 1991, and Magistrates since 1999. The position of Victim Support is discussed further throughout this section.

Victim Reforms continued, with the Youth Justice and Criminal Justice Act in 1999 that introduced ‘special measures’ for witnesses who were vulnerable and intimidated (Spalek, 2006). In 2001, the UK introduced Victim Personal Statements (VPS) which allowed victims of crime a ‘voice’ at sentencing by communicating the impact of the crime on them (Hall, 2017). The development of domestic policies at this time followed reforms that were occurring in Europe. The 1999 Tampere Conclusions set out standards and protections of victims of crime and their rights around access to justice (Hall, 2017). Similarly, much of the recent national provision for victims of crime has been developed in response to the 2012 EU Commission’s Directive on establishing minimum standards on the rights, support and protection of victims of crime². The Directive was implemented in November 2015 and replaced the EU’s previous Council Framework Decision 2001 (Hall, 2010). Rather than introduce new ‘rights’ for victims of crime, the Directive expanded what could be expected of member states in relation to victims of crime, and through its broadened definition of victimhood, includes provisions for a wider body of victims than ever before (Kirchengast, 2016; Hall, 2010). Importantly, the Directive marked a shift in the legal status of victims of crime in Europe, which Hall (2018) argues is symbolically significant.

Following the Directive, member states must allow victims of crime access to support services in accordance with their needs. In line with the Directive, Walklate summarises Goodey’s identification of what the needs of victims are: ‘reassurance and counselling; medical assistance, financial and practical assistance to secure property, information about case progress, guidance about what to expect in court, the chance to express how the crime has affected them, assistance with filling out a form for State compensation,

² Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

and information about the release date of their offender' (Goodey, 2005: 122-6 in Walklate, 2012: 115). In response to the imperatives of the Directive, England and Wales revised the Victims' Code in 2006 and was revised again in both 2013 and 2015 which set out entitlements for victims of crime (Victims' Code, 2015). The EU Victims Directive (Directive 2012/29/EU), states that victims' needs ought to be addressed: the need for recognition and to be treated with respect and dignity; to be protected and supported; to have access to justice; and the need to get compensation and restoration (Shapland, 2017).

The trusted and central position that Victim Support held meant that the organisation lost their activist credentials (Rock, 2004; Simmonds, 2013). Williams and Goodman assert that many statutory criminal justice agencies prefer to work with Victim Support rather than other 'more militant, victims' organisations' (2007: 530). Services for victims of crime have long occupied a focal point on the political agenda, with scholars pointing to the politicisation of victims of crime. While victimology emerged in the 60s and 70s, it was not until the mid-1990s that the politics of homicide bereavement began to fully emerge in England and Wales (Elias, 1983; Rock, 1998; Kenney, 2004). Government approaches to supporting victims had Victim Support in a central position for delivering these services, meaning that Victim Support had a role in policy decision making around victim service (Simmonds, 2013). For homicide bereaved people, the need to have independent support and a voice that spoke on behalf of victims without the 'cloud' of political agenda led to an increase of peer support charities emerging. Rock (1998) pointed to a flood of new organisations emerging in the mid-1990s in response, some of which failed to succeed, others which became established and are still in operation today. These included Support After Murder and Manslaughter (SAMM); Mothers Against Murder and Aggression (MAMAA), the North of England Victims' Association and a number of other smaller organisations that Rock (1998) states were not much more than a name aspiration. The peer support nature of these organisations meant that they were not only able to offer support and reduce alienation for victims, but this was done in their capacity *as* victims of crime.

Neo-liberal ideologies have underpinned the delivery of victims' services from at least 2002, with an emphasis on economic efficiency, with market competition for funding (Hall, 2017; Simmonds, 2013; Spalek, 2006). These drivers can be seen for example in

the coalition government's *Breaking the Cycle* green paper (Ministry of Justice, 2010) which committed to place an emphasis on requiring offenders' responsibility of reparations to victims and to the Victims Fund, as part of the Domestic Violence Crime and Victims Act (2004). Beginning with Local Criminal Justice Boards, Simmonds (2013) argues that responsibility for victims' services was apportioned to support agencies competing for finite resources which led to a shift towards local actors delivering services for victims. Duggan and Heap (2014) point to the commitment of the government expanding these neo-liberal principles, where crime control and criminalisation is expanding. Hall (2017) builds on this, pointing to the impact that austerity measures have had on victims of crime along with increased social media pertinence, resulting in the increased political emphasis on the victim.

Following the 2012 white paper *Getting it Right for Victims and Witnesses*, we saw the introduction of the current framework for the delivery of victim services through local commissioning (Ministry of Justice, 2012a). This led to locally elected Police and Crime Commissioners (PCCs) who were tasked with providing services which supported victims of crime at the local level through the Police Reform and Social Responsibility Act 2011. Hall (2018) identifies two advantages of local commissioning; PCCs are elected, which increases their stake in the accountability and efficiency of the services. Hall also points to the setting aside of funding specifically for the delivery of victims' services. As a critique, however, some are concerned that siphoning off the government's responsibility to local actors abdicates the State of its duty to some of its most vulnerable in society (Hall, 2017; 2018). For Hall (2018) he challenges whether the striving for neo-liberal efficiency has meant that the government has gone too far in stripping itself of its responsibility to victims of crime.

Despite the emphasis on local commissioning since 2012, some victims of crime still receive national consideration. Following market competition, in 2015 Victim Support lost the contract for the delivery of the Witness Service to the Citizen's Advice Bureau. These nationally prioritised victims include homicide bereaved people as well as victims of human trafficking and modern slavery, rape, and victims of sexual and/or domestic violence, who under the Victims' Code are deemed victims of serious offences (Hall, 2017).

Victim Support in its history was criticised for failing to adequately support victims of more serious offences, with their emphasis tending to support victims of ‘everyday’ offences, particularly burglary (Rock, 1998). In response to criticisms over their handling of homicide cases, in 2006 Victim Support published a report *In the aftermath: the support needs of people bereaved by homicide* (Victim Support, 2006). Prior to this report, much of the provision for homicide bereaved people was referred by Victim Support to Support After Murder and Manslaughter (SAMM) and other specialised services dealing with homicide cases (Hall, 2017; 2018). It was viewed that these were better equipped to deal with the complexities around homicide bereavement. The report led to Victim Support professionalising much of the support for homicide bereaved people, which positioned them to successfully receive core government funding to deliver the National Homicide Service (Hall, 2017; 2018). The Homicide Service will be discussed more below.

Despite ongoing developments in policies and provision relating to victims of crime, England and Wales have yet to enshrine any of these ‘entitlements’ within law (Hall, 2017; Spalek, 2006). Hall points to the potential of a “‘home grown’ Victims’ Law” following the United Kingdom’s recent decision to exit from the European Union following the referendum in 2016 (2017: 90). Indeed in 2018 we saw the first ever cross-government Victims’ Strategy which included the commitment to “consult on the detail of victim focused legislation, including strengthening the powers of the Victims’ Commissioner, and delivering a Victims’ Law” (:8). There have also been proposals for a further revision of the Victims’ Code, which will include a consultation on which of the entitlements under the Code will be enshrined in law.

The following section considers the institutional interactions following a homicide, and thus considers the operationalisation of the entitlements for homicide bereaved people as they are set out in the Victims’ Code (2015). Specifically, it will consider the criminal justice agents and the organisations that homicide bereaved people interact with throughout the criminal justice process.

2.4 Institutional Interactions in the aftermath of a Homicide

Having explored the construction of victimhood, the extent to which grief is reliant on wider social networks, and policy developments for victims of crime, this section

considers the institutional interactions with victims of crime, and how these have the potential to contribute to their conceptualisation and experiences throughout the CJS. Accordingly, Kenney argues it is important to allow homicide bereaved people “power over the definition of the process”, rather than limit the understanding to passivity of victims, which denies their resilience (2004: 231). Rather than being powerless due to the status of being a victim through an unlawful event, Kenney argues that powerlessness may simply be a manifestation of assumptions by a variety of actors that are practiced through institutional interactions throughout the aftermath. Importantly, the ‘actors’ involved in the aftermath of a homicide who are involved in these interactions are not limited to the courtroom. Rather, there is a process of institutionally imposed interactions and actors; the police investigate the crime and interact with the family, often being the first person to come into contact with them. The coroner has ‘ownership’ of the victim’s body (Casey, 2011; Gekoski et al, 2013) and performs the post-mortem and inquest; criminal justice agencies work towards a prosecution; mental health professionals may become involved in addition to other voluntary victims’ support organisations and charities; and the press may be involved if the homicide is reported on in the media (Gekoski et al, 2013; Rock, 1998). This section looks at the actors and organisations that homicide bereaved people encounter, as the experiences the CJS which imposes an institutionally ordered sequence of events (Rock, 1998). These events require the bereaved to move through a number of distinctive stages where their grief becomes public property; this is manifested through the media, police, legal representations and other ongoing events that are encountered after a homicide (Rock, 1998). Accordingly, the aftermath of homicide perpetuates a prolonged process which can inevitably delay and/or proliferate grief (Brown, 1993; Gekoski *et al.*, 2013; Malone, 2007; Rock, 1998).

Improvements within legislation through the development of policy, discussed in the section above, have attempted to contend with some of the negative experiences that homicide bereaved people encounter as a cohort. The Victims’ Code (2015) provides victims with statutory entitlements that commit the police, the Crown Prosecution Service, the courts, the probation service and others to deliver information within certain timescales (Casey, 2011; Malone, 2007). Despite improvements, these will be critically considered to assess the extent to which the negative has been combatted. Casey (2011) points to the provision of a police Family Liaison Officer (FLO) in homicide cases as a specially trained officer who has close contact with the family of the deceased victim in

the aftermath. Despite the crucial role that FLOs play in the investigation (Malone, 2002; Gekoski *et al.*, 2013), there is little academic literature that takes a critical look at this role. The FLO is under the remit of the Senior Investigating Officer (SIO) and their role is fulfilled in line with the SIO's strategy regarding the police investigation. According to the College of Police (n.d.) the duties of the FLO are primarily as investigators who gather information and evidence through maintaining a relationship with the family. Malone (2002) found however that while they acknowledged this as their primary function, the FLOs in her research admitted it was often difficult to separate boundaries and often veered into offering practical and emotional support. This attests to the intimate role that FLOs play in the immediate aftermath of a homicide. There is an emphasis on the role being ethical and built on trust between the family and the FLO. FLOs are intended to be a single point of contact between the family and the investigation team and offer information which may assist the investigation (Malone, 2002). Casey (2011) found that most of her respondents (76%) had a positive view of their FLO and she pointed to the relationship that developed between families and their FLOs that extended beyond the criminal proceedings. Conversely, over half of Gekoski *et al.*'s (2013) small sample (n=6) experienced secondary victimisation directly from their interactions with the FLO. They found that participants felt the FLO was inexperienced, in some cases rude, and others felt that the investigation took priority over the support offered to them (Mawby, 2007; Gekoski *et al.*, 2013).

In addition to acting as a conduit between homicide bereaved families and the SIO, the FLO also liaises between families and the Coroner. Under Section 5 of the Coroners and Justice Act (2009), homicide cases are reported to the Coroner. In homicide cases, the Coroner will adjourn an inquest until the outcome at Crown Court. Once the criminal trial is complete, the Coroner will decide whether or not to resume the inquest, based on what evidence was presented at Crown Court (Ministry of Justice, 2012b). In England and Wales there are around 98 Coroners who cover approximately 109 coroner areas (Ministry of Justice, 2012b) The Coroner is responsible for establishing the identity of the deceased victim, ascertain how, when and where the death occurred (Ministry of Justice, 2012b; Rock, 1998). Unlike 'natural' deaths, once reported the Coroner has jurisdiction over the body, following the imperative of the Crown legally owning the body in such cases (Malone, 2007; Ministry of Justice, 2012b; Rock, 1998). In these cases, Rock (1998) points to a continuity of control over the body that denies homicide

bereaved people legal rights over their loved one. This often causes distress and loss of identity for homicide bereaved people over the familial relationship they have to the deceased victim (Riches, 1998; Rock, 1998; Gekoski *et al.*, 2013). As discussed above, information is crucial to homicide bereaved people, and this often includes a preoccupation with the events surrounding the death (Brown, 1993; Casey, 2011; Rock, 1998). This points to the importance of accurate and timely information from FLOs regarding matters relating to the Coroner and postmortems.

The FLO have specific duties in relation to dealing with the Officer of the Coroner and acting as a conduit between them and the bereaved family (College of Policing, n.d.) and FLOs must 'consider potential future viewing requirements/ post mortem(s) with the family to further the investigation' (College of Policing, n.d.). In Gekoski *et al.*'s (2013) research they found that the majority of homicide bereaved people recalled having some contact with the Coroner's Service and that many experienced further victimisation as a result of this interaction by not receiving adequate information and on matters around viewing the body. For some homicide bereaved people, not being allowed to view the body or touch the body of their loved one caused further victimisation (Riches, 1998; Gekoski *et al.*, 2013). Some homicide bereaved people in Gekoski *et al.*'s (2013) research felt that they were inadequately prepared by their FLO for the condition of the body when viewing. For some families who did not have a chance to see their loved one after their murder have prolonged disbelief and can experience regret at not being able to say goodbye (Brown, 1993; Victim Support, 2006). In instances where homicide bereaved people do have an opportunity to view the body, some felt ill-prepared for the condition of the body. Rock (1998) found What's more, in homicide cases there is potentially multiple postmortems (Rock, 1998). Although homicide bereaved families can inform the Coroner of their wishes, the decision ultimately lies with them whether or not to grant a further post-mortem(s) (Ministry of Justice, 2012b). According to Rock (1998), the loss of control in matters surrounding the legal ownership of the body symbolically establishes the imposition of the CJS in the wake of a homicide. It is this denial of control that is encountered throughout the stages of the CJS that is explored throughout this project.

Another interaction in the sequence of events following a homicide is dealing with the Crown Prosecution Service (CPS) who claim to have a 'victim focus' scheme where

homicide bereaved people are offered a meeting post-charge and post-conviction (Casey, 2011). In Chapter 3, we will further consider the role of CPS due to their responsibilities in making decisions around charging, and therefore this will not be considered further in this chapter.

In addition to explaining criminal justice and coronial processes, FLOs are responsible for signposting families to support agencies. In her research, Malone (2002) however found that FLOs often made judgements as to who would want to be referred to Victim Support and these were based on assumptions based on culture or families' attitudes to the police and strangers Shapland (2007) finds that services purposely prioritise the types of victims they seek out, and thus services are not offered to all victims of crime. When considering the extent to which services for victims are taken up, Shapland (2017) finds that some victims may not be aware of support services and that services are not brought to the attention of victims, some decide they may choose other coping strategies, for example relying on family and friends. This links back to Kenney's (2004) that found that homicide bereaved people employed a number of coping strategies to function and go about their lives in the aftermath.

As mentioned above, unlike the local commissioning of victim support services, national provision for homicide bereaved funding has been provided by the Ministry of Justice in 2010, Victim Support (following an open competition which they won for the second time in 2018) launched their National Homicide Service. Victims are mainly referred to the homicide service by FLOs, which meets victims' entitlements under the Victims Code (2015) to be referred to support based on their needs, which for homicide bereaved people includes enhanced entitlements as families of victims of serious crime.

The Homicide Service was established as being a specialist trained branch of Victim Support offering a variety of practical, emotional and specialist support that had five teams across England and Wales, each team consisting of a team leader, a team support worker and originally four caseworkers (which was increased to five following a review) (Turley and Tompkins, 2012). At the time of their research in 2012, this equated to 35 National Homicide staff dealing with the approximately 570 murders occurring in England and Wales annually. The number of homicides in the year ending March 2018 was 726, which is the highest number recorded since 2008 (Office of National Statistics, 2019). Despite a recent renewal of the Victim Support contract to deliver the National

Homicide Service, the number of caseworkers and staff could not be found and therefore I have not included an up-to-date figure for this thesis. Arguably, this needs to be more transparent in order to critically consider under the mechanisms of support for homicide bereaved people under this service.

The Homicide Service state that the eligibility criteria for support under the service is that you must be an immediate family member (Victim Support, n.d.). This limits and excludes extended family members and others within the wider network of those effected. In addition to caseworkers, specialist services are available through the Homicide Service. These are listed as:

trauma counselling; bereavement counselling; restorative justice; support and advocacy through the Domestic Homicide Review Service and other reviews such as Serious Case Reviews and inquests; murder or manslaughter abroad; child bereavement support; welfare advice; advocacy on your behalf for housing, finance (e.g. debt), employment, welfare benefits, family and school issues; access to legal advice and support when needed; comprehensive peer support network (Victim Support, n.d.: n.p.).

The latter provision of peer support addresses Rock's (1998) emphasis on the collective networks that homicide bereaved people often rely on where knowledge, and emotional and practical help can be sought with others who have been bereaved through murder or manslaughter.

Literature points to the need for homicide bereaved people to have a continuity of service and support that goes beyond criminal proceedings (Casey, 2011; Malone, 2007; Rock, 1998). The Homicide Service may partially fulfil this in the sense of emotional and practical assistance they offer, however as far as criminal justice service, homicide bereaved people are introduced to the Probation Victim Liaison Officer (PVLOs) following sentencing at court. PVLOs fall under the remit of the National Probation Service (NPS) in England and Wales (Williams and Goodman, 2007). FLOs are responsible for this introduction (College of Policing, n.d.). Victims of crime have received some provision of services from the probation service since the 1990s and NPS are responsible for the delivery of the Victim Contact scheme (Ministry of Justice, 2013; Morgan, 2003). This scheme primarily shares information with victims about the offender if in prison or on license (Casey, 2011; Malone, 2007; Williams and Goodman, 2007). Victim contact work occurs at two points; following the sentencing of an offender and during preparations for their release (Crawford and Enterkin, 2001). In cases of

homicide, Malone (2007) found that victim contact from NPS liaison officers includes offering homicide bereaved family's information about the offender's progress throughout their sentence as well as release information and asks for their input on conditions following an offender's release. In her research, Malone (2007) found that PVLOs were limited in what they could communicate to homicide bereaved people, and in turn that homicide bereaved people found it difficult to obtain information from VLOs. Crawford and Enterkin (2001) found that there were potential benefits for victims of serious crime when they obtained timely information of good, factual quality. Crawford and Enterkin's (2001) evaluation of victim contact took place prior to the implementation of the Victims' Code (2015), and therefore there is a need for further development in our understanding around the role that NPS plays with victims, particularly given Malone's (2007) findings on the potential impact that PVLOs have on homicide bereaved people.

The extent to which homicide bereaved people are conceptualised as victims of crime is largely shaped by the various institutional interactions in the aftermath. What emerges here is the key and crucial role that FLOs play in the aftermath of a homicide. There is a limited critical mass of literature around the effectiveness of this role and the potential lasting impact that it can have on homicide bereaved people. This research therefore partially addresses the paucity of knowledge in this area.

2.5 Conclusion

The impact that a prolonged criminal justice process can have on grief processes in the aftermath of homicide highlights the importance to adequately understand and support homicide bereaved people (Brown, 1993; Gekoski *et al.*, 2013; Malone, 2007; Rock, 1998). We saw the importance of a wider network of relationships and how these are transformed and impacted following homicide in the potential collapsing of symbolic structures that embody their identity (Riches and Dawson, 1998a; Rock, 1998). Armour (2002b) notes that both statutory institutions and social milieu shape and frame the aftermath of homicide. In response to increased attention victims of crime receive on the political and public agenda, this chapter considered some of the key developments in policy. However, the extent to which victims are central in the CJS continues to be debated. In this chapter we have seen the intimate and significant way that institutional actors, in particular police family liaison officers, can have on the construction of

victimhood and the overall experience of homicide bereaved people as they encounter the CJS. In the context of sudden, traumatic grief discussed in this chapter, there is a need to better understand the impact of the CJS on homicide bereaved people according to what is meaningful and significant to them. This aligns with Kenney's (2004) contention that victims of crime require power and agency over the definitional processes that occur in the assignment of the victim status.

The following chapter continues to situate the experiences of homicide bereaved people as they encounter a pivotal stage of the CJS, court. The motifs presented in this chapter provide the premise and context for how court processes are experienced. They also offer a necessary backdrop for the methodological and ethical considerations taken throughout this project.

3 Going to Court

This chapter provides an overview of the Crown Court in England and Wales as a single entity to understand the environment, processes, and interactions victims of crime (or their families and friends) may encounter, should they choose to attend. The focus on this chapter is Crown Court encounters as a pivotal point in the CJS and aims to introduce the perspective of homicide bereaved people as they may encounter court. It is therefore written with the perspective of the victim in mind where the bereaved may attend as an indirect victim, and therefore as an extension of the public gallery, rather than as a participating member in proceedings. Therefore, homicide bereaved people are invested in the outcome from a victims' perspective, but not from an evidential sense. The rationale for this focus is that homicide cases are indictable only offences and therefore while proceedings begin in the magistrate's court, they are then referred to the Crown Court (Home Office Booklet, CJS, 2002). The underlying premise of this chapter builds on what was discussed in Chapter 2, where we saw the complex constructions of homicide bereaved as victims of crime, however the 'indirect' nature of their victimisation meant that much of their encounters with the CJS rendered them disenfranchised and powerless (Casey, 2011; Gekoski *et al.*, 2013; Rock, 1998). The different agencies were considered in this interactional process, with an emphasis on the central and crucial role that Family Liaison Officers (FLOs) play in the aftermath of homicide (Gekoski *et al.*, 2013; Malone, 2007).

In England and Wales, there is a high detection rate for homicide, with 79% of suspects indicted for homicide with an outcome at court in the year ending March 2018. Therefore, the majority of cases result in criminal proceedings (Gekoski *et al.*, 2013; Office for National Statistics, n.d.), court is a pivotal point in the justice process following an unlawful killing. In their research on secondary victimisation in cases of murder, Gekoski *et al.* (2013) argue that of all the processes and systems in the aftermath of homicide, their participants found the legal and court system was the most re-victimising of all. Rock argues that courts and particularly the Crown Court have not been researched by criminologists as part of the "terra incognita" (1993:2). Therefore, there is a gap in literature surrounding the social mechanisms that occur in a Crown Court.

The theoretical premise of this chapter follows the literature in Chapter 2, where victims of crime are interactionally constituted and therefore the definitional processes and the construction of victimhood are relevant to how criminal justice is approached within the setting of judicial proceedings (Holstein and Miller, 1990; Kenney, 2004). The way in which court is designed and the physical, symbolic and ritual processes follow a normative approach to criminal justice and limit victims' participation which has created a tension with victims' reforms (Erez *et al.*, 2013; Kirchengast, 2016). Victims are managed at court within the adversarial system. There is often a tension where symbolic and ritualistic practices that pursue the goals of the institution conflict with the interests of victims of crime and their ability to participate in these judicial processes (Casey, 2011; Gekoski *et al.*, 2013; Kenney, 2004; Erez *et al.*, 2013). This is facilitated by the spatial and temporal relations that work to further entrench and perpetuate victims' status as outsiders and even inconvenient to the justice process (Bibas, 2006; Erez *et al.*, 2013; Mulcahy, 2011).

This chapter focuses on adversarial judicial processes within Crown Court in England and Wales. Casey (2011) highlighted that court is a pivotal point in the aftermath of a homicide and therefore has the potential to have a profound impact on those who attend. Following Goffman's (1959) emphasis on dramaturgical analyses in the everyday and Carlen's (1976) application of this to magistrates' courts, this chapter considers these in relation to the Crown Court with a premise of understanding victim's place in this setting. It is argued that the adversarial system in England and Wales inherently side-lines victims for the perseverance of the criminal case (Rock, 1998; Mawby, 2007; Gekoski *et al.*, 2013). Unlike inquisitorial systems such as France, where victims can be parties in proceedings and the defence and prosecution often take a more passive role (Sander and Jones, 2007), in England and Wales, adversarial system of justice involves a number the police conducting an initial investigation into the crime which is against the state; prosecution decisions are taken by the CPS; during court proceedings, prosecution counsel represents the State and defence counsel represents the defendant(s); evidence is given orally; commonly a jury of 12 lay people are asked to consider the evidence presented and make a decision of guilt beyond a reasonable doubt, with the role of the judge to guide on matters of law (Howitt, 2002).

Throughout this chapter, it explores the physical, practical, ritual and symbolic compositions that interact within a court setting: the buildings, spaces, architecture; the sensory components of the court, in particular the audible and the visual. It also considers the temporal elements of attending court; the different stages that are encountered throughout a criminal trial and how time and outsiders are managed. The chapter then goes on to explore the different interactions that are used in court, the language and symbols that are used, by whom, and the authority of communication and participation. These dimensions are interwoven and often don't fit into neat conceptions which is reflected in the structure of this chapter as sections overlap.

3.1 Brief Background and Development of the Crown Court

Mulcahy (2011; 2013) points out that buildings solely dedicated to law are relatively new, where courthouses built for purpose transpired from the late eighteenth century. Historically, judicial proceedings generally took place outdoors marked only by a tree or circle of stones, often chosen for practical reasons and held outside to be open to the public and in the presence of God. Unlike a modern trial, space was not limited therefore was more open to the public. For centuries, legal proceedings took place in building with a multitude of functions such as balls, political events and theatre. The shift to purpose-built buildings occurred with a movement of people into towns and resulted from an increase in the autonomous role that law played in society (Mulcahy, 2011; 2013). Criminal assizes meant that proceedings were heard in shared spaces and the symbols and fixtures used had to be mobile and practical (Mulcahy, 2011; 2013; Rock 1993). The courts of assize were abolished and replaced with Crown Courts following the Courts Act in 1971, with England and Wales being divided into six regions or 'Circuits', which were locally organised for the operation of judicial matters (Gzybowski, 1973). This led to the geographical arrangement of courts and the jurisdictional responsibility of legal personnel.

The Crown Court is a single entity with primary jurisdiction, located in court centres with numerous courts in one location. It sits in 77 centres across England and Wales (Courts and Tribunals Judiciary, 2016). Once the decision is made for an offence to be prosecuted, control is passed from the police to the courts (Casey, 2011; Gekoski *et al.*, 2013; Rock, 1993; Shapland *et al.*, 1985).

The Courts Act (1971) led to the national institutionalisation of the Crown Court in 1972 following recommendations to reform the organisation of justice, in particular the assize system and quarter sessions (Rock, 1993). There was concern over a continued shared function of buildings along with a lack of segregation and overcrowding in Crown Courts. This entailed various personnel, advocates and public being in “embarrassing proximity” which led to the development of a centralisation of court design (Mulcahy, 2013: 76). This led to a building initiative of such proportions that it has been referred to as one of the largest building programmes since the pyramids (Mulcahy, 2013). The movement of proceedings indoors and to a sole purpose building was symbolic of the underpinning ideology that limited the participation of those not involved in proceedings. At this time, participants began to be segregated by space and layout, signifying their role within proceedings (Carlen, 1976; Mulcahy, 2011; 2013; Rock, 1993), the architect John Soane ‘innovated’ the design that separated advocates from their clients where rows of seating sat lawyers with their back to their clients (Mulcahy, 2013). Observers were placed in balconies or separate areas to overlook proceedings without a role, and areas were apportioned for judges, juries, witnesses and defendants.

Other legal professionals involved in the justice process, for example the Crown Prosecution Service (CPS) and witness services are found within close proximity of the court but are symbolically independent from the court (Mulcahy, 2011). These often share a building but are tucked away in a corridor or wing of the building indicating its separate function.

Conversely, modern technology has dematerialised the physical, architectural element of a trial as members can appear virtually (Mulcahy, 2013). This may lead to more overhauls of the centralisation of court design. Mulcahy (2013) questions the relevance of existing templates in the face of increasing move towards informality and virtual proceedings. There are proposed changes to the organisation of justice to incorporate new technologies and meet the increasing financial pressure on the courts. One example is Online Court which would have functions to settle money disputes of up to £25,000. Additionally, Case officers may relieve judges of some administrative functions and non-contentious legal issues and judges may be deployed away from court centres to meet the shortage of Circuit Judges (Chambers *et al.*, 2014; Briggs, 2016). While these changes relate primarily to the magistrates’ court, if implemented the Figure 3.1 below shows the

increased role of magistrates with justice hubs designed to facilitate both civil and criminal courts and CJS agencies.

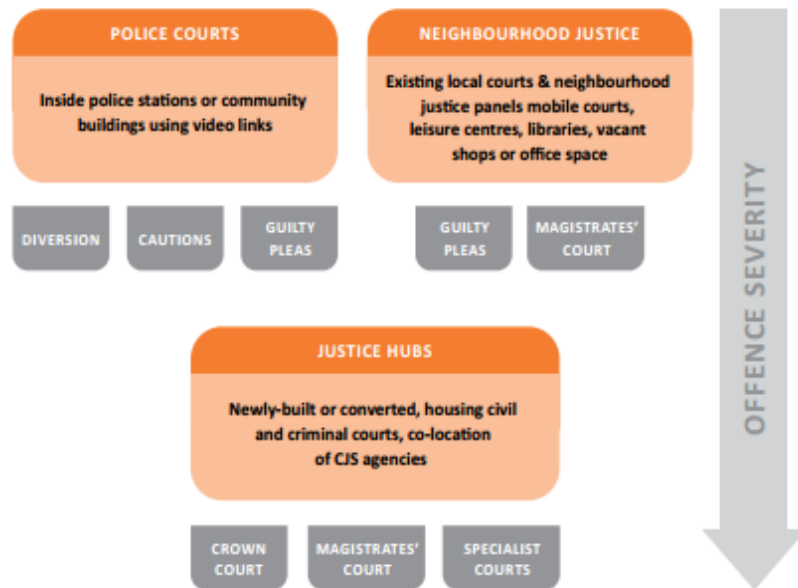


Figure 3.1 A new, expanded role for magistrates

(Chambers *et al.*, 2014: 8)

It is unknown if these proposals will be implemented and therefore the potential effect on victims if such shifts occurred would remain to be seen. What is more the extent to which victims and their needs are considered in the proposals needs to be further explored. The purposeful way in which court is designed and the ideology which underpins it is central to understanding the role of victims in the process of justice. The next section will examine the design and layout of a court.

3.2 Court Design and Layout

Modern courts are instantly recognisable and distinguishable, “recognised externally and understood internally” and are one of the few places that are still consciously designed to be grand (Mulcahy 2013: 72). The exterior embodies the importance of its function to engender awe and respect and impose control on entrance (Jackson, *et al.*, 2003; Property Services Agency, 1988; Rock, 1993). However, little has been explored around the political and social significance of the building (Mulcahy, 2013).

This is not only enacted by the physical appearance, but also the uniformed staff checkpoints and property searches. The physical building facilitates and confines interaction and guides the movement of the symbolic identities, members and relations that occur within a court. It is preoccupied with order and safety, therefore are designed to reduce possibilities of “harm and damage” with a careful use of symbolic meaning and physical space (Rock, 1993: 201). The entrance and setting, for example often embody the physical separation of public and sacred world (Lawrence, 1981; Rock, 1993). Carlen (1976) argues then that spacing alone can be used to challenge the notion that proceedings are in the favour of the accused and this could also be applied to those observing the trial from the public gallery.

The shared public spaces in the interior of the building are met with visible barriers in the form of signs which distinguish the public from the private. Corridors and transitional spaces meet with private spaces, with rooms down corridors to make people feel uneasy about going down them, lest they unintentionally enter forbidden territory (Jackson *et al.*, 2003; Mulcahy, 2011; 2013; Rock, 1993). The spatial configuration limits sight and hearing. Rock argues that only a quarter of the building is seen by the people that use them. Each member has a circulation area, often with different entrances and facilities. Judges, juries and defendants operate in their own circulation spaces, which operate independently, for example the jury is entirely separate and have everything to meet, wash and eat within their own circulation area (Rock, 1993).

The internal layout of the courtroom encapsulates the unambiguous relationships between the various actors, per their ability to see, hear, and take part in proceedings (Carlen, 1976; Erez *et al.*, 2013; Her Majesty’s Courts Service, 2010; Scheffer *et al.*, 2009). Movement restrictions and spatial configuration facilitates the legitimate participation of those deemed relevant. Mulcahy argues this fixed notion of court design and what it symbolises is a relatively new phenomenon and that spatial configurations of justice have developed over time. She argues that adjudication ought to go beyond buildings, evidenced by historic proceedings which were marked merely by a circle of stones as Homer defined in the *Illiad*, or moot hills where Man sought to distinguish a place for significant gatherings or under trees as in the thirteenth century (Graham, 2004; Mulcahy, 2011). Despite a lack of props, Graham (2004) contends that this did not make proceedings any less sincere.

There is an ever-changing set of ideas about spatial relations. For example, restorative justice measures are introduced and in Liverpool this has allowed for a re-negotiation of space in the UK's first Community Justice space, where the judge insisted on the defendant sitting close to the judicial bench (Mulcahy, 2011). This is a nuanced approach and demonstrates the relationship between ideas and space (Mulcahy, 2011). The next section will go on to look at spatial and temporal issues before exploring the symbolism that they encapture.

3.2.1 Physical, Spatial and Temporal Dimensions in Court

The physical space where judicial proceedings occur can be a significant part of how the criminal justice process is perceived, yet there has been little work done in this area. Mulcahy (2011) contends that the environment in which legal proceedings occur are a physical manifestation of justice values. Therefore, rather than being neutral, spatial relations in justice proceedings are allocated by the state per a set of ideals (Mulcahy, 2011). Therefore, the design of courtrooms is intentionally spaced to reinforce these values. Mulcahy argues that each space has a complex history and has developed as the criminal and civil procedure has evolved. By looking at the design of a typical Crown Court in the UK, the symbolic assignment of space is evident, creating insiders and outsiders. Rather than a binary membership, insiders and outsiders appear along a spectrum and the notion is fluid and negotiated throughout various aspects of the proceedings.

Space can be used to manage people and to confine and control movement (Carlen, 1976; Mulcahy, 2011; Rock, 1993). It determines what can be heard and by whom, the authority of those present, and within ritualistic settings can be used to define and control the movement of people. Rock talks of concentric rings or “zones of trust whose outer reaches were open to all but whose inner recesses were restricted”, with various symbols and structures that allowed for differentiation of members and non-members (1993: 181). Therefore, rather than a dichotomy the notion of membership varies and is negotiated along the process of time and proceedings, for example witnesses are kept separate and sacred until which time they have given their testimony and then they are invited to stay in the courtroom once their evidence is completed and they become no more than members of the public. The building functions to facilitate this separation of insiders and outsiders, both symbolically and physically. Judges at the centre or the “first circle”

(Rock, 1993: 181) with separate chambers only accessible to a few, a separate entrance, a physically elevated position in the courtroom with garments worn only in court and only interacts with other members of proceedings during the formality of court and then leaves. This physical and symbolic separation is to avoid contamination and influence from members of the public or witnesses or anyone else who may compromise the sanctity of deliberation and judgment. Judges therefore occupy two distinct but associated worlds and move between them. Both the inner and outer follow convention, however 'backstage' relations in the enclave of chambers involves a more informal interaction, unlike the formality of proceedings where they are visible under the gaze of the public.

The physical space within a courtroom is partitioned by fixtures and fittings and adorned by symbolic emblems and signifiers as part of courtroom ceremony which preserves and perpetuates historically enshrined meanings. These physical separations help signify the circulation areas of each category of participant as argued by Rock and discussed in section 4.3.1. One way in which this is evident is in the elevation of the judge; the bench acts as a barrier between neutrality and contamination (Carlen, 1976; Rock, 1993). Another example is the encasement of the dock, separate and contained, providing a barrier between the accused and the innocent, symbolising their captive state (Carlen, 1976). There is a space for the press (see figure 4.2.1) which signifies their right to freedom of speech in the reporting of events (Mulcahy, 2011). The hierarchy of participation therefore is facilitated by the spatial arrangements which can either restrict or encourage participation. This notion of hierarchy will be discussed further in section 4.4.

In the magistrates' courts, Carlen (1976) found that the hierarchical organisation of the courts meant that spatial and temporal issues were controlled by certain people. She argues that scheduling arrangements are monopolised and manipulated to serve a coercive function. Listing is a judicial function where the wishes of members of the CJS are represented but not outsiders (Carlen *et al.*, 1976; Gekoski *et al.*, 2013; Shapland *et al.*, 1985). This negates the impact that listing issues have on victims, one victim describing waiting for information on attending court as "torment" (Shapland *et al.*, 1985: 52). In addition, victims weren't clear over the length of time case would take to come to trial and were not kept informed of progress. In addition to inconvenience over

listing issues, Jackson *et al.* found that there was much apprehension over attending court, with one participant being “sick with worry” during unforeseen adjournments (2003: 67). What is more, waiting areas were often small and cramped and everyone was in close proximity, including members from both the victims’ side and the offenders (Gekoski *et al.*, 2013; Shapland *et al.*, 1985). This proximity led to an increase fear of the defendant and caused distress. Shared public space and space in court was a particular concern for some victims and homicide bereaved people, some of whom felt threatened and even received threats and intimidation from defendants’ families (Casey, 2011; Gekoski *et al.*, 2013; Rock, 1998).

Spatial and temporal relations are physical and symbolic manifestations preserving the entrenched values of the adversarial legal system. Within judicial proceedings, space is used to confine movement. Circulation areas signal the legitimacy of participation. The complex nature of interactions will be discussed in the next section. This overlaps with the notion of space per the hierarchy of organisation.

3.3 Hierarchy of Justice Processes

As mentioned above, there is a ranking of authority within a court setting. Becker (1967) argued that organisations have ‘hierarchies of credibility’ and in courts this occurs both formally and informally. For professional activities to be maintained there is a demand for alliances among those who work there. In her research, a Chief Clerk of Metropolitan Court suggested the importance of ‘getting on’ for a court to function and to preserve the reputation and competence of the personnel involved. Carlen argues these alliances are based on informal rules; for example, a probation officer explained, “We get on with the police. We have to... if one plays ball with the police – same thing with other court officials – it all depends on co-operation, or the whole thing will break down” (1976: 45). Proceedings are an agonistic exchange where the identity and testimony of the participants are examined against two competing narratives as has been discussed. Facts seem to point in one direction until you hear the other side. Rock (1993) argued normal interaction was replaced with confusion of anomie where action and understanding are engaged with Goffman’s notion of face-work. According to this emphasis, ‘face’ is the self-image that is being portrayed which is then counteracted with events whose symbolic implications threaten that identity (Goffman, 1972; Rock, 1993). Yet despite this

conflict, Rock argues that those involved work together and cooperate to engage in the agonistic process per entrenched traditions, convention and rules.

In addition to informal rules there are those which are more formal and are rooted in written rules and situational rules through interpretive actions. These rules are respected by all sides and are presented as unproblematic and consensual, beyond the discretion of actors as they are external, timeless and ritual (Carlen, 1976: 100). They socially and symbolically preserve the hierarchical power of justice. These rigid rules facilitate the methodical manipulation of spatial, temporal and linguistic traditions and preserve consensual meanings and interactions of the social world of court. Practices of justice are unproblematic and beyond external contamination of human influence. This was seen previously in relation to the spaces that judges operate within. For example, the assumed sanctity of justice practices was explored when researching emotionology in judicial decisions. Schuster and Proven (2010) found that judges made a clear distinction between emotion and reason, and the former is confined to ‘outsiders’, in particular witnesses, victims, defendants and the public. As far as justice, Walklate (2012) challenges the idea of the criminal justice system as a ‘social’ good, not only for victims of crime, but for justice for all of society. She also raises questions in relation to the offender and the extent to which securing of justice as a social good for defendants (Walklate, 2012). The imposed and performed linguistic code of proceedings legitimises and facilitates legal actions and is upheld by the social structure (Mulcahy, 2011). Language, authority, rules, space and time occur in an ordered sequence of events to ensure legitimacy and fairness (Carlen, 1976; Rock, 1993). The next section will further explore the performance of justice and the complex interactions that occur throughout judicial proceedings.

3.4 Complex Social Interaction: Proceedings as Performance

As this chapter has demonstrated judicial proceedings have a distinct hierarchical organisation and this is legitimised and perpetuated through the physical environment within a court setting. The symbiosis of ritual, design, space, and time converges with a prescribed set of interactions unlike that used in everyday life (Carlen, 1976; Jackson *et al.*, 2003; Rock, 1993). Carlen’s analogy likening the law to the theatre is often repeated in literature pertaining to the court. Proceedings are ritualistic and dramatic yet manage

to appear natural and ceremonial rather than theatrical (Carlen, 1976). Unlike the theatre however, court actors are accountable for what occurs and the performances work to reproduce structural dominance within an institutional setting.

This method of interaction distinguishes between insiders and outsiders. Throughout proceedings on the one hand much of what is said is ‘jargon’ and therefore exclusionary in that it is not understood or only partially understood by lay people and outsiders (Bibas, 2006). On the other hand, when presenting a narrative, vernacular is used like storytelling and draws on common experience and therefore ideas put forward become phenomenologically truth (Rock, 1993). There is a convergence of purpose within this narrative where victims, witnesses, defendants, jury and judge become actors and audience of a complex social interaction with significant implications.

Carlen (1976) draws on the information game framework to demonstrate the relationships within the spatial and temporal confines of legal proceedings. This is where one actor is attempting to uncover information from another who is trying to conceal it, and for Carlen this is useful when understanding judicial decisions.

Criminal proceedings in the UK are ritualised and entrenched, following a legal script and performed by actors with varying authority and outcomes (Mulcahy, 2011). For Carlen (1976), judicial proceedings are traditionally and circumstantially dramatic, therefore the interactions within a trial are characterised by rhetorical presentations. Within the adversarial system of the English Crown Court, there is a distinct order of interactions which legitimises the authority of participation throughout proceedings. For Scheffer *et al.* (2009) this interaction order assists in distinguishing between front and backstage of proceedings which follows Goffman’s (1959) emphasis.

Defying the everyday, the evidential format of question and answer which usually describes a sequential description of events, works to determine the authority of the actors involved and is controlled by the questioner (““And what happened next?”; “Just answer yes or no””. Shapland *et al.*, 1985: 66). In this sense, witnesses are seen merely as “information fodder” (Shapland, 2000: 151). The restrictions imposed by the questioner demonstrate how courts are places of deniability which limits or denies the participation of particular actors (Scheffer *et al.*, 2009). This facilitates two competing versions of truth, which rather than being objective offers varying interpretations as

represented by opposing Counsel and is beyond the control of the person giving evidence and therefore defied conventional telling of events through a specialised discourse (Rock, 1993; Shapland *et al.*, 1985; Van Duyne, 1981).

Trials have a set order, are ceremonial and staged, taking place in a ritualistic social setting comprised of physical dimensions and symbolic elements (Carlen, 1976; Mulcahy, 2011; Rock, 1993). Each person involved in proceedings has a time to speak and a space in which they belong; Rock (1993) emphasises proceedings as choreographed, where each participant had a time to perform within a homogeneous sequence of events. He argues that regardless of what Crown Court you are in the formula is the same.

Much like a theatrical performance, judicial proceedings include paraphernalia which have complex social meanings (Carlen, 1976). Within a court there are props, furniture, ritual dress and positioning which occur. Robes and wigs are adorned while Court is sitting and interactions occur as per ritual and authority (Carlen, 1976; Rock, 1993). Each participant has an area they are permitted to occupy. Convention dictates that they remain there while proceedings are taking place. This ties into Goffman's (1959) distinction between frontstage and backstage. Accordingly, front stage is a performance with expressions, given to convince an audience through verbal and nonverbal communications. Back stage is closer to real 'self' where impressions are less managed (Goffman, 1959). This research expands these stages beyond Goffman's ideas. In a court setting however, performance goes beyond a dichotomy and there are various levels of performance as the audience changes. When considering legal advocates as an example, they perform meaningful interactions during proceedings to their audience of judge and jury and in the presence of the defendant, public gallery, police, press and other court personnel. These occur with all the traditional and ritual symbols of robes and wig, positioning, and props. Speech is controlled and intentional, expressions given, and given off per Goffman's emphasis are purposeful and meaningful within the social setting. Information is controlled and limited where inadmissible or prejudicial details are not mentioned and remain unknown to at least a portion of the audience. Barristers refer to and address members of the court per ceremonial courtesies in what Carlen calls "interprofessionally and collusively a concrete portrayal of authority and wisdom" that is entrenched in rhetoric (1976: 31). Movement is restricted to a designated area which

symbolises the role that each participant plays. In contrast, appearances before a judge in the absence of the jury to discuss matters of law involve a different set of interactions and level of information and knowledge, yet the ritual and traditional formality mostly ensues. In the absence of the judge, robes and wigs are taken off, barristers address each other more informally and the movement of individuals is no longer restricted to their assigned areas. Yet this level of frontstage is still in the presence of others which often includes family members, victims and members of the public gallery and possibly the press. Speech occurs much more candidly without ceremony or ‘pomp’. Continuing with an emphasis on barristers’ interactions, within the court they also have space that is accessible only to other legal personnel and also have the law library and their own offices, all in which details pertaining to one case can occur. Therefore, the idea of frontstage and backstage cannot be limited to two simple stages, but rather occur on varying levels depending on the audience present and the symbolic meaning behind of the social setting.

In their research, Shapland *et al.* (1985) found that victims who gave evidence had to adjust their conventional manner of speech to meet the demands of giving evidence. Ellison (2001) challenged the traditional approach of orality as the optimum way to provide evidence, particularly among vulnerable witnesses due to the stress of cross-examination and having to speak in public. Even expert witnesses can find the giving of evidence daunting (Jackson *et al.*, 2003), for example in Rock’s research, a Detective Constable reflects “*I’ve known a bomb disposal officer faint in the witness box because he can diffuse bombs but he couldn’t give evidence*” (1993: 27). Carlen points to Camus and Kafka who portrayed the coercive consequences of uncertainty, dread and awe and to Lewis Carroll for frustration, resentment and absurdity as equally significant components of socio-legal control.

The interpretation process of events is not a simple dichotomy between defence and prosecution, but rather are a myriad of complex stories from several participants and authorities; counsel, witnesses, judges, experts etc., which are tested by each other and ultimately judged by a jury to produce an outcome (McConville *et al.*, 2004; Van Duyne, 1981). Scheffer *et al.* identified speech positions with an “examined witness, the overlooking jury and the refereeing judge” (2009: 188). Hall argues that criminal trials are “a collection of stories” (2009: 102). Smart (1989) argues that law in itself can be

interpreted in many different ways (Wemmers, 2009). Therefore, given that criminal justice interactions can lead to frustration and dissatisfaction amongst victims this can be compounded by language barriers and complex legal terminology which further point to the victim as an outsider in the process of justice (Bibas, 2006; Erez *et al.*, 2013).

Carlen (1976) uses the popular discourse of likening court appearance, proceedings and trials to games (Garfinkel, 1956; Blumberg, 1967) but argues for the need to go beyond the physical boundaries of the courtroom and rather look at how the construction of justice occurs before, during and post-trial. The entrenchment of values are reproduced through a symbolic and ritualistic process. The observable social interactions between participating actors are built up of knowledge and context within the temporal and physical boundaries of the courtroom. Carlen (1976) applies a framework of information ‘games’, which involve one actor who is trying to uncover information from another, and the other who is trying to conceal it. In this sense, each actor both controls and conceals information. Carlen (1976) points to the consequences of this interchange being the strategies upon which judicial decisions are based.

Within a court setting, there is a distinctive direction in which interaction flows and this order signals who can speak and when, per a hierarchy of authority which legitimises knowledge claims (Scheffer *et al.*, 2009). Rock referred to this order as the “choreography of the adversarial system” (1993: 92) and the order and authority is facilitated and maintained by spatial relations. The interaction order and speech authority can be seen below.

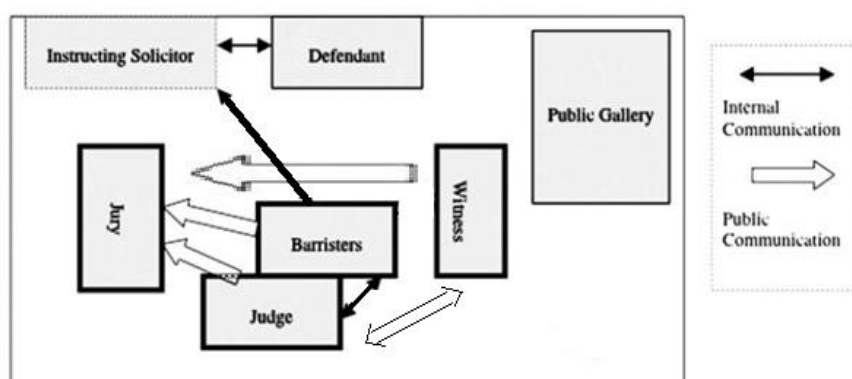


Figure 3.5.1 Interaction Order

(Adapted from ‘Graphic Representation of an English Crown Court’, Scheffer *et al.*, 2009).

As figure 3.5.1 shows, there is a distinct speech authority, where formal rules and tradition dictate who has authority to take part. This figure demonstrates that in this process ‘outsiders’ seated in the public gallery are not permitted to participate unless called as a witness (Bibas, 2006; Erez *et al.*, 2013; Kirchengast 2016). The following section will consider the role of ‘outsiders’ in the process, in particular victims of crime and their friends and relatives. It will assess their participation rights within the context of the social institution and the physical, ritual and symbolic dimensions as discussed previously in this chapter, given the claim that victims are at the heart of the CJS.

3.5 Procedural Justice, Due Process and Victims’ Participation

Having looked at issues of space and time; hierarchy and interaction; and the symbolic underpinning of these, this section will consider how these interact with victims in a process whose imperative is to achieve procedural justice and due process. According to Tyler (1990; 2003), the public's behaviour in their general compliance with the law is powerfully predisposed by their subjective perceptions about the procedural fairness through which the courts perform their authority. Victim reforms are expanding and therefore victims’ role in proceedings needs to be considered in an institution which we have seen perpetuates dominance and exclusions through ritual and tradition with physical and symbolic barriers to participation. In Chapter 2, we looked at the development of policy that attempt to respond to the claim that victims are at the heart of the CJS (Jackson, 2003). This chapter will look specifically at victims’ policy in relation to their role in proceedings and attempt to bring together reforms as they were enacted at court.

Normative approaches to criminal trials focus on the importance of the protection of defendants’ rights to procedural fairness and due process, and there is a popular assumption that affording victims’ participation in this process this will detract from this imperative (Erez *et al.*, 2013; Kirchengast, 2016). This suggests a prioritisation that is shifted away from victims as the focus. Even in the early stages of the investigative process, the information and evidence gathered from family personal statements are for the purpose of establishing material that facilitates the investigative process (Gekoski *et al.*, 2013). Family Liaison Officers are to record all contact with the families in order to

be in compliance with the Criminal Procedures and Investigations Act (CPIA) for the perseverance of the criminal case (College of Policing, n.d.).

This chapter has shown how the physical design of courts is structured to instil and perpetuate the sanctity of judicial proceedings, for example by maintaining circulation areas which allow contamination-free judicial decisions to be made. through to social world of a court it helps to constitute victim status. This use of space to confine movement and symbolise legitimate participation will be the lens through which the victim's role in judicial proceedings is considered. For example, while Carlen's work focused on defendants, her discussion can be applied to victims in that court proceedings continue despite an inability to often hear or understand what is going and the structural inability of many present to participate in what is taking place.

In this regard, there is often a presupposed assumption of 'victims' without understanding the interactional constitution and definitional processes in constructing victimhood (Holstein and Miller, 1990; Kenney, 2004). The aforementioned claim of the centrality of the victim was derived from the *Justice For All* paper (CJS, 2002) which sought to rebalance the CJS by putting the victim at the centre. This embodied the notions of "tough on crime, tough on the causes of crime" and the need to modernise the CJS to restore the community (Jackson, 2003: 310). The system focuses on punishment rather than prevention. The use of 'balancing' the system perpetuates the misconception that rights for defendants are at a cost for victims and therefore by weakening the rights of defendants will bolster the prosecution (Garland, 2001; Jackson, 2003). Rather, Tyler (2003) argues that people's evaluation of the law and legal authorities and their willingness to accept the limitations of these is strongly linked to their perception of the procedural justice of the courts.

3.5.1 Victims Reforms and Implementation

Increasingly, victims are participating in all phases of criminal trials and many of the substantive and procedural rights are enforceable (Kirchengast, 2016). The conceptualisation of crime within the adversarial legal system sees harm as committed against the state and the prosecutor then represents the interests of the state rather than the individual(s) affected (Erez *et al.*, 2013; Gekoski *et al.*, 2013; Rock, 1993). Therefore, reforms for victims have created a new tension between the rights of the victim which

are difficult to enforce in addition to the entrenched principles and practices with the legal system. These institutional restrictions limit the agency of victims in many instances (Kenney, 2004)

Victim participatory reforms which have been influenced by international law and policy have seen victims be notified of proceedings, have more access to information, be protected from harassment, receive compensation for harm, and most recently in Australia, the United States and the United Kingdom to allow victims participatory rights within proceedings (Doak, 2008; Erez *et al.*, 2013; Kirchengast, 2016; Wemmers, 2009). However, there is often a failure to implement these changes which leads to ongoing secondary victimisation through interaction with the CJS (Casey, 2011; Erez *et al.* 2013; Gekoski *et al.*, 2013). The physical and symbolic structures within a court setting means that victims remain outsiders (Bibas, 2006) and therefore there is a need to address the failure to implement victims' participation rights despite reforms (Erez *et al.*, 2013).

Nuanced approaches to meet victims' needs are addressing this failure. In the 2015 Code of Practice for Victims there are new provisions to protect victims when called as witnesses. This includes protection against prejudicial cross-examination and the ability to give evidence out-of-court (Ellison and Munro, 2014). The physical environment is changed and therefore the effect of spaces within a courthouse are removed, which introduces the need for exploration into how this transforms the encounters of victims. Ellison and Munro (2014) found that victims afforded special measures found them helpful in alleviating some of the trauma of being a witness. These measures are only in place however for the most vulnerable victims and therefore can be exclusionary and over-reliant on adequate resources being made available. Additionally, these modifications are contentious due to the perpetuating normative approach mentioned above which assumes that protection of victims' rights comes at the cost of the rights of the defendant in their ability to cross-examine their victim and build a defence around blaming the victim (Kirchengast, 2016).

There have been some improvements with the 2015 Code of Practice for Victims with the entitlement of homicide bereaved people's contact with the Crown Prosecution Service (CPS). Victims are to receive updates and information from the CPS as well as being invited to meetings and in most cases to meet with prosecution counsel prior to proceedings. The Prosecutor's Pledge in 2006 encourages communication between the

bereaved and the prosecutors, and means that the impact on victims should be considered when making charging decisions, informing them when charges are dropped or have changed, and information about plea bargains (Crown Prosecution Service, n.d.).

Unless they are called as a witness, the only opportunity for victims to participate in criminal proceedings is to complete a Victim Personal Statement (VPS) which were introduced nationally in 2001 to allow victims to inform the court of impact the crime has had on them and their lives (Hall, 2009). The conception of VPSs (referred to as Victim Impact Statements (VIS) in other jurisdictions) were originally designed to give victims a 'voice' in court proceedings and allow for victims to benefit from the associated therapeutic and restorative impact of this process (Booth, 2014; Roberts and Erez, 2004). Allowing victims a 'voice' in proceedings in the form of VPS is contentious and has been subject to some debate, both by scholars and by legal professionals. Much of this debate has been around whether victims' involvement challenges due process based on proportionality as a fundamental principle of sentencing due to the subjective and emotional nature of VPSs (Erez, 1999; Ashworth 1993; Booth, 2001). In cases of homicide, this debate continues over the appropriateness to consider within a retributive sentencing framework, and is expanded to include the potential impact that the inclusion of VPS may have on the deceased victim, linking to constructions of deserving and undeserving and narrative of victim worthiness discussed in Chapter 2 (Booth, 2001).

Roberts and Manikis (2013) contend that implementation of VPS is inconsistent, and there is also contention over the effects of allowing emotional expression judicial proceedings (Schuster and Proben, 2010; Wemmers, 2005). From a victim's perspective, the expressive function of a VPS is important and allows for victimhood to be acknowledged and recognised during legal proceedings (Booth *et al.*, 2018; Roberts and Erez, 2004). Within adversarial systems such as England and Wales, victims' inclusion in legal proceedings are significantly curtailed (Rock, 2010; Booth, 2012). In a recent report from the Victims' Commissioner, there was concern expressed over the low level of offers of a VPS with less than one in five victims being given this opportunity (Victims' Commissioner, 2016). Research suggests this is due to institutional and legal restraints within common law jurisdictions that constrains the autonomy and the legitimacy of victims' voices (Rock, 2010, Booth, 2012). One of the ways voices are impinged upon is through the management of emotionality, where VPSs may be edited

to limit expressions of extreme emotion (Erez *et al.*, 2014). VPSs are limited to victims' experiences of harm that were caused by the offence for which a defendant has been convicted. This is particularly complex when a defendant pleads guilty to a lesser charge and victims' may have to omit some aspects of their victimisation experiences (Booth *et al.*, 2018). Recent consultations on the Code of Practice for Victims of Crime reported that, despite it being one of the Code's key entitlements, only 15% of victims said they were given the opportunity by police to make a Victim Personal Statement (VPS) (MOJ, 2019). In addition to the lack of opportunity afforded to victims, the constraining of their voice and the denial of victims to 'tell their story' in the manner that they want can lead to frustration and resentment (Rock, 2010; Booth, 2012). Roberts and Erez (2004) point to VPS as an opportunity for reciprocal communication between the judge and victims. This is somewhat contested in Booth's (2014) research, where she found little direct communication due to the institutional restraint of the judicial role, yet she points to the restorative role that VPS can play, partly through indirect communication between judges and victims. Through VPS, victims felt they were treated with dignity and respect and that their victimisation experiences were acknowledged in instances where judges made reference to them in sentencing. Similarly, Erez *et al.* (2013) found that victim satisfaction was derived when judges demonstrated having listened to victims by using quotes from the VPS.

This ongoing debate to include victims' in criminal proceedings could be explained by the assumed separation between criminal justice processes and the role that victims play (Erez *et al.*, 2013; Kirchengast, 2016; Shapland, 2000). What is more, Kenney (2004) contests that these statements, which are often lauded as a pinnacle development in the victims' movement, as having little impact on proceedings or outcomes in court, thus the victim remains an inferior actor throughout the court process. Here, Booth *et al.* (2018) draw a distinction between victims speaking and victims being heard. The former pertains to the authenticity of the victimisation experiences as recounted by victims and the latter the extent to which these harms are formally acknowledged and recognised with legal proceedings.

Victim participation in criminal proceedings varies across different jurisdictions and within different courts, however the International Criminal Court (ICC) and the European Court of Human Rights (ECHR) provides a legal framework as to how victims'

participation may influence the adversarial trial (Kirchengast, 2016; Wemmers, 2009). This model would allow victims representational rights beyond witness participation and Doak (2008) argues the ICC illustrates there is scope for victims' participation within adversarial procedures without intruding on the rights of the accused. Articles 6 and 8 of the ECHR have been recognised in rape trials the balancing of jurisprudence of human rights of the victims against the imperative of the accused's procedural fairness (Kirchengast, 2016). Yet while the participation of victims in the criminal trial is being reformed and repositioned, Kirchengast (2016) argues the implementation is fragmented, uneven and contradictory. In particular, legal professionals often find it difficult to implement these reforms and therefore there is ongoing frustration when victims encounter the CJS (Erez *et al.*, 2013; Gekoski *et al.*, 2013; Rock, 1998).

3.5.2 Victims as Props: Victim Management and Agency

There is much contestation over the extent to which victim centrality can be claimed, but rather much scholarly debate points to the politicisation of the victim (Rock, 1998; Kenney, 2004; Elias, 1983; Hall, 2017). Rather, it may be used as part of a wider political agenda of crime control under the guise of protection and administering justice (Garland, 2001; Jackson *et al.*, 2003; Kenney, 2004). In this sense, victims are used as props to ensure a successful conviction. Victims reformed status means that at court they are managed by court professionals through their encounters between victims and as "members of the prosecution's 'performance team'" (Erez *et al.*, 2013: 170; Goffman, 1959). At times therefore, victims may become actors in a narrative constructed by the prosecution to ensure they are performing as the 'right kind of victim' (Erez *et al.*, 2013: 184). In criminal law victims are often measured against the idealistic notions of the totally innocent person and therefore there is an inference on the passivity of their role throughout criminal proceedings (Shapland *et al.*, 1985).

Therefore, there is an ongoing conflict between meeting the needs of the victim and of the competing interests of the institutional and professional powers within a court setting. Court 'insiders' use their "legal tools and techniques of persuasion" when manage victims' feelings and emotionology in a court setting (Bandes, 2009; Erez *et al.*, 2013; Schuster and Proppen, 2010). For example, homicide bereaved families were warned not to react in court due to the impact this could have on the trial (Gekoski *et al.*, 2013). As such, victims are often seen as "a rather annoying group" that are not integral to 'justice'

(Shapland, 2000: 148). The risk and presumed likelihood of victim's becoming emotionally overwhelmed can lead professionals to strategically exclude them, for example by discouraging attendance or putting them on a witness list so they cannot be present in the courtroom (Erez *et al.*, 2013). This links back to the notion of emotionology discussed in section 4.4 where there is an assumption that emotion is a characteristic of outsiders as opposed to the fact and reason of insiders. This can deny victims' agency and fails to acknowledge the resilience and credibility of victims (Kenny, 2002; Erez *et al.*, 2013; Gekoski *et al.*, 2013).

In contrast, Kenney (2004) highlights that individuals who were bereaved by homicide has some degree of control over their grief and social situations despite institutional dominance and its assumed passivity of victims. He argues that the tendency to ignore this is due to a focus on the psychological aftereffects of crime which leaves victims feeling powerless and ignores the importance of institutional interactions in the aftermath in how they cope.

Given the 'outsider' status of victims, the apprehension and stress that court can elicit means that when managing them there is a need to ensure their expectations are reasonable and disperse the misinformation that is often characteristic of novices to the CJS (Bibas, 2006; Erez *et al.*, 2013; Jackson *et al.*, 2003). This is compounded by confusion and lack of understanding in the legal terminology used within a court setting. This was discussed above in section 4.5. Accordingly, Erez *et al.* (2013) found that one of the roles of legal professionals who manage victims is to demystify them by explaining the language, process and personalities of the different actors participating. Legal professionals also take part in shielding practices to minimise or preclude the vulnerabilities of victims (Erez *et al.*, 2013). One of the ways in which this is achieved is through space with increased physical distance between victims and defendants, particularly at sentencing (Erez *et al.*, 2013; Gekoksi *et al.*, 2013).

3.6 Conclusion

In this chapter we have explored the extent to which victims play a role in court proceedings within the adversarial legal system in England and Wales. It explored the design and layout of courthouses as intentionally facilitating the practical, symbolic and ritual dimensions of the CJS which is historically entrenched (Carlen, 1976; Mulcahy,

2011; Rock, 1993). The symbolic and social perseverance of power is conserved through the formal and informal rules within a court setting which are respected by all those present (Carlen, 1976). In light of the dramatic and ritualistic nature of proceedings are ritualistic and dramatic yet are managed to appear natural and ceremonial rather than theatrical (Carlen, 1976). This discussion around court has been explored from the perspective of the bereaved, which follows the central aim of this project. In Chapter 4, the methodology is presented and is reflexively engaged throughout, using what is discussed in this chapter to contextualise and inform the research design and process.

4 Methodology

The literature review in the early stages of the research highlighted the patchy and limited research on homicide bereaved people as a distinct group of people and provided clear scope for an in-depth look at their encounters throughout the criminal justice system (CJS). This chapter provides an account of the design of the research, the collection of data and the analysis stages of this project. Specifically, this thesis utilises a multi-method approach which provides a rigorous and nuanced way to approach this exploration and provides novel and original findings that contribute to our understandings of homicide bereaved people's experiences throughout the CJS. I reflexively engage with each stage of the process from the design to the analysis. This chapter discusses each stage of the research process and the suitability of the methods to conduct this study. The sensitive nature of this topic meant that there was potential to cause further harm and trauma to an already traumatised group of people, and therefore in this chapter I set out a detailed account of the ethical considerations taken throughout this project. I also reflect on my own position within the research by drawing on issues of identity, emotionality and neutrality. The chapter also discusses the analysis of data and triangulation of methods as I explored the question of what homicide bereaved people experienced as they progress through the CJS in England and Wales.

This research project was carried out using multiple qualitative methods in order to produce an in-depth exploration of the criminal justice experiences of homicide bereaved people as a distinct group of crime victims in England and Wales. The research was carried out in three phases which were intentionally ordered: in phase one I conducted observations in three Crown Courts; in phase two, I interviewed practitioners from both criminal justice and victims' agencies; in phase three, I carried out in-depth interviews with homicide bereaved people. Phases one and two provided contextual background, with the final phase providing the most significant data to address this project. The main research aim could have been addressed by simply interviewing homicide bereaved people, as done in phase three, however in order to perform an in-depth, rigorous and original piece of research I took the decision to conduct two preliminary phases as a way to inform, contextualise and situate the interviews with homicide bereaved people within current criminal justice practices and court processes.

Multiple methods were chosen due to the exploratory nature of this project as a result of the paucity of knowledge around this population (Casey, 2011; Gekoski *et al.*, 2013). By taking a contemporary look at Goffman's (1959) work on performance and Carlen's (1976) staging of justice, an early decision was taken to focus on court as a pivotal point of the CJS.

4.1 Ontological and Epistemological Underpinnings

This research was conducted using an interpretivist framework where social action is purposive and attached to meanings. The ontological approach adopted throughout this research process is constructionism, according to which "reality is socially constructed" (Mertens, 1998). Therefore, meaning is derived from the interaction with realities in the social world through an interconnection of objectivism and subjectivity (Crotty, 1998). Social phenomena and their meanings are being carried out by social interaction which is changeable and constantly negotiated (Bryman, 2008; Crotty, 1998). This follows the ontological position taken throughout this research, with some influences drawn from critical realism in that scientists' understanding is simply a way of knowing that reality, rather than the positivist notion that reality is directly reflected in sciences conceptualisation (Bryman, 2008). Indeed, very little research fits purely within one paradigm which neatly fits into a category (Crotty, 1998). Interpretivism seeks to explore the subjective meaning of social interaction. Interpretivism incorporates the view that humans are distinct from the natural order and therefore human action cannot be predicted (Bryman, 2008). Through a reflexive lens, this research aimed to explore homicide bereaved people's experiences through the meanings they assigned to their encounters in the aftermath of homicide, and it was this objective that underpinned the research design and delivery. This approach follows Weber's notion of *Verstehen* (understanding) where social action is understood by interpretive processes that explain causal relationships (Bryman, 2008). Consequently, my primary source of data is the "interpretations, meanings and understandings" of the bereaved themselves that took place in phase three in order to explore their criminal justice experiences which will be explored in the interviews in phase three of the research. In order to get a balanced understanding of what these encounters entail, this phase of the research was informed by the observations in courtroom in phase one and the interviews with criminal justice and victims' agencies in phase two. As discussed in Section 3.1.3, the combining of

research techniques allows for a rigorous investigation of social phenomena. This approach is in contrast to positivist perspectives and in favour of the paradigm of constructionism which discards the passivity of subjects in research and rather views them as active and resourceful in the construction of meaning (Bryman, 2008; Crotty, 1998; Mason, 2002). When it comes to experiences, this research is prioritising the ‘insiders’ view’ (the bereaved) over the ‘outsiders view’ (my own thoughts throughout the observations as well as the criminal justice and victim practitioners that I interviewed) (Blaikie, 2000 in Mason, 2002).

Accordingly, the influence of feminist epistemology can be seen as this research strived for the ‘truth’ by involving participants and listening to their experiences in a consensual manner throughout the process. Thus, while my experiences as a bereaved member are the lens through which I see the world, I am not a subject in my research. Yet according to the constructionist approach, realities are co-constructed and therefore information gathering will be according to the significance that my subjects give to their experience through my insider lens. Therefore, this approach rejects the natural sciences notion of objectivity. Jenkins (2002:42) argues that it is “[n]either possible [n]or desirable” to separate politics and values from social research, but rather that epistemological objectivity can be obtained by maintaining a critical distance from what we are studying. This is achieved by reflexivity throughout which acknowledges how the research process affects the collection of data (Bulmer, 2001). According, throughout the research I ‘look back’ on myself and shows awareness of my beliefs and values, reflecting on how these may have influenced my work (Mason, 2002; Stanley, 2018). This is done by considering a range of interpretations: those of the criminal justice and victims’ practitioners that I interviewed; those of the bereaved and inevitably my own which shows a readiness to critique these various explanations in the search for truth. Bryman (2008) argues that in research there is a triple interpretation occurring: the researcher’s interpretation of the subjects’ interpretations and these interactions must be interpreted within the context of a discipline. Thus, my interpretation must fall within a framework that can be applied within a criminological context.

According to Bulmer (2001), understanding social interaction is complex. Unlike the claims of natural sciences, social science cannot predict human behaviour. In fact, Jenkins (2002) argues that just because a person does something ninety-nine times in a

row does not mean they will do it for a hundredth time; by nature, humans are unpredictable and changeable. Therefore, the rejection of positivist epistemology of prediction means that knowledge within this research must be plausible and defensible through systematic and reflexive enquiry (Jenkins, 2002). By systematic, I mean that methods were used with transparency so that criticism and examination are encouraged in order to produce a credible argument. This was partly achieved in the use of multiple research techniques.

The epistemological and methodological basis of this research is implicated by the volatility of social interaction. Drawing on symbolic interactionism, a central focus is on the processes of interaction that are acted through reciprocal social action based on symbolic meaning (Giddens and Turner, 1987). Mead, who is attributed as the founder of symbolic interactionism, contends that the social world and the construction of reality is developed through this process of interaction, or the ‘generalised other’ (Blumer, 1969). The principles of symbolic interactionism are conceptualised in 1) that individuals act according to the meanings they give; 2) that meanings are developed according to social interactions; 3) that an interpretive process allows meanings to be understood and transformed in order to make sense of the social world (Blumer, 1969; Bryman, 2008; Snow, 2001). Therefore, interaction throughout the research process needs to be considered according to the spatio-temporal context and interactional setting. For example, interviewing is a form of performance through social action where the actors negotiate their presentation (Raz, 2005). This interaction has to be seen within the context of the research setting, in addition to the contexts of family, society and the criminal justice discourse that homicide bereaved people may have been exposed to in the aftermath of a homicide (Raz, 2005). This may also be relevant in the interplay between the private and public sphere; following traumatic death, private grief often becomes public property and therefore reactions and responses of the bereaved may be implicated following this tendency and therefore could have an impact on the research (Rock, 1993; Spungen, 1997).

4.2 Research Design

Qualitative research allowed for a rich and deep investigation which provided contextual understanding of the meanings and perspectives of the participants, often in their natural

settings (Bryman, 2008; Mason 2002; Newburn, 2007). This project used multiple qualitative research methods, conducting observations and interviews with practitioners from criminal justice and victims' organisations to inform and contextualise in-depth interviews. These methods are respectively discussed below. Multiple methods were conducted in order to produce a rigorous and nuanced exploration of the research question (Bryman, 2008; Kane 1997). A research diary was kept throughout the research process to reflect on the different phases of the research, record ideas and preliminary connections between the phases of the research. This also helped to be reflexive throughout the course of the project and challenge pre-existing assumptions or points that needed clarified (Stanley, 2018).

The research is positioned within an interpretivist framework with some techniques and values throughout this project being influenced by feminist traditions, particularly in the attempts to reduce the power imbalances between me as a researcher and my participants (Mason, 2002; Stanley, 2018). Additionally, I reflexively interact with each stage of the research and engage with my position as an insider researcher (Dwyer and Buckle, 2009). Following this approach, the centrality of the voice of my participants in phase three allows participants to relay their accounts in narrative form. More traditional qualitative practices were also used to ensure the interviews remained focused on the research objectives, and to ensure I maintained a reflexive emphasis by challenging my own assumptions, verifying and confirming understanding of meaning, and repetition of ideas for clarity. This followed my interpretive framework where interviews are not used to simply gather information, but rather as a tool to produce performances around self and society (Denzin, 2001). Subjectivity of both the participant and researcher are acknowledged throughout each stage of the research along with the influence of culture and socialisation (O'Connell Davidson and Layder, 1994). This emphasis on reflexivity allowed me to position myself within the research process while drawing out the emphasis of my participants (Denzin, 2001; Mason, 2002). Although I draw on feminist techniques, it is important to note that I did not intentionally take a gendered view of this project, nor did I limit my sample according to gender. That is not to say that gender was not a component and future research could explore how experiences of the criminal justice system differ according to gender for homicide bereaved people. Gekoski *et al.* (2013) only had female respondents despite not intentionally limiting their sample, thus

reflecting on the sometimes-gendered nature of communicating grief. Thirteen of the seventeen participants in this research were women (Table 3.1).

The research questions addressing the central aim of this project which an exploration of the criminal justice experiences of those is bereaved by homicide are significantly addressed in phase three, however phases one and two helped to provide theoretical and conceptual background. Each of these phases are discussed in turn below. The questions explored are:

1. What are the experiences of homicide bereaved people that are distinctive from other types of victimisation?
2. Is the current role of the Family Liaison Officer adequately meeting the needs of the bereaved?
3. Are homicide bereaved people at the heart of the criminal justice system?

4.3 Phase One: Observations in Courtroom Proceedings

As briefly identified above, the first phase of this research was to conduct observations within Crown Court settings in England and Wales. The Court is a pinnacle point of the CJS given that 90% of homicides are detected and 80% of those end up in court proceedings (Gekoski et al, 2013). Building on the literature identified in Chapter 3, court proceedings occupy a pivotal point in the criminal justice encounters of homicide bereaved people which provided the rationale for choosing this method (Casey, 2011; Gekoski *et al.*, 2013; Malone, 2007). As I embarked on the research, I made the decision to familiarise myself with the court setting and proceedings to understand current practices, as well as to begin to explore and observe first-hand the performance of physical, practical, ritual and symbolic dimensions that homicide bereaved people encounter if they choose to attend. This builds on the seminal works drawn on for this thesis, in particular Goffman (1959) and Carlen (1976). This ethnographic approach was used to explore the central ideas identified in Chapter 3 involving space, interaction, power and staging, through a methodological approach that considers interactions and interpretations. I therefore considered the language and rhetoric used within court proceedings, the behaviours acted (both verbal and non-verbal) and the symbols used to communicate authority and legitimise action (Carlen, 1976; Mason, 2002; Mulcahy, 2013). These dimensions were negotiable and changeable throughout the research

experience. Throughout the observations, the objective was to better understand and begin to think about the meaning that courts can generate from the perspective of the bereaved. This phase was useful to consider how the proceedings, spaces, timing, and rituals might impact on homicide bereaved people, both at the level of profound and in ways that might not be obvious to those less affected by what was occurring.

Data was obtained by immersing myself within the court environment in order to encounter and observe first-hand the research setting within a broad ethnographic methodology (Mason, 2002). I developed an observation framework to ensure continuity across the different locations (Appendix 1). Importantly, no specific details about the circumstances surrounding the criminal cases were recorded. The framework was not overly prescriptive to allow the benefits of ethnographic research explore the setting as it naturally occurred, rather than imposing a deductive structure (Mason, 2002). Following Chapter 3, the emphasis was on observing the practical, physical, ritual and symbolic dimensions of the court from the perspective of the victim. This explored the social realities of homicide bereaved people and centres on the interpretation of interactions and behaviours and throughout court it will allow me to observe the various social dimensions at play. This approach has been used in court research in a number of different criminological studies that have been previously discussed (Carlen, 1976; Goffman, 1959; Jackson et al, 1991; Rock, 1993; Shapland et al, 1985). Therefore, using court observations this research draws on these studies in order to contribute to the field by focusing specifically on a particular group of victims: the bereaved through homicide thus offering a unique perspective as a member of the population I studied using a combination of methods.

Throughout the methodological discussion in this chapter and the empirical findings on the court observations, I made the decision to anonymise the courts, their locations and the individuals I encountered while there. I carried an information sheet (Appendix 2) and offered to the usher in each courtroom, which then handed it to the judges' clerks in all three instances. In the next section, I will discuss how I gained access to each court, and the ways in which I negotiated myself as a researcher and the settings.

Throughout the observation phase of the research I had no contact with the homicide bereaved people or other supporters or members of the public who attended. Based on the potentially profound impact that court can have on homicide bereaved people, I did

not deem it ethical or moral to approach them at a time of potential vulnerability. As will be discussed in the third phase of the research, homicide bereaved people were approached once the proceedings were complete, or with enough distance from the crime that they were able to reflect on their experiences. I am therefore unaware if any of the homicide bereaved people in the trials I observed noted my presence or were aware of my role within the court. They may have enquired through the usher or through the police Family Liaison Officer if they were in attendance and I had provided additional information sheet in case they did ask. My ethical approval (Appendix 7) included the judge, clerk and usher of the court and any other legal or criminal advocates who approached me, however it was not within the scope of the research or the ethical remit to talk to any of those directly involved with and impacted by or involved in the case.

4.3.1 Access, Gatekeepers and Negotiations

Initial access in Court 1 was gained through a Circuit Judge who had links with my supervisor and therefore acted as a gatekeeper. Throughout the discussion on observations in this thesis, pseudonyms are used. Judge Mitchell invited me to a meeting in his chambers and subsequently introduced me to the Recorder of Court 1 who gave me 'blanket' permission to conduct my observations. This connection proved crucial, as the Recorder then vouched for me in both Courts 2 and 3 which again led me to be given permission to observe. According to Singh and Wassenaar (2016) a gatekeeper can control and grant access to an institution or an organisation. On the one hand, Crown Court is open to the public and therefore I could have turned up and observed without using a gatekeeper, however much of the richness of data that I collected resulted from having an insider to the court introduce me and vouch for me. By using Judge Mitchell as a gatekeeper, this gave me access to the 'inner circle' of court actors, as well as leading to introductions with other criminal justice agencies that I wanted to access for phase 2 of the research. Buchanan *et al.* (1988) point to both formal and informal access to an organisation, where formal access requires formal communication and fixed appointments for interviews where the benefits of the research need to be explicitly communicated to convince the participant of the value of the research. Informal access relies on familiar people often without the necessity of a fixed appointment for interview (Buchanan *et al.*, 1988). Although phase 1 and 2 of this project primarily used formal access, much of the initial negotiation that required me to convince an organisation of

the value of my research was overcome by using Judge Mitchell as a gatekeeper and someone to use as a vouching assurance of the research value.

Based on the literature in Chapter 3, it was my expectation to have restricted access while conducting my observations, with having little more access than a member of the public. While court is open to the public, it is also entrenched with tradition and ritual, and the closer you attempt to get to the 'inner circle', the more impenetrable it can be (Rock, 1993). Following Rock's (1993) discussion of the inner recesses of court as being difficult to access to remain free from contamination, I was surprised therefore at the ease with which I was invited to access even restricted areas of the courthouse without even asking. For example, I was invited to the chambers of the presiding judges and the Recorders in each of the Crown Court locations I observed in. This highlighted the crucial role that gatekeepers can play in the research process: in this instance having a gatekeeper who was an 'insider' to the court meant that I was able to overcome access obstacles (Bibas, 2006). This privileged access allowed me to gain an additional perspective over the research I was conducted by having informal, unstructured discussions with members of the judiciary. Beyond requiring my information sheet and an initial meeting, there was no concerns over my research objective and what I was requesting of the court, which was to simply observe, and therefore were by no means sponsors, nor did they have any influence in the research design and process (Broadhead and Rist, 1976; Buchanan *et al.*, 1988).

Of the six court circuits in England and Wales (Grybowski, 1973), I observed proceedings in across three different circuits. This enabled me to gain a broader overview of the practices and processes that are involved at this crucial stage of the CJS. What's more, this allowed me to observe in different spaces and settings. These were chosen based on proximity to reduce costly and timely implications associated with lengthy ethnographic research (Mason, 2002). Each of these were first tier courts which are visited by High Court judges for Crown Court criminal work (Courts and Tribunals Judiciary, n.d.). While the number of court locations that I observed does not allow for a comparative framework, each courtroom being in a different circuit allowed me to ensure that each trial I attended was presided over by a different Judiciary and a different opposing Counsel. Furthermore, it allowed me to be immersed within the research setting more than once. Again, this allowed me to encounter different courtrooms and consider

the spatial, ritual, symbolic and practical aspects of each as it may be experienced by homicide bereaved people.

The usher in each court was an incredibly useful and helpful resource in each instance. They are ‘frontline’ to all aspects of the court proceedings and are able to access each of the ‘concentric rings’ within the court building (Rock, 1993). They liaise with the Judiciary in their chambers, organise legal Counsel actors, are responsible for the jury, partially look after the families and witnesses in their private rooms between proceedings and hold a number of additional administration duties. Judge Mitchell explained that the ushers were central to the running of the court. As such, the relationships that I cultivated with the ushers proved to be most valuable to negotiate access and information while conducting the observations. They explained the practical processes and spatial and procedural rules of the court in general, as well as specific information around the proceedings that I was observing: where I should sit, where others sat, which, if any, of the bereaved were in attendance, where they sat and where they waited during adjournments, when to stand, the need to bow/nod to the Crown at certain times, rules around mobile phones and note-taking and many more day-to-day instructions. By conducting observations in three different trials across three different circuits, I noted that in each of the proceedings I observed (as identified by the ushers in each court), all supporters and homicide bereaved people were sat in the public gallery along with members of the general public. In no instances that I observed were homicide bereaved people invited to sit in the well of the court. I spoke to an usher in Court 1 about the position of homicide bereaved in court, and he explained that it was never the case (to his knowledge), that they would sit anywhere other than the public gallery. He explained that this sometimes meant that had to manage the public gallery, particularly implementing measures that would keep defendant’s supporters and victim’s supporters separate. This included entering and exiting at different times; having a police presence; having police and court personnel to sit in between each creating a physical barrier. Through my interactions with the ushers in each court, I felt I had privileged access and was no longer fully an ‘outsider’ in terms of the court (Bibas, 2006). They also facilitated a tour of the building in each courthouse which gave me the opportunity to see the facilities for families and witnesses to wait between proceedings. It also gave me unique access to the jury and private waiting areas for witnesses and family members. I was also shown a room where vulnerable witnesses were taken to give evidence to the court via

video-link. The room was sobering with little to distract from its purpose. This tour allowed me access to a number of backstage areas which builds and expands on Goffman's (1959) dichotomy of front and backstage. These areas are restricted and only accessible to those with legitimate access. From the perspective of the bereaved, they will have no access to the jury area, the judiciary chambers, and the counsel's space. They must be invited into the waiting room for victims and witnesses and will only have access to the vulnerable witness room if they are deemed as such.

I was taken to the counsel's facilities where they adorn their robes and wigs. This room is not open to the public and is for members of counsel only. I was introduced to a number of barristers along the way who kindly offered their assistance if and when I needed it. This offer came after an introduction from the usher who described me as a 'protégé' of the two judges who had granted me access. This is how I was introduced by the usher for the duration of the day and it seemed to legitimise my presence and could perhaps explain the willingness to assist. Another noteworthy interaction that helped me with daily access was coming through security each morning. In each courthouse, there was a security point on immediate entry which required me to have my bag searched, go through a metal detector and in Court 2, get rid of any food or drink. My daily presence for the duration of each trial in each court meant that I quickly got to know the security guards on regular duty. Again, this interaction enabled me a privileged access, where my bag was barely searched, they overlooked my water bottle in Court 2, and in some instances, I was able to skip the queue at their invite. With the ad hoc, pleasant conversations with the security guards each morning and evening, my 'outsider' to court status shifted slightly, and to observers I may have even appeared as an insider.

While there was no deterministic approach for selecting the trials to observe in, a number of criteria and preferences for the observations were identified, largely confined to what was available within the preferred timescale for each location. It was preferred, although not restricted, that the murder trial was heard by a High Court Judge, as most serious criminal cases are. This was achieved and all three trials had a High Court Judge presiding. The rationale for this was that these judges operate within their circuit and may preside over trials in different courtrooms, therefore this embodies the practice that many of the bereaved encounter. Another criterion was that the defendant was an adult and that there was only one defendant in order to simplify the observations. In reality, this

did not turn out to be a realistic criterion and was quickly abandoned in the first observation in Court 1 which had five adult defendants, albeit some on lesser charges. While this added complexity in the number of representing counsel and the various potential relationships of those who attended, much of this was overcome by the relationship with the usher who was able to explain who each of the actors were and who represented which defendant. This trial was also scheduled to last six weeks, which highlights a drawback of using this ethnographic approach in that it can be time consuming and therefore costly (Bryman, 2008; Mason, 2002). The trials listed within the preferred timeframe meant that this was the most suitable trial to attend and I obtained quality data in which to inform my homicide bereaved interview in phase three. In Court 2, the trial lasted five weeks and also had multiple defendants. Court 3, in contrast lasted two weeks and only had one defendant.

Conducting this phase of the research first, it allowed me to familiarise myself with court practices, and the encounter a pivotal point of the CJS with the perspective of the bereaved at the forefront of what was being explored. It also gave me some insight into the different actors involved in the CJS, as I was introduced to members of the Crown Prosecution Service, the Witness Service, Family Liaison Officers, as well as court personnel. Reference was made to the Coroner's office in the pathologists' evidence heard in each, as well as details around the murder event leading to notifying family members. These introductions from the usher were extremely useful and led to me identifying relevant people to interview for the second phase of the research.

As Hall (2018a) contends, ethnographic research is a rigorous way to explore the relationship between the research question, the setting and the broader context of what is being explored. This phase does not claim to be generalisable, however by observing trials presided over by a High Court judge and by choosing locations across three of the six circuits in England and Wales, this appropriately informed the next two phases of the research process.

4.3.2 Ethical Considerations

Ethical considerations were at the forefront of the design of each aspect of this research given the sensitive nature of the research question which explores the experiences of a population who are already potential traumatised (Scott, 2018). Care was taken at each

phase to not cause further harm. The public nature of Crown Court meant that my presence was unlikely to be noticed or challenged given the array of observers, members of the public and various personnel who are in attendance. The observations were not intentionally covert, however the public nature court meant that it was not often possible to inform all within the setting that observations were taking place (Hall, 2018a). According to Mason (2002), when conducting observations in public spaces, it may not always be possible or desirable to inform all of those present of the nature of the research. This was the case throughout the observations in phase one. In each of the three Crown Courts, written information about the research was provided to the Recorder as an overseer of the whole courthouse, as well as being offered to the judicial clerk in each trial who then passed it on to the presiding High Court Judge. The unintentional covert aspect of my presence as a researcher at times allowed for opportunity to observe the authenticity of practices within their natural setting. This was particularly notable with the legal counsel who were present, the members of the public gallery which included homicide bereaved people, their supporters, and supporters of the defendants, and the defendant themselves. All the information recorded was kept anonymous, with no identifiable characteristics, names, dates, or circumstances surrounding the criminal case were written down. What is more, the data recorded was kept in a locked drawer in a locked office at the University of Sheffield School of Law.

Finally, my court observations demonstrate the complexity and changeability of membership (Dwyer and Buckle, 2009). Insider status during ethnographic research can be at an advantage due to the intimate knowledge of the research setting (Bibas, 2006; Hall, 2018a). Insiders in a court setting are usually those with authority to participate in proceedings with an enhanced authority to negotiate space and interactions as discussed in Chapter 3 (Bibas, 2006; Rock, 1993). As discussed above, my invitation into being a temporary insider (in the sense that I had privileged access granted by Judge Mitchell) meant that ‘outsiders’ during my observations may have perceived me as an insider to the court. Yet, in phase three of the research, much of the negotiation of access was on the basis of my insider status as a homicide bereaved person. As such, the fact that I had to negotiate my membership and my privileged position in the court meant that I was possibly perceived as an insider of the court which challenged my embodied identity as an outsider of the court.

4.4 Phase Two: Interviews with Practitioners

The second phase of the research was to interview practitioners from both criminal justice and victims' organisations. This phase builds on the first phase to further understanding of the current practices and provision for homicide bereaved people as they encounter the CJS. Based on the theoretical underpinning of victimhood in this research, these organisations each play a role in the interactional constitution of homicide bereaved people as a distinct group of crime victims (Rock, 1998; Kenney, 2002/4). The rationale behind this stage was to draw on the perspectives of practitioners as to what they understand and perceive to be meaningful for homicide bereaved people and to continue to inform the third phase of the research by understanding the current ways in which homicide bereaved people interact with in the aftermath of homicide.

This phase of the research overlapped with the first phase. Semi-structured interviews with practitioners seemed like an appropriate way to explore their interactions with homicide bereaved people. Such an approach to interviewing is particularly instrumental in this context as it emphasises the importance of meanings, understandings and interactions in the construction of social reality. Thus, interviews allowed me the opportunity to listen to the perspective and accounts of those who I was speaking to. Interviews allow for experiences and understanding to emerge through the discussion and the generation of rich, in-depth information to be gathered (Bryman, 2008; Howe, 2004; Mason, 2002).

Following the literature in Chapter 1, (primarily Casey, 2011; Gekoski et al; Malone, 2007; Rock, 1998), I identified the relevant agencies to approach for interview. These were largely national agencies and therefore could reflect current national practices in their responses to homicide bereaved people. The agencies interviewed are mentioned below. Only one person was interviewed from most, with two exceptions: the National Homicide Service where I conducted a joint interview with a divisional manager and a caseworker; there were two Family Liaison Coordinators present in their interview. In the coroner's office, I interviewed the coroner and a mortuary manager. Although these were physically in the same location, they have very different functions.

- Crown Prosecution Service (CPS) Victim Liaison Unit (VLU) through the Bereaved Family Scheme

- National Homicide Service
- Victim Support Volunteer Coordinator
- Witness Service delivered by the Citizen's Advice Bureau
- Police Family Liaison Coordinators
- Support After Murder and Manslaughter (SAMM)
- The Coroner's Office: the coroner and Mortuary manager
- Probation Victim Liaison Officer

According to Becker, the views of professionals or insiders within any context are important due to a “hierarchy of credibility” which allows them a right to define the way things are (1967: 241). At the same time, hierarchy can create a disparity between the directions of bias accusation; often the assumption is that truth lies with the professionals rather than with the subordinate group. Rather, this project was intentionally designed to explore the perspective of homicide bereaved people and their experiences, however, to allow a balance of perspectives professional interviews were also included to conduct a rigorous exploration and theoretically and practically inform the third phase of the research. It also offered insight into some of the constraints and conditions that operate within the criminal justice system. This may allow for an explanation of the limitations within this system and will therefore inform the next phase of my research which is when I will interview families about their criminal justice experiences.

4.4.1 Access, Gatekeepers and Negotiation

Gatekeepers and informants were crucial to phase 2 of the research. All of the introductions, vouching instances, and snowballing of contacts emphasise the helpfulness of having informants (Buchanan *et al.*, 1998). Sampling therefore was both ‘convenient’ and ‘snowballing’ (Bryman, 2008; Newburn, 2007). In each instance, the gatekeeper did not have any influence over the research beyond their role of introducing and providing contacts, therefore there was little risk of becoming over reliant on them or of observing the social setting through their eyes (Bryman, 2008; Buchanan *et al.*, 1988).

As indicated above in phase one, much of the ‘groundwork’ for the practitioner interviews were obtained while being shown around Court 1 by the usher and having Judge Mitchell vouch for me and the value of my research (Buchanan *et al.*, 1988). This

enabled me to have a preliminary discussion with individuals from the Witness Service and CPS who gave me contact details for relevant people within their respective organisations to interview. Judge Mitchell in Court 1 also provided me with contact details of the Coroner's Officer and the name and contact details of the mortuary manager. Judge Mitchell also invited me to use his name when introducing myself to these organisations as a way to vouch for me and my research. This proved invaluable and limited potential access issues. It also points to the authority and influence that judges can have beyond the parameters of the court.

The timing of interviews coincided with the transitioning of the delivery of the Witness Service in Chapter 2, we saw that Witness Service was delivered by Victim Support, with support in all Crown Courts from 1996 (Hall, 2017). In 2014 as my research began, the contract with the Citizen's Advice Bureau was in its infancy. The individual identified for interview was a professional who had worked for the Witness Service for a number of years under Victim Support and had been retained through the Citizen's Advice Bureau. This meant she could comment on the current practices being offered to victims and witnesses in light of the recent changes.

This contact at the Witness Service proved useful in also being able to provide me with details of a Family Liaison Coordinator (FLC) who is responsible for training and supporting Family Liaison Officers who intimately work with bereaved people in the aftermath of a homicide. The FLC had also previously worked with as a Family Liaison Officer for a number of years prior to taking on her current role, and therefore could comment as a practitioner herself. While at Court 1, I also had the opportunity to meet someone from CPS. Again, following this discussion I had the name and details of someone to speak to within the Bereaved Family Unit with CPS.

This process of meeting people from within these respective organisations or being directed towards the appropriate person by an 'insider' of the court proved incredibly useful. Although each of these interviews were approached using formal access, I found that adding this layer of familiarity based on the gatekeepers and vouching from Judge Mitchell, access was more achievable (Buchanan *et al.*, 1988). Within those few short hours in Court 1, much of the access and recruitment issues for phase two of the research had been dealt with. This is owing to the generous and helpful nature of not only the gatekeeper, but actually characterised everyone I met. I did not anticipate that each of the

individuals from the various organisations that I met would be so forthcoming with information and willingness to participate.

Having identified the most appropriate person within the police, the Witness Service, CPS, and the Coroner's Office, the next step was for me to identify people within Victim Support, the National Homicide Service, Support After Murder and Manslaughter and the National Probation Service. I contacted Victim Support by phoning a regional office. This took a number of emails and attempts to receive a response, nevertheless once I did make contact, they were more than willing to engage with me and invited me to interview. At this interview, I was given a name of a divisional manager with the National Homicide Service. Again, this connection meant that my initial email was more personalised. It read:

Dear _____, I recently conducted an interview with _____ and they have given me you details. My name is Lauren and I am a doctoral researcher....

Again, this familiarity meant that the National Homicide Service were forthcoming with offering me an interview. In this instance, there was a considerable time delay as to when the interview could take place explained to me as being due to the high case load and limited resources that they were working with.

Due to my 'insider' status, I already had contacts with Support After Murder and Manslaughter who were already invested in the research by offering me advice and opportunities to recruit participants for phase 3 of the research. This meant that there were few obstacles encountered when interviewing them. Much like the National Homicide Service mentioned above, the limited funding given to SAMM meant that the person I was interviewing had a considerable workload, and often worked remotely. This meant that negotiating an interview time was affected by this, however they made efforts to accommodate me due to their positive perceptions of my research.

Accessing someone within the National Probation Service (NPS) Victim Liaison Unit was the most complex practitioner to recruit. Trulson *et al.* (2004) provide a number of 'tips' when approaching difficult to access criminal justice organisations. Following their advice, I drew on academic contacts in the Law School at the University of Sheffield, one of whom had links with a named person in the NPS. I sent an initial email which clearly outlined the research ambitions and explicitly communicated the value of the

research by drawing on their responsibilities to victims of crime and demonstrated how this links with my project. There was an application form that required me to show how I met certain criteria for them to support my application. What is more, their decision panel had stringent timeframes for the completion of their involvement in the research, therefore I had to manage the timing of the interview to fit this. Ultimately, they were interested in the research and the application was successful, however it was a lengthy process for only one interview, yet this was an important organisation to approach, particularly given the outcome of the interviews with homicide bereaved people in phase 3.

Each of the interviews with the respective organisations mentioned above took place in the offices of each of the practitioners to make it convenient for them and to ensure they were comfortable (Mason, 2002). The interview schedule (Appendix 3) was designed with open ended questions and was semi-structured in nature. This allowed for flexibility and often they covered more than one question in an answer (Mason, 2002). It also meant that I could probe further or ask for clarification on a point that was made by them. This allowed for every individual to be asked about the same things in each interview to ensure consistency of key themes being explored, however was not restrictive if these were not of importance to the individual. The extent to which each respective organisation is involved with homicide bereaved people varied, and it was notable that the National Homicide Service and Family Liaison Officers had the most intimate contact with homicide bereaved people.

The flexibility of semi-structured interviews allowed some of these to be omitted or passed over, and for some of the others to be dwelled on depending on the specific encounter of the individual being interviewed. Furthermore, subjects were given the opportunity to discuss any other aspects of what they considered to be part of the criminal justice experience. This method ties with the epistemological approach adopted throughout this research which focuses on the meanings, experiences and interactions of the subjects. It allowed practitioners to reflect on how they perceived homicide bereaved people's interaction throughout the CJS, as well as their perceptions on what is meaningful based on their contact in the aftermath of a homicide. The purpose of these interviews was to better understand the role of each of the organisations played in the aftermath and their function as they interact with homicide bereaved people. The

interviews typically lasted between 45 minutes to an hour and were recorded and transcribed.

4.4.2 Ethical Considerations

There were a number of ethical considerations in this phase of the research. It was important to be transparent and clear about the rationale for the research and the process to explore the research question which aimed to better understand the criminal justice experiences of homicide bereaved people. Emails were sent inviting practitioners to the interview. Information sheets (Appendix 3) were sent in the initial email contact to each organisation mentioned above and were addressed to the individual that was identified by informants within each of these. I also sent consent forms in the email (Appendix 4), explaining these would be further explained and signed at that time of interview. The consent form included permission for the use of a recording device throughout and ensured anonymity and confidentiality.

The location of the interviews which took place in the respective organisations' offices meant that power relations were balanced in favour of the subject as they were in control of the setting (Scott, 2018). All the data was kept on my personal computer and the recording devices were kept in a locked drawer in an office that is locked overnight. Any electronic copies of the recordings and transcriptions were saved on an encrypted memory stick. Each participant was assured anonymity, and this was made clear in the consent form, however they did agree to the use of their organisation throughout the research. I communicated the risk of their identity being identified on this basis, and this was understood and agreed with each participant.

4.5 Phase Three: Interviews with Homicide Bereaved People

In the third phase of the data collection, I conducted interviews with homicide bereaved people that combined a number of interviewing techniques that I will go on to discuss. This was the most significant phase in addressing the main research aim of this study:

An exploration of the criminal justice experiences of homicide bereaved people.

The wording ‘criminal justice experiences’ is intentionally open and non-prescriptive. Rather than assume a homogenous experience with equal and meaningful contact with each of the stages of the CJS and the respective agencies involved, I wanted to explore which interactions and encounters were meaningful to homicide bereaved people themselves.

The techniques used to explore this during this phase combined a number of interview techniques which attempted to reduce the power imbalances inherent in favour of the researcher (Hesse-Biber and Livey, 2003; Stanley, 2018). They were primarily semi-structured interviews with homicide bereaved people which included a few open, guiding questions based on the research questions. In terms of external validity and representativeness, this approach cannot be applied to all the bereaved in one population. Instead, it explores the meaning-making processes that individuals go through when they encounter the CJS in the aftermath. This allowed homicide bereaved people to frame their own experiences through storytelling, rather than question and answer style interviews (Stanley, 2018). Kay (2006) argues that narratives and storytelling is a powerful tool for transformation and healing, and therefore using semi-structured interviews it allowed for collective narratives and shared experiences to emerge, which Stanley (2018) claims can create new socially constructed truths.

At the end of the interviews and following any clarifying questions, I implemented an orthodox interviewing style was adopted to further explain and evaluate understanding, where participants were asked to rate their interactions with the various criminal justice and victims’ organisations along a five-point scale. This technique was used to further elicit discussion and understanding of the different agencies and individuals within those agencies that participants mentioned throughout their criminal justice experience and to explore their overall satisfaction. This technique was developed by adapting Shapland *et al’s.*, (1985) research where they asked victims of crime about their satisfaction with the courts along a five-point scale. Interestingly, participants rarely answered with a simple numerical value, but rather used this to talk more about the changeability of meaningful interaction. For example, Lisa commented about her Family Liaison Officer:

Yea, initially it was, I would have said it was a 2, initially because we felt sort of as if they were intruding and then it sort of increased but then to be taken away like they were, that took it take it right back down to a 1. It was awful. It really really was horrible.

This ‘hybrid’ interviewing approach in phase three with semi-structured questions allow participants to freely reflect, clarifying questions and scaled elements was also useful to ensure that a reflexive approach was being employed throughout. Given my insider identity as a researcher, I felt it was important to continually challenge my own assumptions and interpretations and ensure the participants perspective of meaningful emerged following the interpretivist epistemological approach taken throughout this research.

4.5.1 Access, Gatekeepers, and Negotiations

For this project ‘homicide bereaved people’ were those who had had a familial relation who was killed and resulted in a charge of murder at the time of the arrest. The recruitment criteria required cases that had occurred following the implementation of the 2006 Code of Practice for Victims of Crime. The rationale for this was to ensure that when homicide bereaved people recounted their experiences, this key policy reform was in place and therefore it reflects some of the current practices and agencies that are involved in delivering the entitlements to victims of crime. Of course, the Victims Code of Practice was revised in 2013 and 2015, however this would have limited the sample given this phase of the fieldwork was carried out in 2016/17. This may not have allowed sufficient time for criminal justice processes to have been enacted, and for people to have time to reflect on their experiences. It may also have been too recent and heightened the potential to cause further harm to participants.

To adequately prepare myself for the interviews with homicide bereaved people and to ensure my questions were appropriate, minimising the risk for further harm, I piloted the interviews with a Support After Murder and Manslaughter member with whom I was familiar (Deakin and Spencer, 2018). She was homicide bereaved but fell outside of the criteria to be interviewed for this research due to the length of time that had passed. Her years of experience in a supportive role in SAMM meant that she was able to help me reflect on the formation and language used in the follow up questions I asked. Deakin and Spencer (2018) argue that it important to develop techniques to design suitable questions when dealing with sensitive topics. This also helped me to understand some of the encounters that homicide bereaved people may reflect on and helped to prepare me for emotionality in the interviews. I could therefore plan how I would respond instances

of emotion (Stanley, 2018). I also planned for how I would respond to my own emotions that would naturally occur at times throughout the research process.

Following the pilot, participants were recruited through victims' agencies and charities as gatekeepers. Stanley (2018) points to the myriad of politics when attempting to research victims which can often lead access being denied. The agencies approached were the National Homicide Service, Victims' Voice, Mothers Against Murder and Aggression, SAMM, and The Compassionate Friends. In my information sheet (Appendix 3) and my initial contact I revealed my status as a homicide bereaved person. The biggest obstacle I encountered at this stage was that some of these organisations had limited resources and therefore could not spend a large amount of time interceding and disseminating my call for participants. At first recruitment was slow, and social media was not very successful. This may be due to homicide bereaved people being cautious or simply not engaging on that platform. As a result, recruitment was primarily down to the efforts of the agencies mentioned above, specifically promoting the value of the research, and vouching for me as someone who could be trusted, which Stanley (2018) argues is important in sensitive research.

The majority of the participants were recruited through SAMM which could be due to my familiarity with them (Buchanan *et al.*, 1988). Self-selection sampling was used to reduce power inequalities in the research process and ensure homicide bereaved people had agency over their engagement, or lack thereof, with the research (Bosworth *et al.*, 2005). Those who volunteered were clear of the sample criteria prior to engaging, although in one instance a participant came forward who fell outside of the time restrictions of the project which required that the murder occurred no earlier than 2006. This was a difficult situation to navigate despite having a clear rationale for this criterion which is discussed above in this section. This is a non-random sample and was largely reliant on the organisation that was inviting participants. Once the interviews began, snowballing occurred where participants would mention the research to their friends, and they would in turn contact me. Again, this presented challenges in that it limited to the sample by those deemed suitable by the victims' organisation in the first instance, and then in the snowballing around who other participants considered appropriate.

Once participants were identified and contact had been established, I sent the information sheet and consent form in advance of the interview (Appendix 5 and 6). The interview

took place at a time and in a location that suited the participant, which was primarily in the home of the homicide bereaved person. In some instances, homicide bereaved people requested a telephone interview, and in one instance the participant choose a coffee shop. The ethical considerations around the location of the interview is discussed below. The interactional setting was important when considering the spatial context of the interview and what implications this had for the responses being given (Raz, 2005). It also impacted the power relations; if I am a guest in their home, or we are on the telephone, they have an element of power over the research setting (Mason, 2002; Raz, 2005). This meant, however that there were travel and cost implications, which one of the considerations when conducting interviews (Bryman, 2008; Mason, 2002).

Seventeen homicide bereaved people were interviewed for this project, and these represented fourteen individual indicted cases of homicide. In two instances interviews were conducted as joint interviews with two family members contributing to the one interview. Two other participants were interviewed separately but were from the same family discussing the same case. Participant information is listed below in Table 4.1.

Table 4.1 Participant Information

Pseudonym	Year of death	Relationship to Murder Victim	Outcome at Court
Martin	2012	Daughter	Murder
Kaylie	2009	Son	Case Collapsed and the explanation did not emerge in the interview
Phillipa	2013	Mother	Manslaughter
Holly	2011	Son	Manslaughter
James	2015	Brother	Murder
Jayne	2009	Brother	Murder

Olwen	2009	Son	Murder
Lisa	2015	Son	Murder
Danielle	2009	Son	Acquittal
Ralph	2015	Stepson	Murder
Marie	2015	Son	Murder
Katrina	2013	Son	Manslaughter
Melita	2009	Son	Murder
Caleb	2013	Brother	Manslaughter
Heather	2017	Son	Murder
Elsa	2009	Son	Acquittal
Tarryn	2015	Son	No arrests at the time of interview

Throughout the interviews, I avoided a universal or ‘common sense’ approach to reality, but rather emphasised the uniqueness of each individual’s information and experience. This was an important reflexive tool given by my insider status. There were instances where participants would reflect on an experience and finish with, ‘you know’, relying on my insider status for understanding. I planned for such responses and made sure that I asked for clarification in a number of ways, using the ‘hybrid’ style of interviewing. This also involved me exploring people’s motivations in order to understand why they acted in a particular way or had a particular response as part of the social process, rather than relying on standalone instances without a context (Mason, 2002). One of the

potential limitations of interviews is that in analysing and discussing what the participants say, in reality I am only able to reconstruct their meanings and there is a possibility that this could be impacted by my own views or a misunderstanding of what they mean. What is more, Silverman (2011) asserts that interviews are only representations of participant's views at a given point in time. In order to attempt to combat this, throughout the interviews, I was careful not to make assumptions about what each person was telling me. Rather I made sure to take the time in order for participants to elaborate and verbalise the information they were telling me. Even still, this is confined to the ability of the participant to be able to articulate exactly what they mean and my ability to fully understand this (Mason, 2002).

4.5.2 Ethical Considerations

The potential vulnerability of participants in addition to the sensitive nature of the research meant that ethical considerations were integral to the entire design and implementation of this phase of the fieldwork. Stanley (2018) contends it is important to ethically strategise and plan how you will respond to certain situations. She emphasises the need to plan how to respond when someone becomes upset and how to support them *after* the interview if they are upset. The research sought informed consent from all participants which included them agreeing to the interview being recorded. I reassured participants that they could withdraw at any point or stop the interview if they became upset or traumatised. This was particularly communicated in the instances where the interview was taking place over the telephone. I would explain to participants that as I could not see them, it was important they understood they could take a break or stop at any point.

What was interesting was in all of the interviews, participants expressed emotion, sometimes extreme emotion. In turn, there were instances where I had to manage or at times allow myself to express some emotion in response. I reflect on this in Chapter 7. Wherein those instances of emotions, I offered participants a break; a tissue; reassured them we could stop or move on was met with resilience and determination to continue. In the face of my response, many people explained to me that this was their daily lived reality and conveyed their resolve to contribute to the research. What is more, when considering emotionality, Stanley (2018) contends that you can ask people about what they 'feel like' without necessarily bringing about unpleasant emotions. Again, in her

research on human-trafficking victims, she found that victims appreciated the opportunity to speak about their experiences. This has been found in previous victimological research which was drawn on for this project (Gekoski *et al.*, 2013; Malone, 2007; Shapland *et al.*, 1985).

All participants assured that the data would be kept anonymous and that I would use pseudonyms for their contribution. In most instances, participants responded that they 'didn't care' and would happily be identified. There was an extreme sense of wanting to get their story across. Despite this, all participants have been anonymised and steps have been taken to ensure that cannot be identified by changing place names, court locations, and some specific information surrounding the trial that may have been in the public realm. The data was stored confidentially on my personal computer on a password protected memory stick while I travelled from the interview which was then kept in a locked drawer in a locked office. In order to show awareness for the propensity of secondary victimisation that occurs throughout the CJS (Gekoski *et al.*, 2013), no attempt was made throughout the interviews to interrogate, verify or challenge the information that the bereaved provided. Rather, their accounts were accepted and respected as their reality, according to the epistemological approach taken throughout this research.

There were a number of benefits to using a victims' organisation to recruit homicide bereaved people that followed the ethical considerations of this project. Building trust is important in any research, but for sensitive research that deals with potentially vulnerable this is more poignant (Mason, 2002; Stanley, 2018). In my introductions prior to the interview I made it clear that although I was homicide bereaved, I wanted to understand *their* experiences. The scope of this study was sensitive in nature and homicide bereaved people were potentially vulnerable and at risk from further harm due to them already being victimised. Therefore, I wanted to ensure that measures were taken to ensure no further harm or compounding of their victimisation would occur in the research process. Firstly, if people did not want to take part, they could be assured that their information had not been distributed by the gatekeeper to a third party. It also allowed for the option of the organisation to support the bereaved for the duration of the research and in the aftermath. I also had a list of support agencies that I signposted homicide bereaved people to.

4.6 Membership – The Implications of the Researcher as an ‘Insider’

“Families and friends of the victim face a level of distress that is unimaginable to those who have never experienced it” (Rock, 1998: 31).

The issue of membership was a central theme that runs throughout this whole research project. In Chapter 1 and 2, this was discussed in relation to homicide bereaved people as outsiders to the criminal justice system. Here, I discuss in terms of my own ‘insider’ membership, which contributes to the originality of this research project for the novel perspective offered. Dwyer and Buckle define an insider as someone who shares “characteristic, role, or experience” and social identity with the group which they are studying; an outsider does not belong to the group they are studying (2009: 55; Kanuha, 2000). The direct and intimate role that I took in the collection data meant therefore that the issue of membership was fundamental to the methodology chosen and analysis of the findings (Dwyer and Buckle, 2009; Kanuha, 2000; Zavella, 1993). Consequently, the methodology chosen for this research comes from an emic approach based on subjective and informed decisions that were generated through an in-depth exploration of the literature surrounding my topic and also based on my experiences (Kanuha, 2000). It was important to me that while I have my own experiential base in the sense that I am homicide bereaved, nevertheless the methods chosen intentionally challenged and expanded the exploration to others’ experiences of the criminal justice system, and not my own. Phase one and two discussed above were intentionally completed first in order to guide and inform the interviews with homicide bereaved people based on their conception of the ‘criminal justice experience’. It is important to note, therefore, that this is not an autoethnographic piece and I am not a subject in my research. Nevertheless, influenced by feminist epistemology, my experiences have shaped the lens through which I see the world and therefore cannot be separated, nor is it desirable that they are (Dwyer and Buckle, 2009; Doucet and Mauthner, 2007).

In spite of positivism’s emphasis on neutrality, the ability and desirability for objectivity was rejected in favour of an interpretivist framework which intended to be transparent in the acknowledgement of my status as an insider researcher (Doucet and Mauthner, 2007; Williams, 2000). Indeed, the requirement for researchers to be objectively removed from their work is increasingly set aside in favour of reflexive analysis of the relationships

between researchers and their participants; ‘us’ and ‘them’ (Kanuha, 2000: 440; Crasnow, 2004; Hutcheon, 1970; Zavella, 1993). For Zavella (1993), whose ‘insiderness’ in her research was based on ethnic identity, talked about the ability to therefore understand nuances of language and performances, and to earn a trust with her participants that an outsider may not. In my research, membership is not visibly identifiable, it is not innate, and happens at a particular point in time – once a family member has been killed through homicide. Identity as a member in this instance is personal and it is important to consider other factors that shape identity such as gender, ethnicity and cultural background more broadly and the influence this can have on people’s experiences and perceptions. For example, Moroşanu (2015) in her research with co-ethnic Romanian migrants in London argued that shared ethnicity should not be assumed as the sole factor underpinning insiderness but rather supports and intersectional approach, that insider and outsider positions should not be assumed lightly.

I could have conducted the same research and not identified myself as homicide bereaved. In phase three I decided to be explicitly transparent that I was part of the ‘community’ of homicide bereaved people that Rock (1998) discusses and was explored in Chapter 1. I was not explicit about this in the first two phases of the research and the rationale for this was that it not going to have a profound impact on the data collection, although it may have constrained some of the interviews with practitioners if they felt I had an agenda as a homicide bereaved person. At court, there was little opportunity to identify myself as the majority of interaction was with an usher who acted as a conduit between me and access to the court. Yet in phase three, my membership had the most potential impact on the accessing of participants and the depth of discussion homicide bereaved people engaged with.

The impact of the researcher on their data has implications regardless of whether one is an insider or an outsider (Doucet and Mauthner, 2007; Dwyer and Buckle, 2009: 99; Merton, 1972). Some authors contend that being an insider research can have a number of ethical and personal dilemmas (Zavella, 1993). For Merton (1972), outsider researchers had the advantage of neutrality which Simmel argued allowed a “bird’s-eye view” examination of subjects which resulted in non-biased, objective material (1950: 405). Conversely, insider researcher contend that outsiders cannot truly understand a subject unless they have experienced it themselves (Dwyer and Buckle, 2009; Merton,

1972). In this manner, Rock found that those who had been bereaved through homicide asserted that it was impossible for others to understand their experiences “unless one has been bereft as they have” (Rock, 1998: xiii). Thus, Rock contended that research of a similar nature to his own should be seen as an “outsider’s reconstruction” (1998: xiv).

Accordingly, the status or membership of a researcher can have a number of implications or constraints on the research project. While insiders may have a privileged access to research participants that outsiders do not, Kanuha (2000) found it difficult at times to focus due to self-reflection throughout the initial interviews in her insider research. While Dwyer and Buckle (2009) assert that insiders are able to engage with subjects based on a mutual understanding and even solidarity which can generate thick data, Kanuha (2000) found that it also presented the challenge of distancing one’s own experiences from those of their participants, thus potentially producing biased findings. Another challenge that can occur in insider research is the participants make general or vague statements, assuming that as an insider she would understand what they meant, (Kanuha, 2000; Dwyer and Buckle, 2009). In her research, Kanuha (2000) found that this limited her analysis and ought to have probed participants’ views more. With this in mind, the key rationale for the combined interview techniques that were conducted with homicide bereaved people as a method of clarification and further understanding, and to minimise the potential for reliance on my own assumptions. Nevertheless, within social science it is argued that it is impossible to separate values and politics from observed reality and therefore objectivity is not achievable nor was it desirable for this project (Hutcheon, 1970; Jenkins, 2002). Furthermore, Jenkins contends that systematic and comprehensive inquiry which maintains a critical distance can produce “epistemological objectivity” (Jenkins, 2002: 12). Consistent awareness of these issues will be shown throughout the research process and from the outset efforts have been made to be transparent by signalling the lens through which this exploration is derived.

Until now, I have discussed the issue of membership based on a dichotomy of insider and outsider. However, in reality it is noted that membership cannot be limited thus, but rather exists on a continuum and is negotiated throughout the research process— Dwyer and Buckle have called this “the space between” (2009: 101). This can vary by the knowledge and ideologies of a researcher according to socialisation within a particular racial, ethnic and cultural context; and also, according to gender, age, class or religion

(Dwyer and Buckle, 2009; Serrant-Green, 2002). Complete insider or outsider status is rejected in favour of researchers who fall somewhere within this space depending on the specific research context.

In this way, the events and experiences that surround a homicide are not fixed or universal occurrences. They vary by a number of factors: the relationship to the victim (mother/father; son/daughter; sibling; friend etc.); the nature of the crime itself (weapon used; length of time of the event; extent of violence and pain inflicted etc.); relationship to the offender; age of the victim and of the bereaved; whether the murder was solved and if there was a successful conviction (Casey, 2011; Rock, 1998). Moreover, there is often no way of measuring or assuming who is affected and to what extent. Each individual is impacted differently, responds differently, and experiences different emotions according to a set of complex and immeasurable phenomena (Rock, 1998). Accordingly, Rock (1998) argues that grief through homicide has its own demography, thus the very nature of the research surrounding these experiences are not representative of a population, but rather must be analysed according to an ideal type. The differences in impact can be seen for example in Casey's research in 2011 and Gekoski et al (2013) which highlighted the array of responses and consequences to this type of bereavement. Therefore, these observations raise a question regarding the extent to which I can claim insider status when I lost my mother and my participant lost a son. Nevertheless, the experience of bereavement created shared understanding of loss, which allowed for establishing solidarity and connection with participants that generated meaningful, 'thick' data (Kanuha, 2000; Rock, 1998).

In this study, therefore I am drawn to study "my own kind" (Kanuha, 2000: 441), yet my status is likely to always occupy the 'space between', given the various contextual and status variances between me and my participants. Homicide is a significant event that leads to an insider status which can be pinpointed to a specific time and place. Moreover, my insiderness understood in this particular way cannot be reversed due to the nature of event. Yet, the extent to which I can be classified as an insider when it comes to the group of people that I am studying will be consistently negotiated and renegotiated throughout the research process. For example, to what extent am I an insider when someone's loved one was murdered due to racial motivations given that race was not a factor in the murder of my mother? It could be said that someone who has had family victimised or been

victimised themselves due to their race is more of an insider than I am, even if there was not a murder. Furthermore, I may have distinct ideological, political, religious and cultural differences to the people I am interviewing, whether related to the murder or not, which may alter the extent to which I can be considered an insider. For example, a person's religious faith may affect the way they deal with the death of a loved and how they conceptualise themselves and the victim. As such, membership can be characterised by "geographic location, socioeconomic status and demographic characteristics, life experience and multidimensional identities"; or indeed an intersection of more than one of these (Dwyer and Buckle, 2009: 106).

Nevertheless, the crucial event which resulted in both me as researcher and them as subject forms the basis of my status as an insider, while acknowledging there is a 'space between' where this status varies between participants. The homicide event is the motivation for conducting the research; a desire to enhance the knowledge of others' experiences, understanding and analysis of bereavement through homicide is the impetus of this study. Thus, in the same way Rock (1998) viewed his research as an outsider's reconstruction, I hope to conduct an insider's reconstruction which explores other people's experiences of the aftermath of homicide, enabling a voice which often goes unheard. Furthermore, there appears to be both a desire and a gap in families' ability to be heard: "I would welcome the opportunity to express my experiences, frustrations and emotional feelings" (Dunn et al, 2006: 102). In this way, Casey argued that families were merely "treated as bystanders" throughout the process and called for changes in the law to address these failings (2011: 7). As former coordinator of Parents of Murdered Children (POMC) which later transformed to become SAMM, Gill Pennicard argued "there is no way you can understand... You cannot learn that from a book, you cannot learn it from a person" (Rock, 1998: 131). For me, this legitimises the importance of an insider conducting this research in order to enhance existing knowledge in this field and to tie into a criminal justice agenda which claims to place victims at the centre.

4.7 Triangulation and Analysis

By the time it came to the analysis stage of the research process, the transcribing and coding meant that I knew my data well and had already begun to grasp the content and themes that were emerging. I had developed an understanding of some of the meaning

processes and overall perspectives of the participants (Davies, 2018). It was through this process that I knew that I had reached saturation, where no new categories would have been developed with further data collection (Nelson, 2014). Transcripts were coded using NVivo10 software due to its ability to aid in the analysis by organising and cross-referencing codes (Bryman, 2008; Davies, 2018). This was a lengthy process and it took some adaptation on how to best use this software, but once coded it made the analysis much simpler. Importantly, this software was not used to substitute any stages of analysis, but rather was used for its ability to systematise and cross-reference different themes.

Beginning with phase three, the interviews with homicide bereaved people, themes were organised and coded within three main points of the criminal justice system focused on court. This was to ensure that the research primarily focused on the meanings and interactions of homicide bereaved people in response to the main research question. The broad themes identified were before court processes; during court process; and after court processes. Within each of these, overlapping sub-themes were identified around shock; bereavement; grief processes; control; desperation; relationality; reflection.; spatial dimensions; temporal dimensions; power; voice. Many of these sub-themes were informed by the literature in Chapters 2 and 3.

These themes were then cross-referenced with the criminal justice and victims' agencies and actors that appeared at each stage of these three processes, both from the perspective of homicide bereaved people in phase three of the research methods and from the interviews with practitioners on phase two. As discussed above in phase one, I then referred to my observation fieldnotes, research diary and observation framework (Appendix 1) to bring in this phase of the research as guided by the themes that had already emerged.

The three phases of research were triangulated to generate rich data, which involves the use of more than one research method; an approach that “uses ‘multiple observers, theoretical perspectives, sources of data, and methodologies’” (Bryman, 2008: 379). By looking at social phenomenon using different techniques and from different perspectives, this allowed a more accurate understanding of the criminal justice experiences of those bereaved by homicide (Bryman, 2008; Mason, 2002; Davies, 2018). Furthermore, through the combination of these methods it allowed me to test the validity of one source

of data against another. This enabled various explanations of social reality from the perspectives within each of these distinct methods. By adopting this approach, it ensured the credibility of information throughout the research and allowed the information gathered to be critiqued and inspected throughout, ensuring a reflexive approach which challenged my own assumptions (Stanley, 2018). This also allowed for the generation of thick data due to the detailed and multi-faceted accounts given by each of these groups and each of the individuals involved.

4.8 Conclusion

This chapter has detailed the research design and process used to address the central research question and emphasises the reflexive engagement at each stage of the research, which explores *The criminal justice experiences of homicide bereaved people*. I have discussed each phase of the research and the methods employed, drawing on the strengths and weaknesses of these approaches. Much of the data collection was reliant on gatekeepers and informants, and this process allowed me to access participants from criminal justice and victims' organisations, as well as homicide bereaved people. The ethical considerations were paramount throughout this research. While it was important to take measure to ensure that homicide bereaved participants were not further victimised, it was important to allow them agency and voice to frame their own experiences and meanings of the criminal justice system. The methods used allowed me to do this and balance these experiences against the perspectives of practitioners who interact with homicide bereaved people in the aftermath, as well as the current practices and processes of a Crown Court. The findings from the research are now presented in the next three chapters. These are structured based on the themes and stages identified above in 4.7: before court process; during court process; and after court processes. These will then be discussed and summarised in Chapter 8.

5 The Shock Knock: The introduction to the CJS in the immediate aftermath of homicide

This chapter will set out some of the main empirical findings from the interviews with homicide bereaved family members (n17 = see Table 4.1 representing 14 different cases. For 3 cases, more than one person was interviewed about their experience. Marie and Ralph were conducted as a joint interview as were Jayne and Olwen) beginning with learning about the death (or imminent death) of a loved one through homicide – often referred to as the ‘notification of death’.

‘Close relatives’ of crime victims are entitled to receive enhanced provisions under the 2015 Code of Practice for Victims of Crime (the ‘Code’ hereafter) as serious victims of crime (see Chapter 2 and 3). Pertinent to this chapter on the notification of death and evidence gathering stage of the process according to the Code they should receive written notification of the crime and a summary of the offence(s); information on what they can expect throughout the CJS; and should be referred to victim support agencies. These provisions are primarily delivered through a Family Liaison Officer (FLO), and their introduction, role and practice will be a key focus in this chapter. The chapter will also examine the role of supporting agencies, in particular Victim Support and the National Homicide Service which is funded by the Ministry of Justice (MOJ) where caseworkers work alongside FLOs to provide emotional and practical support that falls beyond the remit of the FLO. This stage of the CJS will be discussed in relation to how homicide bereaved people who were interviewed for this project experienced all these elements and will also draw on interviews with police and support agency practitioners. Once the findings have been presented and summarised, I will present an ideal framework of what the ‘shock knock’ and the immediate aftermath of a homicide should look like, drawing on the perspectives of both homicide bereaved people and practitioners.

The evidence gathering stage may not be always a distinct stage of criminal justice (potentially overlapping with court processes) and depends on how quickly investigation and arrest processes take. Similarly, learning about a homicide is not strictly a ‘knock’ in the literal sense as not all bereaved people received a death notification from police at their door.

While acknowledging the indistinct nature and uniqueness of each stage and of each case, this chapter will begin by introducing the bereaved and focussing the research on the victim before following them through the sequence of events in the immediate aftermath throughout the evidence gathering stage of the criminal justice process. Rather than a neat, chronological sequence, the order of the concepts discussed vary in each case and may overlap. As such, it will look at how participants learned of the homicide and the introduction of Family Liaison Officers (FLO), how they were kept informed, and their dealings with mortuaries and coroners and how information was shared, formally and informally.

5.1 Setting the scene - introduction to the bereaved, the victim and their case

When you have a loved one taken through murder or manslaughter, you don't go through the 'normal' grieving processes and stages, you can hop, skip and crash between many of them in a twenty-four-hour period. (James)

From the outset, it is important for me to acknowledge the complexity of grief following a traumatic bereavement. As an introduction in each interview, I asked participants to tell me a little bit about the person they had lost through homicide. This was asked primarily as an exercise to focus the interview on the person that had been murdered. This was the reason, stated or implied, that all participants gave for taking part in the research.

If this can help [raise awareness of their experiences] at all, because you're representing them [the victim]. I want to honour [my son]. (Danielle)

Therefore, this preamble was a significant way to begin to contextualise the narrative of their experience, understand the familial relationship between my participant and the victim, and comprehend the general sense of how they felt about their encounters with the CJS. By intentionally framing the interview around the person rather than the crime from the outset was a way for me to ensure that I did not further disregard the victim as an unintended consequence of this project. There was a general feeling from bereaved people that in the whole process in the aftermath of homicide that their loved one was misrepresented or forgotten, ignored or side-lined in the process of justice. This is something that Gekoski et al. (2013) found in their research on homicide bereaved women, which argues there is a paucity of information, research and policy specifically relating to understanding the experiences of this population of surviving victims.

In my research, this sense of side-lining and lack of acknowledgement was not dependent on an outcome and was not unique to those who felt they had a negative overall experience. It was often felt by people even if they had positive interactions with criminal justice practitioners and a conviction of murder. For example, Martin was positive about his police interactions and had a good relationship with his Family Liaison Officers, and he agreed with the outcome at trial. However, he still felt that the system of investigation and justice compounded the loss of his daughter, and that she was not the focus of the process. For most people, there was a sense that those accused were systematically prioritised in favour of ensuring a sound conviction, and out of fear of violating their rights. Holly, who expressed a lot of anger and upset from the beginning of our interview felt very strongly that.

The whole system; it's all about the murderers' rights. No one cares about the victim, or worse, they look for reasons why he might have deserved what happened to him.

This is a telling statement and ties into a broader narrative that offenders' rights are to the detriment of victims' rights, yet Shapland et al. (1985) found that a victim-oriented system had no direct disadvantages for offenders. Nevertheless, this was the general sense with the people that I spoke to that characterised their view of the CJS and emerged at the introduction stage. I will discuss this further in more detail, particularly around attending court proceedings and contact with probation.

Throughout the interviews I made a significant effort from the outset to avoid words that dehumanised the victim or made them seem distant, but rather referred to them as 'your son/daughter/mother/etc.'. This was an intentional distancing from the sometimes clinical and detached way that victims are referred to by criminal justice agents, for example 'the body'. Even as I write now, it seems unnatural for me to call them 'the victim' and 'participants' as I have come to 'know' them all throughout the course of my research, but for lack of an alternative and to stick with convention I will persist. The notion of terminology is discussed in more detail in the Methodology chapter 4.

In every instance, when I asked participants to tell me about their loved one who had been killed, this led in a natural progression to the events surrounding the murder without the need to prompt. It appeared that the victim and their death had become part of the same 'story' which was inseparable from their response to my asking about the person

rather than the crime. The idea of story-telling, performance and how the bereaved attempt to claim back the narrative around the victim will be discussed further in the following Chapter 6 on the court setting by building on Goffman's (1959) work on stages of performance and Carlen's (1976) work on magistrates' courts.

5.2 'It's the police!' - the death notification

Probably one of the most significant moments for homicide bereaved people and a natural starting point was the moment they learned of death (or in some cases critical condition leading to death) of their loved one. It is the point that they felt their whole existence as they knew it changed (Rock, 1998) and they became part of a unique population of victims. Many talked of never healing, regardless of how much time had passed. Phillipa articulated this in an eloquent way when she said;

Trauma in Greek means wound. So, I'm a walking wound. We're all walking wounds trying to move on and no matter how many bandages and antiseptic cream you put on it you're not going to heal really. If you drop a plate and glue it back together, you've still got the cracks. It doesn't look the same. And that's what I feel like we are. You're just left to get on with life.

At this point what struck me was the extent of detail people could recall when describing some of the events and details around this time, and yet other circumstances were fuzzy, unclear or they could not recall any details. It is important to note that in the circumstances, homicide bereaved people are not likely to think of all the questions at the time due to their shock and lack of time to think when news or information is presented. This provides an important backdrop for what homicide bereaved people experience and is picked up again in Chapter 6 and further in Chapter 7 in relation to the importance of peer support, and also the impact of time to reflect, often seen in relation to other homicide bereaved people. For some, the 'fuzziness' was a lasting feeling rather than a short-term response. For James, this was a 'new normal':

There's days when you think you're losing your mind ... your memory becomes blurred and you find things where they shouldn't be, like the car keys in the fridge.

This was also telling in Kaylie's interview. She had brought what she called a memory box where she had stored all correspondence, paperwork, cards, and other mementos from around the time of her son's death and to do with the case surrounding his murder.

I would ask her a question and she was sometimes unclear on the answer, but when going through the box became much clearer. For example, she was unsure of the length of time between her son's death and visiting him in the mortuary until she found an entry she'd made in a notebook that she'd kept. Other people when interviewed talked about having kept similar boxes or files. Yet there was a lot of emotion attached to them and they could find it difficult to bring themselves to open or look at the contents. As such Kaylie said she found comfort in knowing it was all there but that it was something she did not revisit so I felt very privileged she had shared it with me.

In contrast to the haziness of some events as above, other times in the interviews were recounted with clarity and people would pause over the smallest specific detail, for example about what they were wearing when they learned of the death, where they and others were sitting, or the precise moment and time that something occurred. Generally, this was the case when narrating the moment that they learned of the murder of their loved one. Precise details were confidently communicated, as was how they felt about the circumstances of being given the news.

Well it was 20 past 2 in the morning and I was on me own cos [daughter] was staying at a friend's house, em, and he [the police officer] was lovely. (Olwen)

It was a hot day and luckily us bedroom window was open. It was 20 past 4 on the Sunday morning there was 2 police at the door. Marie went to the window and they asked for anybody relating to [victim]. (Ralph)

The death notification was usually done by an on-duty officer(s) rather than the FLO and therefore there was often not much information given at this stage. This could also be an officer from a different force depending on the circumstances of the murder. In a follow-up meeting with two Family Liaison Coordinators (FLC), they explained the difficulties around on the one hand making timely death notifications, particularly in relation to increasing informal information flow, for example through social media, and the imperative to deliver this significant news in a sensitive, clear and human way. They explained this had to be done using 'clear, simple language, but with humanity'. One of the FLCs explained that it was crucial for Senior Investigating Officers (SIOs) to be aware of the significance of this moment for families and acknowledged that it was something families would always remember with detail. Therefore, the FLC argued that SIOs ought to take the time to identify the best person on duty at that time to deliver such news, as sometimes they were so concerned with the timeliness of it, that it could end up

being someone who may not have been the most sensitive. They explained that this decision would not delay the notification significantly but could make a poignant difference in how it impacted upon those receiving the notification.

It is important to draw a distinction between the notification and how it was delivered; by its nature learning of the death was recounted by all as distressing, but only a few people felt the way it was delivered was inappropriately handled. James talked of a 'novice policeman' knocking on his mother's door to tell her son was dead and then leaving her by herself to phone around family with no one to support her. Similarly, for Pam, one police officer attended her house to notify her of her son's death. She felt that there should have been more than one officer due to the enormity of what they were notifying and the immediate shock it generated.

The number of officers in attendance at other death notifications was not explicitly communicated and therefore this was not deemed significant for all. Olwen was informed by one officer yet she spoke very highly of him and how he handled it. In fact, she said she kept thanking him and commenting on how difficult his job must be. However, she did feel that he had attempted to protect her by telling her that her son had died in an 'incident', while simultaneously different officers who notified her other son disclosed more information.

'The incident' and I actually got in my mind, em, oh he's fallen down some stairs or something. I don't know why, I mean it was a downstairs flat [where he was], but I just kept thinking cos once I started to think, incident, incident, but they'd actually sent someone to get my oldest son and they'd actually told him that he'd been assaulted, and he'd passed away. (Olwen)

The importance of being clear about the death was discussed by the FLC. She talked about the importance of not using terminology like 'passed away' as this implied a natural or peaceful death, but likewise explained it is not possible to use terms such as 'murdered' as this is a court outcome. When providing training to FLOs she advises explaining someone has been 'killed' or is 'dead' to give respect to the gravity of the situation and to leave people in no doubt of their loved one's death. Similarly, she encouraged FLOs to take advice from support agencies, for example if the death involves delivery notification to children, she takes advice from an agency such as Child Trauma in order to inform her practice and reduce confusion.

The shattering nature of the notification in some instances was accompanied by events that deviate from conventional day-to-day life. For example, Katrina recalled the dramatics of the moment when the police ‘pounded’ on her door while she was in bed in the early hours of the morning. This meant that even before learning of her son’s death, she was fearful, and the scene was unnatural. For her this contributed to the shock of the following events;

It was just like sort of pounding on the door and I was so frightened, I didn't open the door. I just, they didn't say ‘this is the police’, they were just banging on the door and I just panicked and just froze.

Owing then to the difficulty of giving timely news and acknowledging the significance of the time that passed when they did not know or could have known about the death for bereaved people, the FLC explained that uniformed officers, who are often required to give the death notification, are not given training because they are unlikely to come across it in their careers. This seems to support the ‘novice policeman’ criticism from some of the participants.

In some of the interviews with homicide bereaved people, the death notification was not given by the police, but rather they learned through family or friends who had been with the victim at the time of the event, or through word of mouth from others in the community. Elsa received a call from the hospital to tell her son was in a critical condition and talked about having to drive 200 miles in the middle of the night to see him. On reflection she thought she should have been notified by local police and accompanied as she was ‘in no fit state to drive’. Danielle and Kaylie learned about their respective sons’ death through family members. Heather on the other hand learned about rumours surrounding her son's murder through a combination of social media and the victims’ neighbour. This meant that by the time the police arrived to tell her son had been stabbed, she had been waiting for them for some time.

The alarm bells were there ... so for an hour I watched every single car arrive. I'd got the door open basically and there were two police, and they walked into the kitchen and I literally said to them, I'm not going to like what you've got to tell me and I still, although deep down I knew, I didn't expect him to say what he did. (Heather)

Interestingly, in several interviews, the use of social media came up in a variety of ways. Social media was key to the sharing of information, which sometimes differed or was

more advanced than information from the police; speculation and accusations; harassment from offenders' families; and support through networks with other homicide bereaved people. In one instance, the murder was rumoured to have occurred spurred on by activity through social media. The issue of information flow or information from community will be picked up on again, in particular in relation to the role that social media can play, and the implications this has on policing.

In Melita's case, the death notification came from the police, but there was a delay in communicating with her that she found unacceptable. She had feared something was wrong as her son was supposed to be at home with her and so had been trying to contact him. When police did arrive, they explained they had asked an acquaintance to sit at her son's hospital bedside while he was dying as they couldn't find her. Not being with her son at that crucial time was something that seemed to overshadow Melita's whole perception of the CJS and she repeatedly came back to it in interview. It meant that her opinion was irretrievable and shaped how she saw and responded to future events around her son's case.

I'd been ringing him and ringing him and ringing him [her son] ... the police said they couldn't get hold of me ... and they explained that this [acquaintance] was at the hospital and I said, why, why, and they said well we didn't know where you lived. I was in so much shock, I couldn't really. I knew it was wrong, but I couldn't find the wherewithal to say you know, this is wrong, you should have contacted me. (Melita)

While the death notification did not always come from the police in the first instance, the police were present in the immediate aftermath of the homicide. The manner of police officers at this time had a lasting effect as it was the first 'flavour' of the CJS. When Pam arrived at hospital to see her son immediately before his death, there were two officers sat outside the hospital room who were "laughing and joking". She felt these officers were horrible and even mentioned that they were sat drinking coffee and she had to ask could they have some.

This crucial time was significant in all cases, so much so that some participants felt let down by a matter of minutes difference. Marie and Ralph for example explained that the police came to the door and told them they would be going to the hospital shortly as their son had been injured. The police went back to their car and within two minutes knocked again to say they had received a call and they needed to go immediately to hospital. They

felt angry at this two-minute delay and felt that it may have made the difference to them being able to spend the dying moments with their son. Similarly, Olwen could not understand why the police had taken hours to inform her when her son was murdered 10 minutes from her house as they were ‘on the scene’ so quickly.

I wondered for a long time why it happened, and it happened at 8 minutes past 10 and ... I often wondered why I was just a couple of 100 yards away, that it took till 20 past 2 in the morning?

This perceived delay was discussed with the Family Liaison Coordinator, who talked about the practical reasons for the delay, but acknowledged no matter how short it was that family members often felt distressed and wanted an account for why it had taken the time that it had. The death notification and its impact was significant in shaping the narrative of each participant and their overall experience with the CJS.

5.2.1 Shattering, shocking and uncertain

It’s really hard Lauren because, then you are thrown into the world of homicide. We had never had a police officer knock our door ever before with any 3 of our children. We didn’t, we were still in shock, how can you even think that this has happened because 24 hours before your life was just normal, whatever normal is, our normal. (Danielle)

The sense of shock immediately following a death notification was consistent and poignant with each person I interviewed. It was recounted with detail and accuracy but always with a definite sense of extreme and continued shock and disbelief; where life as they knew it was shattered beyond repair (see also Rock, 1993/8). Due to the lack of previous contact and knowledge around criminal justice procedure, many people based their expectations on what they had seen on television. Heather for example had recently watched *Little Boy Blue* that was broadcast on ITV and contrasted her son’s final moments with what was portrayed in the programme and “imagined the worst”.

Naturally, a few participants became very emotional when talking about the moment of death and the utter devastation and loss was evident. Katrina was distraught as she recounted to me being told of the death of her son.

I literally just fell to the floor and just you don’t believe it and said, no, no, no, no not my baby there’s nothing, there’s absolutely no way of describing how, it literally, [sobs inaudibly].

The very presence of police was unnatural and uncommon, creating shock, awkwardness and even irritation over questioning. I will come back to this later in the chapter when discussing FLOs, but even in the first instance, police being present felt intrusive for some.

They stood there, the police, and I just wanted them to go cos I didn't want to talk on the phone with them there and you know, I'm like phoning my mum and saying 'A's dead, that's it. I need to go and phone the next person' and because you don't know how to tell someone, and I didn't know anything. What do I say cos I didn't know what had happened? ... the police went out into their car and, so they waited outside cos they were waiting for Family Liaison to come and I was like, oh you don't have to sit outside, it's cold outside ... I think that's one of the hardest things, you've got these two strangers in your house that you know they don't want to be there. (Heather)

While it is undeniable the death notification is one of the most significant stages in the experience of homicide bereavement, it is a complex circumstance, variant on many factors. Homicide bereaved people indicated they wanted timely notification and extensive detail, yet sometimes these two things might not necessarily have been possible and not at the same time. The conflict between the wants and needs of victims and that of the uncertainty and speculative evidence gathering and investigative stages of the case is complicated and messy, as is discussed below.

5.3 Family Liaison Officers

A 2008 document 'Family Liaison Guidance' used by the National Police Chiefs Council (NPCC) and the College of Policing, provides a standard for the role that is to be implemented at force level. Using this document in combination with interviews with Family Liaison Coordinators (FLC), we can see the role of the Family Liaison Officer (FLO) as primarily that of an investigator to assist the Senior Investigating Officer (SIO) in the investigation of the case (NPIA, 2008). The FLC explained they are 'first and foremost police detectives' and have a two-way flow of information; from the family to the SIO and from the SIO to the family. Following clear objectives given by the SIO, the FLO carefully plans what information and disclosures can be made to the family in order to preserve the police investigation. The FLC explained the sanctity of the investigation in the pursuit of a conviction is paramount and information is often held back for this reason. FLOs were not permitted to mislead families and were to give families timely information in so far as the investigation allowed (NPIA, 2008). In response to national

guidelines, the FLC's force had designed a log for FLOs to use which advises them to introduce themselves in the following way;

To establish and maintain a relationship, which links the family and the enquiry team, in order to facilitate an investigation into the family's/victim's needs.

The FLO's introduction to the family is vital for a successful relationship. In an interview with the FLC, who has been deployed as a FLO and is now also responsible for training and supporting other FLOs, she described the role as;

It [involved] victims of murder who needed that very early intervention, really for two reasons. On the one hand from an investigative role, because they might hold valuable information, and also to try and give them some guidance in a human way ... The [FLO training] course almost de-policed me a little bit it was working around humanity, to not be as corporate as we'd been in the past where you were turning up and saying 'condolences from [police force]' which was what we'd done in the past.

FLOs therefore met with families and established who is subject to liaison, for example extended family, partners, divorced families etc. They documented all the information that was given, who was present at meetings, dynamics within the family and reported any concerns or information to the incident room. They were also required to introduce families to the victim support scheme (VSS) and other support agencies. The FLC explained that emotional and practical support were provided by support agencies, not the FLO. With the agreement of the family, they were introduced to the Victim Support Homicide Service for assistance with compensation applications, funeral arrangements and a number of other practical matters.

Throughout this project, homicide bereaved people's perception of the entire CJS was often contingent on their relationship with their FLO. It was commented by many participants that if you had a good FLO you were lucky, and the process would be much smoother. This was also acknowledged by the FLC who talked about the 'lottery of the FLO', suggesting again a disparity in practice.

5.3.1 Homicide Bereaved People's Understanding the Function of the FLO

Owing to their significance, I asked each person I interviewed about their FLO, how they were introduced, what they were told the FLO's job was and how they understood their role. The Family Liaison Coordinator (FLC) explained;

They don't get a voice and they need protecting because they're vulnerable, they're vulnerable to gossip ... they don't really know what's happening to them all the time, so they need someone to sit there and actually just put it in their terms, you know this is what's happening right now, this is what will happen next and this is what I can do for you.

The understanding of FLOs in interviews primarily came down to providing information and, in some cases, an assumed supportive role. Interestingly, bereaved people struggled to communicate a coherent response to this question, and it seemed it was a 'given' and that I should understand it. The response elicited 'you know' or 'obviously' as if it was uncontested, yet the reality was most people did not explain the role beyond the function of information flow. Jayne explained;

Just basically they were there to look after us and help us through the process. They just ... keep updated on anything, you know, well the morning or night, anytime.

Jayne and Olwen felt they had a positive relationship with their FLO from the start and talked about their reassurances that they could contact them at any point, even in the middle of the night. This experience was similar for a number of people, in particular Martin, Danielle, and Marie. While this was not necessarily communicated or practised in all instances with participants, the extent to which FLOs needed to be available, particularly in the immediate aftermath, was noted by the Family Liaison Coordinator. She commented;

You have to be available. It takes you away from your own family because you know the first particularly the first week is very intense.

The FLC talked about this in relation to appropriateness for the job of FLO and this was something about which they were realistic with potential FLOs from the outset. She talked about holding a 'suitability day' before any training took place, where they discussed the demands of the role.

We make the day quite candid really about what it involves, how difficult it can be, and some people leave that day thinking it's not for me.

An interesting and, in some instances concerning, issue that emerged from the interviews was the lack of clarity over the investigative powers of the FLO. It seemed in all instances these were not *explicitly* communicated to people in so many words, and this was something that I attempted to probe, albeit softly to avoid further distress. It may be that the bereaved might have been told about this function, but for some it was insignificant, or they may have not taken it in at the time due to shock. Some however talked about the discovery of this responsibility of the FLO with concern, anger and feelings of betrayal.

That was quite a revelation to both of us [her and her husband]. Naively so, we just believed that the FLO was there, they were explained to us as a support to us and that's what we believed they were, em, a mouthpiece if you like for SIO but we didn't naively think that they were maybe investigating us at the same time ... so I must admit when the penny dropped that they were it did make us feel a bit uneasy then. (Lisa)

This was not the case for everyone. Martin was clear from the outset and seemed to understand they were police and not 'supporters' and credited this understanding to his military background. Similarly, although not explicitly told, Danielle commented;

She [FLO] was pretty much a liaison officer so if you had any questions about what was happening, especially sort of law wise or police wise, we asked her. She would then go back to the Detective Chief Super and ask the question then he would liaise with her and she would come back with an answer ... she really was a proper copper, yea, em so we pretty much knew what her role was, she wasn't a friend, she was there on a professional level. (Danielle)

When Phillipa learned years later about this function, it shifted how she viewed her whole experience of the FLO. She found out through discussing her experience with other homicide bereaved people which led her to retrospectively question the agenda of information she was given;

I thought their role was there to pass on info to us. Be a middle person if you like. I've learnt later on that is not their role. Their role is to watch us, the family, and quite often they say who in the family could be suspects so we're all potential suspects in their eyes, watching us, observing us, who's who and what's what. That is their real role ... I was quite shocked but also quite annoyed. (Phillipa)

This suggests that by not being explicit about the investigative powers has the potential to cause additional harm both to the individual and how they perceive the CJS.

Elsa's situation was unique in the research in that because her son had been murdered while in the military and was on a military base at the time of his killing, she received support and provision from the military in addition to the civilian police and her FLO. This meant there were two investigations; a military one and the police one which made for an interesting insight into possible alternative ways to respond to homicide. Nevertheless, as with all interviewees, the jurisdiction and subsequent criminal justice process lay with the police, but it gave her a point of comparison in terms of what she was given by the civilian police versus what she was given by the military. In stark contrast to the exemplary support she felt she received from the latter, she felt completely let down and left out when it came to communication from her FLO. This was tainted from her first meeting with him at the hospital where she recalled;

[minutes after her son's death] as I went outside to the ward to let the nurse finish doing what she was doing I sat with the FLO and I said to him, I don't know what to do now, what am I supposed to do, and he said I don't know, I'm not here for counselling and I thought, I just don't like you. That wasn't what I expected of a FLO at all ... at least I had the military support. I felt sorry for anyone that had to have him and didn't have that.

Despite not explicitly communicating the investigative role of the FLO, some bereaved people expressed that at times they were made to feel guilty or under suspicion. James put in a complaint about his original FLO who was subsequently taken off the case due to what he perceived to be inappropriateness, for example,

When we went to the mortuary to see my brother, before we went in there ... he [FLO] he looked me up and down and looked my brother up and down and said, 'this is a police matter, don't think about doing anything yourself', which I thought was again, highly unprofessional given the circumstances that I was just about to go and see my brother.

In one sense, James acknowledged his needs were met by changing the FLO to one who was 'excellent' in his opinion, yet the distaste from the original FLO had a lasting impact on his overall experience and helped shape his view of justice. When speaking to a Family Liaison Coordinator (FLC), she explained that this was not an intentionally covert function of FLOs. Some of the homicide bereaved people who were interviewed felt that by not being clear about the investigative role, it betrayed and infantilised them.

It would have been, for us it would have been better for them to have just been honest, the time that we did spend with them thinking it was just chatting about [my son]. well I would have rather them asked me specific questions than just

sort of as if they wanted to comfort you and be supportive when really that wasn't the agenda. (Lisa)

When explaining to me the role of the FLO, again Katrina did not explicitly communicate to me that she was aware that they had an investigative duty, but rather she felt they had an agenda when talking to her which made it clear to her they were not there to support her:

I just lost my son, the most precious thing in the world to me and all they seem is hell bent on, and then then to me it seems like they were being really sly and sneaky and sort of questioning me at bad times.

Similarly, while Caleb reported an overall positive experience with his FLO, he felt their questions and discussions were leading towards a narrative about the defendant that he disagreed with, which he later challenged them on and made his position clear. He felt if he did not do this, they would 'twist' his account to fit their emphasis rather than reflect his true account.

When homicide bereaved people did not explicitly communicate their understanding of police functions, it was not clear if this was because a) an explanation of this did not occur; b) those homicide bereaved people interviewed had simply omitted this part when explaining the role to me; c) they had forgotten/not realised they had been told; or d) it had been concealed by their FLO. Nevertheless, any ambiguity over the role is concerning and this view was shared by Family Liaison Coordinators (FLC) when we discussed the duty to make people clear about this function. At worst they saw it as a breach of contract if this was not explicitly communicated to bereaved families and reiterated that this was a FLO's primary role as an investigator. They argued that a clear understanding of this was crucial for the overall integrity of the role of FLO. They pointed out that in some police forces FLOs signed a contract with families at an early stage of contact to make this clear, but that in most instances it should be communicated at their introduction and should be repeated throughout. Again, it is useful to point to the FLCs' force implementation of this in their log with suggested wording to make it clear from the introduction.

5.3.2 Family Liaison Officer Presence

The whole house felt like a conveyor, it was like a train station, there was just people in and out, every day, in and out, questioning me, then doing something

else, then doing something else then I had to go into different places, like they took me hospital to do a recording of something and all of it, you know when you're just in this massive, I don't even know how I was standing up. It was, surreal, absolutely surreal (Katrina).

In the immediate aftermath of the events leading to the murder, the FLO was a consistent presence in the home of the bereaved person. The Family Liaison Coordinator (FLC) commented that it was a crucial part of the role and when not physically there, the FLO needed to be available day or night to support and receive information from homicide bereaved people. She also acknowledged that this stage can feel like a 'circus' for family members. In addition, the FLC acknowledged the disruptive and intense nature of this for the FLO's own personal and family life, however they attempted to prepare FLOs for this throughout training.

Several people, in particular Martin, Danielle, Jayne, Olwen, and Marie, talked about their FLO going 'beyond the call of duty' and saw their presence as comforting or important. Many people interviewed commented about the caring role their FLO took on, for example, several people told me stories of how their FLOs would check if they had eaten, make them cups of tea, drive them to the bank, or make practical phone calls on their behalf.

They were with us most days in those early few days and they gave us their telephone numbers if we needed to ask them any questions, I remember that much, and they drove us around, my mother can drive but wasn't in the state to, em I can't drive, so they drove us to the morgue and things like that and they were friendly, and they were nice enough. (Caleb)

James, who had complained about his original FLO and been given a replacement, talked about the contrast between his two FLOs and saw the increase in presence of his replacement FLO as a good thing. Pam commented;

We were lucky. You rang him [FLO] up, he rang you straight back, if there was any questions he couldn't answer, you know he'd get you the answer.

This suggests many did not feel the FLO's every day presence and availability were intrusive but in fact a relief. Katrina on the other hand felt particularly overwhelmed with the amount of contact with her FLO and found it very intense. In her case, she was intimately known to the accused and therefore a large part of her FLO contact was developing an understanding of him as a person and their relationship. She understood this but did not seem to be aware of the investigative function of the FLO but rather

thought they were there for support. Again, she only learned this was part of their job after many years and therefore recalled this time with distress:

It felt like as if they were constantly, the liaison officers were at my house. I was constantly being interviewed and constantly asked questions and, when I think about it now, I just, it was just all too much, it's just, I, I don't think, I know they've got to do their job, but they don't understand that my son's just been killed, I don't want to answer your questions, I don't want to be talking to you. (Katrina)

Caleb communicated this conflict between understanding the FLOs are there to help and the intrusions amidst shock and bereavement:

Like rage and sorrow and ... all this like bureaucracy and administration surrounding it ... like I said these people are helping us ... and then at other times I'd be like why are there two police in my living room, like get the fuck out of my living room, I'm sad my brother's dead, it's been like 3 days, why am I speaking to police. (Caleb)

In contrast to those mentioned above, some people felt as though they were seen to be an inconvenience. Philippa and Holly talked of being sidelined, and James felt as though he was generally seen to be a nuisance, although this improved when his FLO was replaced. Elsa on the other hand recalled a particularly distressing experience shortly after meeting her FLO at the hospital where her son was taken just before he died. Immediately after her son's death, she was having the nurse take his handprints, a cutting of his hair, and pictures of his tattoos as mementos for her to keep. As this was going on, she recalled:

My FLO poked his head around the corner and said do you think you can hurry up because this is now a murder investigation and we're waiting to start, and they can't do it till [her son's] body had gone down to the mortuary. So that really put my back up. Yea it was awful. (Elsa)

5.4 An imposed Sequence of Events

There is another important point in this discussion that overlaps with police presence at this stage, and that is the 'tasks' that are often required of homicide bereaved people, that is when they are required to do things and go to places that essentially assist the police with their investigation. For example, there is a 'sequence of events' that Rock (1998) talks of in his work, where homicide bereaved people are propelled into this world of process with the goal of criminal justice at its end. For example, the FLOs needed an identification statement from someone close to the victim who knows them as they were

just before their death to formally identify them. Therefore, without taking away from their humanity, this may partially explain why bereaved people recalled FLOs driving them to the mortuary. The FLC talked of the tasks and actions that are required by the FLO in the immediate aftermath and talked of how busy and time sensitive this was, particularly at the beginning. She explained therefore the importance of doing this in a way that meets your objectives as a FLO and duty to the investigation, but from the perspective of the family appears seamless and sensitive. It was not always clear throughout the interviews whether homicide bereaved people were happy to assist the police in this way, or if they just obeyed and complied. Katrina reflected that there were a number of things that she complied with in the immediate aftermath that she felt now she should have challenged.

These people [the police] are just stood there saying to you are not going to be able to go back the next day [to the mortuary] and I just stood there and said well if I'm not allowed to come back the next day then I'm staying ... with him [her son], and they're like you can't, you can't stay here ... at the time you don't think about questions and answers but now I do. Now I think about it all the time. Now I think about things and I recall things and I think aw why didn't I ask that, why didn't I ask that but at the time you're not in no fit state, you know you're not in your right mind ... you just do as you're told 'cos you have nothing, no strength.

This realisation for Katrina came after years of reflection and when discussing her experiences with other homicide bereaved people. Melita on the other hand recalled when she did not obey her FLO's instructions to stay at home when she wanted to visit her son in the mortuary.

All I wanted to do was to be with him, to hold him ... I got in the car, I was in a dreadful state ... and she rang me ... the FLO said, "we're coming around to see you". And I said don't bother, and she said, "where are you?". I said I'm on my way to the hospital and she said "well, it's a futile waste of time, you can't see him", and I said, what do you mean I can't see him? And she said, "he's evidence, you can't see him" and I said, we'll see about that and she said, "they will not let you into the mortuary".

Caleb's perspective of the FLOs being helpful by driving his mother to the mortuary contrasts with Elsa's experience of her FLO's instructions to begin events surrounding the murder enquiry and provides a clear example of the disparity of practice around similar events and objectives. It shows the importance of the manner and temperament of FLOs when making requests of families in shaping how they perceive it. In the interview with a Family Liaison Coordinator, she explained:

The people I work with are very brave, the families and sometimes they, they don't get a voice and they need protecting because they're vulnerable, they're vulnerable to gossip, they are intimidated by barristers, they don't really know what's happening to them all the time, so they need someone to sit there and actually just put it in their terms, you know this is what's happening right now, this is what will happen next and this is what I can do for you. And it's never about us.

This sentiment was something they tried to instil in FLOs throughout training, although she acknowledged that in practice FLOs could put their own ego above that of the family. She drew a number of examples of this within her role as FLC but expressed this was not seen as good practice. This issue will be picked up in more detail in the discussion chapter.

5.5 Fragmented Families

It was evident that when communicating with families in the aftermath of homicide that the complex and sometimes fragmented nature of family structures added to the challenges of meeting people's expectations. This was commented on by both FLOs and VS Homicide Service when negotiating the relationships between different families, and they both explained that part of the initial stages of their introduction were discovering the different dynamics that exist within families.

Similarly, this notion of fractured families was also mentioned by homicide bereaved people. Olwen, for example, was divorced from her son's father, so at the time of their son's murder there had been very little contact with him. She mentioned that her FLO kept them both updated separately but felt pleased that they 'always came to me first'. Heather was also divorced from her son's father, so after his murder she found it 'surreal' that after years of little contact she heard from him and members of his family daily in the immediate aftermath. Again, she felt she was the primary contact in the case, although she explained that her ex-husband 'couldn't face' a lot of the contact and therefore this fell to her by default. For Holly, when her son was murdered, he had recently married. She did not have much of a relationship with her daughter-in-law and following her son's death she felt that the police prioritised her daughter-in-law by updating and informing her in less detail and not in as timely a manner.

In a number of cases, a person/people emerged as the point of contact. This often appeared uncontested, although interestingly the individuals I interviewed self-identified

as the point of contact and they would then disseminate information to others within the family network. Caleb, James and Jayne who all had siblings murdered identified their mother as the main person who communicated with the police. In the Family Liaison Log given to me by FLC's police force, one of the tasks of the FLO is to appoint a family contact and also to establish who else within the family may need informing.

An example of when this was expressed as problematic was in Philippa's case. Her mother was murdered, and she had five other siblings, one of whom was accused as being responsible for her mother's death. Philippa's situation was slightly different from that of other interviewees in that her mother was attacked and seriously injured but was in hospital several months before she died from issues relating to her injuries. This meant that although there was police contact and charges at the time of the attack, it was not until the death of her mother that she was introduced to her FLO.

We didn't get our FLO until after mum died, 3 months after the attack, not at the beginning. So, we asked why, and they said they were understaffed.

She recalled that when the FLO went to the hospital after her mother's death that one of her brothers was present and from that point onwards he tended to be the appointed family contact. She explained this had occurred through the convenience of him being there rather than because he was the most suitable. This meant that she had to rely on him to pass on information, which she did not always feel happened on a timely basis. She had a different perspective around the accused, her brother, and therefore felt the nature of the updates she desired differed from those to the wider family network. She felt so frustrated by this that she eventually contacted her FLO herself, but at times felt as though she was seen as a nuisance and that she was deviating from the position of the rest of her family.

I mean none of my family know this ... I went to see the police quite a few times, 4 or 5 times something like that.

5.6 Information - what it means for whom

It is well documented in research and policy documents on victims about the need and desire to be informed throughout the passage of the case through the CJS (Casey, 2011; Gekoski et al, 2013; Shapland et al, 1983). The term 'information' is used but there needs to be a distinction between what information is required from the perspective of homicide

bereaved people, and how this may differ from the information that police need to manage in order to preserve the investigation. This section will look at information as it pertains to the criminal case, and information about the practical and emotional support available to homicide bereaved people.

5.6.1 Information about the case

What is not clear in cases of homicide is what information homicide bereaved victims want to know and feel they should be told. In fact, several people commented that in hindsight you would know what to ask, but then it is too late. Katrina mentioned this several times and reflected ‘I should have asked ... but that’s only years later’. This was put down to being novices to the CJS and murder, and to shock:

There was such a lack of info, we didn’t, until you’re put in that situation you don’t know do you. You don’t know what that role is. You don’t what info they are supposed to give you. You just assume what they’re doing is what they’re supposed to be doing. (James)

This sense of not knowing what to expect or what was right and wrong in the treatment and information was a recurring theme later in the CJS as well, as will be seen in the following chapters.

As briefly mentioned above, there may be a conflict between formal and informal information flow; the former coming from the police and the latter from social media, the community or other forms of word of mouth. A number of people discussed how FLOs warned them not to listen to unofficial information, for example Lisa recalled her FLO telling her ‘you might hear things and people will start circulating [information] but if it hasn’t come from a FLO then there’s no truth in it’. In the interview with the Family Liaison Coordinator (FLC) she talked about bereaved people being ‘vulnerable to gossip’ and this is why they warned them of this. However, this vulnerability was often compounded due to a perceived lack of formal information from the police and in some instances led people to seek out their own FLOs.

The lack of clear communication over the role of the FLO meant that the expectations of homicide bereaved people at times may have been based on misconceptions, which led to a perception of being failed or let down when information was not passed on or questions were not asked. Melita for example commented;

Well they didn't answer any questions I had ... to me it was like I was a nuisance. In reality, FLOs were often limited in what they were permitted to share with homicide bereaved people, so perhaps this feeling of frustration could be offset if that was clarified. Some, in particular James, Melita, and Katrina, felt that they were just 'a number' and that at times this meant they were being rushed. Katrina's FLO would say he had to leave her house to attend another case and she felt this trivialised her. In an interview with Support After Murder and Manslaughter (SAMM), this attitude was something they had come across 'all too often'. They told me of a person they were supporting whose FLO said;

You know, you have to realise that I'm very busy. I've had loads of murders since your son was murdered.

In an interview with the FLC, this certainly was far from their intended emphasis and they gave training on this very issue. Thankfully, this was not something that was felt by everyone, and in fact Jayne said:

It always felt that we were the only people they were looking after. It didn't feel like it was like a rush job like.

The importance of accurate information about the case was also something that was explained by the FLC. She acknowledged that in the immediate aftermath bereaved people hung on their every word. She talked about the importance of repeating their role, clarifying information and using clear and simple language that conveyed the gravity of what was being communicated. In interviews with homicide bereaved people, it emerged how they relied on details that were told to them and the desperation they felt without any communication:

I was told at 3.10, they left about 5 when ... the hours went by, well it got to 12 o'clock and I'd been ringing the police station and they just kept saying somebody will get back to you, somebody will get back to you, nobody did. (Melita)

The FLC commented on the importance of following up on promises to call or visit. James also felt that his FLO did not provide him with adequate practical information and was not always available.

There was a ... case management [hearing]. He was supposed to have phoned my mum to let her know what was going on. He didn't, he text her and then turned his phone off as he was on holiday. We wasn't given any other numbers at all, so we had no one to talk to.

Even when information about the case was provided, some felt they were not getting the whole picture. Katrina felt the police were drip-feeding her specific information. Olwen and Jayne, Heather, and Marie and Ralph learned of additional details on social media that they discussed with FLOs and which led to them being given more information. It was felt that this should have been told to them by the FLO in the first place.

The omission of some details became evident to Lisa when she visited the scene where her son was murdered. An officer present mentioned details about when her son was found that she had not previously been told by FLOs. She recounted an awkward look between the officer and the FLO when she reacted and at that point, they disclosed the details to her. Although the detail was distressing, this was compounded by the method of discovering it and led her to wonder what else she had not been told. When I asked about how she was kept informed, Melita said;

They did keep me updated on, well, insofar as they gave me the information they thought I needed ... they simply don't give you everything. They keep you in the dark and they feed you as much or as little as possible, just to make you go along with the case.

Participants reflected that they would never know all the details surrounding their loved one's murder. This was often in relation to not knowing their last words or last thoughts, details that no one (or in some cases only the perpetrator) would know. But it was also communicated in relation to circumstances that were known to the police that the bereaved felt would never be disclosed to them. Kaylie's FLOs told her they would never be able to tell her all the events surrounding her son's murder.

What details? What is it that I'll never know and why can't I be told? Surely my imagination is worse than reality.

In discussions with Family Liaison Coordinators, we talked about the fact that there were many details surrounding a case that would never be revealed to the surviving family members. They explained that one of the reasons for this was out of respect to the victim. One of the FLCs explained that if in discovery they had come across an extra-marital relationship that may not have been disclosed throughout the case, then they felt protective over their privacy. I challenged them on this asking about details that were specific to the investigation that were not ever disclosed. It seemed the explanation for this was for ongoing preservation of legal procedures, for example should an appeal be launched, although they admitted this would often be overcautious. One of the FLCs

talked about the overall improvements and expressed that within her role she fought very hard for the interests of victims, but that there were often institutional obstacles that conflicted with this. Nevertheless, she argued that ‘good’ FLOs ought to challenge some of these decisions in the interests of victims and gave an example of a homicide bereaved father whose daughter was murdered in the 1970s, predating any of the current provisions for victims. This meant that he had no information around his daughter’s death. He then came into contact with the FLC many years later and she was able to allow him access to some of the circumstances surrounding it. She commented on the relief and sense of closure this man obtained from some basic information and said that his imagination was much worse than the reality. This for her highlighted why victims needed information and she conveyed that imperative in training sessions with FLOs.

In a similar way, Heather had asked to see the scene of her son’s murder to visualise what had happened, acknowledging how difficult it would be but saying what she had pictured in her head was much worse. She said that initially FLOs would not let her visit and discouraged the idea saying it would be too distressing. She felt that they were attempting to protect her but in doing so were ignoring her ability to make her own decisions and explained that in that moment she did not challenge their advice. This is another example of infantilisation by FLOs, despite their best of intentions. It also demonstrates that although there have been many developments for victims in the period before they had any recognition, yet the bereaved still can feel that information is withheld. Heather’s son died in 2016 and she felt affected by a control over information, knowing she was not getting the full picture.

Frustration over information is a complex matter due to the primary responsibility for police to pursue the investigation. This will be discussed further in the chapter looking at the presentation of evidence at court which for some was the first time they had heard some of the circumstances around their loved one’s murder.

5.6.2 Practical and Support Information

Most people I interviewed talked about being given a booklet by their FLO with a comprehensive number of leaflets signposting them to support services and practical information around funeral arrangements, financial matters and other matters to deal with in the aftermath of a homicide. However, people reported being too shocked to read

through this and found the extent of information overwhelming. Support agencies seemed to have been sought out or taken up more once the court proceedings had ended. Participants often discussed that after court ended, people felt the contact and interest in them came to sudden stop (see Chapter 7). It is important to note, as with other experiences presented, it may be that experiences of support agencies were simply not explicitly communicated to me in the interviews or were not remembered or retained by participants.

Participants who discussed support agencies seemed to be aware of Victim Support and in these instances, they mentioned they had been signposted to or contacted by a support agency by their FLO. For some, however, they could not recollect being given an information pack or being signposted to support services. Katrina, for example, could not recall if she had been given a pack and while she acknowledged she probably was, she said she ‘couldn’t even walk, let alone read all that’. Philippa also found the extensive pack overwhelming, commenting;

What they should have is a page maybe with useful numbers, I had to physically write these down myself; what the procedure is ... instead what they gave us was a very comprehensive A3 size lever folder. All sorts were in there, funeral arrangements, I mean at that time I literally couldn't be bothered to read such a comprehensive in-depth text little booklet. No. You can't physically, you can't process. (Phillipa)

Kaylie also mentioned being given a pack by her FLO however she found it useful and practical. She was able to go through it with me as part of her ‘memory box’ that she brought with her during her interview and she could see that she had used some of the services identified in it. When I discussed the pack with Family Liaison Coordinators (FLC), they agreed that at the time it was given it could be overwhelming but thought that families should be given the option of having this information but that it also needed to be communicated verbally and repeated at different times. In response to being aware of these issues, the FLCs I interviewed give their homicide bereaved people a notebook in which they filled in the information at the front and then encouraged people to write down any questions or comments so that they would remember it the next time. This should then be prompted by the FLO at each meeting.

It often occurred that families were subject to FLOs’ absences or holidays, but this was only communicated as problematic when they were not provided with an alternative

contact throughout this period. Katrina and Holly had FLOs take leave which meant they had no one to contact, whereas when Jayne and Olwen's FLO went on holiday, they were introduced to someone else they could contact.

5.6.2.1 The National Homicide Service

Due to the timing of this research, only a few participants (n4) experienced homicide bereavement following the introduction of the National Homicide Service in 2010/11, which was fully implemented in 2014 (see Chapter 2.4). Despite this specialised service, no significant distinctions in experience were noted for these four participants so it does not appear that the introduction of the Homicide Service, therefore this thesis cannot rigorously evaluate this provision. They were approached during phase two of the research (see Chapter 4) in order to begin to understand what functions they fulfil. This is now reflected on from the perspective of homicide bereaved people.

In an interview with a Homicide Service divisional manager and a caseworker, they explained how they received notifications from the police and illustrated some issues that deviated from the ideal delivery of referrals:

There's an agreement with each police force to tell the Homicide Service (HS) of every new murder that's meant to take place within 24 hours. In reality it doesn't [take place]. We don't get too stressed about that because when a police investigation first breaks there's an awful lot of work to be done and perhaps the first thing they don't think about is us [HS]. But we often pick up from the media when a new case has begun and if we haven't heard from them within, let's say 48 hours we'll pick up the phone and give them a gentle prod and usually that brings about the notification.

The extent to which the referral was received was indicated as inconsistent, both from the perspective of the divisional manager of the HS and from the experiences of homicide bereaved people. Although this was presented as unproblematic as regards the HS, the lack of consistency may be significant for homicide bereaved people. This research has shown how experiences are framed in relation to those of other homicide bereaved people as in the encounters with FLOs discussed in Chapter 5. Furthermore, as James communicated, although there was an expectation that his brother's murder would be featured in the media it was not. Therefore. In the comment in the interview with HS above that if the police fail to refer a family in a murder case, they will pick it up via the media is problematic.

In an interview with Support After Murder and Manslaughter (SAMM), a national charity where all the trustees, volunteers, and members were homicide bereaved, they talked about how the introduction of the Homicide Service had changed how they functioned and when they received referrals:

Service users used to make contact quite a long time, maybe 6 months or a year after the murder. Typically, a lot of them came to us usually when the trial was finished. Because they've had these police contact and suddenly, they're gone and it's, where do I go to? When the Homicide Service came, we thought 'we're not going to get many referrals now cos they'll go to the homicide team'. In actual fact, our referrals have gone up since the HS came on because what happens is the immediate next of kin gets support from the homicide team, but the extended family doesn't ... We also get quite a lot via our website now because people will tend to google it. We get them from GPs, psychologists, schools, all sorts of places.

This suggests there are limitations to the remit of the Homicide Service where it supports immediate family members (see Chapter 2) and the provision they can offer, which saw an increase in the wider family network seeking help elsewhere. In the interview with the Homicide Service caseworker, she identified that a family's needs were assessed at the initial meeting and this usually included identifying one or two key family members with whom they would then be in contact and provide information to. The caseworker also discussed the difficulties of this considering the number of people who can be affected as a result of murder. The information tension discussed in the section above indicated that the Family Liaison Officers seemed to have a different understanding of what was meant by information and how homicide bereaved people often prioritised seeing their loved one and the death processes that occur around their bereavement. This misconception over the type of information required by homicide bereaved people was also reflected in the interview with the Homicide Service caseworker. She explained 'in order to remain independent from the police' they did not receive many details about the events surrounding the death. The Homicide Service caseworker explained that this protects the investigation and means they will not accidentally disclose details surrounding this to the family.

5.6.2.2 Victim Support

As mentioned above, Victim Support as an agency was consistently mentioned by all participants to varying degrees. Even following local commissioning of support services

for victims in 2010 through Police and Crime Commissioners, participants mentioned Victim Support as the key agency they understood to offer support. Much like the ambiguity and inconsistency over the role of the FLO discussed in Chapter 5, there was not a clear or consistent understanding about what the role of Victim Support was or the role of the HS for those to whom it applied. Most participants talked about ‘support’ in an abstract sense.

For Heather, who experienced the specialist provision of the Homicide Service, she saw Victim Support as having more of a signposting role rather than offering support themselves. Initially when being told about ‘support’ by her FLO, she expected emotional support. Rather, in her experience Victim Support’s primary role offered practical support around getting to court and filling in an application for compensation. For emotional and psychological support, she was signposted elsewhere, however in her experience it was not until she made specific requests for more support:

Victim Support told me about all the different kinds of support that are available, but they don’t readily offer it straight away.

When Heather asked for emotional support, they referred her to ASSIST Trauma Care but said the Homicide Service were not voluntarily forthcoming with offering this. These elements of practical support were experienced by many other participants: support in closing bank accounts and retrieving belongings (those not seized for evidence); support around court attendance; and negotiating travel and accommodation; and assistance in compensation claims. These are discussed further in Chapter 7 as many of these matters arise after court has finished.

When asked about their experience with Victim Support, not all participants felt they were helpful for them. For example, Caleb commented:

I thought it was a waste of time just for me personally ... cos they’re not professionals so actually if I have one gripe with the whole situation I think maybe the police and whoever is in charge of that budget, I think maybe they should look at putting people in our situation they should pay for a professional to come and see us.

This idea of Victim Support as being unqualified to offer support was something that other people commented on. Some homicide bereaved people recalled particularly negative encounters with Victim Support. Jayne and Olwen found the attitude of their

Victim Support volunteer completely unsatisfactory. Unlike others who found Victim Support to be particularly helpful with practical matters, when Olwen needed help with housing she recalled:

Victim Support well, it was supposed to be for support, but when I was wanting to be rehoused they were useless, ah yes, the woman had said to me, cos I'd reported her for you and she'd actually said to me, well you know, once the trial's over, you'll just be left won't you, the liaison officers won't bother anymore you're just going to be left to get on with it and that's it.

The issue of housing in Olwen's case is discussed in Chapter 7.

One of the recurrent issues seemed to be around administrative factors, such as turnover of staff, failures to respond, and no cover during holiday leave. Hall (2017) points to the reliance on volunteer staff to provide support for victim of crime, which is something that is seen with the Homicide Service, which depends on volunteers to supplement their paid staff caseworkers. In an interview with both the divisional manager and caseworker, they explained their high caseloads and lack of resources ensure this reliance continues. The inexperience of her Victim Support worker was something Elsa mentioned as inhibiting her ability to be supported:

After being signposted by the police, I did phone and was assigned a Victim Support lady and, but I didn't really hit it off with her very well, perhaps it was me (laughs), I didn't hit it off with her very well and again I was her first homicide trial so everything I asked her or wanted answering, she would say 'oh I'll have to check with the office, I'll have to go back and find out from the office' and I just thought I'm just not really getting much support at all.

More worrying perhaps was the perceived lack of training some Victim Support workers seemed to have which in some instances led to altercations that compounded the trauma people were feeling. Katrina said her Homicide Service caseworker called round after a particularly difficult day and she had a glass of wine in her hand. Katrina recalled that her Victim Support worker looked at her and said, 'grief won't kill you, but alcohol will'. Following this experience, Katrina severed all ties with this worker, and she felt 'outraged' at being judged in a time of extreme distress. Jayne also recalled her encounter with Victim Support as particularly negative, 'telling me to get a grip of myself and move on, but it was like a week after ... your head's just in a big mush anyway. We hadn't even had the funeral'.

In Melita's case, she said the police did not provide her with any information about support agencies and this added to an already negative view of the police handling of her case. She eventually found different support groups through her own research, but at the crucial beginning stages of the process she recalled feeling very isolated. This was compounded by a poor relationship with her FLO:

I wasn't given any details of support out there, nothing, no groups that you could talk to, nothing was imparted, and they said where's your family and I said well none of my family are here. All my family are in [place omitted] I'm on my own.

Unlike the negative encounters above, Danielle was quickly introduced to her Victim Support worker by her FLO in the immediate aftermath. Danielle felt that Victim Support were an invaluable support, both emotionally and practically, to her at various stages of her experience and explained that her Victim Support had since become a friend. Danielle's victim support worker accompanied them to court and provided them with practical information around the proceedings as well as help with navigating around the court. Victim Support also helped Danielle with her application for compensation. Turley and Tompkins (2012) found that emotional support and financial support were the main functions of caseworkers that were utilised, but that many service users were also referred to specialist and other external services.

The experiences presented here highlight the disparity in a) the FLOs referring homicide families to support agencies (which may have improved since the advent of the Homicide Service) and b) in bereaved people's perception of the support services they did encounter.

5.7 "They're Evidence"

The final significant stage for this chapter is the visiting, viewing and touching of the direct victim's body following their murder. The FLO once again was key at this point, arranging and attending the mortuary with the family. In an interview with a senior coroner he explained:

Family have always got the right to contact us and we try and make that plain, but it's much more sensible if it's the FLO. The FLOs have to be quite well trained in this regard though cos if they tell the family something wrong or don't tell the family something because it's difficult, we could get in a real, real mess. So, we do get involved in FLO training for that purpose.

Understandably this was an incredibly emotional point of the process for homicide bereaved people and for FLOs. The Family Liaison Coordinator (FLC) explained that she tried to prepare FLOs for this in training and reflected on ways that she dealt with it when she was deployed. For those bereaved, the first time visiting after the killing tended to be recalled in detail. People recalled specifics of the setting; the smell, size and layout of the room; the temperature and lighting in the room etc. The room tended to be cold with low lighting. In an interview with a mortuary manager she talked about the efforts made by her staff to make the room comfortable and respectful to both the family and the victim. When talking about this Heather commented;

It didn't look like him ... his mouth was open, and it was a very, my son has a baby face, everyone says he's got a baby face, he didn't. It was almost like an angry type of look on his face, fear I guess, something like you know that look is just not him.

In an interview with a mortuary manager, she talked about the effort that was made to stage the body for viewing, which at times required extensive reconstruction and positioning to reduce visible signs of trauma, both from the events surrounding the person's death and the post mortem itself. Both the mortuary manager and the FLC talked about therefore the importance of preparing families, and that no matter how much effort had gone into this, families needed to be emotionally prepared for viewing their loved one. It was at this stage of the process where a very clear example emerged of the importance of language and terminology being simple, clear and accurate in order to adequately prepare people for the shock of seeing their loved one for the first time after they had been killed. Jayne and Olwen, who generally spoke very highly of their experience with all aspects of policing, criticised how they were prepared for the viewing of their loved one. They were warned by their FLO that there might be a need to shave their loved one's head as they were 'looking' for head injuries. When they then went to visit him, they were shocked by how he looked:

Jayne, I know obviously you're never going to be prepared [to see your murdered loved one], but thought in my head, they'd said they were "looking for head injuries"

Olwen, Looking. Looking,

Jayne, They said they were going to have to shave his hair off as if they were looking for head injuries

Olwen, As if nothing was visible [which was not the case]”

Drawing on the interviews with the Family Liaison Coordinator (FLC) who talked specifically about making the gravity of the situation clear, the FLC also explained the importance of preparing loved ones before viewing the body and making them aware of any visible injuries, or secondary injuries from the post mortem due to its invasiveness. By simply using the phrase ‘looking for injuries’ and not explaining about those already visible, Jayne and Olwen felt their shock was compounded in that crucial moment. James commented:

To add to the already traumatic experience [of murder] you’ve then got to visit the morgue where your loved one is laid on a frozen slab ... if you think you’re watching CSI you know what a body looks like, you don’t. You don’t know if their broken face is from their murder or the autopsy.

Although FLOs were the primary contact in this stage as in others, the authority of the coroner in making decisions that could not be contested was evident from the interviews with the FLC, the mortuary manager and the coroner’s officer. Decisions relating to postmortems and the release of the body was at the discretion of the coroner, and one of the coroner’s staff commented ‘We just have to do what he says. His word goes’. I also got this sense from the coroner himself; when he referred to the victim, he talked of ‘my body’ with a sense of ownership. The coroner explained;

That crime is a police responsibility. The body is a coroner responsibility. And there’s a separation of powers here which is quiet, quite well understood by everybody.

When discussing whether there should be multiple postmortems, the decision to allow them and the number is at the discretion of the senior coroner. The coroner I interviewed seemed to be explicitly aware of the family when making decisions of this nature, and the FLC commented that he was particularly victim-focused unlike in other towns. I asked him about multiple defendants each requesting independent postmortems as this was something that was discussed in an interview with the CEO of Support After Murder and Manslaughter (SAMM) due to its impact on the families of the victim. He responded;

We try not to let them. What we do quite firmly is say, get your pathologist to talk to our pathologist but you’re not having six goes at this. I think the worst we’ve ever had to undertake was two. Because how would that feel from a family’s point of view? It’s my decision. Mine. Look, I’ve been a solicitor in private practice, I know the difficulties ... but on the other hand I’ve got a family

to look after, so I'm not very accommodating about it really... Second PM isn't a second PM in some ways, it's a review of the first PM, looking at the tissues and so on, and rarely is there a difference, but as I say it has happened.

Additionally, in an interview with a senior coroner, he talked about how invasive postmortems could be, particularly in cases of murder and manslaughter which require thorough investigation around the events of death.

Yea, well first of all someone's telling the family there's going to be a PM. This is a very invasive PM examination in a murder case ... We are decades away from just doing a CT scan in a murder case. It's going to be a very invasive PM. I don't know if you know how invasive a PM actually is, it's a lot more invasive than people actually think. All the major organs of the body are taken out and dissected, it's not just a bit like an operation or I'll have a look. The brain comes out the body and the brain isn't put back in the head, it has to be put back in the torso, and... it's a horrible and disgusting process. It's very necessary medically, but it's a horrible and disgusting process, so that's a bit of a bummer for families. And of course, these days families see more of PMs examinations on the TV which OK, in one sense helps and in other case completely hinders ... Now in some cases that might be kept as an exhibit for the trial, we don't tend to do that very often here, but it certainly can happen. So, what are you going to do, are you going to bury your baby without its brain, or are you going to wait and wait and wait, and you may never actually get the brain back? So that's particularly traumatic.

Heather based her expectations of visiting her son on the TV drama *Little Boy Blue* that she had recently watched before his death and based on this was distressed at them 'cutting' her son. When she went to see her son, she also was not allowed to touch him, and her FLO explained this was because there was to be a second postmortem requested by the defendant.

Katrina reflected that she had very little understanding of what a postmortem was and felt it should have been explained more to her at the time. For example, when considering PMs at the time I interviewed her, Katrina commented:

I've only discovered this since I've been going to SAMM ... why didn't I ask questions like that at the time? I just went blank and all I remember is the fact that his defence was insistent that there had to be a second one and he [defendant] was persistent. (Katrina)

The discretionary nature of coroners means that practice can vary from town to town. Multiple postmortems were understandably distressing for participants. Olwen's son had been murdered by three men and she had initially been warned that there might be a need to carry out three additional postmortems. She became very emotional as she told me

about this, and it was something she could not ‘get her head around’. She felt this ranked defendants’ rights over her own and that of other victims;

And he said, it’s their rights. It’s their rights to ask for a postmortem each. (*tears and voice breaks*) and I remember when I came out I just, where’s me bairn’s human rights that night. I’ll never forget that. (Olwen)

The authority of the coroner and the lack of control that homicide bereaved people have in making decisions at this stage is something that was discussed in their interviews. There seemed to be a conflict between their understanding of the victim being their son/daughter/mother/father etc., drawing on the familial relationship they had always known, and yet legally they no longer had that control or relationship. As soon as they learned of the death (or injury leading to death) there was a sense of urgency to be with their loved one. This came out in all cases where I interviewed, and was also commented on by the FLC who said;

Their [homicide bereaved person’s] immediate concern is to be with them [the victim]. They want to do that, and it is not always immediately possible for a number of reasons out of anyone’s control.

According to Support After Murder and Manslaughter (SAMM), ‘one of the biggest things that people say to us is that they feel as if they’ve lost control completely’ due to processes and procedures for the pursuit of a conviction. In Melita’s case, however, it seemed the visiting of her son was mishandled by her FLOs which contributed to her overall negative view of the CJS. She was anxious to be taken to see him and after waiting to hear from FLOs for several hours, she became desperate and began driving to the mortuary and was eventually removed from the hospital by her FLOs:

I said I just want to see my boy, that’s all, I just want to see my boy and they said, “well you can’t at the moment”. I wasn’t giving an explanation ... and the following day, I still didn’t get anywhere, and it was actually three days. They’d lost his body. They’d lost his body and that’s why they ushered me out of the hospital. (Melita)

This seemed like an extreme occurrence and she was naturally very angry over this and even when she did see him it was behind glass and was again told this was ‘because he was evidence’. Several participants found this explanation particularly distressing and many were told not to touch their loved one when visiting. Katrina commented;

They did say to me [not to touch my son] and I just laughed at him, how dare he, there was no way that I wasn't going to touch him.

Similarly, when Pam went to see her son and asked to hold him, and the officers told her;

No, he's a crime scene.... You can't no. No explanation, just that was what they said.

In follow up discussions with the FLCs, I mentioned that this had been the experience if some of my participants. They reacted to this with obvious annoyance and disappointment. They said this should never happen and is terrible practice. They spoke candidly with me about this and their view on how this could affect families. They reported that they doubted this would happen within their area. Similarly, the mortuary manager who accompanied FLOs when families were viewing and identifying victims in the mortuary explained in her interview that bodies were no longer viewed behind glass in that location except in very extreme circumstances or at the request of the family. She also informed me that it would not be the case that families could not touch the body because they would have already completed the autopsy by this stage. She also recoiled when I asked her about referring to the body as evidence. She said:

In there [the forensic examination room] it is a body. As soon as I walk out of there it is a person. It's someone's loved one, someone's child or parent. I have to make that distinction because of what my role is in there, but with the family's terminology is so important.

Despite the significance of this stage for participants, they often did not have much recall over what the legal and practical processes were, but rather remembered their surroundings and emotions. Danielle could not recall if there was a postmortem and when asked about it in interviews seemed quite distressed that she did not know if this had happened in her son's case. She explained this as being down to shock rather than not being told about the details by her FLO. Martin, Lisa, Marie, and Ralph did not focus on the postmortem but rather talked more about the emotion of seeing their loved one. Kaylie could not recall many details either until she went through her memory box with me and found a letter from the coroner in relation to her son's death. This perhaps demonstrates how disjunct memories can be in the aftermath of such a traumatic event, and an important note for the discussion around findings is that just because something was omitted or not remembered does not mean it did not happen.

However, this was not always the case. For example, Danielle's son was an organ donor and therefore she spent time with him before making the decision to end life saving measures, he was taken off shortly after his death. She very proudly recounted how her son's organs saved the lives of five other people and talked of being with him in his final moments. Phillipa's mother did not die from her injuries until six months after she was attacked.

While it was a significant and emotional stage for all participants, many participants did not have any particular issues with it and were allowed to kiss their loved ones. James recalled:

The autopsy had been done; he was covered up to his chin. So basically, all we could see was his head. Em, obviously we wasn't allowed to remove any covering, but we were allowed to touch his face and give him a kiss goodbye.

Understandably it is very difficult to report a positive from the process of visiting your loved one once they had been killed; the consensus was that it was a distressing, emotional time. Yet at this crucial time, people wanted to be informed and prepared in the best way possible. Again, the FLO's ability to deal with this in an empathetic and sensitive way was crucial in this process and the implications of their dealings with this stage, as with every other, could have lasting effects. Importantly, while the FLO was the family facing contact at this stage, the decisions that were being reported as negative from families at this could have been beyond the remit of the FLO, yet it is the FLO who communicated with the family and vice versa. The coroner talked about working with homicide bereaved people in the following terms:

Every time the phone rings it might be a grieving family, every time you talk to a grieving family you are trying to make it sound like it's the first grieving family you've spoken to this week. They won't be. You've probably spoken to three others that morning. And you can't say, 'oh look for God's sake, he's only dead'. You know what I mean. If you're not careful it's quite easy to fall into that mindset, we deal with so many people who are dead, this is just another person who is dead. He was 82, what do you expect. You can't even begin to think in that attitude, let alone say anything like that.

5.8 Summary -An Ideal Model

This chapter has presented a number of key findings from the perspective of the bereaved in the immediate aftermath of a homicide. This highlighted a number of concerns that homicide bereaved people had around current practices, treatment and interactions with different agencies and actors in this early stage. Crucially, we saw the introduction of the Family Liaison Officer and the intimate and meaningful role that they play in guiding and informing homicide bereaved people through the criminal justice system.

5.8.1 The Ideal Death Notification

This chapter has detailed the empirical findings from the evidence gathering stage of the CJS as it was experienced by participants. It has looked at the first contact that family bereaved people will have with the police in learning that their loved one has been killed, or seriously injured. Drawing on interviews with the Family Liaison Coordinators (FLC) and the family themselves, we can summarise what was found to be helpful and this has been put together to provide what might be seen as an ‘ideal death notification’.

The death notification was done well when families were told in a timely manner and they had not learned about it through other people or through social media. The officer(s) delivering the notification needed to be confident, yet sensitive and empathetic, making it clear that they were providing as much information as they could at that moment. The language needed to be clear and simple in a way that communicated the gravity of the situation. Jayne and Olwen’s confusion over the terminology used (‘incident’) highlights this and was something FLCs were told in their training. The FLC stated that the Senior Investigating Officer (SIO) ought to take the time to identify the most suitable person within the team present to deliver the notification (though this might sometimes be overlooked due to time constraints). The SIO should have set objectives and made it clear what information could be disclosed at this time, which is often no more than there has been a death. This conflicts with what homicide bereaved people wanted at this stage; they wanted details. Their desire for immediate information and details were simply not possible in terms of prioritising the investigation at such an early stage, but with careful and sensitive explanation the FLC argued that officers should offset any further distress

than is necessary by carefully planning this notification en-route to where the family are. Investigative functions are an important role of the police and therefore there is an argument that they should prioritise the criminal case, which leads to the challenge that homicide bereaved people need an independent support in the aftermath to truly advocate for their needs. Within the current provision, FLOs should be clear on what the SIO's objectives are, what information they can give, what they cannot disclose. The FLC argued things had moved on from 'Condolences from [police force]' at this point and there was a need for a much more 'human' notification. At this time, the most important imperative as far as the bereaved were concerned was for the family members to be allowed to see their loved one. This request should be anticipated with a clear answer to manage the expectations of homicide bereaved from the outset.

From the perspective of the bereaved, timeliness was a key concern around the death notification. FLCs pointed to the rush to notify homicide bereaved people meant that time was not taken to identify the most appropriate person, however this is an important imperative in the ideal notification due to the potential lasting impact this interaction can have. This is complex, as the FLC explained that the death notification is often given by a uniformed officer who may not be part of the murder inquiry and at times may not even part of the same force. This ideal of identifying the most appropriate person to notify links to another ideal of sensitivity, which recognises why these decisions are significant and meaningful from the perspective of the bereaved.

The police demonstrating understanding of the importance of time at this early stage is crucial, and the perception of wasting time came through the interview. Homicide bereaved people talked about 'minutes lost' where their loved ones were dying, and they perceived the police to be withholding permission to see them. This was apparent in a number of cases, but most notable in Marie and Ralph's case, where the police delaying by a matter of minutes resulted in Marie arriving within moments of her son dying and Ralph arriving shortly after. Although this will have been unforeseen on the part of the police, greater awareness is needed of the potential and lasting impact even small delays can have.

The ideal of timeliness overlaps with the ideal for detailed information. Importantly, there is a distinction between 'information' from the perspective of the bereaved, and information that police may be reluctant to share about the investigation. While there

may not be lot that is known about the events surrounding the death, homicide bereaved people were mostly concerned with where their loved one was and when they could see them. Reluctance from the Senior Investigating Officer to share details about the investigation did not seem to be the most meaningful information from the perspective of homicide bereaved people.

Although information about the investigation and details about the events that took place may not be able to be communicated at this time, at least by understanding the priority of the bereaved is to their loved once, this can be incorporated into the death notification brief given to the person delivering it. They can then reassure the family that they can see their loved one at the soonest possible moment. By police acknowledgement that this as meaningful to homicide bereaved people, it would give their initial ‘taste’ of the CJS as one that begins to recognise their experiences and promotes them as important.

In the immediate aftermath, another challenge for law enforcement in this very early stage is the informal information flow that homicide bereaved people may be privy to. The hyper-mediatisation of the social world needs to be better incorporated into police strategies given that information can appear on social media before they have had deemed it appropriate or had the chance to update homicide bereaved people. The current response to this informal information flow seems to be ‘unless it comes from us, do not believe it’, however in their desperation for information in the face of sudden and traumatic bereavement, homicide bereaved often search out any information they can.

The desperation for information mentioned above also links to the importance of how any information is framed, and the importance of appropriate language that is used given that families will ‘cling’ to every bit of information so it must be accurate. This was evident in Olwen being told there had been an ‘incident’ where she pictured her son having an accident. Awareness of this was shown in the interviews with FLCs around the importance of framing and language. Again, this links to the ideal of sensitivity, where recognition of the potential impact of these meaningful interactions can have on homicide bereaved people’s overall perceptions of the CJS and long-term reflection on their experiences.

5.8.2 Family Liaison Officer

What emerged from this early stage of victims' contact with the CJS was the absolutely integral role that the Family Liaison Officer played in framing their experiences. Their role was so crucial due to the intimate way they interacted with the family in the immediate aftermath and became the family facing contact of the whole system. The introduction occurred at a time of extreme shock and trauma, and this could impact on homicide bereaved people's ability to retain a clear understanding of the intricate aspects of what the FLOs job entails. The FLC mentioned the importance of repetition and negotiation as the relationship is developed with homicide bereaved people. As Pam put it, if you get a 'good one' [FLO], you are 'lucky' in that it is one less thing to be concerned about in a time of uncertainty shock and trauma. Similarly, the FLC talked about the 'lottery' of being assigned a FLO. This suggests a disparity of practice from both the perspective of the practitioners and the homicide bereaved.

The ambiguity of the FLO role beyond what appears in the 2008 'Family Liaison Guidance' (College of Policing, n.d.) means that the scope for interpretation and implementation of practice varies a) throughout forces, b) through investigation teams, and c) between individuals. The practice log provided by the FLC's police force make positive steps towards outlining the expectations of good practice. What is more, the FLCs claim their force to be particularly proactive for victims' rights and have consulted with other forces on how to implement measure that meet victim's needs.

Due to the way FLO training and deployment is implemented, it remains unclear are what mechanisms are in place to review practice. Unless there is a complaint, bad practice is not identified. In most cases, bad practice may never be identified by the homicide bereaved person because they are self-proclaimed novices. If they recognise ill-treatment it is often retrospectively, many years later. As James said in his interview, until you are propelled into the world of murder you don't know what to expect. Katrina commented that even when you're 'in it' you often don't know what is good and bad. For her it was only years later that she questioned some of the ways she had been treated.

One of the main challenges facing FLOs as the victim-facing contact is informal information flow. There seems to be a need for greater acknowledgement of the likelihood of word or mouth, particularly through social media. This may require a

review on how and when information is shared with families, given that in the interviews there seemed to be an issue of bereaved people learning of specifics before FLOs informed them. This was something that was discussed with the Family Liaison Coordinators who suggested there is sometimes a denial to the reality that information will 'get out'. This has potential to detrimentally impact on bereaved families and can lead to frustration and mistrust. This is a broader issue that relates to more than just the remit of the FLO and will be picked up on a later stage of the CJS.

A crucial concern that emerged in the interviews with homicide bereaved people was around the investigatory function of a FLO. Rather than the function in itself being problematic, the problems emerge around the clarity of this function and how explicitly it is communicated. Those who felt they were not explicitly informed felt 'betrayed' and it led to further distress and mistrust. It is possible that this is a detail that was forgotten or confused due to the shock and trauma at the time of being told. For this reason, it needs to be repeated and clear in subsequent meetings.

The role of the FLO and the intimate contact they have with the family mean that they bare the 'brunt' of the emotions, good and bad, of homicide bereavement. FLCs explained it is problematic when FLOs had an 'ego' and therefore put their own interests ahead of those they were supporting. Crucially, decisions are made by others throughout the CJS that they then have to communicate to the family. For example, the SIO makes decisions on what details of the investigation can be shared and when. The coroner, the coroner's officers, and mortuary staff make decisions around viewing and touching the body, but these are communicated and enforced by FLOs. Nevertheless, FLCs argued that there are times when these decisions can be challenged by FLOs to address the needs of families and thought this was key to deciding a good FLO.

5.8.3 Ideal Family Liaison

Ideal family liaison is presented from the perspective of homicide bereaved people and balanced against the interviews of the FLCs. What is presented as ideal may occur in individual instances, but as discussed above can vary across different forces, different investigation teams and between individual officers. Much of what is discussed would be operationalised by FLOs but needs addressed at the level of Senior Investigating Officers (SIOs) also.

There was a distinct need for a clear and transparent introduction that explicitly communicates all aspects of the FLO role, highlighting they are primarily police investigators, and the limitations of what they can disclose to their reliance on decision makers. The homicide bereaved interviews highlighted the damaging impact that a lack of clarity over this can have, in some cases causes anger and provoking feelings of betrayal and compounding their sense of loss. Homicide bereaved families need of written communication with names of the officers involved in the case where relevant, and clearly identified points of contact and phone numbers. This may need updated throughout the case and provision should be made for an alternative when on leave of absence. The literature points to the need for continuity of support, therefore any gaps in contact could have a negative impact for homicide bereaved people.

The need for clarity over what the FLO role entails, with contact details ties into the need for increased recognition and knowledge of ‘what matters’ to homicide bereaved people. This ‘what matters’ applies to both FLOs and SIOs and would allow them respond with adequate planning at the crucial stages. As discussed in relation to death notifications, the interviews with homicide bereaved people and the interviews with FLCs point to a disjoint between understanding of what ‘information’ is wanted. The FLCs often talked about their limitations in communicating ‘information’ based on due diligence and verifying evidence, and other details that police may need to withhold for the preservation of the case. Rather ‘information’ for homicide bereaved people seemed primarily concerned with matters relating to their loved ones, for example Heather’s concern that her son would be lying on a cold floor all night, alone. Homicide bereaved people seemed to ‘get’ that not all case details could be communicated immediately but could not understand why they could not be told things specifically about their loved. This was particularly pertinent around visiting the deceased victim in the immediate aftermath. By at least understanding the priorities of homicide bereaved people, SIOs and FLOs could plan and communicate the most pertinent information or at least show that they understood it and address why it may not always be possible to satisfy this.

Another ideal with family liaison duty would be around the signposting to support services. Many homicide bereaved people could not recall explicit communication of options around support agencies to offer practical and emotional support for bereaved people. It was not clear in this research if the National Homicide Service had improved

because this enhanced and specialist provision had only been introduced for four participants. In these four instances, there was not a notable difference in what support they received. Homicide bereaved people recognised that they may have been given information about how to receive support, however this was communicated at a time of shock and grief, so for many that acknowledged they may not retain this information. Ideally, FLOs would repeat this information and provide clear written signposting that they could refer back to. The interview with FLCs pointed to the importance for FLOs to repeat information and negotiate the relationship on an ongoing basis.

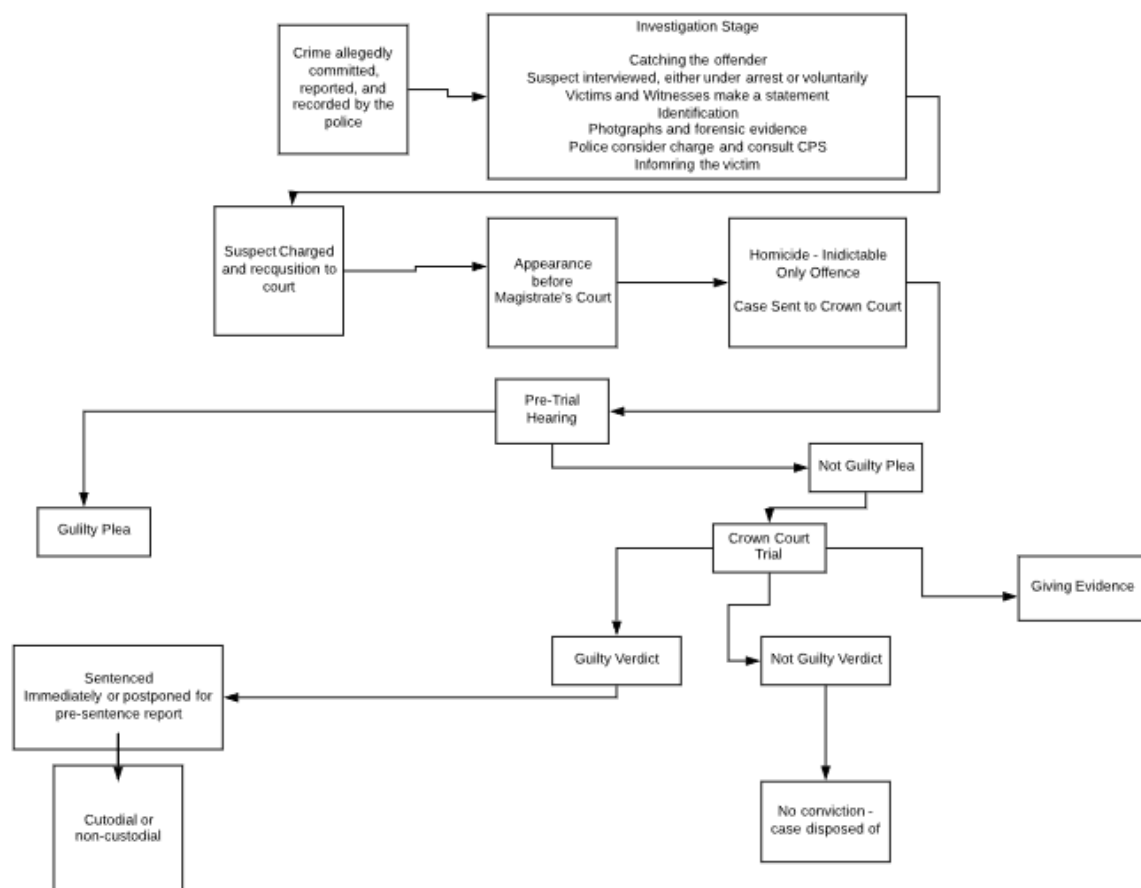
Another ideal for family liaison would be for FLOs to challenge (when appropriate) decisions. This was particularly in relation to matters surrounding viewing and touching the body of the deceased victim in order to advocate for what bereaved families want to know. Regardless of whether or not it would be possible to change decisions, by challenging and explaining to bereaved families they had done so, it would encourage and facilitate a victim-focused perspective throughout. This links to the need for clear planning to ensure families do not learn details without adequate preparation, particularly through informal channels. Much like the ideal death notification discussed above, FLOs should have an ability to provide clear and simple communication that leaves no doubt as to what is being conveyed. Language used ought to be unassuming and accessible with verbal clarification and explicit communication of important matters should also be repeated to ensure understanding.

The ideal discussed here will be developed and expanded in the next chapter. This chapter presents findings from the next stages of the criminal justice system when homicide bereaved people attend judicial proceedings. Much of what is discussed in this chapter provides the context and backdrop for how court is experienced. Much of the earlier interactions presented here has already begun to frame the experiences of the criminal justice system as it is perceived by the bereaved.

6 Performing Justice: Experiencing processes leading to and including Crown Court in the Aftermath of Homicide

This chapter will look at the empirical findings of the ‘next’ stages of the justice process: investigating the offence, pre-trial processes and Crown Court (see Table 6.1). The processes and the order in which they appear follow the framework used in the development of the Victims’ Code of Practice (2015) and the key entitlements that are afforded to victims of crime at these stages. This allows me to problematize how this model of justice works for those bereaved through homicide and their experiences of criminal justice. Much like in the previous chapter ‘The Shock Knock’, the processes discussed here may not be a distinctive stage but rather overlap with each other. What is significant in the pursuit of a conviction may not have been explicitly significant for homicide bereaved people due to the complexities around traumatic bereavement.

Table 6.1- CJS Flowchart (developed for this research)



As cases progress to court, a pivotal point at which justice is performed, I draw on Goffman's (1959) notion of performance and front stage and backstage. I also use Carlen's (1976) work on the staging of justice in the magistrate's court, particularly when considering the symbolic, ritual, and traditional production of justice, and the social relationships that occur within a court setting.

6.1 The Code of Practice for Victims of Crime (2015)

It is useful at this point to also indicate the entitlements of victims as they are contained within the 2015 Victims' Code of Practice (hereafter 'the Code'). As victims of serious crime, homicide bereaved people are entitled to enhanced services under the Code. The list below reflects those relevant to what is discussed in this chapter;

- Information on what to expect from the criminal justice system;
- Be informed about the police investigation, such as if a suspect is arrested and charged and any bail conditions imposed;
- Make a Victim Personal Statement (VPS) to explain how the crime affected you;
- Read your VPS aloud or have it read aloud on your behalf, subject to the views of the court, if a defendant is found guilty;
- Be informed if the suspect is to be prosecuted or not or given an out of court disposal;
- Seek a review of the police or CPS's decision not to prosecute in accordance with the National Police Chiefs Council (NPCC) and CPS Victims' Right to Review schemes;
- Be informed of the time, date and location and outcome of any court hearings;
- Be informed if you need to give evidence in court, what to expect and discuss what help and support you might need with the Witness Care Unit;
- Arrange a court familiarisation visit and enter the court through a different entrance from the suspect and sit in a separate waiting area where possible;
- Meet the CPS advocate and ask him or her questions about the court

The Code signals how criminal justice provision, information and support for victims should be operationalised by practitioners. The findings presented here look at how these

stages were experienced by homicide bereaved people. It draws on interviews with criminal justice and victims' practitioners who play a role and interact with homicide bereaved people throughout this stage and uses field notes from my observations in Crown Courts in England throughout criminal proceedings where the indictment was murder.

In Chapter 5, we saw the overriding theme of complex and traumatic grief that characterises homicide bereaved people's experiences of the criminal justice processes. The homicide bereaved people in this research were all self-professed novices to the CJS. They had very little, if any, prior contact with the CJS and therefore claimed to be wholly unfamiliar with the sequence of events that followed the notification that they had lost a loved one through unlawful means. Therefore, complex grief, shock, and uncertainty are the scenery in the background of each of the stages discussed in this chapter.

6.2 Arrest, Charge, and Investigation

This chapter begins with the investigation stage of the CJS. Following the emphasis of Shapland *et al.* (1985), this stage includes victims' experiences with evidence gathering; giving statements; identification evidence; photograph and forensic evidence; the police and the press; catching the offender; when the offender is not caught; the decision to prosecute; and informing the victim of this decision. What had emerged by this stage in the interviews was the bereaved's reliance on Family Liaison Officers (FLO) to guide them through the stages. Much of this was discussed in the previous chapter which saw how crucial the FLO function was for being informed and feeling involved, and this continues throughout the stages being discussed here. Information about the stages identified here was communicated to homicide bereaved by their FLO, and sometimes the Senior Investigating Officer (SIO).

It was interesting in the interviews with the bereaved that the investigation stage did not always stand out as a distinctive stage in their experiences and did not explicitly feature as significant throughout their interviews. They tended to almost skip from the death notification and immediate aftermath where they were introduced to FLOs, to their experiences at court. This was particularly the case when the accused was arrested at the scene or immediately after the murder. When I clarified and prompted in my follow up questions, there was some discussion, but it was much more fragmented and often said

alongside funeral plans and discussions around their experiences with the Coroner's Office, and a general sense of loss and shock. For example, when asked about this stage in her interview, Elsa simply mentioned the police coming to discuss 'charges and things' but did not seem able to expand beyond this about the specifics. In Heather's case she mentioned the 'man who had killed her son' and what the police had told her about him, implying he'd been arrested and charged, but quickly moved on to talk about her son's body being in the property where he was killed overnight.

In most instances, the focus for homicide bereaved people at this time seemed to be on their loss and their loved one, rather than explicitly recalling the updates on the investigation. This points to the scenery of complex grief and shock which often overrides the processes and information that may be conveyed at the same time. This is perhaps indicative of the differences for homicide bereavement than victims who have experienced crime more 'directly'. For example, in their research, Shapland *et al.* (1985) found that most victims involved in forensic evidence experienced distress, inconvenience, and anxiety. In my interviews with homicide bereaved people, these processes did not always explicitly feature and the timing of it was indistinct as it was muddled with the complexities of grief and trauma. Unlike a 'direct' victim, for example, forensic evidence in homicide is taken from the body of the victim who has died, and the bereaved may only be involved in the evidence gathering stage in a minimal way. The main exception to this according to Family Liaison Coordinators was the information that was extracted from bereaved families which was a crucial part of their investigation.

Recollection of the investigative procedures, often through information extraction by police, was most significant in the interviews with homicide bereaved people when the person charged was intimately known to the victim and/or their family. In these instances, it appeared that the families were relied on by police to provide the background, contexts, and relationships that may have been pertinent to the case. For example, Caleb who knew the man charged with killing his brother talked about the shock of learning what had happened to his brother and who it was thought had done it. He explicitly talked about giving a statement to police but felt that they asked him to do so to fit their particular narrative in pursuit of a conviction:

I felt like it [the killing] was maybe being framed in that way ... they were sniffing round for some sort of information that would like to encourage them to go down

that route for their investigation. So, I did a taped interview with them and I was very clear, I thought it was important to be clear that this was definitely not a premeditated thing and em so they should drop that from their investigation and I wanted to give a balanced reference of the culprit cos I didn't want it to be completely negative, as difficult as that was because obviously I was extremely angry at that time.

Similarly, Katrina, whose ex-partner killed her son, talked about feeling overwhelmed at the police presence and the persistence of having to answer police questions around the relationship between her and the accused:

I think they're (FLO) hounding you. I think it's too much what they're doing ... but you know the police were trying to sort of bring it up, you know they were asking more questions about him [accused] than, you know than the fact that he'd murdered my son and just it was so frustrating and so hurtful sort of thing.

For Ralph and Marie, their son had known the person who had killed him, and therefore when the police mentioned the accused's name after they arrested him it resonated with them even though they did not know him themselves. This was primarily discussed in the sense of shock around learning that someone known to their son was responsible for killing him, rather than the investigative processes that were occurring at the time. Despite feeling satisfied with the information that FLOs provided at this time, Marie and Ralph seemed to conflate the investigation and court processes where Ralph talked of arrest and plea in quick succession. Marie reminded him of the time in between these two events, but this conflation suggests the procedures are blurred and unclear.

In Philippa's case, she felt frustrated over a lack of information about the arrest and charges in relation to her sibling who was charged for the murder of her mother. She felt the paucity of information was due to the fact the police relied on their appointed contact to the family, her brother, to provide contextual information and yet she felt she had something different to offer them for the purposes of investigation but was not given an opportunity. I discussed how the CPS identified a point of contact within the family of homicide bereaved people, and the CPS coordinator that I interviewed explained they relied on the Family Liaison Officer to identify the relevant person(s). In Philippa's instance it highlights how the selection process can be problematic and limiting.

The ambiguity around the investigation was something that Kaylie pursued after the person indicted for her son's murder was acquitted. She was not given information about her right to request a review into the decision by the police but was told so by a support

group Justice After Acquittal. At this time, she reflected on the questions that went unanswered and the information she felt she should have been given during the investigation.

So I asked them to tell us ... cos obviously again, family doesn't know, family is always last to know, you know what's going on and you have to dig and dig and dig and I know I can appreciate they are doing an investigation and they have to keep certain statements and things, obviously but you kind of feel like, they kept asking us questions, even at what time I'm sure my phone was tapped ... it's like are you treating me as a suspect.

Another instance where investigative procedures explicitly featured in the interviews with homicide people was when there was a delay in the arrest of a suspect. For Lisa, the man responsible for her son's death was not immediately captured and therefore she talked about the period between learning about her son's death and the offender's eventual arrest. Beyond recalling that it happened and the feeling of relief when he was arrested, she did not focus on the investigation. Again, however, this time overlapped with her spending time with her son in hospital immediately before and immediately after his death, therefore the loss and grief at this time may have distracted from some of the intricacies around the investigation.

In Tarryn's case, at the time of interview, which was a number of years after the murder, the man responsible for her son's death had yet to be captured and arrested. For this reason, she had not yet had an opportunity to experience Crown Court processes, therefore much of her interview focused on the investigation. She felt that her FLOs had not sufficiently kept her up to date with what was happening in the investigation and felt a huge sense of disappointment and anger towards what she perceived as their failure to catch the man responsible for the killing. Tarryn's relationship with her FLOs and the Detective Chief Inspector (DCI) on the case had completely collapsed in the last year because she felt they had lied to her. She felt that she was continuously under scrutiny and that they 'were more concerned with what my son was like than the man who slit his throat'. In her pursuit of information around what happened, the police had 'refused' to provide her with a post-mortem report, and she took it upon herself to get it from the Coroner's Office and request an inquest into the death. These processes were still ongoing at the time of interview. Tarryn explained the tension between her and the police often centred around their explanation for not keeping her updated which was that they were 'protecting the investigation'. The details around the events that she did know were

prohibited from being shared with the public, which frustrated her as she felt it could assist with the capture of the accused, yet she felt the burden of not wanting to jeopardise any future court processes.

Preserving the case in the pursuit of a conviction was something that homicide bereaved people often seemed to be tasked with. Heather summarised her feelings over the investigation stage as being unclear and frustrating:

You don't like to know all the details and for me the worst thing was not being able to talk about what they did tell me because it would affect the court case if there was one.

Similarly, Lisa reflected:

Everything the police told us at the time they told us that we had to basically keep it to ourselves and not to say anything basically to anybody outside of that room so it was just (husband) and I and that was really really hard cos it was sort of having information but not being able to share it was like a pressure in itself because you know if we saw my mum and dad or (husband's) mum and dad they would be asking what have the police said.

The way in which this responsibility was put on homicide bereaved people ensured their compliance over fears that something they did could affect the trial. To pick up on another element mentioned in Heather's quote above, there were a number of instances where there was an omission of certain details around the events surrounding the murder. This was a theme across the interviews and will be discussed in more detail around learning details at court in Section 6.4.3. For Lisa, however, this became evident throughout the investigation stage as well as when she visited the scene where her son was murdered. An officer present mentioned details about her son's body when he was first discovered. She had not previously been told by her FLOs so when this happened, she recounted an 'awkward look' between the officer and the FLO. When she reacted to this new information the FLOs then disclosed further details to her. Although she found the detail was distressing, this was compounded by the method of discovering it and led her to wonder and question what else she had not been told.

Elsa found the police investigation confusing and unclear, and felt that she was not given adequate information from her FLO about what was happening. When I asked her how her FLO explained the next steps of the process to her around arrest, charge and investigation, she replied:

I don't know really [what investigation involved], to carry on with the procedures that the police would have to do. I didn't get anything from him [FLO] at all. He did tell me it was his first case; it was the first time he'd been a FLO for anyone, and I thought, well why send someone so insensitive for something like this'.

In contrast to her experience with her FLO, Elsa felt that the Senior Investigating Officer (SIO) with whom she met once was able to provide her with a lot more information. Of course, the FLO is under the remit of the SIO and therefore SIOs have more authority and make decisions on what can be done and what information can be disclosed. She met with him some time after her son was killed but still felt this provided clarity over some of the investigation matters and details around what had happened to her son:

The detective was brilliant explaining to me, he let me watch the CCTV footage, he calmed me down, but it was all terribly business-like. Em and then I had to wait 8 months before we finally got to court. In the meantime, some of these lads [offenders] were put on remand.

Heather commented that a lot of things were simply 'done' for her throughout the investigation stage time without her being explicitly communicated with. She could not decide if this was a) normal and b) a good thing but felt that it added to the ambiguity of the process. She gave an example of an interim death certificate that was issued and reflected that she felt these things will have 'just happened' in order to facilitate the case and the investigation and that she was not required as an active participant. Much like other people whom I interviewed it seemed to cause retrospective confusion over the procedures in the CJS and the rationale for why they occurred.

Unlike the importance of the investigation stage for 'direct' victims of crime (Shapland *et al.*, 1985), this stage of the CJS was not as distinctive in the interviews with homicide bereaved people. Rather they seemed occupied and distracted by grief and bereavement processes that often overlapped with this stage. It is also possible that this was simply not explicitly communicated to me in the interviews, however the omission in the narrative also points to this stage not being as meaningful as other process that were highlighted. In instances where the suspect/offender was known to homicide bereaved people there was more of an interest. Much like the findings in Chapter 5, the crucial role of the FLO is evident at this stage. They were the conduit between the case and the homicide bereaved, and therefore the perceptions homicide bereaved people had of the provision by the FLO had the ability to frame experiences as positive or negative. This theme continues in the next section as the bereaved attend court.

6.3 Homicide as Indictable Offences: the bereaved at court

In a homicide, the seriousness of the indictment means that the case is sent to Crown Court and is presided over by a High Court judge, or in some cases Circuit Judge. This section will look at the experiences of homicide bereaved people as they attended court. This includes practical matters such as getting to court and negotiating their way around court, as well as the symbolic and ritual processes that impacted on them in their position as homicide bereaved people.

Within my sample (n=17), there were several different court outcomes, indictments for murder and for manslaughter, pleas, lesser pleas, guilty verdicts and acquittals. In one instance the defendant had evaded arrest to the time of writing and is on Interpol's 'most wanted' list. This court stage was poignant for all the people that I interviewed, and although the particulars differed in each case, the overriding feeling of powerlessness and voicelessness was felt by all. Those who felt they had a 'positive' outcome in that they had received a guilty verdict felt as disenfranchised through the procedures as those who had an acquittal. Melita commented:

My feelings weren't taken into consideration and I just, ugh, it's so frustrating, but em, (sigh) I'm thinking now about this, court appearances, and everything you think about it and your mind ends up going sort of just a little bit crazy

Many commented on how the notion of justice was a myth due to the finality of their loss. 'Justice' as it is framed by homicide bereaved people will be picked up on in Chapter 8. Tarryn commented there was 'no such thing as judicial justice', and yet the man wanted in connection with killing her son has not yet been caught and therefore she longs for her 'day in court'. Therefore, this project had an overview of the array of proceedings with one participant attending court on one day for a guilty verdict and immediate sentencing, and another being in daily attendance for a nine-week trial. Although the length of the proceedings had impact, the significance and poignancy of this stage of the process in the aftermath of murder was reported by all participants.

Much like the previous stage of the death notification and introduction to the system, many of the experiences of homicide bereaved people were blurred or indistinct. In his interview, Caleb explained:

It's super difficult because you're ... trying to cope with something that is emotionally very strenuous, well the most strenuous thing that you can possibly go through. On the one hand so you're filled with all these like, like rage and sorrow and all that stuff and then you have this like, all this like bureaucracy and administration surrounding it and so you know, it can be quite difficult

At this stage of the CJS, Family Liaison Officers (FLO) remained the main point of contact for bereaved families. According to the FLO log book given to me by South Yorkshire Police, FLOs' tasks and actions at this stage are to attend court with families if they want to attend, explain court procedure, arrange a meeting with the Crown Prosecution Service (CPS), make contact with court staff to support families, arrange a familiarisation visit and a waiting room, and find out if the defendant will appear in person or via video link. This section will look at these events sequentially, although much like the other stages discussed, the events often overlapped and were less distinctive. In addition to interviews with homicide bereaved people, this section will also draw on interviews with practitioners within the CJS who worked with homicide bereaved people.

6.3.1 The Crown Prosecution Service and Prosecution Counsel

The Victims' Code (2015) explains that bereaved relatives should be offered an opportunity to meet the advocate who is presenting the case for the Crown, but this did not always appear to happen. In interviews with homicide bereaved people, there was confusion over their dealings with the Crown Prosecution Service (CPS) and this was often conflated with meeting barristers and legal counsel at court. These reactions were difficult to separate in the analysis, perhaps because the majority of these meetings occurred at court, usually on the first morning of trial or in a plea case management hearing, which tended to be the first instance that homicide bereaved people attended. One of the intended purposes of this meeting with the CPS was to eliminate some of the uncertainties of bereaved families around the legal processes. In the interview with the CPS, they told me how one of their functions within the Bereaved Family Scheme was to combat some of the legal language that can alienate homicide bereaved people:

The lawyers in bereaved families and more serious cases will draft the letters, but this is quality assured by my unit. So, if they come in and people are using jargon, then we take it out and we make sure it is perfectly understandable ... I mean there's a lot of traditions going on down at court but I'm sure if someone came

down and said ‘I’ve no idea what this means’ I’m sure they would explain it (CPS)

In interviews, homicide bereaved people seemed confused over what function the CPS played and could not always explicitly recall if they ever met with them. In her interview, Kaylie initially communicated to me that she had not met with them until she recovered a letter from the ‘memory box’ that she had brought with her to the interview and conceded that it was difficult to remember all the different agencies she met. The perceived ambiguity of the function of CPS was acknowledged in an interview with them:

I think one of the biggest challenges [for the CPS] is of people's understanding of what we do. There's a lot of misunderstanding and they just sort of lump us together [with the police]. I mean, we basically are the law aren't we, but they [lay people in general] don't differentiate between us and the police ... So, a lot of it is around misunderstanding, but again it is important to get the information out there and we do have a lot of information on our website of all the different schemes we run and sometimes it's just pointing people in the right direction ... We do have little business cards down at court, so if people are down there and think that might want to contact us. So, things are improving all the time but it's very very hard to be victim focused. It's changed a great deal; I mean I've been here nearly 30 years and it's changed a great deal in that time ... It is a complex system and when you meet it for the first time it must be a confusing system. (CPS)

One possible explanation for the CPS not standing out as a distinct interaction could be that much of the contact between them and homicide bereaved people seemed to come through the FLO. In an interview with CPS Victim Liaison Unit as part of the Bereaved Family Scheme, they explained how they relied heavily on the FLO delivering a lot of the correspondence from the CPS. For example, they explained that in every case information about the charges should be sent by letter but that this came via the FLO. At this time CPS also invited the family to attend a meeting, but said they found a lot of people did not want to attend this. When discussing this with Family Liaison Coordinators (FLCs) from South Yorkshire Police, one FLC commented how CPS lawyers were ‘terrified’ to meet with the families as this was seen to be a relatively new practice. FLCs explained that there was a perceived reluctance from both CPS and from homicide bereaved people, and that while a formal invitation went out it was not always followed up by CPS. The FLCs on the other hand saw this meeting as a significant opportunity for bereaved families to ask questions about the charges and upcoming court proceedings. In an interview with Support After Murder and Manslaughter (SAMM),

they explained that any reluctance from homicide bereaved people at this time was explained by the overwhelming and foreign nature of the legal processes in the aftermath of a homicide in light of the shock and trauma that homicide bereaved people experience.

I remember seeing them in the lobby of the courthouse and I might have been introduced to someone briefly but nothing, like I didn't have a conversation at all, em and I was just put in the quiet room and I was given like a briefing a very short briefing and that was it. (Caleb)

Jayne and Olwen recalled meeting the prosecution barrister on the morning the trial began, and felt pleased that the barrister did so:

Jayne He normally, doesn't want to speak to the families, no interest, and he made it his business to come in and speak to us before it started.

Olwen he's a QC and liaison officers said, 'we've never ever known him to do that'. He just came in on the morning it [the trial] started and he said, 'right', he said, he came up to me and he says, [name omitted] and he got hold of me hand, and he was abrupt when he was talking, and he says 'now',

Jayne you can tell he was awkward as anything he was like, oh

Olwen 'now' he said, 'I don't normally do this but all I will say is that it's a dreadful thing that's happened and I'm going to make sure that I do the best to get justice for [your loved one].

Jayne and then he just turned on his heel and strutted out

Olwen He just chucks me hand and he turned around and walked out, like an air about him,

Jayne (laughs) like you can tell he didn't do that kind of thing. Like normally he's like, I'm not going to speak ... but he was fantastic. He was really good.

Olwen He was and em, the FLO says he never does that, never, you know keeps his distance.

In contrast, Kaylie's experience differed, and she talked about how the Senior Prosecuting Counsel made her feel less deserving by not introducing himself to her.

The CPS' reliance on FLO actions when it came to their correspondence also showed an acute awareness of the potential impact this type of communication could have on a homicide bereaved family:

But we never just send out the letters. All our information that goes to bereaved families goes via the Family Liaison Officers, so we don't just post them out, they're all hand delivered. I can't think of anything worse as something, had it

happened to me, of something landing on your doorstep and there's nobody there to explain or to ask questions. So, we do make sure that in these sorts of cases that the Family Liaison Officer hand delivers them. If they are not available then we ask, usually the officer on the case to take them out and speak to them. So, they don't just drop cold onto somebody's doormat.

Given the CPS' reliance on FLOs at this stage, I discussed these meeting with the Family Liaison Coordinator (FLC) who explained that increasingly they encourage families to attend this face to face meeting but also have to chase up the offer, explaining that legal advocates are often reluctant to engage with homicide bereaved people:

Quite often people do like to do [to meet with prosecutor], but more often than not it tends to happen on the morning of the trial, not always, but quite often they'll say can they meet them before the case and they'll come in early and they'll sit down. Quite often with the barrister, quite often with the reviewing lawyer [from CPS] who will go down to court and they'll have a meeting then, there'll be the Family Liaison Officer from the police, and they tend to do it down at court. (CPS)

Katrina felt particularly overwhelmed by the legal process and talked about feeling unable to even walk at times and how blurry things were, yet when she recounted to me when she first arrived at court, she was able to include many details:

The morning of the trial they took me into a private room where the Homicide Service worker was, the FLOs were. CPS came into the room as well ... I just remember walking in [court building] and there was a group of men from CPS and the lady took me to them and introduced me. Again, I just remember shaking his hand and kind of thinking, at the time my legs were like jelly. It was just really awful, I could barely sort of, you sometimes wonder how you actually did walk in and sit in that stand. (Katrina)

Unlike the majority of people who met CPS at court, Lisa was given an opportunity to meet them prior to the trial date:

Yea, we had one meeting with CPS, em, with the gentleman that was, em, making the case, or pulling it all together and we were invited down to, em the police station to meet with him, and the SIO and deputy. Yea we went down there, and they showed us what would have been the investigating room, where everything was sort of organised from and then we met him, and he explained em what the case was, just confirming what it was and that this is what they intended to put forward and that was it really. The next time we saw him was when we met the barrister on the day [of court] (Lisa)

Not everyone felt they had been given an opportunity to meet with CPS. For example, Melita was not offered a meeting with CPS

I had no contact with the CPS. That's what I mean you're in a quandary because you don't know who to contact.

Caleb also commented:

I didn't, no, we didn't meet them. By the time the trial come around it was quite some months later and I'd fallen out of contact with FLO and with any officials, I had no more contact with them, so it was quite an intense amount of contact at the beginning for quite a long time and then I was at the courthouse and I can't really remember much about that. (Caleb)

For Elsa, not having an opportunity to meet CPS meant that she was unclear about the specific charges brought against the men who killed her son when she was sitting in court. I asked her if she had a meeting with CPS to discuss the charges and she responded 'no'. I then asked her when she did find out about the charges and she responded:

When I was sat in the gallery [at court]. I don't ever remember seeing anyone from CPS. I met my barrister. He did introduce himself to start with but that was about it. Yea I don't remember having asked any questions [to CPS]. (Elsa)

Similarly, James explained that he did not meet with CPS, nor was he given an opportunity. He did acknowledge that his mum was the main point of contact with the FLO although he knew that she did not meet with CPS and thought she had never been offered the opportunity. They were given an opportunity to meet with the prosecutor, but once again this happened on the morning of their first attending court proceedings.

For Katrina, she could not recall when she met the prosecution barrister, however at the time of meeting she was pleased with it, but in hindsight thinks about things she could have asked:

I just remember him [prosecution barrister] coming into the room and saying to me, 'listen we're going to do everything possible to help you to defend your son' and again, I just remember saying thank you and, at the time you don't think about questions and answers. But now I do. Now I think about it all the time. Now I think about things and I recall things and I think, 'aw why didn't I ask that, why didn't I ask that'. But at the time you're not in no fit state, you know, you're not in your right mind.

Katrina was intimately known to the man accused of murdering her son and she now reflected that rather than have her interests in sight, CPS were driven in their resolve to convict her former partner: 'I know that the CPS did all that they possibly could. Well, I think they did because they wanted him'. This perception was influenced by her

experience with CPS prior to the murder of her son over previous reports she had made and CPS's decision not to pursue those:

They didn't follow up when they should have done. They ignored us, and you know I've got a lot of resentment towards it. I think about it all the time ... I think about sort of writing and challenging them cos I'm clear now. At the time I didn't challenge them but I'm getting stronger and stronger.

Katrina's example once again highlights how this stage is characterised by shock and nuance which is an overriding theme of this research, leading people to sometimes reflect on their experiences differently than when it was happening.

When asked how they decided on who to contact within the family, CPS explained to me that they took their lead from the FLO who identified the contact within the family. This could be problematic, as in some instances the FLO may have lost contact with the families at the stage, and in Caleb's instance. The CPS explained:

Bereaved families, their contact tends to be mainly with either the police or people that are down at court. You know we do get a bit of feedback from people that are down at court where they come back and say we've had a meeting; the family know what's happening they're more than happy. And that is really the only feedback that we get. I can't think of an instance where we've actually had to speak to on the phone actually, a bereaved family, cos it all tends to go through the FLO ... the lawyers are slightly different because they might have face to face meetings with them and quite often do and from my unit, we very rarely, I can't think of any time we've actually spoken to a bereaved family on the phone because we do everything through the Family Liaison Officer.

When talking to homicide bereaved people it seemed the first morning before official court proceedings involved a number of different, new and sometimes significant instances for homicide bereaved people. For many it was the first opportunity to meet with the prosecuting counsel and in some instances, people received distressing updates at this time:

Em, [meeting with barrister] very brief, you know they were very nice but very brief and we hadn't had any opportunity to meet them before that morning [of the trial]. And one of the other things that was really horrible was that morning was the first time that we actually got to see the CCTV footage of [my son]. So, we were literally only shown that on a laptop sort of 10 minutes before going into the main hearing. So that was, I didn't like that, that was quite upsetting (Lisa)

We hadn't had any opportunity to meet them before that morning and one of the other things that was really horrible was that morning was the first time that we actually got to see the CCTV footage of [her brother]. (Jayne)

Katrina was not given a chance to preview CCTV footage and during proceedings was the first opportunity she had to see footage from the night her son was killed. She did not comment on the fact she did not see it in advance but rather focused on the emotion of seeing her son in his last moments before his death.

I just remember looking at the screen and it was the first time I'd seen him [the accused] and it was the first time I'd seen the evidence of [my son] walking through, they'd been to a pub and I could just see him walking through the entrance and I just was just watching him thinking, it's an absolutely horrible memory but just seeing him sort of walking you know being alive, the pain, ugh, I could have just sat there and watched it over and over again, it was my boy, my son there. (Katrina)

Elsa on the other hand recounted:

They did show the CCTV footage and the good thing was I actually had seen it before they screened it in the court. It was quite difficult to watch. knowing that everybody else is watching it as well but that is the court process, they've got to do that.

Philippa recalled on the first morning of court being brought into a room where the QC talked about a plea acceptance. The assumption from the QC was that 'the family' agreed to this plea due to the family point of contact. Yet Philippa had not known about this previously:

So, on the first day of the trial it was the first time we had met our QC. We were in a room on our own with him and he gave us a copy of his closing statement that he was going to read out. And I said, 'what do you mean the family have agreed for this plea of manslaughter charge?'. And he said, 'by the family, what do you mean?', and I said, 'I didn't agree to this. I'm angry about what's happened. No, I don't agree with this. How can we agree with this if we don't have all the facts?'... so, on that day when the QC gave us our copies [of charges], he asked each of us and I said, 'no I'm really angry' I don't agree with [other family opinions].

Learning about the plea on the morning of court was not an uncommon occurrence, but in Philippa's instance it was the assumed agreement and lack of opportunity to be consulted which rankled. This led to the judge asking her and others in the family to write a victim impact statement. There was a broader theme of learning details about the death of their loved one that they had not been previously informed of. This was distressing for most. Jayne commented 'we didn't know what had happened to [her brother] until the trial like in terms of detail and things like'. For Tarryn, who had not had an opportunity to go to court due to the accused not yet having been caught, she felt that she had had to

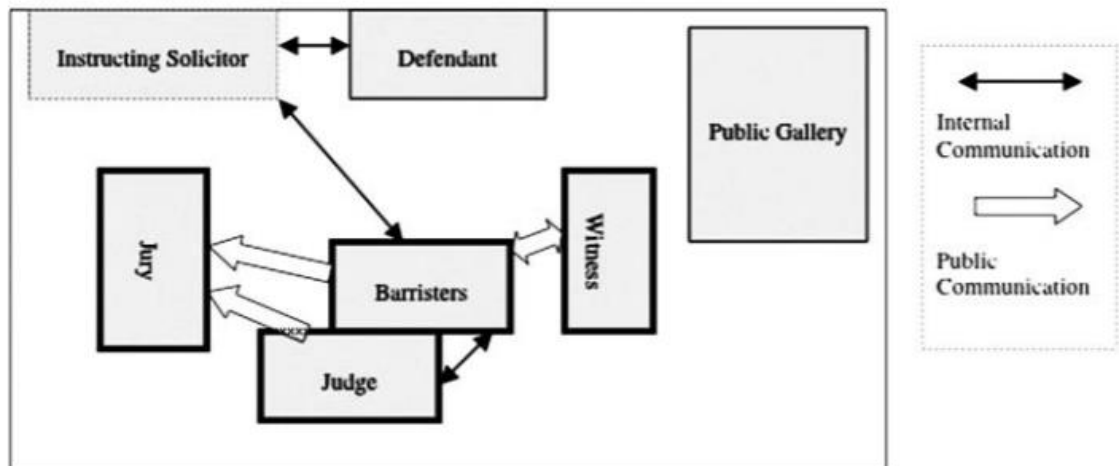
work tirelessly to try and find out what happened to her son in the lead up to his killing. She lamented that all the time later she might still not know everything and found it ‘disgraceful’ that she had to fight so hard for information.

6.4.2 The Place of Deniability – Speech Authority

Within the English Crown Court, there is a distinct interaction order which legitimises the knowledge claims that occur throughout the proceedings. In keeping with the dramaturgical analogy, the way this was acted out reinforced the different front stages of performance identified above: Front Stage: Full Performance; Front Stage: Law Stage; Front Stage: Law Stage (closed gallery). At each of these stages, the direction of communication defied normality and there was a distinct hierarchy which determined who could speak and when. Throughout the presentation of evidence, the barrister asked the questions and the witness answered. Unlike normative interactions this was not a reciprocal conversation and there was no interaction allowed from the public gallery, where the majority of the homicide bereaved sat, and they were not often called as witnesses in the trial (in my research no one explicitly talked about giving evidence). Inasmuch as there has been considerable comments on the treatment of rape victims within a court setting, particularly around the degradation of cross-examination (Walklate, 1989), this does not seem to fit with the experiences of homicide bereaved people. Their status in court proceedings was almost non-existent and their position in court was in the public gallery, merely a symbolic idea (Walklate, 2012). Carlen (1976) likewise points to defendants as dummy actors within proceedings, and therefore both are used merely as props.

The hierarchy of interaction was evident in my observations when on one occasion at the beginning of the trial in Court 2, some members of the public gallery were whispering. The judge paused proceedings to reproach them given that court was sitting. This was done in such a stern manner that no further interruptions of this nature occurred throughout the duration of the trial. This demonstrates the notion of court being a ‘place of deniability’ (Scheffer et al, 2009). The direction of interaction that is permitted in an English Crown Court can be seen in Table 6.2 below, which illustrates the actors who have authority to participate

Table 6.2 Interaction Order



(Source: Scheffer *et al.*, 2009: 188)

The information presented by both defence and prosecution counsel was not objective but open to varying interpretations. And this was often facilitated and achieved by a dramatic performance. For example, throughout observations, it was noted that barristers used their expressions, volume, intonations and eye contact to make a point more poignant. In observations in Court 2, when talking about the events which led to the death of one of the victims, the barrister dropped his voice low and drew out the words slowly, while looking into the jury box and pointing accusingly at the dock. This was effective in captivating their audience and emphasising the ‘sinister’ way in which events occurred.

Another way this was evidenced in the observations was the manner in which witnesses were questioned. With the experts for example, even during cross-examination counsel remained polite and referred to them as “Mr. so-and-so”. Yet more contentious witnesses were not always treated in this way. Sexually explicit details were discussed in an accusatorial way, for example ‘You knew they were coming around for sex, didn’t you?’ The result of this mode of communication was that it could cause frustration and even distress for the bereaved if they were called to give evidence as a witness. For example, in observations in Court 1, I observed the cross examination of someone who fit my definition of homicide bereaved. Her evidence in court was considered contentious and at one point they were visibly upset and crying. This resulted in an outburst from them

on the witness stand when they said ‘This is a matter about a murder, and I’m beginning to feel guilty myself. But someone in this room did do it and they should just admit!’.

Although Danielle did not give evidence in court, she spoke of issues with speech authority in relation to the judge. She felt unhappy with the totality of the judge's authority and felt the judge was unaware of the impact on them as homicide bereaved:

From the minute he [the judge] opened the court case, he never took it seriously. He didn't. I remember when they [prosecution] did the opening arguments and they [introduced a motion over previous behaviour of the defendant] and he [the judge] asked had he [the defendant] been charged. They [prosecution] said ‘no’, and he [the judge] said ‘that’s like drawing a penis on a piece of paper’. So, I turned to my FLO and said, ‘seriously, has he just said that?’. And she said, ‘well I don’t think he meant it’. So, I knew from that moment that he wasn't taking it seriously and if I could have complained about him, I would have done.

This occurred at Front Stage: Full Performance and after this instance, Danielle was told by her FLO that ‘it’s his courtroom. What he says goes.’. While there are avenues to address complaints about judges, Danielle’s FLO indicated to her she could not. This further compounded Danielle’s sense of powerlessness and lack of voice throughout proceedings.

6.3.2 The Witness Service

In the three Crown Courts I observed, there was a permanent Witness Service office located in the same building, with several witnesses waiting rooms which they explained was where homicide bereaved people waited outside of proceedings. The observations in court and interview with Witness Support were conducted at a time of change within the Witness Service, during which it had previously been run by Victim Support but had been recently taken over by Citizen’s Advice. The lady I interviewed had worked for the Witness Service under Victim Support and was retained under Citizen’s Advice and therefore she was able to provide historical context and insight into recent changes to the service.

The presence of the Witness Service was not something that featured significantly throughout the interview with homicide bereaved people. For most people, it seemed like the functions performed by the Witness Service were carried out by the Family Liaison Officer. In an interview with the Family Liaison Coordinator and the Witness Service,

they talked of having one point of contact for homicide bereaved people, but that behind the scenes there was collaboration between multiple agencies taking place. This was evident in the provision of a private waiting room which they could use when court proceedings were not occurring. Similarly, most people had the opportunity to have a pretrial visit which was communicated as a way of debunking some of the uncertainties around court, which was previously unknown to most. For example, Jayne and Olwen commented:

Olwen and then they [FLO] took us, you know obviously when the trial was looming they came and got us and took us down in the courtroom, I'd never been in a courtroom before you know, and I remember walking in and thinking, how do people commit crimes time and time again having to come to a place like this. The whole feeling, it was horrible though wasn't it.

Jayne but it [pretrial visit] was good though cos they said like where, they explained where everyone would sit, you know it's quite like when you go into the courtroom and stuff it's very like structured, like a certain person will talk and like it's really structured then when they talked through how it worked

Olwen well that's it, cos all, it never seems what you see on dramas and stuff on the tele, and eh, so they did they explained everything that would happen and there'd be someone to look after you.

6.4 The Staging of Justice

This section will discuss the experiences of homicide bereaved people throughout formal court proceedings, and the times in between proceedings: before they began at the beginning of proceedings and each day; when they finished at the close of proceedings and close of each day; and during breaks throughout proceedings. Throughout this presentation of the findings, I will also reflect on my observations within Crown Courts. Carlen's (1976) work within magistrates' court and Goffman's (1959) notion of performance (see Chapter 3) are useful here as much of the discussion around proceedings uses the metaphor of theatre and performance.

6.4.1 Performance

The metaphor of performance is commonly used when talking about court proceedings. One of my participants frequently referred to it as a 'pantomime' and within the first hour of my introduction on my very first time at court, the usher who was showing me around said in relation to what happens at court, 'It's like a performance, really'. Within a court

setting, there is an understood hierarchy of who is performing and who is the audience; insiders and outsiders. This was noticeable both from my observations and from the interviews with homicide bereaved people. It was also mentioned by the Family Liaison Coordinator (FLC) as she talked about their role in managing homicide bereaved people and ensuring they acted and adhered to the appropriate conduct. This was evidenced when Danielle recalled:

My victim support friend said to us, she said there's going to be times in court when you're going to have stuff inside your head. If you sift through it all, you won't really need to know and if it might be better at sometimes to get up and walk out, so when they, when the coroner gave his evidence, I didn't sit in for that ... I didn't want all that clinical stuff. (Danielle)

Procedures are therefore categorised by props, furniture, positions, custom of appropriate speech, scheduling and hierarchies, all of which are underpinned with social meanings.

For the purposes of this chapter, 'performance' refers to all the actions and interactions that occur before a particular audience, which follows Goffman's (1959) emphasis. What struck me throughout my observations in Crown Court, however, unlike Goffman's binary notion of front stage and backstage, throughout my observations I identified five distinct 'stages' that may have been experienced or have had an impact on homicide bereaved people:

1. Front Stage: Full Performance - when court is 'in session'. Judge is present, jury is present, defendant is present. Legal advocates in full wigs and gowns. Public gallery open.
2. Front Stage: Law Stage – when jury is not present. Judge is present, and defendant is present. Legal advocates and public gallery present.
3. Front Stage: Law Stage (closed gallery): Judge, legal advocates and defendant present. Public gallery cleared and closed.
4. Back Stage: Adversaries become Colleagues - In the courtroom. Judge and Jury are not present. Defendant is brought into the dock. Legal advocates present, and public gallery may not yet be cleared.
5. Back Stage: Public Zones - out of the courtroom. Cafe, waiting areas, toilets, entrance/exit, smoking area
6. Back Stage: Private - waiting room assigned to relatives of those bereaved through homicide.

Front Stage: Law Stage identified above was the most ambiguous stage. This happened a couple of times throughout my observations and I was not privy to the explanation of what went on. Only one participant explicitly mentioned it in interviews with homicide bereaved people, therefore it did not feature beyond being shrouded in the unknown. When it first occurred in my observations, I asked the court usher why this had happened and what explanation would be given to the family of the victim in the public gallery. He simply explained it as a closed matter of law and explained that relatives would be given no further explanation than that. This is not something I can therefore comment on any further in relation to how it was experienced by homicide bereaved people.

Some of the most poignant moments that helped shape homicide bereaved people's experiences were in the 'Back Stage: Adversaries become Colleagues' identified above. The adversarial nature of the CJS in England and Wales with opposing counsel makes it confusing for those observing to then see the back-stage interactions with the 'other side'. It was commented on by several people that their only expectation of court was based on mostly American television programmes with a much clearer distinction between defence attorneys and state prosecutors.

One of the poignant moments in interviews regarding 'Back Stage: Adversaries become Colleagues' was with Jayne and Olwen. Despite her children attempting to protect Olwen from glimpsing the weapon that was used to kill her son, she recalled a particularly distressing moment:

Olwen But their [defendant's] lawyers, what I'll always remember was, we was waiting for the judge to come in at one point and they had part of the [murder] weapon on their desk. It was a piece of wood that had been broke off that had been left lying in the sitting room [at the scene]. And one of them [barristers] picked it up and started carrying on with it like this (waves hands).

Me Who did that?

Olwen One of their [defendants] lawyers. The defence.

Jayne They'd swing it around like sword fighting

Olwen My son had, me oldest had said to me, 'now mam when we go in there', I hadn't noticed the wood lying and he says, 'don't look, don't look to your right'. Well of course when he said that you're like, 'what do you mean', and I did [look]. He said, 'mam, don't look'. But then, and I say, waiting for the judge to

come in, and two of them [barristers] were standing and one of them [swung it]and I'll never forget that

Jayne I think, fair enough if you were picking it up to demonstrate how you would hit, sometimes like that can happen

Olwen It was just like they were on a break and the family; we were sitting there next to them. You know there's like the glass, and you know we could see everything they were doing. And aye like, I'll never forget that. For educated men!

Jayne It's just really insensitive, like that bit of wood had killed someone so why would you even want to touch it? Let alone mess around with it...

Olwen She [points to Jayne] still can't even touch wood... [inaudible and upset]

The lasting impact of that occurrence was evident from the way both Olwen and Jayne recalled it. The ability to see court exhibits without being formally shown to homicide bereaved people is a point that will be picked up later in this chapter.

This particular backstage point during the interactions between opposing counsel struck me as significant several times when I was conducting observations in court. Unlike the adversarial interaction order that occurred during proceedings, this was always a point I keenly observed throughout my fieldwork. The public gallery was not always immediately vacated and therefore much of what occurred at this time happened in the presence of potential homicide bereaved people, the defendant's family, members of the public, and members of the press. What follows is an excerpt from my field notes that I made on my way home one day on the train from my observations in Court B:

A particularly tense day in court that followed evidence for the Crown. Some distressing details around the discovery of the victim following their death. This was one of the most upsetting days I've witnessed so far due to some of the reactions in court and the judge excused for an early lunch.

Following the lunch break as members of the public gallery filed in which included relatives of both the victims and the defendant [there was a familial overlap between the victim and the defendant, so this wasn't a clear distinction of who represented who]. I was sat at the press bench which is where I sat for the majority of this trial and therefore my back was to the public gallery and I was looking out onto the well of the court where some of the barristers had returned. The prosecution barrister walked in with a small stool and as he approached the counsel benches he began laughing with his junior counsel as he placed the stool behind the bench at the position of where the defence QC stood. As the defence QC barrister arrived into the courtroom, opposing counsels shared a joke and a laugh over the mockery of the defence QC's height. What struck me here was that this was common workplace banter between colleagues, and yet

immediately the exchange made me uncomfortable due to the setting. It would have been inappropriate for me to turn around to observe if those in the public gallery had noticed and how they had reacted, however I couldn't help but imagine how this may feel to witness as a homicide bereaved person might perceive this. Is this an example of where I'm 'being native'?

Another way in which the metaphor of the stage was evident throughout the observations was in the use of narrative around the victim, who, unlike 'direct' victims, was used as a motif due to the nature of the case. It appeared the murder victim was used as a 'prop' throughout the case to build a narrative around the events for the purposes of an outcome at court. Much of these court narratives seemed to reinforce the notion of the 'ideal' victim, where victims are readily assigned legitimate status, seen as victims by society, and officially recognised as victims (Christie, 1986). For example, in one of my observations in Court 2, the prosecution's narrative depicted the victim as 'besotted' and 'powerless', in contrast to the defence's version of them as 'drunk' and 'calculating'. Both were presented as 'truth', as part of the account being put forward. This notion of competing versions of truth around their loved one was commented on by several homicide bereaved people, particularly linking it to how the speech authority within court meant that they had no power to contribute their own portrayal of their loved one. When talking about the trial of the men responsible for the death of his daughter, Martin talked of silently enduring her 'character assassination' and being powerless to stop it. Similarly, Danielle recalled:

But it was a pantomime from the minute we started, and like I say, four and a half weeks of hearing your son being called 'the tall drunk man' and all I wanted to say was, he wasn't a man, he hadn't even started shaving, and when he was drinking he was happier and more loveable than he ever was not drinking.

In the interview with the Family Liaison Coordinator, speech authority within court was something that they commented on having to manage with homicide bereaved people:

At Crown Court trial stage, where I think they [homicide bereaved people] need you more than ever ... it's very clinical, well it serves a purpose, it's the justice system but that's where families get hurt the most, because they are here and its totally different to any kind of service or memorial, its talking about somebody they love but they're not allowed to intervene.

This was something that Melita also reflected on:

You weren't prepared for the attack either on your loved one's character, and I don't care what they say, mud sticks, so when they were talking about [my son]

and saying, 'oh well you know he's a known druggy' and this is their [defendant's] QC, I, I was absolutely beside myself and I said [to FLO], 'you know you need to look at the toxicology report, he was clean', I knew he was clean, but they didn't, they are saying it in front of the jury, so it would appear, he [her son] only got what he deserved ... And the jury didn't even see the toxicology report. Only the judge saw the toxicology report. I wanted a copy of that, and I wasn't allowed it. (Melita)

Kaylie also felt that because her son was not 'squeaky clean' it was very unlikely they would get a conviction. This perception even extended to the prosecution narrative around her son, which introduced criminality that her son had not been charged with. Kaylie felt that because of this image of her son, the prosecution barrister was not invested in the trial:

He [prosecution barrister] was so elusive. He didn't speak to us ever. Junior [barrister] told us some stuff. Why wasn't he [senior counsel] there every day? Did we get priority? I didn't feel like the QC got us justice cos my son wasn't a squeaky-clean boy. He [prosecution barrister] didn't really seem that interested. But then you see on tv, they're [barristers] all shouting but it doesn't really happen like that but then we're all new to this.

What's more, Jayne commented on the added intensity during proceedings of hearing and seeing the 'shackles' on the defendant. This is another example of how props are used in the Crown Court setting to facilitate the symbols being acted out. Caleb also commented on the sounds of chains when the defendant was brought out. It was significant to him because he was intimately known to the defendant and often talked about him as 'the man that raised him'. This sound of locks and chains was something I noted in all three of my observations. There were moments in each day of proceedings where the door of the dock was unlocked and locked again, with several loud bangs and clinks to accompany it. An excerpt from my fieldnotes in Court 3, which was an older, traditional court building highlights the intensity and drama of this moment:

Notably before the defendant appears there are a number of sounds that pre-empt their arrival. The cells where they are housed prior to and between proceedings appear to be downstairs as there is a distant sound of locks and chains that comes from beneath the court and echoes on the mahogany panelling that encases the entire room. The ritual is the unlocking of the door, then the rattle of chains as the defendant presumably enters through the door. The door then bangs and is locked once again. There is a further delay with the sound of more chains, presumably as the defendant's handcuffs are removed. Then there is the sound of footsteps as the defendant ascends the stairs with at least one custody guard. At the top of the stairs there is a half door that is unlocked and locked again once they have entered. It is only at this point that you can actually see what is going

on. The view is limited from the public gallery, and some seats offer no glimpses of the dock. All the while the guard's chains and keys are clanging. The defendant shuffles to their seat and flicks through his papers. While this has been occurring, the courtroom is filled with silence and as we all anticipate the defendant's arrival.

6.4.3 Spatial Relations

Even in everyday life space is used to determine which conversations will occur and be heard by whom. In the court setting, Carlen (1976) argues space and setting are used to emphasise the constructed status of the individuals present and reinforce speech authority as discussed above. This was evident in the fieldwork and showed how the legitimacy of court actors' speech-making was maintained and facilitated by the spatial and temporal traditions of a courtroom.

Throughout the observations in Court 1 and 2, the bereaved were seated in the public gallery with any members of the public who chose to attend. Except for Heather, all those interviewed were also sat in the public gallery for the majority of proceedings, however some were moved during sentencing. Heather was sat at the press bench. The remote position of homicide bereaved people denied them full visibility of proceedings. For example, in all three courts during observations, the public galleries did not have a view of the TV screens which were used numerous times in order to observe CCTV footage. The indication from Katrina who mentioned viewing the CCTV footage for the first time in court suggests that this is not always the case. In Court 2, I asked the prosecution barrister if limiting the view of the public gallery was intentional. He could not think of any reason why it would be which suggests a lack of awareness of victims' needs. He commented:

Everybody makes the statement that victims and witnesses are the heart of the CJS, that's a great statement, but actually achieving it is something different... we [criminal justice advocates] are still bound by processes. And my argument with my colleagues and sitting on boards and everything else, I'll say right, you've got your process head on, and we all need a process to work But ... we're not producing widgets at the end of the day; we're talking about very traumatised people

This limited view of screens meant that homicide bereaved people were excluded from proceedings. In one instance in my observation in Court 2, long clips of CCTV footage were shown meaning that those in the gallery had periods of approximately ten minutes

during which there was no dialogue while footage was being shown, and therefore the expectation was that they remained silent and simply waited.

The remote position in court also meant that at times it was also difficult to hear. In my observations, I experienced an older court building with mahogany panelling and benches, meaning it was echoey and the acoustics did little to facilitate being able to hear. The more modern courts were slightly better, however in Court 2 the courtroom was next to a busy road and hearing was often masked by sirens and traffic noise. There were microphones positioned but those speaking rarely spoke into them, rendering them useless. In the interviews with homicide bereaved people, lack of ability to hear compounded the already complex language that was being used in a court setting. For example, Katrina commented:

The trial with the judge and the noise in the courtroom, I was finding it hard to understand what they were saying, you know it wasn't very clear what they were saying, and I felt as if I have to keep on asking the liaison officer 'what did they say, what did they say?'

Melita also commented how the judge would never speak into the microphone so when they spoke it was difficult to hear. In Heather's instance, the defendant was appearing via video link and this added to the noise:

The judge was behind a computer screen, so unless he leaned forward and really spoke loud you couldn't really hear what he was saying ... there was a lot of interference with the computer like a lot of buzzing and background noise from the prison, it sounded like there was a riot going on at one point.

Philippa and members of her family had hearing impairments. For this reason, she had told her FLO they would need to use the loop system so this could be arranged in advance, and yet when they arrived this was not in place. When the court staff eventually did bring hearing loops, Philippa said they could not hear. When she told court staff, they assured her it was working. She recalled 'we're the ones that are deaf. How can they tell me it's working?' For Philippa, this compounded her experience and she felt it was an unnecessary obstacle to encounter. This was not always the case, however, and James commented: 'I've got tinnitus in both ears, so my hearing isn't the best, but I could pretty much get it all'.

Another way in which space was used to maintain court as a place of deniability was in the visibility of court exhibits. To protect the investigation, homicide bereaved people

were as a matter of policy not shown the evidence exhibits, or packs containing information for the jury, judge, witnesses and other legal personnel. For the majority of homicide bereaved people that I interviewed, their position in court was in the public gallery which meant at times they could catch glimpses of evidence that was used but were not given an option to officially see it. This links into the notion of a hierarchy of performance. Heather, for example, was the only person who was given a place in the well of the court and was sat with police officers and press members. This meant she could see over the shoulder of one of the police officers who was present in court as they were looking at pictures of her son's body after he'd been killed:

You've got in front of you the various people and you've got the press there (points) and one of the police officers sat beside me and the other sat in front of me with I'm guessing CPS cos in front of me was the barristers em, and on the laptop they brought up the photo of [my son] which I could then see, cos they were obviously going through bits and pieces.

Heather was unsure whether she would have wanted to see this or not had she been given the option, but what is significant is the way she was not given a choice and saw it through her position in court. It was surprising to me first in my observations and subsequently in the interviews with homicide bereaved people and I would have expected them to be given a place in the well of the court, not in the public gallery. This is due to their vulnerability and therefore should not be within such close proximity to the defendant's relatives in the public gallery. This is discussed below in 6.4.5.

6.4.4 A Place of Deniability – Emotions

Another way that the court was perceived to deny homicide bereaved people agency throughout the court process was through the control and repression of emotions. Walklate points to the emotional rhetoric around victims of crime within policy and the 'emotionally fuelled' nature of the CJS (2012: 117) (see Chapter 3). Yet for homicide bereaved people in this research, their emotions were not always allowed to naturally occur, but rather were managed and appropriately timed. In Court 1 during my observations, the judge instructed the gallery:

I know this is a terribly emotional time, but I will not tolerate any reactions from the public gallery. I really have to insist on complete silence throughout the verdicts and until the jury are dismissed.

This was said in Front Stage: Law Stage and therefore the jury were not present. This curtailing of displays of emotion was also something that homicide bereaved commented on during their interviews:

Olwen Cos the usher, I remember when the trial first started, said 'I know it's difficult, but you've got to suppress your emotion. Don't show your emotion. You're not allowed, because if the jury see you upset that could prejudice them'. They said, 'You've got to sit' and you know, it's really hard so we're told we weren't allowed to get upset or anything. So, it's really hard. How do you sit and hear all that?

Jayne It's a bit insulting really.

Olwen Just sit there serious.

Jayne I'm not really bothered about prejudicing an opinion to see how upset we are cos that's what happened

Olwen The jurors were sitting crying when they were looking at his injuries and they were in tears so to be honest it ... I remember watching one of the jurors and he was sitting, and he had his head in his hands eh, then they're ordinary people and they'll have kids

Heather on the other hand recalled when she got upset in court during Front Stage: Full Performance, 'I started crying and the police officer held my hand which I thought was very compassionate of them'. This suggests there is a reasonable expectation of emotions, but perhaps it is not always communicated well to homicide bereaved people. Danielle also talked about being warned about what she was wearing due to the potential influence it could have:

To the point where the police say to you, 'you're wearing black, you look intimidating'. Except we were trying to show respect.

Despite the high emotions people felt at this time, there was a general sense in the homicide bereaved people's interviews that they were there as a representation of their loved one, the victim, and therefore they should conduct themselves appropriately. James, who had previously been annoyed that his FLO had assumed he would 'take justice into his own hands', commented:

I was told all I needed to hear from my mum. My mum sort of laid some ground rules shall we say for us that we wasn't to say anything to him [defendant] or his family, we wasn't to shout out. We was there for my brother and we wasn't going to have my brother's name tarnished by any of us saying or doing anything. And to be perfectly honest I was pretty numb for most of it.

Similarly, Danielle said:

You're there representing them [victim] so you still have to behave a certain way, I wish now, it was just all pantomime. I wish now we hadn't been subjected to that. I don't think I'm different from anyone that's been to court.

Maintaining composure in court during Front Stage: Full Performance was not something that all people found easy. When Melita talked about composure in court, she said 'And of course, you know, I couldn't keep my voice quiet, could I.' The expectation of indifference from people who are so shocked and traumatised at a time of intensity seemed clear when Elsa talked about when the verdict was read out in her son's case:

My ex-husband was getting very angry on the other side of me, in fact he was nearly asked to leave the court. the judge was very cross with him cos he was nearly over the top of the gallery to go down and sort these blokes out.

Danielle also commented on the jury's composure during proceedings:

I don't have to tell you how cross we used to get when some of the jurors used to fall asleep, they used to doze off, and I would say to my FLO officer, someone's asleep down there, yeah. Somebody's, you know not awake. (Danielle)

6.5.4 A Place of Volatility

For many of the people I interviewed, a significant part of the court process was encountering close proximity with the defendant, and their families and supporters. Heather talked of being 'shocked' that she was 'literally sat next to the defendant, but you can't actually see into the defendant box'. This proximity to the defendant seemed significant for James also:

When he [defendant] come up to give his account of what happened, he was 2 metres away from me. There was me, then there was a court clerk sat at like a table with a computer and literally just the other side of him was where he was stood. (James)

This close proximity was something people talked about with mixed emotions, with some trying to imagine the impact it must have on the defendant's family:

I think the fact that she [defendant's sister] cried it shows that she's embarrassed for her brother or something, yeah, I don't know. I really don't know how I feel. (Heather)

There was often a real or perceived danger in this close proximity where homicide bereaved people felt threatened or intimidated. Olwen's feelings towards the mother of the defendant changed over the duration of the trial, but initially she commented:

In the early days, I remember saying to the liaison officer, I just said, 'eh, you know I feel so sorry for the mothers of these ones that's killed [my son] because if my son, if it was the other way around, I would actually feel worse than what I do now. That I had raised a son that had done that, em and I would feel it was all my fault that I'd gone wrong somewhere', and it was [FLO] he goes 'look, don't think about these people, just concentrate on your own family. Don't give them a thought'.

For Katrina, being within close proximity to the supporters of the defendant had an added complexity due to the person accused being her ex-partner:

Well again, that was difficult for me because there were friends of his there that used to be sort of friends of mine.

Marie and Ralph on the other hand were staged away from the defendant's family by the court staff, so this was not as significant for them as for others:

Through glass and screens [could see the defendant] and he's family was tucked that way, so you could only see 4 people in the front row, even though they were probably only, I don't care. But all our lot was all there

For others, however, being within close proximity was very distressing. This was not limited to the courtroom, but in backstage phases in the public zones of the courthouse.

Danielle for example recalled:

You go in the same entrance in the court. You go through the same metal detector. You're searched as they're searched. And you're supposed to conduct yourself with dignity and grace. And we did. But I truly wanted to rip her [defendant's mother] head off and say, 'he's a product of you. You didn't do your job right'. But I couldn't. And the police are there, and it gets messy, and then well, I'm a product of [my son] then, so yeah. I found that very distressing. Very hard. I think if they had, even to the point where if they had said sorry, not that it would have mattered, not that it would have made everything ok, but even if she had mouthed, I'm sorry. I'm so sorry you've lost your son. But no, there's nothing. If there could be separate entrances and you never come into contact with them that's what I would want.

Elsa also commented about using the same entrance and encountering the defendant's family within the court environment:

I left the court. I went through the back door because I didn't want to go through the front door because I had to pass these four defendants [after acquittal] who were all patting each other on the back, laughing, joking, smoking having great fun. And I think the whole court process for me, I think you should be screened off from the defendant's families and the fact that you all had to use the front entrance. Like if my sons did come, or one of my sons came and sat with me sometimes where the smoking area is, they're [defendant's supporters] all in the same smoking area. I was so worried because my youngest son who was 18 at the time was so cross and angry, I thought, he's going to start a fight with them all and that's the last thing I want. Because you're all in the same area and you get them sneering at you and making comments and things. And you know, I can understand that yes, they're [defendant's] parents didn't want their sons to be in that position either, but to treat me and my family the way that they were doing wasn't very nice either.

Jayne and Olwen had experienced considerable intimidation from the family and supporters of the defendants. While attending the trial, the close proximity was something they were acutely aware of:

Olwen I always remember I used to hate it. If you want to go the toilet you had to pass them all, and they were all watching you, and using the same toilet. We used to go every morning, honestly, when our bags were searched, we had toilet rolls, hand sanitiser. We didn't want to touch anything that any of them had touched.

Jayne Well I came out the toilet cubicle, didn't I, and one of their mothers were there, and the problem is with them lot, we've had lots of intimidation and stuff. They're not bothered that they've done what they've done.

Olwen They're criminal families, all 3 of them

Despite experiencing threats, Jayne and Olwen praised their FLOs and the police that were present at the court on how they handled the close proximity in light of the threats.

Jayne To be fair though, I felt protected. I felt protected. I mean there was the, so it was just in the end one of them went to trial and when he was found guilty, we came out of the courtroom and all of a sudden, we were just kind of pulled into a room, and em, the brothers of the one that had done it, they'd went for us. They'd went to attack us because they were annoyed, they were upset that he'd been found guilty.

Olwen And I didn't even realise till the next day

Jayne No but this is the thing though, we didn't even realise because straight away they [police] swooped, they got the court people to just get them out, they were just kicked out of the court straight away so that was all brilliant

Olwen Aw yes cos I wasn't even aware of it. The next day it was me son had said, 'did you not realise what was happening. They'd gone for us'. And I was

just in a world of me own kind of thing. I remember being pushed into this room. All of a sudden you were just all pushed into this little room

Jayne But it was nice that they [police] actually just thought, 'right get them in there, get them out of the way' and then they made sure that they then got rid of them and we didn't have to go out until they were all gone

Similar to Jayne and Olwen, Melita had received violent threats from the defendant's supporters. She talked about her experiences with them in court and felt differently to Jayne and Olwen about the measures taken to protect her, even threatening to reciprocate violence:

I wasn't allowed out the front of the Crown Court, I had to go out the rear entrance which is where they take the prisoners because my life had been threatened. Knowing they were next door to me [in the waiting area], I wanted to be let in there and I said to the FLO, 'just let me have 5 minutes on my own' and she said, 'you would as well wouldn't you', and she said, 'that's the problem, I know you would.'

The volatility of Melita's situation meant that police had to combat any potential uprising in court, but she felt she was the one who was punished:

I had to have armed guard in the court. They [defendant's supporter] actually put a noose up outside the court one day. Yea, a noose, and she [FLO] said, I couldn't go out for a cigarette on my own, I had to have a police escort. You know, you're in court all day aren't you, I couldn't even go for a cigarette on my own. I had to have 2 police officers with me and one of them was armed ... The one [FLO] she said to me 'you simply can't go out' and I said, 'I'm going out through the front', and she said, 'we can't', and I said, 'I'm in a Crown Court, we've got armed police here'. She said, 'the minute you step over that doorstep we can't guarantee your safety'. So, it was horrendous living through all of that and watching over your shoulder. You know there was notes put through the door, we know where you live.

Sitting among the defendant's family was also something Olwen discussed:

In the court you're actually sitting among them all. They're actually, cos one, one of the brothers, I can remember he used to nudge my shoulders as he passed. Used to go like that [turns body] to get my shoulder.

In Melita's case, the threats led to a situation that meant Melita had to be moved position within the courtroom. This reinforced her feeling that she was punished rather than the people doing the threatening:

[Defendant's] aunt, they had moved me because the threats and everything else, so I was sat outside, and his aunt lunged over to grab me so after that I had to sit where the press sat em because well, I wasn't safe amongst them. I simply wasn't safe amongst them. And of course, you know, I couldn't keep my voice quiet could I. And they [defendants supporters] were all in there and it was such a small confined area, they sat either side of you and behind you and this so wrong and

intimidating and then you've only got a partition between the perpetrators and you, and all their family hanging over the court talking to them, and 'eh up bruv', 'you going to be fine', 'you're going to walk this'. That was the last thing you need to know.

Heather and Jayne both commented how they were moved on the day of sentencing into a different position within the court to avoid any volatile reactions, but they viewed this as a consideration to them. In Jayne's instance, they also moved courtrooms:

And the court were really good as well when the day of the sentencing ... one of them [defendants] he ended up attacking the prison guard and broke his ribs ... we needed a courtroom where it's got glass from the ceiling to the floor where it's all really blocked in instead of the open dock. When he [defendant] went in he had all the shackles and everything on, they literally had him pinned down.

This 'restaging' of homicide bereaved people ties back into the dramaturgical metaphor discussed earlier in this chapter. The fear and distress caused by proximity to defendants and their supporters is something that will be picked up on the discussion chapter, particularly around the staging of justice in the 'back-stage' phases of court proceedings.

6.5 Sentencing: Assurances and Court Outcomes

There appeared to be a number of instances when people were given assurances of sentences by various members of the police or legal teams. This led to an expectation of a guilty outcome with a hefty sentence before the trial had even begun, which did not then always occur as anticipated.

From the moment the court case started, the defence called him [her son] 'the tall, drunk man'. He wasn't 'a tall drunk man'! He was my 19-year-old boy! And from that moment I think that we knew that we didn't stand a chance, although CPS said that they were 99% sure they were going to get a conviction. We didn't stand a chance. (Danielle)

Danielle's case resulted in an acquittal, despite the ongoing reassurances that CPS felt they could convict. Jayne also recalled being told about changes to the charges when she arrived on the first morning of the trial:

That was something that was not on though. They told us the morning of the first day of the trial it was the 2 of them, both on murder charge. It was financially motivated so 30 - 45 years and they expected 45 years. You know we built this lovely pedestal of what it was going to be. Then it was actually, eh, one of them has pleaded guilty to conspiracy to rob. That's that. That's not even a murder charge but how is it that ... That was horrific. (Jayne)

Olwen and Jayne were interviewed about the same case, and the assurances over sentencing were something that stood out for Olwen as well:

I feel, em, I can't fault the police, but I felt like the CPS really does let you down because you know they were convinced 45 years each, all this because it said right, starting point is 30 years and because em obviously it was an unprovoked attack on a stranger and all this and all the evidence and the judge will add in. that's what she said, 45 years. That was the police, the detective said eh, the judge will add on, but what happened was, they were right yes it was 30 years but what they did was took time off, you know a difficult family life, eh, well the lawyer [mitigating factors] all these pathetic excuses and because they'd taken drugs and stuff that's time off, taking drugs that day, well it was a moment of madness. (Olwen)

Heather was given assurances about sentencing also, and seemed to understand how it was calculated having been told about mitigating and aggravating factors and how they impact on sentencing:

I mean they [FLO] told me from the beginning, he will get a minimum 25 years and they explained cos it's a knife crime, that that's where the sentencing is, and they kept saying to me, he's not coming out. He got 25 years. He would have got 30 but they have to reduce because he pleaded guilty which got him to 25., my opinion is the judge upped it to make it 25.

James on the other hand talked of being unsure about how the outcome was calculated and at this point seemed overwhelmed about how unknown the process was to him:

Clueless. To be honest. Not knowing how, the information we were supposed to receive not knowing how we was supposed to be treated, not knowing, (sigh). Just clueless. And obviously, murder sentences are a minimum of 15 years, but the extra years, how, why (sigh), I don't know. I'm just clueless to it all really. I don't really know how to explain it.

What struck me was the extent to which homicide bereaved people could explain intricacies of legal processes if it was something they had experienced. Many professed being novices to the CJS and yet in the process of homicide bereavement, some had become 'experts' in legal procedures, particularly around the calculation of sentencing:

But I'm not sure even if you're aware of the one punch manslaughter law, they're trying to increase the sentence for that, but its only 3-5 years anyway Lauren. One punch. If you plead guilty you'll serve 18 months. Most one punch they don't, they plead self-defence. You have no CCTV; you will very rarely get a conviction. It's pretty much a joke. (Danielle)

The discussion with police and legal counsel around sentencing was significant to homicide bereaved people. They seemed to take estimations as almost assurances.

So, after that [acquittal] my detective obviously was very nice to me. My[prosecution] barrister came into the room and he said, I am so sorry. I really wanted them done for murder or manslaughter and I didn't think to concentrate on the affray charge either. Because he forgot to ask people if they were afraid or scared or whatever. so, he didn't concentrate on that, so he didn't get the affray charge either. So, and I just, like oh well. Like what are you supposed to say. When I think back on it now, I think, that was a horrible thing to do. You should have been concentrating on that, that's your job. That's what you're paid for. (Elsa)

Danielle went so far as to blame the judge for the outcome of an acquittal and question the judge's decision to redirect the jury on a matter of law, unsolicited by the defence:

I know, we know as a family that he influenced the jury decision ... I feel that we weren't treated right, if that is the right procedure, but I do feel that the judge let us down.

Melita recalled a conversation with the prosecution barrister after the sentencing hearing, and she felt angered at his comment to her:

He [one of the defendants] walked away and do you know what I was told, 'Three out of four aren't bad' by the QC ... then of course the Crown's paying for it. If you employ a barrister or a QC then you're paying for it, you are entitled to ask the questions you want. In a case like this you are not. You have to be guided by the people that are supposedly there to do a good job.

In Heather's instance, after the guilty plea, the judge seemed to attempt to be victim focused, but interestingly this attempt went against her preference:

The judge said that his victims had a right ... to see him to be sentenced and for him to be present in the court. So, I'm sitting there thinking, can't we just do it, just do it now just get it over with. So, they chose a date then the prosecution and the defence said they couldn't make that date so then they chose my dad's 75th birthday which was like 3 weeks later. And there's nothing you can do to change that, and you don't want to delay it any further. Because I wanted it over and done with.

Despite the judge's intentions, this experience emphasised to Heather how little voice she had in the process, and she reflected that her father's birthday was now forever shrouded in sadness because of the anniversary of the sentencing hearing, an event that had a profound impact on her.

And I told my FLO officer that. I said we're not, I can't listen to him anymore. There's nothing I can do or say, we're all a reflection on [her son] and if I shout out or one of us shouts out and say you're lying, it's just going to look bad on us, so we decided that we as a family were going to walk out ... And then you're supposed to go on with your life after society have said that it's OK for you to kill our son and walk free. (Danielle)

6.6 Victim Personal Statements

The implementation of Victim Personal Statements (VPS) was experienced inconsistently by homicide bereaved people. The 2010 Code of Practice for Victims of Crime entitled victims of crime to make a VPS. With the 2015 revision of this, victims were allowed to read their VPS 'subject to the views of the court, if a defendant is found guilty' (2015: 22). This entitlement therefore would only have applied to six of my participants (see Table 4.1 in Chapter 4). It was mentioned by most as an extremely emotional activity, and yet very few felt satisfied with how it was used. This follows the debate in Chapter 3, where the benefits of VPS to recognise victims' experiences and to allow them a 'voice' can be overshadowed by a perceived further alienation by the CJS (Booth *et al.*, 2018). This is often due to the inconsistent way in which this provision is communicated and implemented (Newlove, 2015). Lisa recalled:

Em, no I wasn't given the option to read it out, and no, I was, that was another thing I was quite, I don't know if disappointed is the right word, but considering how long I spent with her writing it and going through it and it was really harrowing and emotional to have to do, that so little of it was used ... there was only sort of a few sentences used during the actual sentencing bit. It was the prosecution. He didn't read the entire bit. There were pages of information and he'd obviously just taken two or three sentences from it.

Melita was aware about the entitlement to read out her VPS, however she was not allowed to due to fear of repercussions from the defendant's supporters. This is an example where the 'views of the court' (see above) restricted her from reading her statement. Melita recalled:

Yes, I did [make a VPS]. Did I get to read it? No. I wanted to read it, but it was decided that I couldn't read it because it would inflame the members of their [defendant's] families. Police [told me]. It was read out on my behalf by the QC (groan). I think it was changed because I had referred to them as 'murderers and scum' and I don't think those, I think certain bits were taken out from what I can recollect ... but I had no guidance with that, nobody sort of sat down and said, you know, you didn't know whether you were putting enough in or not, you

know, or too much but really, you know, it was good because it was words from my heart and the devastation that they [defendant's] had created.

For Philippa, it was only when she met the QC and he realised that she held a different opinion to other members of the family that she was then given an opportunity to write an impact statement. She felt the gravity of having to write such an important statement and reflected:

So, we only had 2 days in which to write this, so I sat there in the kitchen and I'm like right, how do I write this. This is probably going to be the most important statement written thing I'll be writing in my life.

For some, they were unclear how the statement was used, but thought it had not been read out.

I think they must have [used the statement] but I just remember at the time. I was there, but I wasn't there. I was completely numb. My legs could hardly hold me up, I was just, it was just, it was ridiculous and everything that they were saying was just an absolute - and I can't really remember (Katrina)

I don't think anything was ever read out, I think it was just in the pack presented to the team, like the judge and stuff as they were making their decision. It was never actually read out because [her brother's girlfriend] wrote one as well and the FLO had said that hers was like heart-breaking, but we never saw it, so I think they just put it in the pack and stuff and it was presented that way. The judge never mentioned it though (Jayne)

In contrast, James seemed to be the only instance where a member of the victims' family read out the statement:

My mum read it [VPS] herself. Normally the barrister will read it out, but my mum actually stood up in the dock and read it out. All of us, and all, bar one, of the jury was crying. The defence barrister couldn't listen. He had his head in his hands and we all stood up. We were given permission. We had to ask permission if we could stand up in unity and the judge allowed it. Em, yea, I still don't know how she stood up ... I mean, the VPS was something that was so, for me I found it so draining so I can't imagine standing up and reading it so I'm genuinely in awe. (James)

6.7 Summary and 'Ideal' Justice

This chapter follows the empirical findings on the stages of the criminal justice process and is the second chapter for the series of findings from this project, dealing with the investigation of the offence, the pre-trial processes and Crown Court stages. They follow the framework of criminal justice used in the Victims' Code of Practice (2015). The findings discussed in this chapter are primarily from the perspective of homicide

bereaved people, although at times I draw on interviews that were conducted with criminal justice and victims' practitioners and observations in the Crown Court that I conducted as part of my fieldwork.

When presenting an 'ideal' for these stages, this is largely from the perspective of the bereaved. I therefore problematise this as a logical rational approach, as well as looking at issues around emotionality within the context of the criminal justice system as it meets a group of crime victims who have suffered a traumatic loss and bereavement. The matter of emotion is evidently central to homicide bereaved people and therefore needs to be discussed in relation to how their experience may be improved. Complex grief, shock, and uncertainty are the scenery in the background of each of the stages that were discussed in this chapter, and these are the backdrop for the ideal presented. This ideal could also be presented from the perspectives of criminal justice practitioners, in particular the Crown Prosecution Service and the Family Liaison Coordinators as well as a number of court personnel, however the interactionist perspective taken throughout this project aims to explore the experiences of the homicide bereaved. The approach taken in this study is interpretivism and therefore the experiences of the bereaved are not challenged, however logically some of the encounters may be incorrectly recalled or may be based on misapprehensions. In other instances, some of the issues that homicide bereaved people raise as challenging may have a legal or procedural reason for being there.

6.7.1 Ideal arrest, charge and investigation

When it comes to the arrest of a suspect, charge and investigation, the processes that occurred seemed not to feature as explicitly or forcefully as at other stages for homicide bereaved people, when they discussed their experiences in interview. In the previous chapter, the findings suggested that the state's priority is on the criminal investigation and the pursuit of an outcome during criminal proceedings. This prioritisation also seems to run throughout the investigation stage. However, it appeared that for bereaved people the investigation stage was often muddled with other practical processes around funerals and death matters, alongside extreme emotion and shock. Both the emotional and practical processes at this time seemed to act as a distraction from the formal procedures of criminal justice. In concordance with the literature on victims as 'outsiders' of the CJS (Bibas, 2006; Rock, 1993; 1998; Kenny 2003; 2004), homicide bereaved people talked

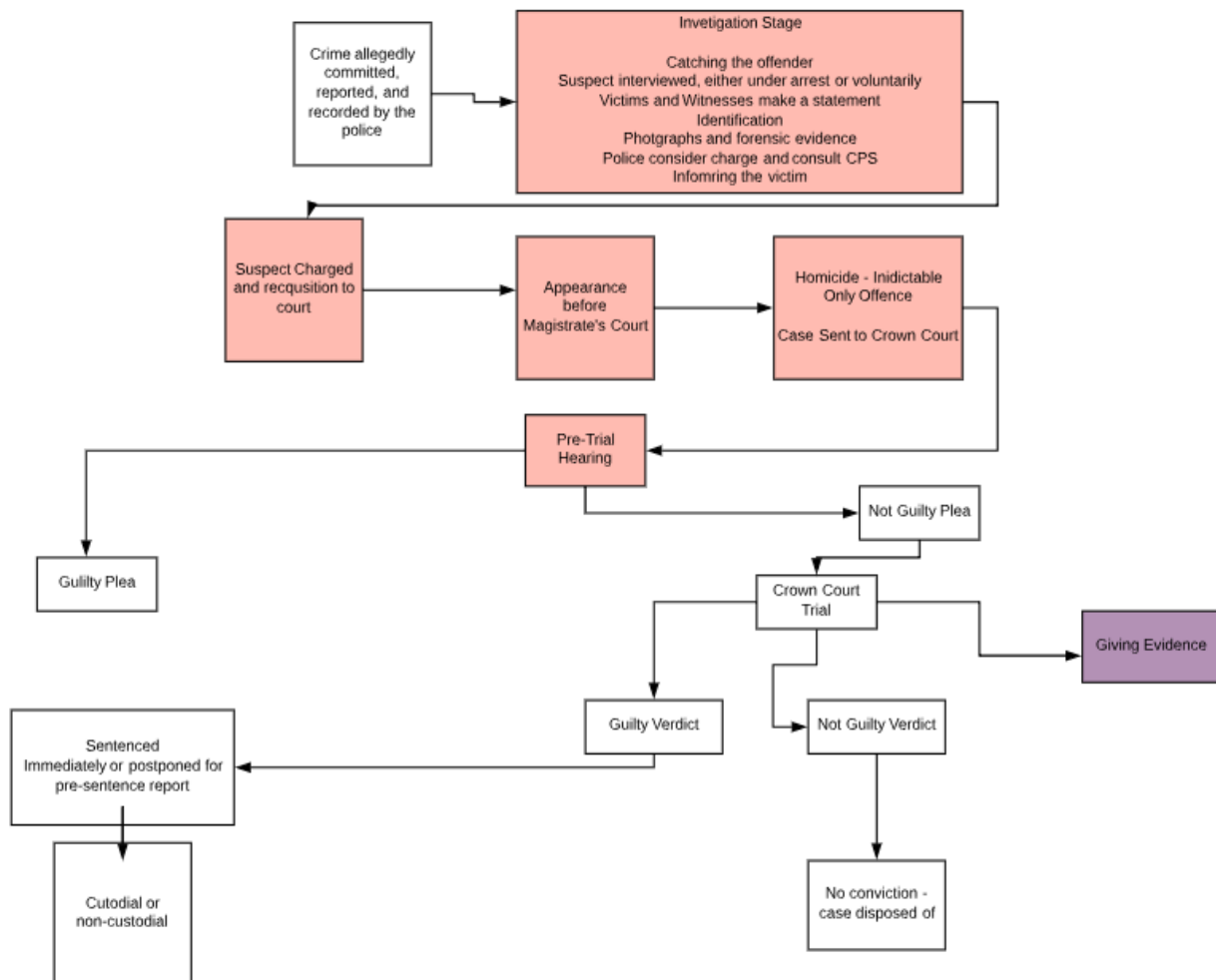
to me about the processes being completely foreign experiences for them as they were not familiar with the complexities surrounding legal processes; this alienation was then compounded by feelings of distress and uncertainty at their bereavement. Heather for instance talked about completing a law degree and yet still being completely clueless to the procedures that occurred after her son was murdered. Many of the processes were indistinct and blurred within their accounts.

This chapter began with a model of the criminal justice process (Table 6.1) which maps out the processes that victims encounter as they progress through the criminal justice process. The Victims' Code of Practice (2015) shows the provisions that victims are entitled to throughout the CJS and these entitlements were useful to refer to for the interviews in phase 2 with criminal justice practitioners and victims' agencies (see Chapter 4). What was clear from the interviews with homicide bereaved people was that the sequence of events that occurs in the aftermath of crime in the pursuit of justice did not always feature explicitly within the narratives of this group of crime victims. The processes that were less significant for homicide bereaved people are mapped in red in Table 6.3 below. As can be seen, there was a 'gap' between the police coming into the case and plea at court.

When exploring the experiences of homicide bereaved people throughout the arrest, investigation and charge 'stage' therefore, the criminal justice model shown in Table 6.1 does not appropriately 'fit' this group of crime victims. It is not that these processes do not occur, but experientially they did not feature as explicitly significant for victims as illustrated in red in Table 6.3. Giving evidence at court is mapped in purple. This is because none of my participants communicated that they had been called as a witness in criminal proceedings and therefore this did not feature. The previous literature suggests that this is a particularly significant stage for victims of crime in general, but this is not something that came up throughout this project for the bereaved. As a result, the needs of homicide bereaved people were not being adequately addressed by the Victims' Code of Practice (2015). This research therefore challenges and problematises the model of provision for homicide bereaved people as not a fit with their experiences, in particular in relation to 1) the state's ability to carry out its duty to adequately support victims of crime given the framework of provision does not match their experiences; 2) the universal conceptualisation of victimhood and who is deemed a victim. Either there is

little evidence that homicide bereaved people are deemed victims by criminal justice (so they were simply not informed about the ‘gap’ stages), or homicide bereaved people were less concerned about criminal justice at those points than victims of other offences.

Table 6.3 Homicide Bereaved People’s Experiences of the CJS



In contrast, for some ‘direct’ victims of other forms of crime, this stage may feature in a more poignant way. A rape victim who has endured forensic examinations, police statements and/or identification parades, may recall this stage as a more significant event (Shapland *et al.*, 1985). The homicide bereaved people I interviewed seemed to be less involved in any of these events. Rather this period of the investigation often coincided with matters surrounding the death and burial of their loved one and so for this reason, a number of the updates they were given at this time were not easily or explicitly recalled when I interviewed them.

The processes at this stage of the criminal justice process were however inextricably linked to the processes discussed in the previous chapter around their experiences with the Coroner and visiting their loved one after the death. Homicide bereaved people's priority here was on what happened to their loved one, what they felt in their last moments, who was with them and whether they suffered. So, for example, Tarryn, perhaps because she had not yet had a court process due to the accused not yet being caught (and so the investigative stage was much longer), had been much more involved with investigative processes than any other participant. She talked about the information that was given to her by her FLO and how when she saw the pathologist's report and spoke to a family member who was witness to the murder, she finally learned some of the details she had longed for. Many wanted to know how 'quickly' their loved one died, and did they suffer. Heather commented about her distress of knowing her son's body would spend the night in the property where he died while forensic procedures took place: 'I know it's stupid really, but I didn't want him to be alone.' This was a natural reaction on Heather's behalf, for example where people sit up all night at wakes (Hallam *et al.*, 1999).

Participants who communicated an awareness of the investigation, arrest and charge stage of the case expressed feelings of disenfranchisement or frustration at the way they were involved. What emerged at this stage was that homicide bereaved people perceived the state's priority to be centred on building and preserving a criminal case in pursuit of an outcome. This prioritisation was seen in the previous chapter also. This made many homicide bereaved people feel they were being kept on the outside of information and tasked with secrecy with the information they were told. This led to a sense of responsibility and pressure over the possibility that something they said might harm their ability to achieve justice for their loved one. Of the information homicide bereaved people were told, many participants felt a responsibility and at times a fear that if they shared the information they were given it could somehow jeopardise the case and result in the person responsible for the death of their loved one evading the criminal justice process. Some recalled how when told details surrounding the case, often by the FLO, they had a genuine fear and dread over the possibility of failing their loved one by having a negative impact on the case (Lisa, for example). On the one hand, the letters sent from the CPS and the processes around informing victims about charges seemed to suggest that homicide bereaved people were formally told about these stages. Yet there seemed

to be a disconnect between how much of the information they were told was retained and what it is they felt they should be told but seemed not to be as I now explore.

There is a question over what information homicide bereaved people are in fact told at this stage of the CJS. It was clear from the interviews that homicide bereaved people were muddled, confused, and could not remember some of the details. Therefore, this could explain why the investigation stage did not feature as explicitly as other processes (for example, Kaylie's experience above and that of Heather). Many of my participants felt they were told a limited amount of information and were on the outside of the process. It suggests the perception of homicide bereaved people is that the Crown's case outweighs any obligations for them to be informed about matters of the case involving their loved one. The CPS' reliance on FLOs to impart their information was problematic as it inherently and inextricably meant that the FLO was acting on behalf of the prosecution's case, rather than generally as a police officer. This was explained as being an attempt to minimise the impact on homicide bereaved by not introducing another agent to them, relying on the training that FLOs have in how to deal with traumatic bereavement. This overlap in functions however seemed to blur the boundaries and made the role of the CPS itself indistinct, possibly causing confusion and a lack of clarity over the role they could play in explaining charges, legal processes and other matters that occurred throughout the criminal proceedings. Additionally, the feelings of homicide bereaved people were that if you got a 'bad' FLO, this had an impact on the whole criminal justice experience.

When considering the 'ideal' of the arrest, charge and investigation stage from the perspective of homicide bereaved people, there may not be an ideal to present as the priorities of the bereaved were often conflicting. Homicide bereaved people appeared to have different priorities both individually and from those of other crime victims. Rather than a detailed knowledge of the intricacies of the investigation, arrest and charge, homicide bereaved people often seem to be preoccupied with death and bereavement matters. Their priority was often initially to visit their loved one as was discussed in the previous chapter. Kaylie, for example, first told me that she had no communication with CPS, however when she went through her memory box during her interview, she produced a letter and then recalled she had interacted with them.

The model of entitlements within the Victims' Code is built around the framework of direct victimisation and therefore fails to accommodate the nuances of homicide bereavement as a distinct form of victimhood with different needs. The arrest and charging of a suspect had often occurred by the time family members were notified of the death, and therefore this did not feature as significant for most. In contrast for Lisa, there was a short delay in the arrest of the man accused of killing her son and therefore this was much more distinct for her than for others. Most significantly, the man wanted for the murder of Tarynn's son had yet to be arrested at the time of the interview and therefore this was hugely important and distinct within her experience. This suggests therefore that this stage of the CJS may be important to some homicide bereaved people, particularly if there is no immediate arrest. The 'ideal' therefore according to the experiences of homicide bereaved people would suggest that they need clear communication both verbally from their FLO and also written communication which would allow them to retrospectively understand more about these processes. Homicide bereaved people do not necessarily want detailed information about each stage of the investigation but do want to know that the police have 'got somebody' and details of court appearances. The latter will now be summarised and discussed.

6.7.2 Pre-trial, Court Proceedings and Court Outcomes

In the interviews with homicide bereaved people, it was implied that most attended all court proceedings relating to the case of their loved ones. Caleb was the one exception to this, as he only attended sentencing due to his proximity to the court. Court attendance and experiences at court were discussed as a general experience, and only in a few instances were specific hearings mentioned. For example, James mentioned how often the pre-trial hearing was rescheduled, and this was discussed more in relation to the cost of attending court (see the next chapter). The most distinctive hearing that was specifically mentioned was the outcome and sentencing. I now summarise these experiences before I present an 'ideal' according to the perspective of homicide bereaved people.

Throughout this stage of the CJS, I draw on Goffman's (1959) notion of performance and argue that rather than being a simple dichotomy of front stage and backstage, homicide bereaved people encountered six stages of justice (see 6.4). The perception throughout the interviews with homicide bereaved people, which was also observed

throughout my time observing in the Crown Court was that within a court setting at stages 1 and 2 above, Front stage: Full performance and Front Stage: Law Stage, homicide bereaved people were physically and symbolically treated as ‘outsiders’ to the proceedings that were taking place. Space, time and speech authority were used as mechanisms of control and deniability. With the exception of Heather all the people I interviewed were sat in the public gallery during all the proceedings they attended. Movement and interaction were restricted. Again, this use of space, control and authority was perceived as shifting the priority away from the victim and compounding feelings of exclusion and disenfranchisement following the death of their loved one.

Throughout Front stage: Full performance, the voicelessness of homicide bereaved people was reinforced by the narratives used throughout proceedings around the character, actions and personality of the deceased victim. Unlike with cases involving direct victims of crime, in a homicide these narratives often remained unchallenged as homicide bereaved people were rarely called as witnesses. Danielle talked about her son being labelled ‘the tall drunk man’ and yet argued that if he was there this description would not fit with who her son was in person. Yet Danielle was unable to offer voice about this. Similarly, Martin talked about the ‘character assassination’ of his daughter and felt completely unprepared for having to endure this throughout the trial. The one opportunity for homicide bereaved people to have a voice in this stage was through the entitlement of making a Victim Personal Statement. This was often seen as therapeutic and an opportunity for a voice throughout proceedings, and yet many participants felt ill-prepared for its poignancy. The exercise of writing the VPS was commented on by a number of people as being a harrowing and significant undertaking, and thus they were disappointed when a sometimes-limited portion was read or used³. The importance of this exercise appeared unknown to many of the FLOs who supported the homicide bereaved people.

The insensitivity that some homicide bereaved people experienced, and I observed at Back Stage: Adversaries become Colleagues, highlights the extent to which the presence and experience of homicide bereaved people seemed unknown to some of those working within the court. For Jayne and Olwen to witness the defence counsel playing with the

³Not all of those interviewed were entitled to read out the VPS themselves as this provision was only introduced in the Victims’ Code in 2010

murder weapon during this stage was unacceptable, but also indicated a disregard towards and lack of awareness of the homicide bereaved. This reinforced the notion that they were on the 'outside' of proceedings and their position was unknown and irrelevant.

While homicide bereaved people were given a private space in between proceedings in Back Stage: Private, many talked about the exposure and proximity to the defendant's family and supporters throughout proceedings during Back Stage: Public Zones. In some instances, participants felt physically unsafe, for example Melita had to have police escort her to the smoking area and feeling like she was the one in the wrong as a result. Although toilets were mentioned by a number as an area within this stage where they were exposed to the defendant's family, Jayne and Olwen in particular commented on how they brought their own soap and toilet paper to court with them as they did not want to touch anything that the supporters of the defendant may have touched or used. This is a significant example of how traumatised this group of people were and the extent to which proximity to the defendant's supporters can be detrimental to homicide bereaved people. The extent to which this is the case may not be understood by those who support people at court. When I mentioned this example of Jayne and Olwen in interviews with South Yorkshire Police Family Liaison Coordinators, they seemed surprised that people had gone to such lengths to avoid contact with the defendants' supporters. Ideally, homicide bereaved people could choose to avoid defendants' supporters completely. This would be achievable during the three front stages I identify in 6.4 if homicide bereaved were given a space in the well of the court. It becomes more complex in back stages, as it would restrict homicide bereaved from being able to occupy or use public spaces.

The conceptualisation of 'justice' and what justice means for homicide bereaved people differed from the formal notion of justice within the CJS. There was a sense of 'no justice' regardless of a court outcome. With all those interviewed there was a sense of anomie and loss in belief in justice due to the perceived victimisation at the hands of the system in the aftermath of a homicide. This was discussed by Rock (1993/8) in his study and seemed to be the same no matter what the formal criminal justice outcome had been. It occurred partially over a misunderstanding of the terminology used at court of a 'life sentence' with little understanding of people on life sentences being released on licence and minimum tariffs. Participants who had achieved a guilty verdict of murder with a lengthy sentence still felt that it was not sufficient. Many reflected they were the ones

with a life sentence due to the finality of losing a loved one through murder. Most homicide bereaved people expressed punitive desires for the perpetrator and talked of bringing back the death penalty and ‘throwing away the key’ when measured against the impact on them. For Jayne and Olwen, the defendants received thirty years after being found guilty of murder. They felt this was not enough and that ‘life should mean life [in prison]’, but this feeling was compounded by receiving assurances from the CPS that the sentence would be forty-five years, and therefore felt disappointed that it was lower. This points to the need to adequately prepare homicide bereaved people for the different factors that may affect court outcomes.

Despite a lack of sense of justice regardless of the outcome at court, those who had ‘never seen justice’ communicated this more acutely than those who had received a conviction at court. Where there was an acquittal, or in Tarryn’s and Kaylie’s instances, where there had been no trial to date or the case had collapsed respectively, they thought that if the outcome had been different this may have eased their sense of injustice. Tarryn, for example, felt that having the opportunity to go to court and have him sentenced would give her more closure than she currently felt. Similarly, in Kaylie’s instance the case against the men accused of killing her son collapsed and therefore no one had been convicted. The collapse of the case meant that she had more questions as to why the CPS had brought charges that they could not see through and felt she and her son had been let down by this. Danielle also talked of ‘society has said that it’s OK for you to kill our son and walk free’ after the acquittal of the person accused of killing her son. The legalistic conceptualisation of justice based on an outcome at court therefore does not seem to fit with the experiences of homicide bereaved people. Their need for clear communication over the array of possible outcomes and different factors that the court must consider seemed to be something that remains unclear, and further entrenched their role as ‘outsiders’ to the system. There are National Standards of Support (NSS) available after an acquittal in such instances, there is scope for restorative justice to allow an opportunity to get some form of transformation of power through communicating their sense of injustice to the person who has been found not guilty.

A number of those interviewed had cases which ended with pleas or verdicts of manslaughter. The acknowledgement from the institution that a killing had taken place and that someone was responsible was not felt to be enough and in fact what was

perceived to be the short sentences as a result led to a sense of failure and disbelief at the lack of punishment for taking a life. Holly articulated this acutely and referred to the perpetrator as ‘murdering scum’ who only served an 18-month sentence. The sense was that the system and society were failing them through the sentencing laws in cases of manslaughter.

In a court setting at Front Stage: Full Performance, it would appear from both the interviews with homicide bereaved people and my own observations in court, that emotions were being repressed and managed in order to preserve the emotion-free sanctity of the law from a rational legal perspective. Many participants talked about being warned to hide emotions in order to preserve the sanctity of the jurors. Again, for some this carried a responsibility that somehow their emotions could affect the proceedings and result in the defendant not having to answer for the death of their loved one. There were moments throughout proceedings that emotions were allowed, and in fact were managed and even staged. As he was about to cross-examine a defendant, a barrister commented to me during my observations, ‘now watch me make him cry’ (observations in Court 2) Emotions were permitted during the reading of the VPS, as this was the legitimate moment during which impact was to be discussed. This ties into the notion of performance that runs throughout court proceedings (Rock, 1993; Scheffer et al., 1998; Goffman, 1956; Carlen, 1973). In reality, however, emotions did occur within court proceedings. Danielle commented that despite her being warned not to cry, she noticed members of the jury crying on more than one occasion. Similarly, during my observations, in an informal conversation with a prosecution barrister who was about to cross-examine a defendant, he exclaimed to me ‘now you’ll see me make him cry’. This also links into the notion of performance given the way this was communicated to me as if it was a theatrical routine rather than a grave and serious undertaking. Therefore, according to these findings the questions to raise for discussion later in the thesis are 1) should emotions ever be allowed in court proceedings? 2) are there points in the process where emotions are deemed appropriate or even desirable as part of the fictitious construct of victimhood? 3) do we want to allow emotionality in court and by/from whom? The VPS appeared to be the only legitimate opportunity for emotions to be expressed within the court setting. Emotionality is seen to be managed and staged, and acts as a way to limit and restrict the experiences of homicide bereaved people.

Again, when attempting to present an ideal for this stage of the CJS, there is not necessarily one ideal to present. The experiences of homicide bereaved people at this time often conflicted with the priorities of the state. The idea of ‘justice’ for homicide bereaved points rather to a more procedural justice approach, rather than a legalistic understanding of justice based on evidence. It appears that what matters to homicide bereaved people is that they are acknowledged and ‘heard’. Within the current entitlements for victims, the VPS is the vehicle where homicide bereaved people have a voice in court. For James, whose mother read out her VPS, this was a hugely therapeutic and significant event. Similarly, Philippa saw it as a way to be able to represent her mother. Perhaps the significance and therapeutic benefit is most noticeable in Danielle’s instance, where she talked about the emotional toil of writing something that she felt could impact the outcome in her son’s trial. In her instance there was an acquittal and therefore not being able to then share her voice through a VPS was something that she found incredibly distressing. Although I present the VPS as a way for victims to be heard, in the interviews with homicide bereaved people, there was often a lack of clarity over what should be put in the VPS and how it would be used. It was inconsistently administered, in some instances being read in full, but for the most part simply being referenced by the prosecution counsel or the judge. It is important to note, as was discussed in the main body of this chapter, the time span that this research looks at means that some homicide bereaved people’s experiences predated the entitlement for them to read the VPS out themselves which accounts for this only happening in James’ instance.

The next chapter looks at the experiences of homicide bereaved people after the completion of court proceedings. It attempts to outline the fragmented and indistinct ‘after’ stages following a homicide that are inconsistently experienced. I also reflect here on my experience as a researcher and the different roles I took throughout the research process as I interacted with homicide bereaved people as an insider researcher. This is followed by the discussion chapter where the findings are brought together, considered in relation to the literature and I make policy recommendations from the findings.

7 The Circus Packs Up and Leaves Town: After Court Processes and Experiences

And when that case is ‘closed’ you’re forgotten about. You are totally and utterly forgotten about. And you just think you’ve been running around all this time and you think ‘what do I do now?’. (Melita)

This chapter includes a number of important themes, issues and processes that were discussed in the interviews with homicide bereaved people. Unlike the other two findings chapters which attempt to follow a chronological journey through the stages of the Criminal Justice System (CJS), this chapter is more fragmented and ‘bitty’. It draws together significant experiences that interviewees discussed which are less easily assigned to procedural stages of the CJS. In some instances, some of what is discussed below was only mentioned by a few participants and therefore may not be generalisable, nevertheless it reflects important and meaningful interactions and experiences.

Much of this chapter was unanticipated as my interview schedule ended at the point of the family liaison officer’s (FLO) exit and victims’ introduction to probation staff. My research initially set out to focus on court processes as a pivotal point of the CJS, and therefore ‘after court’ processes, experiences and interactions were not originally considered deeply. This is also a difficult chapter to structure in the sense that a number of the processes discussed were overlapping and indistinct from another.

Following the emphasis of the interviews, this chapter will begin by drawing out the experiences surrounding the exit of the FLO. It was at this point that homicide bereaved people then tended to be introduced to the Victim Liaison Officers as part of the Victim Contact Scheme with the National Probation Service. This chapter will also present interview discussions on the return of their loved one’s property and any financial and practical implications of homicide bereavement. It will also introduce the idea of homicide bereaved people’s ‘after victimisation’ processes, for example volunteering, memorialising, campaigning, raising awareness and continuing bonds, as well as another aspect of interactional assignment of victimhood in the hierarchy that can exist between homicide bereaved people. Finally, the chapter will finish with a reflective section on my experience of conducting research as an ‘insider’. Throughout, there may be overlap

with elements, particularly support, which have been mentioned in Chapters 4 and 5, but which arise or reappear at this stage in the process.

The activity and even intrusion that homicide bereaved people experienced in the immediate aftermath of a homicide, discussed in Chapter 5, where they are propelled into an imposed sequence of events (Rock, 1998) dissipates on the conclusion of court proceedings. While the events surrounding the early homicide processes often led to people feeling overwhelmed, the contrast of this energy with the paucity of interest following the outcome at court often produced further feelings of harm and helplessness. Many commented that where proceedings were ongoing, there was a reason to talk about their loved one and people enquired; the close of this resulted in many instances where people felt forgotten about. Friends and even family members avoided them, not knowing what to say, or even being surprised at their lack of closure around the death.

Cos you're just left, you're just left to your own devices. Ok, he's free [the defendant was acquitted in this instance]. He's going out tonight and he's playing football and we're at home being shell shocked and broken and in pieces again. (Danielle)

And immediately after [the death] you've got all these people calling and it's a good support and it's only after this stops after court you realise just how alone you are cos the calls stop. People don't call you anymore, people don't speak his name anymore, you know things like that. (Kaylie)

In Danielle's instance, there are provisions following acquittal in the 2013 Victims' Right to Review Scheme which came into effect following the 2013 revisions to the Victims' Code of Practice. It allows victims of crime to request a review into the qualifying decision (CPSa, n.d.). This entitlement came after Danielle's court outcome.

This chapter focuses on the criminal justice processes and beyond that follow this perceived sudden ending of activity and even interest in the events and people surrounding a murder, coupled with the ongoing grief processes that are heightened due to the traumatic, sudden and often violent way in which bereavement has occurred.

7.1 'Glad that's over!' - Family Liaison Exit

In Chapters 4 and 5, the FLO was identified as the most crucial actor in the aftermath of homicide as the case progressed through the CJS. As a result, many homicide bereaved people discussed the point at which they had no more contact with their FLO following

the outcome at court. For many, this was in relation to the uncertainty they had over certain events and aspects of the criminal justice procedure and around the death of their loved one.

In contrast with the intense and sometimes invasive contact that homicide bereaved people had with FLOs in the immediate aftermath of a homicide, the FLO exit was often deemed sudden and even unexpected. According to the College of Policing (n.d.), the FLO exit strategy should be planned and communicated from the beginning of the relationship with families. This was also communicated by the Family Liaison Coordinators that were interviewed for this project:

You do become close with these families. You are so intimately involved with them during this horrific thing that has happened to them, but this is why it is so important to think of the point at which it is appropriate to leave that family. And you need to tell them and remind them.

Not all homicide bereaved people found the FLO exit significant or meaningful. Both Caleb and James could not recall the last time they saw their FLO, however both commented that it was probably at court on the day of sentencing. Both Caleb and James had lost siblings and therefore were not the main point of contact for the FLO. In their interviews, they commented that their mothers were more intimately connected with the FLO. This may explain their ambiguity around the point at which they last spoke to them.

For others however, their experience of the FLO exit pointed to a sudden rather than a previously understood exit. Much like other processes and stages of the CJS discussed throughout this research, the perceived abruptness of the exit could be a result of the trauma and shock they were experiencing and therefore had not remembered or retained that they were informed of this at an early point of contact. As a result, for some homicide bereaved people, the exit often compounded the existing feelings of loss and shock.

In this way, Lisa commented that the FLO exit was mismanaged, and it added to her sense of loss:

Literally the day we came back from the sentencing trial that was the last time we saw the FLO. They literally just left us at the door and that was it. Never saw them again or had any contact from them and I thought that was really brutal that, you know you sort of relied on them really to be this mouthpiece and then they're just gone.

There was a similar encounter for Elsa, who is discussed in more detail below in section 7.1.2 in relation to the return of her son's property which happened at the same time as her FLO exit. She recalled:

My FLO came to the door and he said, 'right these are Kyles's things. there you go. Thank God, that's over. Right, cheerio'. And left.

Elsa recounted being in a quandary over the outcome at court and feeling completely uncertain of what to do next, both practically and emotionally. The time at which the FLO exit occurred followed intense emotion and adrenaline experiences at these significant court proceedings and meant that the shock of the exit seemed insensitive and unforeseen. This suggested that homicide bereaved perceived FLOs as their key support, rather than Victim Support, the Homicide Service, or any other victims' service. This conflicts with the Family Liaison Coordinators' perspective of their role that was discussed in Chapter 4. Here, they distance themselves from being deemed as 'support', but rather pointed to the two-way information flow between themselves and homicide bereaved people. This links in with what was discussed in Chapter 6, where homicide bereaved people experienced feelings of injustice and voicelessness regardless of the outcome at court and this temporally coincided with the FLO exit. Elsa reflected on her experience with the FLO exit. Since meeting other homicide bereaved people, their experiences had caused her to frame her own experience in relation to others:

My FLO dumped [K's] stuff ... and said, you know, 'glad that's over. see ya'. and that was it. that was it. that's the last I heard from the police. It's only though going through SAMM that I now know that not all FLOs are like that and I know that, this will sound stupid as well, but I watch Broadchurch and the first series where they had a FLO and I thought is that how it's supposed to be? It wasn't how it was for me and I know some people have been really lucky and they're still in touch with their FLOs.

Heather, within a number of weeks following the conclusion of court proceedings had an 'exit interview' with her FLO. Framing it as an 'exit interview' was not something that was explicitly communicated by other participants; however, this was referred to in the interview with the Family Liaison Coordinators. They explained it was an opportunity for homicide bereaved people to ask about anything that remained unclear. While other participants did not call it this, it is possible they were offered a similar opportunity This could also be explained by how recent Heather's experience was and reflect up-to-date practices or the practices of the particular force she dealt with. Despite terming it as an

interview, Heather remained confused about the purpose of it and did not feel like she got any further information about the trial or investigation process. She did not feel it was useful, nor did it offer any clarification for her regarding matters on which she remained unclear. This feeling of continued ambiguity around processes and events was something that was discussed by a number of people and will be presented below in 7.1.1.

Unlike those discussed above, for some the exit of the FLO did not come as a surprise and there was an understanding around the point at which it occurred. Marie understood ‘you couldn’t rely on them forever’ and therefore had been prepared for the point at which she would not have any more contact with her FLO. Similarly, Danielle, who has described her FLO throughout as a ‘proper copper’, was clear from the outset that once the court proceedings concluded, her support would come under the remit of Victim Support. Her experience of the FLO exit was therefore as expected. It came as no shock that her contact ended once the proceedings ended. These examples will be picked up on again in the presentation of an ‘ideal’ exit below.

7.1.1 Quandary of Clarity

In many instances throughout the interviews with homicide bereaved people, they expressed an ongoing lack of clarity over certain issues both relating to procedures, investigation and evidence, as well as the events surrounding their loved one’s death. This was mentioned in Chapter 5 in relation to the control and restriction of information given to homicide bereaved people and their perception that the information they received was limited. In Chapter 5, they understood this as relating to the preservation of the criminal case, however following court proceedings many felt they should be allowed to know ‘exactly what had happened’ (Holly). There was a sense of disenfranchisement, frustration and even desperation over the amount of information homicide bereaved people felt they did not know. This was an ongoing feeling among the people I interviewed, even years after the death of their loved one.

Philippa, for example, whose mother died in 2013, commented ‘I still don’t know everything’ despite attempting to ask questions around the case. She had contacted the police in the years that followed the outcome at court and felt she had not received any answers. She recalled asking the Senior Investigating Officer some questions following the close of court proceedings and commented:

I've had a meeting with the person who was in charge of the case ..., I asked him questions like what the scene like was, and he said, 'oh it was fine'. He didn't even read my questions that I'd prepared in advance. And I'm thinking don't they [police] report to you and the second time I asked he just went sour.

The meeting she mentions may be similar to the 'exit interview' discussed above. Similarly, Kaylee felt that after the case collapsed surrounding the death of her son in 2009, she had to fight continually to receive any information. Kaylee took part in the 2013 Victims' Right to Review (CPSa, n.d.) mentioned above in 6.1, where she had the opportunity to ask specific questions about the events and investigation around the death of her son. Despite taking part in this and the emotional energy she expended, Kaylee felt dissatisfied at the outcome of the review and still felt that the police were not forthcoming with some of the particulars around her case.

For some, there was a feeling that they should have asked more throughout the early stages of the CJS. Heather commented on this yet pointed to her state of shock and loss as reasons for being unable to do so. Similarly, Katrina blamed herself for not asking more questions throughout the earlier stages of the CJS. Again, she explained this by being in such a sense of shock that she could not think of what to ask at the time 'Lauren, I couldn't even write my name. Everything was such a blur'. Yet this meant that, as time had gone on, she had begun to think of questions and things she would have liked to know. Katrina had discussed this with other homicide bereaved people and framed her inability to ask questions as a form of weakness. She marvelled at other people's ability to question and challenge the police during the investigation and court proceedings stage:

One of the other ladies at [homicide bereaved charity], she mesmerises me, she says, '[Katrina], why didn't you ask this, why didn't you ask that?' I says, '[P] I couldn't even stand up'. If I was put in front of them now, my God I've got a million questions to ask them'.

7.1.2 The 'Ideal' FLO exit

As with previous Chapters, it is difficult to present an ideal that will allow for all homicide bereaved people's desires and needs. The variety of perspectives that have been communicated throughout this research about the experiences of homicide bereaved people means that an ideal may be impossible. The harm and compounding of trauma that were experienced by some in the exit of the FLO were in stark contrast to the experiences of other's who did not feel impacted by this stage.

Essentially, Danielle's experience of the point at which the FLO exited presents us with an ideal. Danielle felt prepared and understood from the outset that once the criminal proceedings ended that so too would her contact with the FLO. This example follows both the good practice expressed in the interview with Family Liaison Coordinators and also the Association of Chief Police Officers 2008 guidance for FLOs which points to the need for early planning and communication. It seems therefore that communication and preparation is key in handling the FLO exit. We have seen with other matters and interactions throughout this research that not all information is retained or recalled, and therefore this preparation requires ongoing communication at various points of the proceedings in the build up to the close of court proceedings. This would allow for homicide bereaved people to anticipate what is to follow, at a time when so much is uncertain. For those who had not been clear prior to the outcome at court, the intensity of emotion at this time meant that the perceived suddenness of the FLO exit was seen as being insensitive. In Elsa's case, the handling of the exit seemed particularly blasé, and not only coincided with the acquittal of those accused of killing her son, but also overlapped with the returning of her son's property (discussed below in Section 6.4). Elsa's case points to the need for FLOs to understand the gravity of this time and to be sensitive to the possible impacts of their language and actions at this time.

As was communicated by both Heather and the FLCs, the opportunity for homicide bereaved people to receive information and clarity irrespective of the outcome at trial seems important. An 'exit interview' with the FLO may allow an opportunity for homicide bereaved people to ask questions and request further clarification. As an ideal however, it is difficult to identify the best time at which this exit interview should occur. The interviews with the homicide bereaved reveal that reflection often occurs over years. If and when homicide bereaved people begin to network and collectively reflect (see below section 7.7), this can act as a catalyst for questions. From a policing perspective it may not be desirable or even possible to offer homicide bereaved people a review into their case years after the events occur. From homicide bereaved perspectives, however, for most this would seem to be a desirable and even important opportunity to offer some clarity in their quandary.

What is clear here, is the need for clarity of information once homicide bereaved people have reflected, and the need for continued support following the FLO exit. In reality, the

criminal justice system, nor senior investigating officers, may be able to provide all the answers that homicide bereaved people feel they require. An exit interview may offer some closure of the processes leading up to court outcomes, however the amass of questions that homicide bereaved people potentially have may not be able to be satisfied in this way. It could be that restorative justice could offer an alternative for homicide bereaved people to receive some of the clarity they require. Future research could explore this further.

7.2 Introduction to the Probation Service

The focus of this research, at its commencement, was around court as a pivotal point of the CJS and therefore a hinge when discussing homicide bereaved people's experiences. An unanticipated yet meaningful stage of their experience emerged from the interviews with the bereaved around their dealings with Victim Liaison Officers (PVLOs) through the probation service. For many, this introduction to probation immediately followed the exit of the FLOs. Much like what is discussed above, the timing of this introduction coincides with a number of intense emotions and events and therefore it is important to consider this as the backdrop of the beginning of this relationship.

It is important to note, that probation would not have been introduced in cases where there was not a conviction at court. Therefore, for Kaylee, Danielle, Elsa, and Tarryn, PVLOs did not feature in their interviews. It is also important to realise that, because the convictions spanned a considerable number of years, the probation service structures involved changed. Initially probation staff came from Probation Trusts, but more recently they have been part of the National Probation Service, dealing with more serious offences.

In Chapter 3, the literature identified the role of PVLOs and the point at which they are introduced to homicide bereaved people to provide post-sentence information following the exit of the FLO. The introduction to probation (that was discussed in Chapter 2.4) was more distinctive for participants whose cases had received a conviction for manslaughter due to the timing of this research. In these cases, all those with a manslaughter had been released from prison for their manslaughter conviction (some had since been recalled). This meant that they had more intimate contact around release and licensing conditions. (see table 4.1 in Chapter 4). This was not always the case, and

Melita in particular had meaningful discussions around her contact with VLOs. At the time of interview, all manslaughter convictions (three cases, as Caleb and Katrina relate to the same case) had served the custodial element to their sentence and had been released from prison. In Jayne and Olwen's case, some of the men involved in the death of their loved one had received a lesser charge and therefore they had significant dealing with VLOs.

The overarching feeling towards VLOs and the service offered by probation could be summed up in two themes. The first is that homicide bereaved people felt that VLOs were not forthcoming or timely with the information they provided. The second is that homicide bereaved people felt that their 'rights' were secondary to the rights of the offenders. While the latter was communicated throughout various stages of the CJS, it was most strongly conveyed here. These two themes will now be presented.

7.2.1 Provision of the Probation Service to Homicide Bereaved People

In an interview with a Victim Liaison Officer (VLO), they identified their main role towards victims of crime as being to 'update and inform' homicide bereaved people about the developments in the sentence that may have impact on them, for example when the offender is being considered for release, or if they are recalled to prison. VLOs were also responsible for communicating the licensing conditions once offenders are released. There seemed to be a disjoint between what VLOs perceived would 'impact' on homicide bereaved people and what the latter perceived to have an impact.

Generally speaking, homicide bereaved people had an expectation that they would be regularly updated on matters relating to the offender and this seemed to be something they desired. Despite being told she would receive an annual update, Melita felt this was not sufficient and therefore commented:

I ring the probation service and the VLO, he was really quite good cos he'd laugh cos he knew it was me on the phone. He'd say, 'this is your 3 monthly call then [M]', and I went 'yes, I want to know, any changes, are they being good boys', and we'd have a laugh.

Some homicide bereaved people experienced upset when they would be assigned a different VLO. Holly commented that she rarely spoke to the same person and that meant they 'didn't know you. Didn't know my case'. There was a sense that once rapport was

built with one person, it was easier to obtain the information they wanted. Again, Melita commented:

And he left, and he actually wrote to me and told me [he was leaving] and he gave me his mobile number, you don't get that do you. But the one I got now; she is very short. And she'll say, 'I'll speak to you in another year', and I say, 'no you won't, I 'll be ringing you in 3 months love don't you worry about that'.

This level of desire to know the activities of the offenders was surprising and unanticipated. It may point to my snowball sampling of participants which is discussed in Chapter 4, where homicide bereaved people recommended others who had shared perspectives and values on their experiences. It may also relate to the legacy scripts below where some victims may become 'stuck' in their victim identity. This will be further discussed below in Section 7.6.

The timing of the introduction meant that some may have conflated the role of the FLO with the role of the VLO. For example, Jayne and Olwen had a positive relationship with their FLO and appreciated the extent of contact they received. Their expectation of the VLOs therefore was heightened: 'It is meant to be that you go from the [family] liaison officers to them, to probation. There should never be a gap between support'. The explanation of going to the VLO from the FLO led them to expect a supportive and informative relationship with the VLO. As a result, they were surprised when the same rapport failed to develop. Olwen also felt that the VLO rarely updated them and they had to chase them for information.

What stood out in the interviews was the fluid and inconsistent contact that participants had with their VLOs. One of the main contentions was a lack of contact even at the scheduled annual update that had been communicated to them. What's more, there seemed to often be a delay or omission when circumstances relating to the offender changed. For example, Olwen felt that probation was always too busy to talk to her. She did not feel prioritised and was not confident that she was given the appropriate updates. Again, she discussed this in contrast to her FLO whom she recalled always answering her or getting back to her.

Katrina on the other hand spoke well of the VLO who came to discuss the conditions of the release of her ex-husband. Again, Katrina had a new VLO assigned to her sometime after the original VLO and she felt the new VLO was not as 'good', explaining the

information and treatment she received was not adequate. Nevertheless, despite this feeling about them, she credits the VLO as a ‘lifeline’ for recognising that she was not coping well and then signposting her to Support After Murder and Manslaughter (SAMM).

7.2.2 Prioritisation of Offenders Rights

Homicide bereaved people’s perceptions of the prioritisation of the probation service being primarily concerned with the rights of the offenders rather than them as victims is directly linked to the information and updates, they received, as discussed above. This once again points to a disjoint in the information homicide bereaved people wished to have in contrast to the information, they received from their VLO. This is a central theme that runs throughout this research and was presented in Chapter 5 particularly around homicide bereaved people’s desire to know more about their loved one in the immediate aftermath.

As it relates to interactions with VLOs, homicide bereaved people felt that the information they were given was balanced against the offender’s right to privacy, and crucially, some felt that offenders did not deserve this consideration and that they had a right to know. Holly for example explained:

I always try and to keep track of where he is, but probation are useless. Why should he be able to enjoy life scot-free when he ended my [R]’s life. And how unfair the justice system is. Very disappointed with it, yea.

Similarly, Olwen expressed a considerable amount of anger around the issue of rights. This was mentioned in Chapter 5 where Olwen expressed anger at the rights of defendants to request multiple postmortems. In this instance she commented:

It was his human rights to come back to the area and I couldn’t stop him coming back. They said he had his human rights to family life therefore, I couldn’t see him not coming back to the area ... where’s my right to family? He took my son!

This suggests the conflict of rights is not just between homicide bereaved people and offenders, but also between the deceased victim and the latter. This idea also featured with a comparison of offenders having a life versus the loss of life of their loved one. Marie commented how ‘he’s out now walking the streets’ while her son was gone. Although not linked to probation, given there was an acquittal in her case, Danielle found

it difficult that the person responsible for the death of her son was playing football every week while her son, an aspiring football player was now dead. In this instance, homicide bereaved people seemed to frame their loss in contrast with the continuing life of the defendant. This links to and expands Hallam *et al.*'s (1999) work on the continuing social identity of the deceased. This broad theme of relational experience will be picked up again in Chapter 8.

Katrina felt that she had 'no rights' when it came to write an impact letter around the release of the man convicted of killing her son. She explained:

[VLO] said if you wanted you can write an impact letter how it's going to affect you, whether they're going to release him or whether they're not going to release him or whether they're going to send him to a different category prison. So, she said 'if you write the impact letter, I have to tell you that he will get to see it'. So, I said, 'oh this is about his rights again and not about my rights but about his rights that he has rights to see what I've written about him. I have no rights to say he can't'.

This issue of rights also featured when homicide bereaved people wished to know specific details about the defendant, for example their location.

You're not allowed to know which prison you're in, and I joke, I'm not going to turn up with ammunition and an AK47 ... I was sat watching a documentary the other week and I couldn't believe it cause [man convicted of murdering her son] was on there. And nobody had thought to tell me. I was sat here on my own watching this documentary and there he was. And you know the thing is I didn't get to see them face to face in court and he decided he didn't want to go, and it was his right he could stay downstairs. How does that work? You're on a murder charge, you should appear in court surely. So, I'd only ever seen his photograph in the paper cos I wasn't allowed to look at him. His family didn't want me to see him, do you believe that?

Melita found it 'ludicrous' that she, as the person most directly impacted, was not allowed to know his location but members of the media were. In the quote above, her joke about 'turning up' at the prison was also significant. A PVLO explained in interview:

Victims often feel that it is their rights versus the offender's rights and that we favour the offenders. Well they're right. That's just how it is. And we can't risk them [victims] turning up with a baseball bat on the day of release. That's why we only tell them the month of release and don't tell them which prison.

Olwen was given a similar explanation as to why she could not know the release date of one of those convicted in the death of her son. She was angry at the presumption that she would be violent when ‘all I’ve done is had this thing happen to me. I’ve done nothing’. Similarly, Melita commented:

Not being allowed to know location of prison makes you feel guilty. I don’t get the understanding of that whatsoever, ‘It’s for their protection’. But I’m not the killer.

In Katrina’s instance, she was not informed by probation about the release of her ex-partner who was convicted for the death of her son. Rather she learned through another source and recalled:

He was released on licence ... they [VLO] didn’t tell but I had to find out through somebody else and so when I contacted them and said ‘why didn’t you tell me?’, they just said ‘oh we were going to tell you but we couldn’t tell you the exact date or where he was coming from just in case you were waiting outside the gate’ ... I just couldn’t believe my ears.

Again, the justification offered to Katrina was shrouded in the presumption of potential victim retaliation. In Katrina’s case in particular, this experience was exacerbated by her history as a victim of domestic violence by this same person and this conflated her anger towards ‘the system’ as a whole.

7.2.3 The ‘Ideal’ Probation

Following the interviews with homicide bereaved people there is scope for improvement in the relationship with Victim Liaison Officers. As this was initially beyond the scope of the research, this issue has not been explored in great detail, however based on the interviews I have identified two main issues. The first was around the timeliness of information as it is communicated to homicide bereaved people. This is a topical issue as it applies to victims of crime in general following the case of John Worboys. This has led to scrutiny around the Victim Contact Scheme and the National Probation Service’s (NPS) handling of this case, with calls for a wider review to be conducted (HM Inspectorate of Probation, 2018).

The failings in this Worboys case resonated with a number of my participants who called my attention to it when it was reported in the media, with one commenting ‘this is exactly what happened to me. They didn’t tell me he [convicted offender] was being released’.

For homicide bereaved people, there was an expectation of timely information that allowed them to know where the offender would be at a given time. The narrative that victims would be violent towards offenders on release was one that was rejected by participants and for them, reinforced existing misconceptions about their experiences.

The second contention that emerged from the research was around the perceived prioritisation of the rights of the defendant over the rights of homicide bereaved people. This was also affirmed as the order of priority from the Victim Liaison Officer interviewed for this research. It will also be problematised within a discussion over the state's duty to some of the most vulnerable within society and whether under the current practices of Victim Liaison within probation it can ever be truly victim centred. Ideal provision under the Probation Service is unclear beyond informing victims and considering their voice in release processes.

The contentious experiences with probation are significant for this research because for most people, this is their final and lasting contact with formal processes in the criminal justice system. Experiences with probation may partially explain why some people seek support at later stages of the bereavement process, rather than in the immediate aftermath. This will now be discussed in the following section.

7.3 Support for Homicide Bereaved People

Discussions around the support services offered to victims of crime featured more distinctly, albeit not always in detail, after court processes were completed. Many homicide bereaved people mentioned seeking support and counselling after this period because all of a sudden, the energy and activity stopped suddenly. This ties into the quotes from Danielle and Melita at the beginning of this chapter where they felt forgotten once the court proceedings had concluded. Marie explained that she did not really need support prior to this because she felt busy and occupied with both the bereavement and criminal justice processes that were going on, however once this all finished, she then felt she needed more support. This could also be explained by coinciding with the exit of the FLO as discussed above in 7.1. Chapter 5 and 6 saw the pivotal role that is played by the FLOs who feature more distinctively in the early criminal justice processes as the meaningful interaction. To an extent, the interviews infer that FLOs were more crucial

in the early processes and fulfilled some of their need for information that seemed to be the priority of homicide bereaved people at this time.

From the perspective of the bereaved in this research, there was never a clear conceptualisation of what homicide bereaved people meant by ‘support’. They did not clearly define what ‘support’ meant but talked about needed it in a number of ways: wanting information; practical support with applications and other matters; counselling or trauma therapy; and emotional support for their traumatic bereavement. These categories are not exhaustive. In presenting the findings around ‘support’ therefore it is difficult to distinguish what type of support homicide bereaved people were discussing and they may often have been referring to more than one of those listed. As a result, when discussing support agencies, there was ambiguity around what people experienced in comparison to the processes experienced.

Following the FLO exit, participants mentioned several other organisations that offered support. These were Support After Murder and Manslaughter (SAMM) and Mothers Against Murder and Aggression (MAMAA). A number of participants also mentioned being signposted to Cruse Bereavement Care and third sector organisation, ASSIST Trauma Care who use therapeutic services to support those who have experienced traumatic encounters. In many instances, Victim Support referred homicide bereaved people to these organisations, however in Chapter 5, participants found that Victim Support were not forthcoming with referring people onwards. As touched on previously, some homicide bereaved did not recall receiving any signposting to Victim Support or any other agencies by the police, and for those that did receive information about them, they chose not to engage with them until after the conclusion of court proceedings. Some bereaved relied on other support agencies as well as or instead of Victim Support, in particular Support After Murder and Manslaughter (SAMM), and Mothers Against Murder and Aggression (MAMAA). SAMM acted as a gatekeeper for this research and were also interviewed within the practitioner interviews (see Chapter 4). This could explain why they featured distinctively in the interviews I conducted. At the time of interview, MAMAA had recently ceased supporting people due to a lack of funding. This was mentioned with sadness by some of the people who had used their service.

When asked how they found out about these groups, many homicide bereaved people had searched for and found them themselves or were recommended by a friend. While it

was agreed by participants that they may have been listed in the 'pack' given to them by police, it was often much later that people sought out this kind of help. It may also have been in response to Victim Support providing practical help rather than being seen to be emotionally supportive.

For many, the 'normal' processes of grief they expected as in other bereavements or from what they had heard about elsewhere did not conform to what they experienced following a traumatic bereavement. A number of people also encountered health implications that led to them to reach out for support beyond medical intervention. This follows Casey's (2011) findings on homicide bereaved families encounters with the criminal justice system, which identified that more than 80% of respondents suffered trauma related symptoms; three quarters suffered depression; and 83% had some impact to their physical health. Some in the current study mentioned that limiting their responses to medical issues was not sufficient in providing support. James said:

Most doctors want to palm us off with we're just depressed, have some medication. But for me it's more than just symptoms. I can go through sadness, anger, confusion, denial and guilt before I've had my first coffee in the morning. Memory loss, anxiety, fear of history repeating itself, nightmares and sleep deprivation. Then there's physical pain in my chest, in my stomach. Bargaining with God, sightings of my brother even though he's gone, sightings of the murderers even though they're in prison. But we're just depressed?

James went on to say that as a result of feeling at a loss, he then sought support from Support After Murder and Manslaughter (SAMM). James, like others described this as a lifeline, largely because he met people who had experienced a similarly traumatic loss. This matter is discussed below in Section 6.7 around meeting like-minded people.

Philippa explained how her FLO had scribbled the number for SAMM down in the immediate aftermath of her mother's death, however she did not contact them until the conclusion of the court process after hearing about them again from a friend. She found SAMM to be able to provide her with emotional support and reassurance about the way she was feeling about the death of her mother. SAMM are also volunteers, but where participants negatively commented on this in relation to Victim Support, SAMM were deemed more suitable due to their homicide bereavement experience. It was SAMM who then advised her to get in touch with Victim Support for more practical advice. Philippa reflected that she wished the police had referred her to Victim Support as when she did get in touch, they told her they could have helped the family negotiate travel to court,

access to facilities within court and other matters at trial. Like others, Philippa did not rely on Victim Support for emotional support but found them helpful with practical matters.

As mentioned above, Katrina had been signposted to SAMM through her Victim Liaison Officer (PVLO). She recalled first contacting them some time after the death of her son. SAMM is a national charity that is made up of volunteers who all have been homicide bereaved and therefore for Katrina, she finally felt that her feelings and actions were legitimised. She recalled:

I think I was a bit frightened first of all and at the time I don't think I could talk longer than a sentence without hysterically crying ... I'll never forget that first call and I spoke to [Rosie] and oh my God, aw talk about my guardian angel. I couldn't believe it. It was just the best feeling in the whole wide world ... I remember saying, 'Thank you. You made me feel like I wasn't going insane' ... I am just forever indebted to them. For me it's a lifeline as an organisation.

Being made to feel legitimised in their feelings and actions was something that was mentioned by a number of people. Often this only came through their interactions with other homicide bereaved people. Melita recalled:

Cos that's the thing. Your mind is in such a blur and it's the day to day stuff that you know you don't know how you're going to get through. Some days it was a case of, have I showered today? I don't remember. And like when I had the nervous breakdown there's nobody to keep an eye on you is there. So, for me, the family's group (social media group) and MAMAA were my godsend. I didn't feel like a lunatic and I was losing my mind anymore. You knew other people were going through this experience.

A number of people mentioned receiving trauma or bereavement counselling. Not all explained whether or not they found it useful but simply stated that they had received it. Philippa found this to be helpful and commented that her counsellor fought for her to have additional sessions beyond the original she was funded for. She was impressed by the counsellor's identification of her need and willingness to help her. Marie on the other hand commented:

Well first somebody sent a counsellor ... I think it was Cruse, but no disrespect to the lady that came but she hadn't got a clue what I was going through. Like she gave you a chart 1 out of 10 you know, how can you put your feelings 1 out of 10, you know obviously but you just can't do it, but you know someone introduced me to SAMM and they've been absolutely wonderful.

Again, Marie's experience points to the preference of those interviewed to receive emotional support from people who understand what they have encountered. One of the key ways that homicide bereaved people networked, communicated and supported each other were through social media. This platform was not considered in depth prior to the research, however as discussed in Chapter 4 this became a key method to recruit participants as well as being something the homicide bereaved discussed as meaningful in their pursuit of peer support. Melita explained:

Just being on social media I came across [R], she started the [online support group] but I was 18 months into it [bereavement] when I found her ... she said 'I'm thinking of starting a group because she said there's nothing for us'. And she said there's loads of other people in our circumstance and at least we could talk to one another.

Conversely, when delivering support, the divisional manager of the National Homicide Service commented that while there was a peer support option through the Homicide Service, it was important that homicide bereaved people be able to receive independent support. For him, he contended that peer support was often muddled with an inability to separate one's own experiences with those felt by those you were supporting and therefore this was less desirable. This approach did not emerge from my research however and therefore this is something I will pick up in Chapter 8.

7.3.1 'Ideal' Support

As this section has shown, there was no clear consensus on what exactly was meant by 'support', and homicide bereaved people experienced varying levels of satisfaction with the support they did receive. What was clear, however, is the need for both practical and emotional support. Since the majority of the interviews took place, Victim Support are delivering the National Homicide Service which may offer an enhanced service to what was experienced by the respondents. There was no clear indication of this from the four participants who did come under this new specialised service, however this research cannot adequately conclude on this service. What was evident from the interviews was that the majority of participants saw Victim Support to have a primary function of offering practical support with applications, financial matters and on expenses relating to court. These were important, and homicide bereaved people needed assistance with these matters. For some, this provision was not immediately evident. We saw Marie for example who received reimbursement but was not previously aware this would happen.

Philippa, who came to Victim Support late, was told that she may have been able to receive assistance with court expenses had she been under the service earlier. This points to the need to provide more clarity over what provision is available. In the same way, Victim Support seemed to signpost homicide bereaved people to other services and support agencies, but in Heather's instance, who came under the Homicide Service, she felt they were not immediately forthcoming with this information. In an interview with SAMM, there was also a suggestion that the restriction of the Homicide Service to offer support to all who need it within a particular case suggests that the limited resources given to the Homicide Service can lead to some feeling excluded by this service.

There was a clear need for emotional support at various stages of the CJS. The support needed may have differed depending on the procedural stage, with most participants in this research availing of emotional support after the conclusion of proceedings. This follows the interview with SAMM who found that prior to the introduction of the Homicide Service, they mostly supported people after the court proceedings had finished. While no explanation was offered for this, the crucial role of the FLO as identified in Chapter 5 may have provided the practical and informational support that homicide bereaved people needed at this time. A number of people talked about the level of activity around death events as well as around the proceedings, and therefore once these processes concluded, this was when homicide bereaved people reported feeling 'left' or 'forgotten' (Elsa).

These findings therefore point to the need for a service(s) that can adapt to the needs of homicide bereaved people as they vary across time and space. For many, the preference was for emotional support to be offered by peers who had also experienced homicide bereavement. This will be picked up on again in Section 7.7, however for the purposes of presenting an ideal here, this was preferred due to the perceived inability for 'outsiders' to know or understand the processes homicide bereaved people were encountering under the context of extreme trauma and bereavement.

Ideal support therefore should entail both practical and emotional elements. Psychological and trauma support did not feature as much as these former two forms of support, and therefore these need further consideration and additional research before presenting an ideal. Homicide bereaved people need to be assisted and advised on administrative processes around compensation, court expenses and other financial and

practical concerns that emerge following a homicide. There is a grave need for emotional support and for many this needs to be from someone who has also experienced this type of bereavement and therefore can 'know' the complex bereavement processes that they are going through.

7.4 Return of Property

Another unforeseen process that emerged from the interviews with homicide bereaved people was around the return of their loved one's property. As a result of this not being deeply considered prior to the interviews, it was not something that was discussed in all of the interviews. For those that mentioned it, the return of their loved one's property was often felt to be dealt with insensitively or in a way that did not match the extent to which it was meaningful for them. For example, Lisa recalled how the return of her son's property made her feel like she was 'going through it all again'. She explained how the detective, who was unfamiliar to her, did not turn up on the initial day that was arranged, but came on the second attempt:

I did get a bit frosty then and said well, I don't think this is very acceptable, but yes, of course I'll be here tomorrow. To be fair, he came the next day, but again I was here on my own, my husband was at work. No FLO, nobody with me and he arrived. It was really scary just to see this brown paper bag that he brought in and then just took out the test tubes with C's earrings in and you know rings and things. You know, literally that's all it was, 4 test tubes and that was gutting. That was really, really, I think that was really insensitive ... and then this poor detective, big burly, sort of couldn't get out of the house quick enough then. And again, you're just left. And that was quite poignant for me.

In this instance, Lisa did not feel like the gravity of this event was understood by the detective who attended and that he was unprepared for her emotional reaction. It seemed unclear whether the officers tasked with returning property to participants were aware of the nature of their case or the potentially meaningful and emotive response it could evoke. In an interview with SAMM, they said that they felt that the police were sometimes ignorant in understanding the significance of property in the aftermath of a homicide. Officers tasked with returning property may not be aware of the circumstances around it. SAMM gave an example of a boy who had been murdered whilst riding his bike. Following the proceedings, the mother of the boy was desperate to have the bike returned because it was the last thing her son had been doing at the time of his death. This mother felt the police were 'palming her off' and it was not until SAMM intervened that the bike

was returned. SAMM acknowledged that the police may not see this as a priority but for some homicide bereaved people it was hugely meaningful.

Elsa who found her FLO 'pretty awful' throughout the CJ process recalled the return of property as being handled insensitively:

[FLO] left me with Kyle's things in black bin bags inside the black bin bags were all the evidence bags full of K's clothes and all his belongings he had on him that night. and [gets very emotional] and I'm like what am I going to do with all this stuff now, I've got to put it in the car and take it all home. I've still got all of K's stuff in evidence bags and I just keep thinking, what am I supposed to do with it. I've got ripped and bloody clothes in evidence bags and you can't exactly put it in your wheelie bin can you.

In these instances, the property of their loved ones evoked an intense emotional response. For Hallam and Hockey (2001), material belongings have the ability to give a social presence to the deceased victim and they highlight the importance of material objects in the processes of grief and mourning. When, applied, Hallam and Hockey's (2001) work emphasises the ability of residual belongings as having the ability to shape and preserve and retain memories, therefore the manner in which these items are initially lost or seized for the purposes of police processes, and then returned is significant for homicide bereaved people.

Often homicide bereaved people were unaware of what items had exactly been seized. In the instances mentioned above it seemed limited to items they were wearing or had on them at the time of their death. As Lisa commented about her son 'he didn't have much on him'. Therefore, these items were not significant or valuable until the death of her son, at which time there was a transformation of meaning based around possessions in the events around their loved one's death.

Elsa's response about her son's bloody and ripped clothing also suggests that she may have preferred to be given a choice that it was not returned to her. The police will require a signature about this in any event, or else they could be accused of losing property. In homicide cases, returning property is particularly difficult in that belongings are not returned to their original owner and it may not be clear who is actually the legal owner. In Elsa's case, she expresses a reluctance to dispose of it as it was what her son last wore, however the condition of the clothing both physically and symbolically represent the violent bereavement she had suffered. Hallam and Hockey (2001) discuss material

belongings in relation to a persevering of social identity, however in this instance Elsa's son's belongings acted as a powerful reminder to what had happened to him in his death. As was discussed in relation to grief processes in the immediate aftermath of death in Chapter 5, the meanings and significance around the belongings of the deceased in the aftermath of a traumatic bereavement are more complex than 'normal' grief processes as discussed by Hallam and Hockey (2001).

7.5 Practical and Financial Implications

This section will consider both the financial and practical implications that followed participants' homicide bereavement. There is often an overlap between both the practical and financial matters. Again, this was not something that was considered deeply prior to the completion of fieldwork, however there were a number of instances throughout the interviews where participants mentioned these matters in various forms. In fitting with the character of this chapter, the writing of these implications is a bit 'clunky' and does not always represent the experiences of homicide bereaved people as was communicated to me. In some instances where money was discussed, there was a discomfort and even attempt to legitimise why this was being discussed. One participant, who has intentionally not been named explained:

Lauren, this is not about the money. I don't want you to think I care about that. No amount could make anything better; you know. But it's the fact that this happens to you and you have all these things to pay and sort out. And no one helps. I mean we got some help from Victim Support, but no one can really predict all the things you have to pay out.

Prior research by Casey (2011) has estimated that the average cost of a murder to the family was £37,000 for a range of costs including probate, funeral costs, travel costs of getting to court, cleaning up the crime scene, and loss of earnings as a result of the event. Casey found that the majority of families received no assistance with the associated costs.

7.5.1 Criminal Injuries Compensation

Compensation was not explicitly mentioned by many participants. In fact, only two discussed it to any significant degree and in these instances, it was because they had not been entitled to claim compensation. Criminal Injuries Compensation, that was discussed in Chapter 2.3 in cases of homicide bereavement is complex and perhaps raises a

contradiction in relation to the construction of homicide bereaved people as victims. Compensation is calculated and measured based on the 'victim's character' which in this instance relates to the deceased victim and not to homicide bereaved people. Despite being afforded victim status within the 2015 Code of Practice for Victims of Crime, in matters of compensation they look to both the murder victim and the homicide bereaved person's character.

Elias (1986) discussed the politicised and exclusionary nature of compensation in his study of two US states. However, in cases of homicide bereaved this acts as a further denial of the victim status afforded to so-called 'indirect' victims. This denial has already been seen in relation to victim participation in court and around the narratives about the deceased victim that went unchallenged due to a lack of voice.

When discussing compensation, Kaylie commented on how Victim Support advised her to apply for compensation and assisted her with her application. This points to the practical assistance offered by Victim Support as discussed in Section 6.3. In Kaylie's case, the decision was taken to refuse her claim based on her son's unspent convictions. This exclusion of compensation based on Kaylie's son not being 'squeaky clean' as she put it, ties into other experiences she discusses as mentioned in Section 6.6 and 6.7.

Danielle also mentioned that she was not entitled to compensation because the court proceedings resulted in an acquittal. For Danielle, an acquittal had meant a number of instances where she felt there was a denial of victim status, for example as discussed in Chapter 6, where she explained she had written a Victim Personal Statement that was not allowed to be read out. Danielle mentioned both of these matters to highlight that despite her son being dead and 'killed at the hands of another', her right to be seen as a legitimate victim was restricted through criminal justice processes. This highlights an important issue to be discussed in Chapter 8 more broadly around the feelings of disenfranchisement of the homicide bereaved and their desire for recognition within criminal justice processes.

7.5.2 Expenses relating to court

In passing, many participants mentioned the practicalities and costs affiliated with attending the court proceedings around the death. In a number of instances discussed in

both Chapters 4 and 5, Family Liaison Officers helped with transporting homicide bereaved people to court. For example, of getting to court Pam said of her FLO, 'He'd pick me up every day and drop me off. Yea they were brilliant. 9 weeks trial'.

This was not everyone's experience and as a result there were a number of cost and practical implications. The trial relating to James' brother's death was held in a city some distance from where the family lived. This meant a number of arrangements had to be made to attend the trial, including travel and accommodation. The location of the pre-trial proceedings in James' experience was changed on a number of occasions and he was not given much prior warning of this:

Sometimes it was the day before we find it out had changed locations and sometimes it was on the day. And the trial got moved from [S town] court to [N town] court so we booked all this accommodation and everything thinking we're going to one place and then going to a different place.

For Kaylie, the prospect of a lengthy trial meant that she had considerations around both her employment and about how to get to court. She sought assistance from Victim Support but could not recall exactly what the outcome of it was:

I must have spoken to them [Victim Support] about expenses for court. The court case was more or less a year after he died and [job] offered me voluntary severance and so I wasn't working and so I was asking about support for getting to the court cos I thought it was going to be about 6-8 weeks and I thought, 'how am I going to do that?'. I don't know if I did get it [help with court expenses] but I have a letter from VS about help with filling in the form, so I must have got something.

The financial implications of attending court were felt acutely by Danielle. There were two potential locations for the trial relating to her son's death. Initially, she requested through her FLO that the judge consider holding the trial in one place, L rather than in H.

The parking in H is astronomical, the fees and as well you know you don't get any allowance for parking ... I did ask for it to be at L, but the judge was having none of it. It was at H.

Danielle felt that this request was reasonable due to the proximity of the two courts and therefore this was 'not much to ask for' considering what they were going through as a family. There were also other financial consequences of attending court for Danielle. She explained:

You don't get an allowance to go and have a cup of coffee. We were at court for four and a half weeks, we had to sell our car so that we could pay our mortgage, pay our bills, because my husband wanted to be there. My son wanted to be there ... But going to court, and not having any financial help for that. You know that alone, going to get a cup of coffee when there's 7 of you, and something to eat if you can eat, you're talking sort of £30 to just go and get a cup of coffee and something to eat. Nobody funds that, nobody thinks about that, nobody thinks about parking.

Danielle was disappointed with the decision not to move the trial and found the experiences at court beyond the procedural stages as aligning with broader feelings of powerlessness and lack of recognition through the entire criminal justice process. This was also something that James expressed in relation to the location of the proceedings in his brother's case. He felt that of all the deliberations over where to hold it, the family of the victim were not part of the considerations but rather it was more to do with the location of the offender and availability of court personnel.

Another cost associated with court in a broader sense was the cost of acquiring transcripts. As a consequence of the grief and shock they were experiencing, a number of people I interviewed in the research mentioned that they had retrospectively requested to have a copy of the transcripts from court. As Marie explained, it was such a blur and she wanted to 'make sense' of what had happened:

I don't know all the facts even now. Cos if you ask to see all the police or court records it costs you. I can't afford that.

Similarly, Philippa had requested to see a copy of the transcripts. She had used a hearing loop throughout the duration of the trial as had other members of her family. Despite using this facility, she was often unable to hear and therefore thought it would be useful to see the transcripts.

So, I asked my Victim Support worker if I could have a copy of the transcript and they said, 'oh it'll cost you about £500'. So, my thing is, we're deaf, I want to see it, we should be entitled to see it, we're family we should be entitled to see. Don't fricking charge us. If you want to charge someone charge solicitors, reporters, people who are wanting to, but you should not be charging £500 or I think it was nearly £1000 for me to get a copy of a transcript. I'd say they'd have to get someone to do it cos it's all recorded now, I was livid with that. Never got it. I can't afford that. I refuse to pay £500 for it. Refused. That's discrimination really because we're deaf.

In the same way as the above examples with James and Danielle, both Philippa and Marie felt that charging vulnerable and victimised people for the transcripts relating to proceedings related to their loved one reinforced broader feeling of voicelessness and a feeling that the system favoured the rights of defendants over the rights of victims. This was a theme that runs throughout the research and will be discussed in greater detail in Chapter 8.

7.5.3 Costs and consequences relating to traumatic loss and bereavement

Loss and bereavement in the broader sense requires a number of rituals, symbolic and practical processes. In Western culture, there is often disruption to work, burial and commemorating processes, probate to sort out and a number of other events. In common with the rest of this chapter, this section is not generalizable and some of the matters discussed came up in only one or two interviews. Nevertheless, the experiences were meaningful and could have occurred in other instances but may not have been explicitly communicated.

In the aftermath of homicide, my participants often reflected on having to deal with these issues and found it was further compounded due to the suddenness and traumatic way in which the person had died. Some people discussed what happened in relation to other family members they had lost in more ‘natural’ circumstances. This was a key finding for Casey’s (2011) work, discussing the difficulties associated with complex and traumatic bereavement.

In interviews with Family Liaison Coordinators, Victim Support and the National Homicide Service they recognised homicide bereaved people’s need for support and assistance in dealing with some of these processes. This is reflected in Section 6.3 above where most homicide bereaved people saw the main function of Victim Support as offering practical support. For many participants, however, their ability to work had vast financial implications on them. Danielle for example commented:

We had a family business. We lost that. My husband didn’t work for over a year after losing [her son] Nobody thinks about that, well if you’ve got a job, if you’re working for somebody you’re employed, well my son’s court case is going on, can I go to court for 4 ½ weeks. They’d be like, well no you can’t. You know, luckily, we had a car and we sold it so that we could help our daughter pays her

bills, our son's bills, our bills so that we were all there, but nobody knows that this is the cost unless you've been there.

Not everyone experienced this in the same way. Philippa mentioned that her work told her 'work comes second' and therefore she felt able to take time off both to attend the trial and also to attempt to come to terms with what had happened. She did not mention finances here and therefore it is unclear if this was something she had to consider when deciding to take time off or not.

Another expense that homicide bereaved people encountered was the funeral. Kaylie sold some of her son's possessions after his death in order to help pay for the funeral. Although within Western society funerals are a common occurrence for most bereavements, in this instance this event was exacerbated by the traumatic and sudden loss they had suffered. What's more, the 'imposed sequence of events' Rock (1993) discusses meant that for many the funeral followed a long delay and often difficult decisions as a legacy of the postmortem. This was discussed in Chapter 5 particularly in relation to organs that had been retained for further examination. This traumatic and sudden loss provides the backdrop for how homicide bereaved people experienced arranging a funeral. Heather communicated the interplay between practical bereavement processes and traumatic bereavement articulately when she commented:

I was a bit fraught about the funeral cos there's so much that you're having to think of and at the time you're also thinking of the cost because you know, a coffin costs this much and the cars cost this much and so it's a weird thing. It's like, if I'm going to be spending this money I want to spend it on a happy occasion for him, like a wedding or and like all of a sudden, it's well, the overwhelming grief that you will never get to have wedding for him. He'll never be a father. It's just so much to contend with at a time where there is so many other things going.

In some instances, Victim Support seemed to have some funds to contribute to the cost of a funeral. Heather was interviewed very soon after the closure of court proceedings and therefore she may have had an opportunity to apply for some reimbursement, however she did not seem aware of this. This lack of information around some of the expenses that Victim Support may help with seemed poorly communicated in some people's experiences. Marie talked about how expensive it was around the death of her son and explained that they paid for the funeral and travel to court and a number of other costly things. She was eventually reimbursed for some of the costs, however had not been previously aware of this possibility:

I mean we was lucky; I mean we didn't know but we was lucky we got the money back for the funeral and everything, but we didn't know that at the time.

Therefore, for Marie there was a point at which she felt the implications of the costs associated with her son's death. Although she was unexpectedly reimbursed for some of these costs and felt 'lucky', she felt that she should have known that this was a possibility and that it might have taken some of the pressure off her at the time knowing that it may be recovered. Again, in this instance Marie called herself lucky in relation to other homicide bereaved people whom she has since met that have not recovered costs in this way.

Heather, whose son was murdered in his rental property, recalled receiving repeated emails to recover the cost of changing the locks on the property. The locks were changed as a result of the murder occurring. She explained:

[A] had a bill for £275 sent to him for the changing of the locks and I gave that to the police. They sent it to [A]! I had about 3 letters and in the end, I sent an email and it was a very rude email and I've not had one [letter] since so I don't know if it's been paid. Basically, the house was a crime scene and they changed the locks and they put CCTV on it and that's when I got the bill. It felt like 'You've nee murdered, now pay for increased security in case it happens again'. So not only are they charging him but he's not even alive. It's probably an administrative error but it's like you've acknowledged in the letters that my son has been murdered and now you're sending him a bill to change the locks. It's not even his property so technically it would go to the landlady.

Although in the end Heather did not pay this bill, she recalled the experience as distressing and unnecessary. Even though she thought it would eventually be sorted out, to have this cost looming over her at this time and then be compounded by how ridiculous she perceived the request was, was something she became agitated at even at the time of the interview.

While it is likely that funeral costs featured for most of the participants to varying degrees, in only one joint interview with Jayne and Olwen, did the issue of housing in the aftermath of homicide feature. Despite not being discussed in other interviews for this project, in the interview with SAMM it was mentioned that housing, proximity and normal travel routes were often affected following a homicide. SAMM gave the example of a mother who had lost her son to murder; following the death, she walked a considerable distance to a shopping precinct that was not the closest one to her. She avoided the shops nearest to her because this was the location where her son was

murdered. SAMM explained that this woman had made several requests to the Housing Association to be moved locations, however years later had not been successful. This was significant for both the time and money it took to avoid these shops in the form of travel, but also for the emotional toll that it took on this mother.

Housing was an issue for Jayne and Olwen who had experienced substantial intimidation from supporters of the offenders in the murder of their son and brother respectively. As a result, Jayne and Olwen went to great lengths to avoid them. For example, they mentioned having to get buses that were not on the most direct route and therefore incurring additional costs, or even getting taxis to avoid bumping into these supporters. They mentioned an instance where they bumped into one such supporter of the defendant who when they came near, the supporter grabbed Jayne's dog, picked it up and threatened to take it. For Jayne this was an incredibly distressing experience. Jayne also mentioned housing issues, again due to the proximity in which she lived from the supporters of the defendant. She had attempted to be rehoused in the years that followed the death of her son due to instances like the example with the dog. Jayne had turned to Victim Support to support her applications to be moved; however much like previous experiences with Victim Support, she did not feel they were helpful. She explained:

Then it wasn't until the one they were letting out [defendant A] out of prison early, I was rehoused within 3 weeks because it was his human rights to come back to the area he lived, and I couldn't stop him coming back. They [probation] said he had his human rights to family life therefore I couldn't see him not coming back to the area and I couldn't be in a position, he couldn't walk past me house or things like that... Eh, cos I couldn't walk out of the house where his brothers would come on the pavement with a bike and near run me over.

For Jayne and Olwen, this reinforced their perception that the rights of the offenders were weighted above their own. This has run as a theme throughout the findings, particularly around matters with probation and will be discussed more broadly in Chapter 8.

A final implication as a result of someone dying through homicide to be mentioned here is the reconnecting with family or friends who had previously been estranged. This was mostly mentioned in relation to contact and information with the FLO. For example, Jayne commented:

I mean with my dad, he's not really in the picture so it was kind of they [FLO] had to find him and they had to let him know and give him telephone updates but to be honest he wasn't part of [R's] life.

This was Olwen's ex-partner who commented that in court, she simply sat apart from him and made attempts to avoid him. The complexity of this renewed contact with a former partner was articulated by Heather who commented:

For someone who's been divorced, it's like you've brought this child into the world together but you're not together in this, but you are. And all of a sudden like he's [ex-partner] phoning me every other day as well, and it's like, what it does to you as a family and I'm fortunate that in my case it's probably brought us closer together, but I know that in some cases that's not the case and there's arguing over who gets what.

The complexity around negotiating familial relationships has been discussed briefly in Chapter 5 in relation to the negotiation and assessment of FLOs in identifying the appropriate point of contact in the aftermath of a homicide. In addition to conflicts, there were also instances where the events brought families closer together. Heather talked about this in relation to her ex-partner in Chapter 5. It has also been discussed in this Chapter in section 7.3 around the Homicide Services caseworkers identifying which family members they will support. This matter will be discussed more broadly in Chapter 8 as a meaningful part of the homicide bereavement process and how it can tie into constructions of victimhood.

The section, however fragmented, has shown that there are a number of implications, both practical and financial in the aftermath of a homicide. Significantly, some of these experiences may follow 'normal' bereavement processes, for example in the costs affiliated to the funeral of the deceased. In other instances, discussed in this section, they are distinctive and reliant on the crime that has occurred, for example in the housing issues and intimidation as experienced by Jayne and Olwen. On many occasions, what is experienced by homicide bereavement is directly related to the 'imposed sequence of events' around the criminal proceedings that ensue, for example the costs affiliated with attending court. What ties these implications together is how they are compounded and exacerbated by the traumatic, sudden and often violent manner in which someone has been killed. In Chapter 8, I will draw together how the context of traumatic bereavement seems to frame the experiences of homicide bereavement and thus provides the backdrop for the resulting interactions and encounters.

7.6 'After' Victimization: Legacy Scripts

You have to give yourself permission to mourn but you also have to give yourself permission to live ... the heart sits with both joy and grief (Danielle)

An unanticipated finding in this research was the extent to which people I interviewed who were bereaved by homicide engaged in 'giving back' or 'raising awareness' activities. With the exception of two people, this was mentioned to varying degrees by all participants, two of whom had not yet engaged with it because of the immediacy of their case to being interviewed. This type of 'action following victimisation' or 'giving back' links to Maruna's (2010) work on offenders' redemption scripts, hence the heading legacy scripts, however in this emphasis it is victims' pathways to offering support to others, raising awareness of their plight and memorialising the legacy of their loved one. For the purposes of this research, memorial is conceptualised as an expression of mourning and memory, rather than as a tool of politics (Ashplant et al., 2004; Ibreck, 2010).

This notion of giving back with people who had lost so much was undeniably noble and admirable. Many chose to volunteer and fundraise for charities that support other people who have been bereaved through murder or manslaughter. For example, since the murder of his brother, James had dedicated much of his time to fundraising for a homicide bereavement charity. He had completed impressive physical challenges and raised thousands of pounds through each endeavour. He explained his motivations for doing so:

After our [M's] death, I couldn't cope. I was drinking so much rum and just trying to survive. I wouldn't be here if it wasn't for SAMM. They have literally saved my life. Our [M] deserves to be remembered for the person he was so me giving up isn't an option. I want to honour him.

Therefore, James' desire was to support the charity that had helped him by giving back and helping others in his situation. He also wanted to honour and memorialise his brother's memory. In the run up to the events James completed, he also did interviews with media, both local and national, in an attempt to raise awareness of the lack of support available through the criminal justice system. These three motivations; giving back, memorialisation and raising awareness, were mentioned to varying degrees by others.

Danielle, for example had set up a foundation in the name of her son. In one sense Danielle felt she had to do this because 'what else can you do?' but she also garnered a

lot of pride in continuing the legacy of her son in a way that she felt honoured him. She explained:

I don't know how, when people say how do you do it, I say, please, I don't know. I just know that what choice do you have. As you want to make mum proud, I want to make my son proud. I don't want him to think that any of this mess and destruction is his fault.

Melita, whose experience of the criminal justice system was one of the most negative that I came across in the research used this sense of disappointment to campaign and challenge current responses, as well as to educate others around the issue of knife crime:

It has not affected them [she mentions judges, MPs and the Ministry of Justice] and therefore it's like yesterday's newspaper is now the fish and chips wrapper. But we [homicide bereaved people and those affected] can't allow them to get away with that. There has to be something that gives. I mean I'm forever campaigning about anti-knife and everything and I think we are just chipping away at the stone and somehow, something has to happen. Just last month there were 19 fatalities to knife crime. It's up 24%. There's a march this weekend in London. But it's nationwide. It's nationwide that's the problem. And most of the forces in the UK are saying yes there's a definite increase ... So yes, these things I'm very passionate about.

In the case of some participants, this wasn't always something that was natural or without toil. Rather it seemed to be born from a genuine desire or even need to honour their loved one, but also as a legacy of the feelings of voicelessness and disenfranchisement at the hands of the criminal justice system. In Rwanda, Ibreck (2010) found that survivors contributed to memory in order to promote justice, including social justice. While that research relates to local and national commemorations following the trauma of the Rwandan genocide, the model of memorialisation can be applied here. This links in with the brief discussion in section 6.8 about the altruistic motivations of research participants within this project.

Kaylee, for example had done a number of things to 'give back' in the years since the murder of her son. This time she had sacrificed in these various activities and as trustee of a charity. However, what struck me when she talked about some of these things was there was almost a sense of disappointment in these endeavours also. She explained:

I was trustee for [charity] and I know it helped a lot of people. To be honest, I didn't really get much out of it, or at least not always, but I could see what it meant to others.

Therefore, despite Kaylee not reporting any therapeutic or supporting benefits from being part of this charity, she was a trustee out of a selfless motivation to help others who had lost someone through homicide. She explained her reasons for feeling disappointed on a personal level with this charity. She felt her son did not fit the ‘blameless’ character that so many of the other members who she helped in her role as trustee felt was an imperative. This is a point that will be picked up on below in Section 7.7.

For some participants, there was a tendency to feel trapped by circumstances. SAMM explained there was a risk for people to stay in a victim ‘mentality’ and not be able to function or move on. Tarryn in many ways identified this in herself. She talked about being stuck owing to her son’s killer being yet to be detained. She had been unable to return to work and saw her job as being one where she tirelessly campaigned for his detection. She spent her days attempting to remind and maintain focus on her son’s case by leafleting, creating posters, ringing the police and Interpol, doing media interviews and social media campaigns. To a lesser degree, an inability to return to their previous jobs was something that a number of people mentioned. This was discussed above in relation to the financial implications of homicide but is relevant here in relation to identity.

There is an important distinction to draw here in relation to ‘moving on’. As discussed with SAMM and in multiple interviews with homicide bereaved people, there was a distaste and even anger over the assumption that one could move on. For many, they recalled instances where their FLO or even support services indicated they needed to get back to ‘normal’. This was mentioned in Chapter 5 in relation to Jayne being told by Victim Support only days after his murder that she needed to ‘accept’ what had happened to her brother and move beyond it. There was indignation from Jayne and her mother Olwen at the expectation that they would ever be able to move on. As Danielle recalled, the day her son was killed was the day ‘the lights were turned off in our world’. This points to the shattering of reality in this shock, trauma and suddenness that occurred. Again, this was discussed in Chapter 5. Rather, many talked about having new identities and a new normal to which life had transformed. Melita, for example, lost her only son through his murder and therefore talked about being a mother with no child. Many explained that in moments of happiness where new babies were born into the family, or

at weddings, that there was always something missing, but it was not that there was no joy in those events.

For Hallam et al. (1999) social and biological death are distinctive and therefore these authors assert that the representation of self continues beyond the death of a person. In the cases of homicide this is more complex. The social identity of the deceased was often perceived as something that had been shattered and ‘assassinated’ (as Martin discussed it in relation to the narrative around his daughter at the trial). There were many instances where participants discussed the way in which their loved one was discussed and personified throughout the court proceedings. Therefore the ‘after court’ processes and in the act of creating a legacy script also acted to reclaim and reconstruct the narrative around the victim. As mentioned in Chapter 6, Danielle mentioned this in relation to the defence referring to her son as the ‘tall drunk man’. Therefore, one of the motivations for creating the foundation in her son’s name was to reclaim the identity of her son to align with who she felt he was, thereby rejecting the courtroom narrative.

7.7 It Takes One to Know One: Hierarchy and Blame amongst Homicide Bereaved People

This section of the chapter is written intentionally vaguely with only one instance of a name being mentioned. The reason is that much of it is based on my own reflection and therefore has not been approached with the same extent of interrogation through the interview process. It also omits pseudonyms because in some instances, the discussions with participants were so sensitive and contentious, I want to avoid any potential perception to be continuing the blame narrative they felt existed.

The section brings up the idea of hierarchy as the bereaved experience it. This is hierarchy among homicide bereaved people themselves, which extends the ideas of construction and interactional constitution of the victim label. This research identified layers of hierarchy. In some instances, there may be a blurred distinction between the views of homicide bereaved people themselves as homicide bereaved people, and homicide bereaved people as reflecting the views of society. Perceived hierarchy existed based upon a number of factors that may have overlapped. These factors were often used to legitimise their suffering and explain the extent of their bereavement and at times this

was communicated in relation to others – implying their suffering was greater than another’s.

One of these factors was the severity or violence of the crime. Some mentioned the length of time it may have taken their loved one to die, or the weapon that was used. Another layer of hierarchy was around the familial relationship, particularly among those who had lost children. Comments like ‘until you lose a child you do not know what suffering is’; ‘I’ve lost a sibling before, but it was nothing like losing a child’. This also was reflected in interviews where the familial loss was a sibling where the person commented ‘I am broken, but my mum. To lose a child must be the worst thing in the world’. Another layer identified was the relationship between the offender and the victim, with a stranger murder being lauded as the worst by those who experienced it, in contrast to murders where the victims were known to their offender and therefore the breakdown of trust, feelings of betrayal etc. were heightened.

This theme emerged beyond just the interviews but by being part of the networks and forums that my participants were in. This sense of blame and hierarchy links to the discussion above where Kaylee felt that because her son was not perceived to be ‘blameless’ as an individual, that somehow her grief and loss were less deserved than someone who had maintained an ‘innocent’ life in all aspects. Here we see constructions of victims as interactionally constituted and widely discussed in victimology (by Holstein and Miller, 1990; Kenney, 2003/4; Rock, 1998 Shapland *et al.*, 1985) (see Chapter 2) actually emerging and manifesting from the victims’ networks themselves. In addition, Christie’s (1986) ideal victim is relevant, not only to how society views victims of crime, but also in how victims of crime see themselves and, in this case, their loved ones who have been killed.

Much like Kaylee’s experience, one participant (name intentionally omitted) mentioned her deceased family member’s history of drug use and how this rendered her ‘less bereft’ in the eyes of other homicide bereaved people than someone whose loved one did not have a history of substance misuse. Often these narratives were an extension of the narrative told at court. In this instance, her family member’s drug use was used in court by the defence, despite his toxicology report showing he was ‘clean’ at the time of his death. Therefore, she felt he was perpetually labelled by the criminal justice system and beyond, despite the history of substance misuse playing no part in his actual death.

This hierarchy of victimisation was not limited to aspects of the victim's lifestyle (as in a Lifestyle theory approach: Walklate, 2000), but also might include the manner of their loved one's death and the weapon used. There was a sense that those that died as a result of knife crime for example had suffered a worse fate than those who died through a 'one punch'. In interviews, there was often a sense that their loved one had died 'in the worst way'. In other instances, participants would attempt to justify why their loved one's death was also traumatic despite it 'only' happening in a certain way. It is interesting that this perceived justification and hierarchy often aligned with criminal justice system outcomes in terms of offences for which they were convicted and sentences. To stick with the example above, one punch 'murders', as referred to by participants in all instances in the research, received a conviction of manslaughter or were acquitted, whereas those that died as a result of knife crime received a conviction of murder, with the exception of Tarryn for whom at the time of interview, her son's 'killer' had not been detained.

Hierarchy was not the theme most consistently communicated in relation to comparisons with other homicide bereaved people, with ideas and speech being conflicted in different expressions by the same people. In many instances, there was a sense of solidarity and collective suffering both in the homicide bereaved networks and forums, and in the interviews. The idea of 'it takes one to know one' often emerged and there was a sense of 'family' identity among those who had met as a result of their traumatic bereavement. This was seen particularly in the preference that support is delivered by peers who 'know' what you have gone through. There were many instances of collectiveness and unity over some of the experiences of loss and bereavement, and therefore this conflict of speech is complex.

It is also important to note that the competitive narratives discussed here do not reflect all the experiences of homicide bereaved people or other types of victims of crime. Restorative justice measures can be used to allow homicide bereaved people a space to tell their story for the powerful emancipatory qualities that can aid healing (Kay, 2006). Rather, this may point to a consequence of snowball sampling where homicide bereaved people invited like-minded homicide bereaved people with whom they network with to take part. The anger expressed in a general sense points to the disenfranchisement and voicelessness that homicide bereaved people felt during their criminal justice experience. This will be picked up on in Chapter 8.

7.8 It Takes One to Know One: Being an Insider

Researcher

As mentioned throughout the research and methodologically reflected on most explicitly in Chapter 4.6, I am an insider researcher in the sense that I too have had a loved one murdered. From the outset this was the lens through which I have conducted this project. I do not intend to repeat the extent to which I can claim this status again, however here I want to reflect on it in a more holistic sense in relation to how the bereaved I interviewed reacted to it.

Throughout the course of the research and, in particular, from the point of the interviews with homicide bereaved people, this was a distinctive and meaningful identity. It may have impacted my access, with some participants saying they would not have taken part otherwise. It was this membership that enable me to access and recruit the people that I did. I was invited onto forums and networks that are closed to anyone who does not qualify as someone who has lost someone through murder. This may have allowed me to access more layers or profound experiences due to trusting an 'insider'.

Importantly, however, there was a willingness to speak about their experiences and a number of my participants had taken part in other research, written on their experiences on various platforms and taken part in media around their case. Many felt they had a story to tell and therefore were keen for someone to listen. This also links to the above discussion on legacy scripts. For most, their participation was based on an altruistic motivation to contribute to something that could 'change' or impact the experiences of others.

One of the considerations I have had throughout his research is one of terminology. I made a decision, one that at times grates with me, around mimicking the language and emphasis of my participants. This is most notable in their emphasis on those responsible for the death of their loved one being termed as 'killers' or 'murderers' and at times using even stronger words. This was an ontological decision to follow the meaning and interpretation of participants. So, where it may say 'one punch murder' for example, despite this being legally incorrect, I did not challenge this. Similarly, there are times throughout the research when talking about a homicide bereaved, I call it 'their' case, when in reality it is the Crown's case or at a stretch, their loved one's case. Nevertheless,

I decided for me to correct this in my research would further deny them ownership over something that had had such a huge impact on them. As well as being methodologically important, this was an important decision on a more personal level to not further disenfranchise the people I talked to but rather allow them to frame their ‘story’ in their way, as part of a co-construction of reality (Mason, 2002; Stanley, 2018).

One of the more contentious and grating deliberations throughout this research was a moral one. At various time in the research I have asked myself ‘Am I benefitting/progressing my career off the back of not only my own traumatic loss, but that of others?’. Even as I write this now, the propensity for this to be perceived is so distasteful. The ethical and moral contentions around this cannot really be resolved – because this thesis, if successful, will benefit my career. Nevertheless, from the start this research has been about ‘giving a voice’ to others, no matter how ambitious this seems or even how it may assign myself grandeurs of nobility. To deny this would be to deny homicide bereaved people agency to consent to being part of research.

In fact, this project has overlapped with a number of ongoing processes in my own victimisation experience relating to various criminal justice issues and beyond. There have been many instances where I have questioned and even lamented the decision to conduct a piece of research so close to my own loss. Yet even through some of the lowest or most trying points, the privilege and platform I have been given with all the ‘trimmings’ of funding at an excellent institution have spurred me on to highlight the experiences of this distinct group.

For the purposes of self-reflection, is this my ‘after’ victimisation process? The homicide bereaved people I have come across in this process often expressed pride and thankfulness to me for conducting this research. I found this incredibly humbling given how much of themselves and their story they were conveying. Often this was communicated to me in a motherly and protective way. Therefore, on the one hand I am claiming or attempting to ‘give a voice’, but on the other they have offered me support and a therapeutic outlet.

This concludes the presentation of the findings of this research project. Chapters 5, 6, and 7 have responded to the main aim of the research which sought to explore the criminal justice experiences of homicide bereaved people and has primarily drawn on the

interviews with homicide bereaved people, balances against the interviews with practitioners and the court observations which provided context and background. In the next chapter, I will summarise the research project and draw out the key theoretical contributions it has made in response to the research questions identified in Chapter 4.

8 Homicide Bereaved Peoples' Experiences: A Discussion

Well I just think that what you're doing, Lauren, is vital because, I'm just so grateful for you doing it, because I do think that people don't understand and you know, we do need a voice, we do need to talk about how we're treated when it happens and I just think that you know these people need, you know, they need to learn and they need to hear our voices, you know and they just don't understand. (Katrina)

The purpose of this research was to explore the experiences of the criminal justice system in England and Wales as a distinct group of crime victims: homicide bereaved people. By 'homicide bereaved people', this research considered anyone with a familial relationship to the deceased victim, and in this research involved parents of, adult siblings of and adult offspring of victims. Since the focus was on the criminal justice system, 'homicide' was taken to be victims of murder and manslaughter, rather than road traffic accidents or infanticide. My project explored criminal justice 'experiences' as it was framed by those bereaved through homicide and wanted to understand the meaningful interactions and encounters that occurred in the aftermath of homicide. As the quote above indicates, the way the criminal justice system works 'can leave families trembling in its wake' (Casey, 2011: 6), often rendered voiceless and powerless through their experiences. This research therefore did not limit 'experiences' to normative understandings of criminal justice processes, but rather explored the previously neglected subjective and significant perceptions from this distinct group.

This thesis adds to debates within the victimological literature on the interactional and definitional processes around the construction of victims, where victims of crime are rendered powerless by the institutional assumptions of the criminal justice system, rather than by their actual lived experiences (Kenney, 2004). Victims of crime commonly feature on the political agenda and there have been a number of key reforms that expand the discourse on the needs of victims, for example the 2012 EU Directive which led to the 2015 Code of Practice for Victims of Crime (Hall, 2017). Nevertheless, there are persisting debates over the extent to which victims are central to the CJS (Hall, 2017; Jackson, 2003; Shapland *et al.*, 1985; Walklate, 2007). This research aimed to explore what the experiences of homicide bereaved people are as they encounter the criminal

justice system and considers the extent to which the current support framework adequately addresses their needs and concerns or not.

8.1 Research Summary: Responding to the Research Questions

This research has made a number of theoretical contributions to the field of victimology. It takes the meaningful experiences as they are framed by homicide bereaved people themselves and explores them within a complex criminal justice system. Unlike other types of victimisation that deals with the system in a linear manner, homicide bereaved negotiate different layers of complexity. They are ‘indirect victims’ and at times this renders them powerless in their ability to participate in proceedings and are restricted to being little more than members of the public (see Chapter 3 and Chapter 6). The remit of Family Liaison Officers and the remit of the Homicide Service is to immediate family members, which therefore fails to acknowledge the wider network of victims who are impacted (see Chapter 2 and Chapter 5). They have to also deal with coroner’s courts and be compliant with legal processes around matters of death (see Chapters 2 and 5). Not only does this differ from other types of victimisation, but also defies ‘normal’ grief and bereavement processes. What is more, complexities arise from dealing with returning property where the deceased in most cases throughout my research would not have had a will

This is an original piece of research that has used multiple qualitative methods to conduct a rigorous exploration from the perspective of the bereaved. In the same way Rock (1998) viewed his research as an outsider’s reconstruction, my research provides an insider’s reconstruction which explores other people’s experiences of the aftermath of homicide, enabling them a voice which often goes unheard.

This project has explored the experiences of a distinct group of crime victims as they progress through the criminal justice system (CJS) in the aftermath of a homicide. Building on other work that looks at homicide bereaved people (Casey, 2011; Gekoski *et al.*, 2013; Kenney, 2002; Malone, 2007; Rock, 1998), I combined three different methods to conduct my research: observations in three different Crown Courts for the duration of three trials where the indictment was for murder; interviews with practitioners

who work with homicide bereaved families; and interviews with homicide bereaved people (n=17). The overarching objective of this project was to ‘give a voice’ by allowing homicide bereaved people to reflect on their experiences and discuss what was meaningful to them.

In Chapter 1, I first identified the key research questions of this project, which are now repeated here:

4. What are the experiences of homicide bereaved people that are distinctive from other types of victimisation?
5. Is the current role of the Family Liaison Officer adequately meeting the needs of the bereaved?
6. Are homicide bereaved people at the heart of the criminal justice system?

The aims of this research were deliberately kept broad in order to let homicide bereaved people identify and reflect on what *their* experience was as they encountered the criminal justice system (CJS). This was an exploratory piece of research owing to the limited literature and research that exists around homicide bereaved people as a distinct group of crime victims. By not limiting or conceptualising ‘experience’ it has allowed the inclusion of events and interactions in the aftermath of homicide that go beyond the formal stages of the CJS. I believe this approach allowed homicide bereaved people to feel valued and to reflect deeply about their encounters. This is evidenced by the rich information that participants volunteered and was presented in Chapters 5-7, and the emotional engagement with events that has transformed their lives in such a traumatic and continuous way. This chapter will now examine how the research carried out relates and responds to the questions above in turn.

8.2 What are the experiences of homicide bereaved people that are distinctive from other types of victimisation?

When considering the distinctive features of homicide bereavement as a particular crime victim, it was important to at first, establish what the process is in the aftermath of homicide as it pertains to bereaved families. From the outset this was a complex task due to the number of obligatory criminal justice procedures that are imitated in the aftermath of a crime is a hinge on which much of the experiences are centred around. For this

reason, the criminal justice processes form the milieu on which grief and bereavement is pivoted. Their victimisation in this sense is all-consuming and everlasting, which was something that came up time and time again in the interviews and their bereavement provides the backdrop for all that is encountered as they progress through the procedural stages of the CJS as victims of crime.

This research has primarily highlighted the need to recognise the experiences of homicide bereaved people not only as victims, but also as bereaved. It was important for me to design the research on this premise, allowing them to draw not only on their victimisation, but on their loss, as these two were inextricably linked. The design of this can be seen in the operationalisation of the interviews with homicide bereaved people, where I planned to be victim-focused by asking participants to tell me a little about their loved one, who they were, what they were like or anything else they felt comfortable sharing. In all instances, participants immediately began discussing what had happened to their loved one and how they were killed. This shows that inextricable link between victim experiences and identity, where they have become part of the same story. I expect this points to both their transformation and the transformation of identity surrounding the person who lost their life. They are no longer a son/daughter/mother/brother etc. but have been robbed of this identity and forced to be a victim in the fullest sense. The construction of victims in terms of the dead person cannot be undone, and therefore this also hinges the homicide bereaved person to a transformation of identity. Their victimisation and subsequent criminal justice experiences cannot be separated from their loss. In two instances for example, the women I interviewed each only had one child and that was the person who was murdered. One of them reflected 'am I still a mother?'. This transformation and negotiation of self spilled out into her social networks (see Chapter 2 and 7). She talked about when she met new people and they asked her 'do you have any children?' that she would deliberate on what answer to give, sometimes answering no and sometimes answering yes. When no, she knew there would be no further discussion on it, but her heart was 'ripped apart'. If she answered yes to having children, she also had to be prepared for follow up questions around 'how old is your son?; what does he do; where does he live' etc.; or if she said he had been killed 'how did he die; when did he die' etc. These deliberations over what, for some, are basic questions had become part of her lived experience where she answered differently depending on her ability to cope with the questions that would follow. This links back to the literature discussed in

Chapter 2 around the social nature of grief and ideas of loss and bereavement are constructed in society (Valentine, 2008).

Some of the findings around legacy scripts and hierarchies among homicide bereaved people themselves suggest could point to some participants being trapped in their victimisation (see Chapter 7.6; 7.7). There are certainly moments where this could be argued, however, to limit this to a binary notion of being trapped or not is overly simplistic. Many participants at various points of the research reflected the plethora of emotions, feelings and actions within the same moment. James, for example, talked about ‘crashing’ between emotions throughout the day. The transformation of identity discussed above means that homicide bereaved people are trapped, but this cannot be reduced to simply a negative choice one has made, or a weakness of character, but rather this group of crime victims need to be recognised and acknowledged for the complexity of their experience that in many ways does not change or heal with time. In fact, the idea that time heals was mentioned at various times throughout the interviews with a mocking and even angry tone, which for many ‘proved’ that their experiences were so vastly misunderstood by the people saying this. This, however, does not mean that new identity and positive action cannot occur, and in fact so often does (see Chapter 7). The resilience and determination to be positive that I encountered in the interviews with homicide bereaved was truly incredible.

By better acknowledging and recognising the bereavement processes at play through the interactions within the criminal justice system, this better addresses the needs of homicide bereaved people. This is a complex and difficult task. Within grief and loss, and indeed victimisation, there are collective and individual experiences and therefore there is not a unified approach to what ‘needs’ are (see Chapter 2). Nevertheless, the current provision for homicide bereaved largely fails to accommodate for bereavement processes, both practically and emotionally, and therefore this research challenges the state’s duty to some of its most vulnerable within society. This was particularly notable in the dealings homicide bereaved people had with the post-mortems and visiting their loved one after they had been killed. These experiences are distinctive from other forms of victimisation, and there was a lack of literature around these experiences. This research highlighted the intense emotions around this time, leading some to defy Family Liaison Officers requests, and in some cases threats, to not touch the body of their loved ones.

The sense of disenfranchisement around this stage was profound, where homicide bereaved people lost all ownership rights to their loved ones. As the coroner explained, the body belonged to him, the crime belonged to the police, and therefore the agency of homicide bereave people was completely denied. The issue of multiple post-mortems, where there was a prolonged sense of invasion and harm being done to their loved one often left people feeling as if their 'rights' did not matter, but that the system is balanced in favour of offenders. In an interview with SAMM and in interviews with homicide bereaved people this was reported as a particularly traumatic aspect of the CJS owing to the intrusive nature of post-mortems. What did emerge here in the interview with the coroner was the scope of the coroner's discretionary powers. The coroner I interviewed seemed acutely aware of the propensity for multiple post-mortems to be requested and for the potential this had to negatively impact the bereaved. The decisions on this were not influenced by the perspectives of the bereaved but were either legally or financially motivated. If it would affect due process, then additional post-mortems were granted. There was a financial incentive due to the high cost of pathologists. Olwen's case gave us insight into the devastation caused where her son was subject to three post-mortems because there were three defendants. This was explained to her as it was 'their rights' to request a post-mortem each, which was something that even at the time of the interview caused her notable distress and anger.

Other instances that are distinctive to this group of crime victims are the death notification in the immediate aftermath of a homicide (see Chapter 5) and the return of property to someone who was not the original owner (see Chapter 7). We saw in these instances that police procedure is a necessity; the death notification is imperative and returning property is a legal obligation. In both instances, it seemed that officers with little connection to the case were tasked with carrying out these duties. In the death notification, Family Liaison Coordinators (FLCs) explained that it was a matter of seeing who was on duty that could make a notification at the earliest possibility. Likewise, on the return of property, officers may not even have been aware of the nature of the case and simply be tasked with dropping off items with little or no understanding of the potentially profound reaction it could elicit. We saw that from a homicide bereaved perspective, both of these moments were discussed in interviews due to the significance they held. Accordingly, I expect that rather than officers acting insensitively, there is a

miscommunication and lack of understanding about the lasting impact these events can have.

In the instance of delivering a death notification, I identified this in Chapter 5 as the first ‘flavour’ of the criminal justice system: for many it was their first ever personal encounter with the police; and for all the first contact in the ‘sequence of events’ that ensued after their loved one was killed. The ‘ideal death notification’ presented in Chapter 5 was that, from the perspective of homicide bereaved, they wanted timely notification and extensive detail about their loved one and when they can be seen. There are a number of complexities and practicalities for the police at this time, with a keen sensitivity to time and the need to notify family. The Family Liaison Coordinators (FLCs) I interviewed explained there is a rush to notify family at the risk of them learning from another source. What also came from this interview with FLCs was also the responsibility driven by compassion to let a family know. The difficulty comes when this duty to notify is prioritised to the extent where time is not taken to think who might be the most qualified and compassionate to make the notification. What’s more at this time, the police’s duty and priority is to protect the investigation means that little information is given, however there is a disjunct between the information that families really want to hear, versus that which the police are protecting. I expect families would understand that evidence details need to be verified for the preservation of the case, but what they want to know rather is when can they see their loved one, who is going to be with them, what will happen to them, how are they dressed, are they alone etc. It is this human and relational information that families seemed most concerned about at this time. Therefore, the police procedure of seeing it as a ‘body’ conflicts with homicide bereaved people’s sense of their one.

This is complex and, in some ways, defies current procedural practices, however my interview with the mortuary manager demonstrated an ability to adapt and negotiate criminal justice practices with bereavement and loss. She talked about it being a ‘body’ in the postmortem examination room and being someone’s loved one outside of that room. This shows an ability to preserve the case and allow humanity. Although it may be difficult for a notifying officer to answer some or any of the more ‘human’ questions that homicide bereaved people have, by recognising and understanding that this is the priority of homicide bereaved people, it may begin to better meet their needs. Many

homicide bereaved people conveyed understanding and at times even felt a responsibility for their role in preserving the case. It was their desire to obtain a successful conviction and therefore I expect many would understand the withholding of information for the preservation of the prosecution's case. There were instances where homicide bereaved felt they were tasked with preserving and withholding information from others to protect the case and this was taken incredibly serious by them. This was particularly seen in Chapter 5 in the immediate aftermath.

The idea that the CJS does not prioritise the 'rights of victims', as mentioned above in relation to multiple post-mortems was a theme that emerged throughout the three findings chapters, with similar comments being made at various stages of the CJS. For example, in Chapter 6 around Martin's sense that although he got a 'good' outcome at trial, he felt the rights of the 'whole system' were not prioritised around him or his daughter who had been killed, but around the man responsible for killing his daughter. Walklate (2012) points to the administration of the law, where victims occupy a symbolic role for the purposes of a political and policy agenda, but that often focuses its concerns on due process and the rights of offenders (see Chapter 2). This aligned with my participants perceptions of the 'system' as whole. This view was seen also in homicide bereaved people's perception of their contact with the National Probation Service, and the Victim Liaison Officer (PVLO) confirmed that much of their role was primarily concerned with the rights of the offender. Rather than being victim-centred, much of the processes are driven by a risk adverse culture, and victims become merely a 'sideshow' (Casey, 2010 in Walklate, 2012: 109).

When considering the centrality of the victim, or in this homicide bereaved people, this research highlights a distinction between information from a criminal justice perspective and information from a homicide bereaved perspective. There are details, for example, the police may be reluctant to share as it pertains to the criminal case, however this is not always what is most important to homicide bereaved people. there is scope therefore for better understanding of what meaningful information is for homicide bereaved people and improve communication around what can and cannot be shared, providing transparent rationale for these decisions. The 2015 Code of Practice for Victim of Crime stipulates the entitlement for victims to receive updates and information around their case, however this does not go far enough to address the informal needs of homicide

bereaved people as discussed above. As part of the formal information provided in the early stages of the criminal justice process, the police ought to include more ‘human’ information, recognising the bereavement processes as well as criminal justice processes. This would begin to allow homicide bereaved people agency, rather than seeing them as passive, which for homicide bereaved seemed heightened because they were not the ‘direct’ victims.

The overriding objective of this research was to ‘give a voice’ to understand what homicide bereaved people as a distinct group of crime victims, what is meaningful to them as it pertains to the criminal justice system. For this reason, much of the findings focus on the perspective of the bereaved. As a result, however, there are instances where the bereaved make incorrect assumptions about certain things within their experiences, for example Danielle’s reflection that she did not qualify because her son’s case resulted in an acquittal. Kaylie’s interview identified that memory and recollection of experience could not always be relied on through her bringing the memory box. This showed how it is not possible to recall all of the interactions and procedures that one has experienced. I expect that many of the minor details that homicide bereaved people recounted to me may not have been completely accurate, but owing to the ontological approach taken in this research the emphasis of the findings is on the lasting and meaningful encounters from the perspective of the bereaved.

8.3 What role do Family Liaison Officers play for homicide bereaved people? To what extent does this meet their needs?

This research has provided a useful contemporary overview of the current practices and provisions for homicide bereaved people in England and Wales, and crucially has highlighted what is meaningful for *them*. It quickly emerged in the interviews with homicide bereaved people that the Family Liaison Officer (FLO) is a crucial actor throughout the criminal justice experience, and arguably the most significant practitioner on which the overall experience in the aftermath of homicide is hinged. They are introduced at the earliest opportunity, not long after the death notification has been received. In the immediate aftermath, participants commented about the constant presence of FLOs and not knowing a) if they had to be there or could they ask them to leave and b) not fully understanding what role they played. From the outset, this points

to the ambiguous and sometimes covert function of the FLO. Many recounted this extent of presence as being intrusive and overwhelming. I expect that given for many participants this was their first contact with the police there was a lack of familiarity with how to interact. This points to the need for clarity around the role and function of FLOS, that ought to be communicated, repeated and negotiated as the relationship develops.

The FLO was significant in each of the finding's chapters (Chapters 5-7) at different stages of the CJS in varying ways. They were liaised between the Senior Investigating Officer (SIO) who was in charge of the criminal case, and the bereaved family. This involved a two-way information flow; however, the information extraction was not always transparent from the perspective of the bereaved. The function of FLOs as investigators was ambiguous for homicide bereaved was in that they were not always aware, or at least did not communicate it in their interview, that information was being extracted *from* them, as well as being offered *to* them. The Family Liaison Coordinator (FLC) explained FLOs are 'first and foremost police detectives' with a clear priority to the criminal case (see Chapter 5). The FLC explained the sanctity of the investigation in the pursuit of a conviction is paramount and information is often held back from homicide bereaved people for this reason. This prioritisation of the investigation will be picked up again in this section. What is more, where information was shared with bereaved families, FLOs sometimes imposed fear that if this was passed on that homicide bereaved people could risk jeopardising the trial. This often-ensured compliance from homicide bereaved people, but also made them feel guilt for withholding information from the wider family network (see Lisa in Chapter 5).

Rather than being solely involved in the investigative elements of the case, FLOs largely acted as a representative for whole the criminal justice system. It was how the SIO communicated, the Crown Prosecution Service sent their information via the FLO (see Chapter 6), the Witness Service facilitated the arrangements at court for homicide bereaved people, but it was often the FLOs would be the 'face' of this service when at court. This is problematic due to the competing roles that each of the services provide, but also from the perspective of the bereaved. The relationship my participants had with their FLOs was often contradictory: on the one hand they relied on FLOs for information and support, and on the other the lack of emotional support they felt they received from FLOs. Where we see differences in experience between homicide bereaved people,

perceptions of FLOs were complex to decipher and often the communication around them was varied and contradictory within individual experiences. The same participants both praised and criticised their FLOs. I expect this is explained in a number of ways: the lack of clear understanding around the exact role of the FLO meant that homicide bereaved people often did not have clear expectations on the FLO. This is where reflection and conversations with others made them reframe. Homicide bereaved people had a sense of so-called outsiders' inability to truly grasp what they were experiencing and therefore at times excused the inability of FLOs to understand. At different points of the CJS, FLOs may have been better than at other times. It seemed that as people attended court, the relationship with FLOs had often developed due to familiarity and time spent together and therefore the relationship was easier to negotiate. Furthermore, some participants were grateful for FLOs practical assistance at court, for example driving them and facilitating spaces while at court. As above, this may have been arranged by the Witness Service, but it was communicated by FLOs.

It was clear from the interviews that homicide bereaved people felt there was a paucity of adequate support for them in the aftermath of a homicide. I discussed the lack of a clear conceptualisation of what is meant by support, often being applied and inferred in various ways and differing at various stages of the criminal justice system and beyond. The ideal presented was for continuity of support that adapts and negotiates with time and space, also appropriate to the procedural stage. Despite the controversies over 'good' and 'bad' FLOs, they emerged as the most meaningful source of 'support' for many. This is problematic due to the 'lottery' of being assigned a FLO as it was framed by the FLC. This disparity in practice leaves vast potential for adverse effects for homicide bereaved people given that FLOs are pivotal in managing and guiding them through the sequence of events that follow a homicide.

Resulting from the vital and significant role of FLOS, meaningful interactions with other criminal justice and victims' agents were seen in relation to FLOs. For example, Katrina talked about her frustrations with Victim Support having to clarify with the police when she asked a question, and therefore she felt the chain of authority was too far removed to bother asking. This relationality emerges most significantly following with the FLO exit and the introduction to probation. By the time the FLO exit occurs, time has passed and the rapport with FLOs has become established. Once the exit occurs, they are 'passed on'

to another organisation, and crucially, another individual who they have to build a new relationship all over again. The Probation Victim Liaison Officers (PVLOs) were sometimes mistakenly conflated in the interviews and there was an expectation that the level and intensity of contact would be maintained. I don't believe this was a complete expectation or even that this is what homicide bereaved people wanted, but rather that because this was the model that had become accustomed throughout the immediate aftermath, it therefore heightened the perceived inconsistent service and paucity of contact with PVLOs.

This points to the need for support to carry on at all stages, and particularly at the end. It also points to the need to have a single point of contact, but not one that will abruptly end, passing over to another point of contact with who there is no rapport. Much like in cases involving children where guardian ad litem is appointed to act in the best interests of the child, this research points to the need for homicide bereaved people to have an independently appointed person to support them. The National Homicide Service provide an improvement by offering specialist services, however the early indications from this research, albeit from only four participants who came under this service, there seems to be limitations and a continued reliance on the voluntary sector. From the perspective of the bereaved in this research, it sounded like there was limited separate support from e.g. Victim Support during or after court. In response, the bereaved are seeing the FLO as that support, when the problem is there is no proper support as opposed to FLO. Calls for increased specialist support is complex. It requires different skills and knowledge to offer practical help and counselling and therefore raises the questions as to whether this should exist in the same agency through internal referrals.

Crucially, the potential covert investigative role that FLOs played is gravely concerning for this risk it has on causing secondary victimisation. Although the FLCs made it clear that this ought to be plainly communicated, this research has highlighted that in many instances, homicide bereaved people do not understand this to be the case. We also saw the devastating impact that it had on some participants when they discovered FLOs were primarily there as investigators. This led to feelings of betrayal, anger and a compounded sense of loss. When presenting the ideal family liaison and problematising the FLO role, it is important to consider, as police officers, is it not right that their priority be to the investigation. If the answer to the is yes, then it requires us to look beyond the current

framework and identify another who can build the same intimate trust and rapport with homicide bereaved people to advocate, support and/ or inform them throughout the criminal justice system. Below, we pick up the need for a continuity of support for homicide bereaved people, beyond the FLO exit.

8.4 Are homicide bereaved people at the heart of the criminal justice system?

A central aim of the research was to better understand the role that homicide bereaved play in the criminal justice system. Building on victimological debates around the centrality of victims (Hall, 2017; Jackson, 2003; Walklate, 2012), I wanted to apply the contentions to this particular group of victims. Unlike direct victims of crime, this research highlighted that for homicide bereaved people this backdrop of bereavement shaped their criminal justice experiences. This was also at times a reciprocal relationship where bereavement was framed by criminal justice experience, for example the discussion above on coroners and matter of viewing and touching the body. These reciprocal processes are inextricably linked. As a result, certain stages of the criminal justice process did not feature as distinctly as they may for other types of serious crime victims. This was illustrated in Table 6.3 in Chapter 6, where many of the stages were not explicitly discussed as meaningful or profound in the experiences of my participants. This was particularly around the investigative stage, where 1) the ‘indirect’ nature of their victimisation meant that they were less involved or less ‘useful’ at this stage, for example no one that I interviewed witnessed or were present at the time of the injury that led to death; 2) homicide bereaved people were often preoccupied with ‘death matters’ that overshadowed the criminal justice processes that were coinciding.

As such, processes that were often significant for ‘direct’ victims, such as forensic examination (Shapland *et al.*, 1985), did not feature for homicide bereaved people in my research. I expect it is not that homicide bereaved people did not care about some of these stages, but simply that it overlapped with death and bereavement processes. For example, when it came to being updated about arrests and the charging of suspects, I expect these were impactful, however in their interviews they were not explicit about this, which points to these being dwarfed by other instances and therefore were reflected on as less distinctive.

This research has highlighted that this complexity can challenge the current framework of policy, support and provision when it comes to assigning entitlements and supporting this group of victims. The removed direct experience of victimisation means that in formal criminal justice proceedings, homicide bereaved people are not always useful or relevant to the successful conviction of an offender. As a result, my participants often felt voiceless. What is more, none of the homicide bereaved people that I interviewed mentioned being called as prosecution witnesses (many of them mentioned they were not), which I expect partially explains the limited discussion around the Witness Service as a support agency. Where victims are called as witnesses, this is potentially a profound experience, it just did not come up in my interviews. Again, in cases of direct victimisation, it is likely that the evidence of the victim is heavily relied on throughout the criminal proceedings. Therefore, this points to the need to expand how victims are conceptualised, as symbolic representations, rather than having a participating role (Kirchengast, 2016; Walklate, 2012).

Despite often communicating that they, as individuals, were inextricably vested in and motivated to achieve a conviction outcome at court, homicide bereaved people often felt they were kept on the periphery where they perceived they were the ‘last to know’ information and were only informed to the extent that it was absolutely necessary. This was discussed particularly in Chapter 5 and 6 around feelings of being side-lined and disenfranchised through the CJS. This follows research done by Gekoski et al (2013) and Kenney’s (2003/4) assertion that such victim assignment practices disempower and ignore victims of crime. This resulted in a number of people learning significant information through informal flows, by accident, or within close proximity to them being presented at court. For example, we saw Lisa being accidentally told an upsetting detail about how her son was found while she visited the scene (see Chapter 5). This detail had been intentionally kept from her previously, which led her to wonder what else she did not know. We also saw in Chapter 6, how some people were shown CCTV of their loved ones right before it was shown in court proceedings. This was the case for Jayne and Lisa. In Katrina’s instance, she was not given a chance to preview the CCTV footage but watched it for the first-time during proceedings. This led many of my participants to feel like they were not a priority. These instances of feeling disenfranchised were often balanced against the rights of the defendant/offender, as discussed above in section 8.1.

Although I only obtained a small sample in this project, all the participants I interviewed attended court at some point, with only one participant, Caleb, not attending regularly due to his proximity to the court. Many expressed a motivation of representing and fighting for their loved one who had lost their life as reason for attending court. This once again hinges back to the backdrop of traumatic bereavement and also links to the legacy scripts (see Chapter 7). Homicide bereaved often felt a responsibility to 'be there' for their loved one and this extended to court attendance. This follows Gekoski *et al.*'s (2013) research where participants felt a duty towards their deceased loved one, often motivated by guilt for surviving and in some cases not being able to save or stop their loved one being hurt.

Homicide bereaved people recalled court attendance with great significance and this experience was something that had lasting impact. This shows that distress and impact at court is not limited to giving evidence. In fact, in cases of homicide bereaved people it was their inability to contribute that often led to them becoming frustrated or upset. For example, Martin commented that there was no one to speak up for his daughter when the defendant was giving evidence. He reflected that if this was a victim who was alive, the jury would get to see them and see their humanity, however in homicide cases this does not occur. Despite in homicide cases where the state becomes the surrogate victim (Armour, 2003), it was interesting that the terminology used throughout the homicide bereaved interviews was around 'their case; their trial' or when talking about outcome that 'they achieved/got' the conviction they wanted. In language, therefore, this points to an ownership of victimisation, a sense that what had happened to cause their victimisation and then what occurred in the CJS pertained to them. Yet this was coupled with a feeling that the system did not afford them participation or status as victims. This points to one of the key issues in this project where homicide bereaved people felt that the CJS disenfranchised them, their victimisation and their grief experience. Doka (2002) talks about disenfranchised grief as mourning that is hidden due to stigma or discomfort around communicating, using the examples of suicide bereavement or the loss of a pet. This notion can also be applied and expanded to include homicide bereavement. Although this was not previously considered within death studies literature, homicide bereavement could be included as a form of disenfranchised grief. This could be in a) the lack of control over mourning processes; b) perceived lack of recognition through CJ channels of their loss and lack of platform to communicate this; and d) perceived

misconceptions, lack of understanding, and in some instances, stigma around the complexity and trauma surrounding their loss. This research could therefore contribute to the field of death studies, as well as expanding the victimological debate. Some of this links, again, to the discussion on coroners and viewing the body above (see 8.2).

Homicide bereaved people as ‘outsiders’ was most distinctive during court proceedings. Following Bibas (2006) as was discussed in Chapter 2, and evidenced by findings in Chapter 6, the gulf between insiders (such as judges, legal counsel and other court personnel) and homicide bereaved people as outsiders, impedes the latter’s trust and belief in the CJS due to their lack of participation and position within proceedings. Many homicide bereaved people recounted how daunting court attendance was, but what was interesting was how the notion of performance underpinned their experience. Performance was seen in the enactment of justice mainly by the legal advocates during proceedings, however participants were also acutely aware of being ‘on show’. This resulted in a conscious presentation of self, following the emphasis of Goffman (1959) and Carlen (1976). Rather than limiting to dramaturgical analysis, this research highlighted six stages at which performance differed. For ease of reference these are repeated here:

1. Front Stage: Full Performance - when court is ‘in session’. Judge is present, jury is present, defendant is present. Legal advocates in full wigs and gowns. Public gallery open.
2. Front Stage: Law Stage – when jury is not present. Judge is present, and defendant is present. Legal advocates and public gallery present.
3. Front Stage: Law Stage (closed gallery): Judge, legal advocates and defendant present. Public gallery cleared and closed.
4. Back Stage: Adversaries become Colleagues - In the courtroom. Judge and Jury are not present. Defendant is brought into the dock. Legal advocates present, and public gallery may not yet be cleared.
5. Back Stage: Public Zones - out of the courtroom. Cafe, waiting areas, toilets, entrance/exit, smoking area
6. Back Stage: Private - waiting room assigned to relatives of those bereaved through homicide.

The staging of homicide bereaved people in court (following Carlen, 1976) was such that it reinforced this symbolic representation of victims, rather than them as participants in court, except during the Victim Personal Statements. Much of this symbolic representation relied on notions of ‘deserving’ or ‘ideal’ victims (Christie, 1986; Strobl, 2004), where the extent to which they were used for the purposes of criminal justice was based on their ability to be accepted and perform as and when victims should. In some instances, managing homicide bereaved performance, both self-management and external restriction, was driven by fear over being accused of affecting a jury and jeopardising the ability to achieve justice in the sense of conviction. This occurred at my identified stage of Front Stage: Full Performance, when court was fully ‘sitting’. In other cases, the performance of homicide bereaved people was managed or restricted by court ‘insiders’. Danielle mentioned this in relation to being asked by the judge not to wear black due to the impact that this could have on the jury. This was also seen in relation to the emotions that were expressed by homicide bereaved. These were allowed at staged and appropriate moments, for example during the Victim Personal Statement, but warned against and others, for example when the verdict was read.

The extent of detail that participants went into when describing spatial, visual or audio elements of the court or the physical space they occupied points to the level of significance encountered. Most notable was spatial significance around their proximity to the defendant's family. This proximity was possible at all six stages I identified, as defendants’ supporters were sat in the same public gallery as homicide bereaved people during all front stages identified, and they shared public spaces during Back Stage: Public Zones. While we saw in Chapter 2 that the 2015 Code of Practice for Victims of Crime entitles homicide bereaved people to separate waiting areas, and was realised for all participants within this study, the contact with them in public spaces and in the courtroom was mentioned in a number of instances, so much so that we saw Jayne and Olwen bring their own toilet paper to court to avoid touching materials that defendant’s supporters may have come into contact with. This once again highlights the need to expand our understanding of what is meaningful and therefore has impact for this group of crime victims. I expect in most instances, preparing homicide bereaved people for these shared spaces would go some way to recognise their experiences. It may not always be feasible to offer homicide bereaved people separate toilets from others within the court. This also

highlights a need to better understand and challenge stigma around supporters of defendants.

Homicide bereaved people communicated the sudden end of interactions with criminal justice agencies once court proceedings had concluded (see Chapter 7 and FLO exit above). Both in the sense of the criminal justice system, and in the sense of traumatic bereavement, there is a potential lengthy and lasting impact on homicide bereaved people (Gekoski *et al.*, 2013; Rock, 1998). Murder convictions and some manslaughter convictions (at the discretion of the judge) carry a mandatory sentence of life imprisonment (see Chapter 6), and therefore the offenders contact with the criminal justice system is often ongoing. The claim that victims, or in this sense homicide bereaved people, are at the heart of the criminal justice seems to be based on the policy approaches and centred around early stages and court stages of the process. This fails to acknowledge the continued impact that is experienced by victimisation through homicide.

The need for ongoing support is lacking in the provision offered by the National Probation Service (NPS) Victim Contact Scheme, and there needs to be a contemporary look at the delivery of this service and the extent to which it meets the needs of the victims under its remit. This interaction was not intended to be included in the scope of this project, however when asking about the meaningful experiences of homicide bereaved people, this repeatedly came up in the interviews with the bereaved. This service was patchy and inconsistent, often with a high turnover of personnel and failed to adequately address homicide bereaved people's desire for information. There was sometimes an unrealistic expectation for what information homicide bereaved people wanted, but the ideal presented in Chapter 7.2.3, identifies the need for improved timeliness of information, and addressing contentions around victims' rights versus the rights of the offenders. The latter is overly complex and therefore the ideal was unclear beyond offering victims an increased voice in release processes.

The lasting impact that homicide can have points to the need for ongoing support in order to truly be victim centred. This research highlighted that for most homicide bereaved people, the uptake and engagement with support agencies came after judicial proceedings had concluded. This was partially explained by the initial shock homicide bereaved people encounter, and therefore they need to reflect on their experiences. It also pointed

to the crucial role that Family Liaison Officers play in the immediate aftermath until the end of court proceedings. At this point there was a distinctive sense that homicide bereaved people were 'left to it' which was highlighted in a number of ways in Chapter 7.

Although there was no consensus on what was meant by support, the framework offered by the National Homicide Service goes some way to improve the service in their specialist provisions offered to homicide bereaved people (Hall, 2017) (see Chapter 2). Participants pointed to the need for 'support' to adapt to their needs they vary across time and space. While they identified the need for practical support, for many, the preference was for emotional support to be offered by peers who had also experienced homicide bereavement. This could be partially explained by the snowball sampling (see Chapter 4), where homicide bereaved people were initially recruited through Support After Murder and Manslaughter (SAMM) and snowballed to recommendations for others to participate based on existing networks. Much of this was drawn from the perceived inability for 'outsiders' to know or understand the processes homicide.

Despite the improvements within the 2015 Code of Practice for Victims of Crime and the national provision of the Homicide Service, where homicide bereaved people are increasingly visible within policy, my research findings point to this being unequally and inconsistently enforced. As with other types of victims, homicide bereaved people must be seen as deserving in court narratives. There is a lack of recognition of the distinctive processes they encounter around bereavement, and the extent to which their agency is denied around such experiences. Within court attendance, the different stages I developed show the extent to which performance impacts on and enacted by homicide bereaved people is evident, building on Goffman's (1959) and Carlen's (1976) work. Space and authority entrenches the role of homicide bereaved people as being limited to outsiders to the CJS and causes harm through profound interactions with and proximity to defendants' supporters.

The perceived lack of voice, recognition, and participation at all stages of the CJS, from the death notification right through to interactions with the NPS, contribute to debates within victimology that challenge the claim that victim is central. In response, a number of memorialisation activities or legacy scripts (see Chapter 7.6) were performed following the conclusion of criminal proceedings at often 1) in lieu of a voice through

the CJS; 2) to honour and remember their loved; and/or 3) to claim back the narrative around their loved one that they felt did not reflect who they were. In this sense, homicide bereaved people felt it was up to them to obtain fairness and recognition for the person they had lost.

8.5 Final reflections on my contribution

There were a number of central motifs that have run throughout this thesis, and others that were applied only in places, but could possibly be expanded for future research. Symbolic interactions and the meanings attributed to experiences has been a central theoretical concept that has flowed throughout this thesis. Linked to these was the theme of powerlessness that was experienced and communicated throughout the interface with the various actors and institutions throughout homicide bereaved peoples' criminal justice encounters. Of course, it is not that they are intrinsically powerless, in fact there are numerous examples of the resilience and strength emanated by homicide bereaved people. By powerlessness therefore, we mean the way in which this group of crime victims are rendered thus through a rejection of agency and the continued deniability that occurs through an imposed sequence of events that is the CJS. This adds to our understanding of the theoretical model of victimhood, where the effects of crime are more likely to be lasting for victims of violent crime (Shapland and Hall, 2007), and for homicide bereaved people the lasting effects are pronounced. In many ways therefore, these broad summations align with other types of victims of crime, however throughout the findings we have specific ways in which homicide bereaved people are distinctive based primarily on death matters. Their interactions with Family Liaison Officers, coroners, issues around the death notification, and the return of property, and the lack of a tangible and visible victims at trial, distinguishes the experiences of homicide bereaved people from other victimisation narratives. For this reason, each of the findings chapter drew on an ideal provision to consider how improvements could work in practical and policy terms. This was considered within the current policy framework around the responses to homicide bereaved people. The ideals presented and partially illustrated Table 6.3 in Chapter 6, challenge whether or not, within the current context of an adversarial justice system, homicide bereaved peoples' needs can truly be met. Much of what is discussed points to a continuum of victimhood but only one model of criminal justice.

In other places, we have looked at performance as a motif, particularly around court proceedings through an innovative dramaturgical analysis, where I took a contemporary look at Goffman's (1959) dichotomous front stage and backstage. This research applied these stages of performance primarily to the court setting, which also built on Carlen's (1976) work. It could be interesting to explore whether multiple stages of performance could be identified in the other homicide bereaved interactions throughout the CJS. For example, where the bereaved are subject to presence of Family Liaison Officers on an ongoing basis in the immediate aftermath, it could be interesting to analyse the different layers of performance that are enacted at this point. Likewise, with the interactions Probation Victim Liaison Officers as they are introduced at the close of court proceedings. Additionally, through the return of property and through the visiting of their loved one at the mortuary. The latter, for example talked about distinguishing language where the murder victim was a 'body' during forensic processes, but a 'person' during interactions with the family. Performance as theoretical lens could be explored more widely as it relates to the bereaved victims.

This project was not without its limitations. Due to the sensitive nature of this research and the often vulnerable and hidden population it was exploring, I was reliant on gatekeepers and snowball sampling. The helpful role that SAMM played in recruiting their users meant that a number of people came from this one source, and they then recommended others. The participants that snowballed typically generated from one or two people that SAMM had recommended, although the individuals have since separated from SAMM. They no longer felt that SAMM met their needs so looked elsewhere for peer support. This allowed me to recruit beyond SAMM, but also resulted in my sample of homicide bereaved people largely chose themselves. This often meant that collective views were shared that may not have been representative of all homicide bereaved people. For example, my participants often held quite punitive views in relation to the offender, which is not always the case. For example, some point to the empowerment and healing that can come through restorative justice (Kay, 2006). Much of this was drawn from the limitation of time within this project and future research could seek to recruit participants more widely. What is more, this research did not take a gendered analysis in the data that was obtained, however future research could explore whether or not experiences of the criminal justice system differed depending on gender identification. Finally, due to when this research was conducted, not enough of the people

I interviewed had experienced support under the National Homicide Service. While there were no distinctive differences in their experiences of support, only four participants in this study encountered the CJS since the National Homicide Service was fully implemented in 2014. It would be interesting to see if some of the specialised support that my participants perceived they needed (see Chapter 7) had been met in this service.

Victims of crime are used as part of the broader political and policy agenda, but are often a 'side show', used as a powerful motif and symbolic representation, rather than having any tangible role (Miers, 1978; Walklate, 2012). This project highlights the extent to which homicide bereaved feel voiceless and disenfranchised within a system that claims to have them at its heart. Given their perceived lack of a voice, it is hoped that by exploring the subjective meanings and experiences in this project, it gave people a small opportunity to have a voice.

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4. Consent Forms	Phase two: Interviews with practitioners
5. Information Sheet	Phase three: Interviews with homicide bereaved people
6. Consent forms	Phase three: Interviews with homicide bereaved people
7. Approved ethics	Phase one and two
8. Approved ethics	Phase three: Interviews with homicide bereaved people
9. NOMS Application	Phase two: Interview with National Probation Service

Appendix 1 – Observation Framework

Phase One: Court Observation Framework

Court Attended (anonymised code)

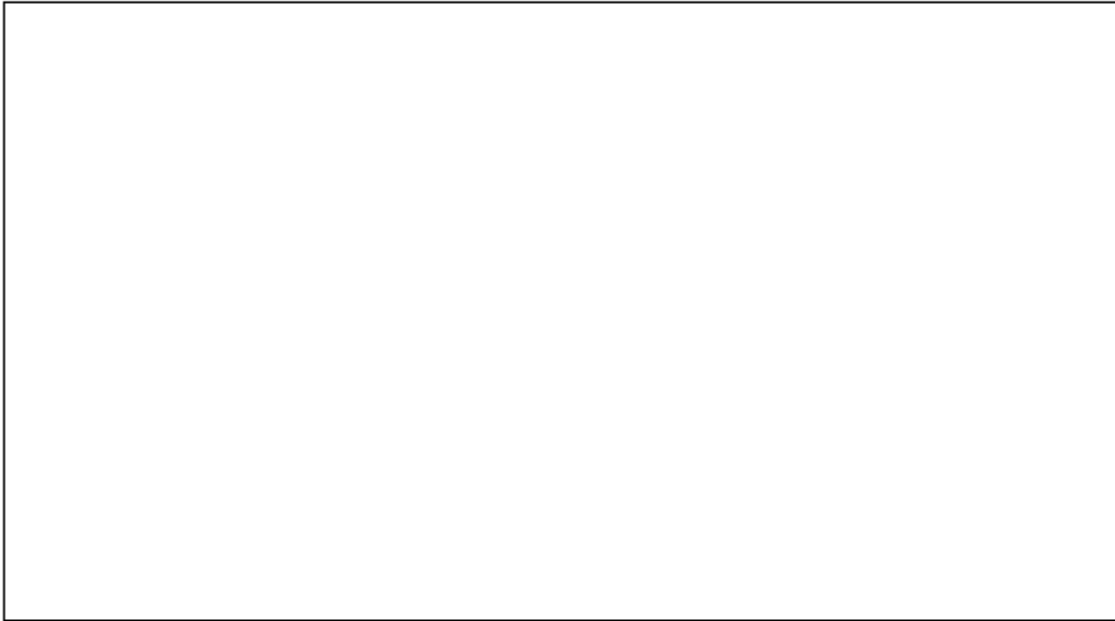
Getting to the court (access and transport)

Comments on Court Building

Comments on security / entering the building

Who did I interact with? Information sheet given?

Drawing of Courtroom Layout (indicate where I sat and where homicide bereaved sat)



Comments on lighting / sound/ visibility etc



Interactions and Speech Authority

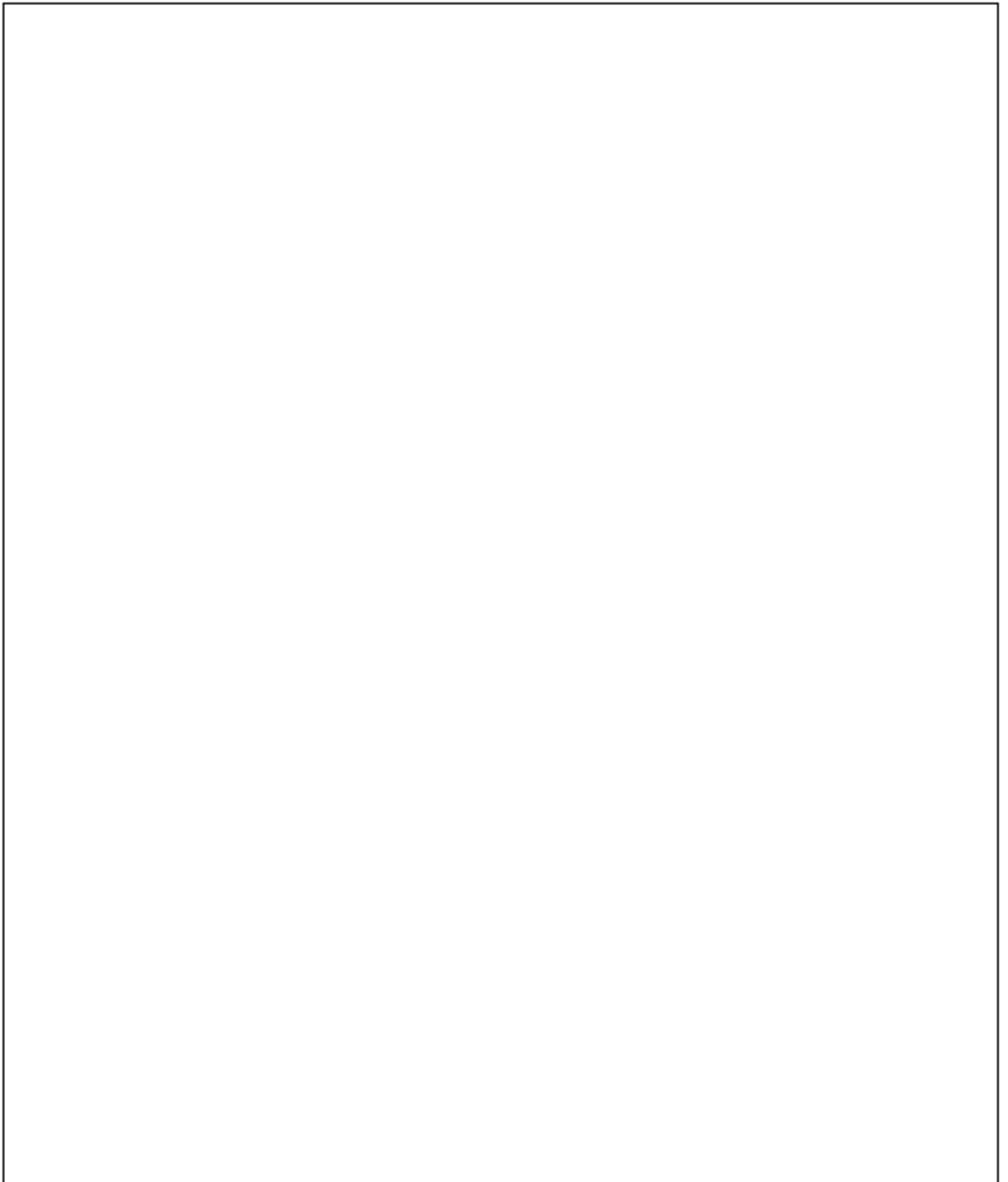
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Comments on public spaces



Reflections and meaningful moments

A large, empty rectangular box with a thin black border, intended for the user to write their reflections and meaningful moments. The box occupies most of the page's vertical space below the header.

Appendix 2 – Information Sheet

Phase one: Observations



The
University
Of
Sheffield.

Principal Researcher:	Lauren Bradford	lbradford1@sheffield.ac.uk
Supervisors:	Prof. Joanna Shapland	j.m.shapland@sheffield.ac.uk
	Dr. Maggie Wykes	m.wykes@sheffield.ac.uk

An exploration of the criminal justice experiences of those bereaved through homicide

I am hoping to observe in court as part of my research project and I would appreciate it if you would take the time to read through the information provided and feel free to discuss it with others if you wish. If there is anything that remains unclear or if you would like any further information, please do not hesitate to ask.

There is currently limited research that specifically relates to the family and friends who are impacted by the death of someone through homicide. Following the emphasis on victims as being at the centre of the criminal justice system, this project aims to explore the criminal justice experiences of those who have been bereaved by homicide. Ultimately, this research aims to give a voice to the bereaved by empowering them to reflect on the meanings they attribute to their experience. The project runs from February 2015 and is due to finish in September 2017. As part of this research the reason for my observations in court is that 80% of homicide cases result in criminal proceedings and therefore it is a pivotal point in this process.

This project has been awarded an ESRC White Rose +3 PhD Scholarship for doctoral research in the School of Law at the University of Sheffield and has been ethically approved by the University Research Ethics Committee (UREC).

It is important to note that no specific names, details, or events will be recorded or used for analysis. The purpose of these observations is to observe the patterns and processes that occur in the courtroom and to familiarise myself with this procedure. Should you have any concerns at any stage of the research process, you have been given contact information for myself and are encouraged to approach me at any point. Likewise if you wish to talk to my supervisors, you have also been provided with their details and again are welcome to contact them at any stage.

Please let me know if you would like any more information or need anything to be explained further.

Lauren Bradford

Thank you so much for taking time to read through this information and for your consideration of participating in this research.

Appendix 3 – Information Sheet with practitioners

Phase two: Interviews



Principal Researcher:	Lauren Bradford	lbradford1@sheffield.ac.uk
Supervisors:	Prof. Joanna Shapland	j.m.shapland@sheffield.ac.uk
	Dr. Maggie Wykes	m.wykes@sheffield.ac.uk

An exploration of the criminal justice experiences of those bereaved through homicide

I am requesting a preliminary discussion with you about my research project and would appreciate it if you would take the time to read through the information provided and feel free to discuss it with others if you wish. If there is anything that remains unclear or if you would like any further information, please do not hesitate to ask.

There is currently limited research that specifically relates to the family and friends who are impacted by the death of someone through homicide, hereafter the bereaved. Following the emphasis on victims as being at the centre of the criminal justice system, this project aims to explore the criminal justice experiences these individuals. Ultimately, this research aims to give a voice to the bereaved by empowering them to reflect on the meanings they attribute to their experience. The project runs from February 2015 and is due to finish in September 2017.

This project has been awarded an ESRC White Rose +3 PhD Scholarship for doctoral research in the School of Law at the University of Sheffield and has been ethically approved by the University Research Ethics Committee (UREC).

There is no obligation for you to take part in this research, and your involvement is completely voluntary. At any stage of the project, you may withdraw at any stage of the project and do not have to give a reason. If you do decide to take part, you will be invited to participate in a preliminary discussion that will be held in your offices, and you are invited to share this information with other parties from your organisation who may be interested. You will be provided with an information sheet before and during your participation and will be asked to sign a consent form that makes you aware that the name of your organisation will be used, and to state if you are willing for your personal name to be used. Towards the end of the project, I will invite you to discuss some of my findings and give you another opportunity to contribute. You have been approached due to your expertise in this area and therefore are being given the opportunity to have an input. Importantly, it is hoped that this research will tie into the broader policy agenda which seeks to place victims at the centre, and specifically raise awareness of the experiences of those bereaved by homicide given the relative little that is known about the encounters of this group of people.

Should you have any concerns at any stage of the research process, you have been given contact information for myself and are encouraged to approach me at any point. Likewise if you wish to talk to my supervisors, you have also been provided with their details and again are welcome to contact them at any stage.

Please let me know if you would like any more information or need anything to be explained further.

Lauren Bradford

Thank you so much for taking time to read through this information and for your consideration to participate in this research.

Appendix 4 – Consent Forms Phase two: Interviews with practitioners

University of Sheffield

Participant Consent Form

Title of Research Project: **An exploration of the criminal justice experiences of those bereaved through homicide.**

Name of Researcher: **Lauren Bradford** Contact: lbradford1@sheffield.ac.uk

Please initial box

1. I confirm that I have read and understand the information sheet explaining the above research project and I have had the opportunity to ask questions about the project.
2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.
3. I understand that my name personally will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research.
4. I understand my organisation's name will be used and that I could be identified from this information.
5. I agree for this interview to be audio recorded
6. I agree to take part in the above research project.

<hr/>	<hr/>	<hr/>
Name of Participant	Date	Signature
 <u>Lauren Bradford</u>	 <hr/>	 <hr/>
Lead Researcher	Date	Signature

To be signed and dated in presence of the participant

Appendix 5 – Information Sheet

with homicide bereaved people

Phase three: Interviews



Principal Researcher: Lauren Bradford lbradford1@sheffield.ac.uk
Bartolome House, Winter Street, Sheffield, S2 3HL
07951679682

Supervisors: Prof. Joanna Shapland j.m.shapland@sheffield.ac.uk
Dr. Maggie Wykes m.wykes@sheffield.ac.uk

Research Project Title

An exploration of the criminal justice experiences of those bereaved through homicide

What is the project's purpose?

There is currently limited research that specifically relates to the family and friends who are impacted by the death of someone through homicide (murder or manslaughter). Following an emphasis on victims as being at the centre of the criminal justice system, this project aims to explore what your criminal justice experiences have been – that is anything that you wish to talk about that occurred following the death of your loved one. I want to give you a chance to have a voice in this research and to allow you to reflect on the meanings that you attribute to the criminal justice process.

Why have I been chosen?

As part of this research, I have also interviewed professionals who work in various criminal justice and victims agencies who provide information in the aftermath of a homicide, but it is so important in this research to allow the voices to come through of those who have personally encountered this experience. It is hoped that this research will tie into the broader policy agenda which seeks to place victims at the centre, and specifically raise awareness of your experiences.

Do I have to take part?

It is entirely up to you to decide whether or not to take part. Your involvement is completely voluntary. If you agree initially, you may withdraw at any stage of the project and do not have to give a reason.

What will happen to me if I take part?

If you do decide to take part, you will be invited to participate in an interview that will take place at a time and in a location that is suitable to you. You are also invited to share this information with other friends and families who have been homicide bereaved and who may also be interested to take part.

What will happen during the interview?

During the interview I will ask you to simply talk about what your experiences have been and what is important to you. I may ask a few questions throughout but there is no right or wrong answer.

Will my taking part in this project be kept confidential?

Yes. All personal information will be kept confidential at all times. You will not be identifiable in any papers or publications.

Will I be recorded, and how will the recorded media be used?

With your consent, I will record the interview before transcribing it into text. Importantly, during this transcription process, I will make sure you cannot be identified by anything you have said. The recording will not be published or broadcast in public, or deposited in an archive, following the completion of the research. The recording will be destroyed following transcription. In other words, the audio recordings of the interview will be used only for analysis and for illustration, no other use will be made of them without your written permission, and no one outside of the project will be allowed access to the original recordings.

What will happen to the results of the research project?

The results are likely to be published in early 2019. If you would like a copy of the research report I am happy to provide you with one. Again, it is worth noting that you will not be identified in any of these reports.

Additional Information about Project

This project has been funded by the Economic and Social Research Council and has been ethically approved by the School of Law's ethics review procedure at the University of Sheffield.

Thank you so much for taking time to read through this information and for your consideration to participate in this research.

Appendix 6 - Consent forms Phase three: Interviews with homicide bereaved people

University of Sheffield

Participant Consent Form

Title of Research Project: **An exploration of the criminal justice experiences of those bereaved through homicide.**

Name of Researcher: **Lauren Bradford**

Contact: lbradford1@sheffield.ac.uk

Please initial box

1. I confirm that I have read and understand the information sheet explaining the above research project and I have had the opportunity to ask questions about the project.
2. I understand that my participation is voluntary and that I am free to withdraw at any time without giving any reason and without there being any negative consequences. In addition, should I not wish to answer any particular question or questions, I am free to decline.
3. I understand that my name personally will not be linked with the research materials, and I will not be identified or identifiable in the report or reports that result from the research.
4. I agree for this interview to be audio recorded
5. I agree to take part in the above research project.

Name of Participant

Date

Signature

Lauren Bradford

Lead Researcher

Date

Signature

To be signed and dated in presence of the participant

Appendix 7 – Approved ethics Phase one and two



Application 002792

Section A: Applicant details

Date application started:
Mon 2 February 2015 at 11:43

First name:
Lauren

Last name:
Bradford

Email:
lbradford1@sheffield.ac.uk

Programme name:
PGR

Module name:
n/a
Last updated:
20/02/2015

Department:
School of Law

Applying as:
Postgraduate research

Research project title:
An exploration of the criminal justice experiences of those bereaved through homicide.

Similar applications:
- not entered -

Section B: Basic information

Supervisor

Name	Email
Joanna Shapland	j.m.shapland@sheffield.ac.uk

Proposed project duration

Start date (of data collection):
Mon 2 February 2015

Anticipated end date (of project):
Sat 30 September 2017

3: URMS number (where applicable)

URMS number
139460991

Suitability

Takes place outside UK?

No

Involves NHS?

No

Healthcare research?

No

ESRC funded?

Yes

Involves adults who lack the capacity to consent?

No

Led by another UK institution?

No

Involves human tissue?

No

Clinical trial?

No

Social care research?

No

Vulnerabilities

Involves potentially vulnerable participants?

No

Involves potentially highly sensitive topics?

Yes

Section C: Summary of research

1. Aims & Objectives

To explore the criminal justice experiences of family and friends who have been bereaved by homicide by investigating the patterns and processes they encounter, both ritual and symbolic, throughout the criminal justice process and the interactions in the aftermath. By conducting this investigation, I aim to provide a better understanding of what these experiences are and why they matter, and hope to inform future provision for these individuals.

Ultimately, this research aims to give a voice to the bereaved that is not conveyed through popular agendas, by empowering them to reflect on the meanings they attribute to their experience.

In order to begin this investigation, this application is for phase one of a three-phase research process. In this phase, I wish to attend and observe during court proceedings in order to better understand the processes that the bereaved may come across.

Also in this phase, I wish to approach criminal justice agencies and victims' organisations in order to signal the objectives of my research. This will allow for later input from experts and possible discussion of findings.

A further application will be submitted for phase two and three; therefore in this application these phases are intentionally omitted.

2. Methodology

This application has two parts:

- A) Observations in Courtroom Proceedings
- B) Preliminary discussion with Criminal Justice Agencies and Victims' Organisations

A) Observations

The observations will take place in three courtrooms in up to three different circuits; Northern, North Eastern and Midlands. Therefore the Crown Court in Manchester, Sheffield and Nottingham respectively will be approached. These courtrooms have been chosen due to proximity which will reduce the cost of both travel and accommodation requirements.

Throughout these observations, using courtroom listings which are accessible to the public, a murder trial will be selected. The trial will be

one with a single adult defendant(s) (18 or over). For each trial, I plan to attend:

- A) the swearing in of the jury
- B) the opening of the prosecution's case in order to understand the indictment
- C) the summing up of both prosecution and defence
- D) the verdict
- E) the sentencing

Using a designed framework (see attached), I will observe the architecture and layout of each courtroom and will consider the implications that this may have on the families who attend court in the aftermath of a murder. Considerations of temporal and geographical aspects within a courtroom will be noted. In addition, the accessibility of language and the role of actors who take part throughout the proceedings will be noted along with the nature of the interactions as they occur. In addition to the specific proceedings listed above, I will observe how these interactions differ during the interludes and how the individuals act at these times.

- Structure and organisation – geographical and symbolic
- Interactions – during proceedings and adjournment
- Culture/Language – during proceedings and adjournment

I will not attempt to approach or speak to any participants, unless I am approached. I understand that it would be normal etiquette for me to introduce myself to the usher and perhaps the presiding judge.

B) Discussion with Criminal Justice Agencies and Victims' Organisations

A letter will be written to request a preliminary discussion which will briefly detail the aims and objectives of the research and the methods that will be used in order to achieve these. The intention to possibly involve these experts at a later will be signalled and feedback of findings will be offered.

3. Personal Safety

Raises personal safety issues? Yes

A) Observing and talking about homicide cases may cause me some distress, particularly due to my personal experience as a bereaved family member. This will be managed as follows:

- These are observations of other cases
- I volunteer for and have been trained by Support After Murder and Manslaughter (SAMM) and have been deemed suitable to discuss and support other bereaved individuals.
- In addition to strong family networks and a supportive spouse, I have been deemed able by a clinical psychologist. I have regular contact with her and this system will be in place throughout the duration of my research, should any personal issues emerge.
- I have discussed my personal experience with my supervisors and they are aware of my circumstances. They have both worked extensively with victims of violent crime and vulnerable people.
- I am keeping a research diary in order to reflect and be self-aware as I progress throughout my project.

B) All discussions with the organisations will take place in their offices therefore there are no personal safety concerns.

Section E: About the data

1. Data Confidentiality Measures

Each participant will be provided with an information sheet and will be asked to sign a consent form. Consent will be obtained for the use of audio-recording and will advise each participant that anonymity will be ensured for their personal name but that the name of their organization will be used. I will make it clear to participants that no research material will be used that may identify them as an individual and while their organization will be identified this will by no means infringe on their right to anonymity.

2. Data Storage

My research notes and data will either be on me, or will be stored in a locked cabinet in a locked room. Any electronic notes will be saved onto a memory stick which is password protected.

While the courts will be named in my observations, specific details of the case which I am observing will not. No participants will be named.

Section F: Supporting documentation

Information & Consent

Participant information sheets relevant to project?

Yes

Document 005019 (Version 1)

All versions

Consent forms relevant to project?

Yes

Document 005020 (Version 1)

All versions

Additional Documentation

Document 005021 (Version 1)

All versions

Document 005023 (Version 1)

All versions

External Documentation

- not entered -

Section G: Declaration

Signed by:

Lauren Bradford

Date signed:

Mon 2 February 2015 at 14:04

Official notes

- not entered -

Appendix 8 – Approved ethics Phase three: Interviews with homicide bereaved people



Application 006329

Section A: Applicant details

Date application started:
Tue 15 September 2015 at 11:04

First name:
Lauren

Last name:
Bradford

Email:
lbradford1@sheffield.ac.uk

Programme name:
PGR

Module name:
n/a

Last updated:
17/11/2015

Department:
School of Law

Applying as:
Postgraduate research

Research project title:
An exploration of the criminal justice experiences of those bereaved through homicide.

Similar applications:
This application is in addition to application 002792. This has been intentionally submitted in two stages.

Section B: Basic information

Supervisor

Name	Email
Joanna Shapland	j.m.shapland@sheffield.ac.uk

Proposed project duration

Start date (of data collection):
Wed 2 March 2016

Anticipated end date (of project):
Fri 30 March 2018

3: URMS number (where applicable)

URMS number
139460991

Suitability

Takes place outside UK?

No

Involves NHS?

No

Healthcare research?

No

ESRC funded?

Yes

Involves adults who lack the capacity to consent?

No

Led by another UK institution?

No

Involves human tissue?

No

Clinical trial?

No

Social care research?

No

Vulnerabilities

Involves potentially vulnerable participants?

No

Involves potentially highly sensitive topics?

Yes

Section C: Summary of research

1. Aims & Objectives

This is an additional application to Application 002792 which was previously approved and has been attached to this application for ease of reference. Much of the issues dealt with in this original application apply for this application.

This application is for phase three of a three-phase research process. Ethical approval was granted (Application 002792) for phases one and two which were courtroom observations and interviews with criminal justice and victims' professionals. These are now near completion. This was intentionally submitted as a two-part application in order for the first two methods to practically and theoretically inform the third phase.

This research aims to explore the criminal justice experiences of family and friends who have been bereaved by homicide by investigating the patterns and processes they encounter, both ritual and symbolic, throughout the criminal justice process and the interactions in the aftermath. This research will complement that previously done on victims of crime where the victim was not killed. It focuses on court due to it being a pivotal point in the criminal justice process.

By conducting this investigation, I aim to provide and better understanding of what these experiences are and why they matter, and hope to inform future provision for these individuals.

Ultimately, this research aims to give a voice to the bereaved that is not conveyed through popular agendas, by empowering them to reflect on the meanings they attribute to their experience.

2. Methodology

In order to examine the central research question using an interpretive approach, interviews will be conducted with those who have been bereaved through homicide to explore the meanings, understandings and interactions that they may have encountered in the aftermath in relation to criminal justice and specifically the courts. This allows for an intensive exploration of their experiences of the CJS. These cases will be selected according to a number of criteria:

- The murder will have occurred in the last five years
- The outcome at trial will be a conviction for murder or manslaughter
- Only adult relatives or friends of the deceased will be interviewed, however they may have been children at the time of the murder. The

person convicted of the murder will not be interviewed.

- The murder victim was an adult

The length of time following the murder complements the requirement that an outcome will have been reached. Furthermore it allows for time to have passed for grief to be negotiated, but is also recent enough to allow for the cases to have had the current procedures within the CJS observed in stage 1. By only interviewing adult bereaved members this avoids any ethical implications that come with interviewing children. Likewise, by only including cases where the victim was an adult, this excludes the additional complexity of grief and emotion that is implicit in child murder.

In this stage, I will conduct up to 20 interviews with homicide bereaved people and these will last approximately an hour to an hour and a half. These interviews will take place in England and for practical implications may be selected for their proximity. Interviews will take place at a time and place that both the interviewee and interviewer feel safe and comfortable.

3. Personal Safety

Raises personal safety issues? Yes

Talking about homicide cases may cause me some distress, particularly due to my personal experience as a bereaved family member.

- These are interviews of other cases

- I volunteer for and have been trained by Support After Murder and Manslaughter (SAMM) and have been deemed suitable to discuss and support other bereaved individuals.

- In addition to strong family networks and a supportive spouse, I have been deemed able by a clinical psychologist. I have regular contact with her and this system will be in place throughout the duration of my research, should any personal issues emerge.

- I have discussed my personal experience with my supervisors and they are aware of my circumstances. They have both worked extensively with victims of violent crime and vulnerable people.

- I am keeping a research diary in order to reflect and be self-aware as I progress throughout my project.

- I have been provided with a mobile telephone for research purposes only. Contact will be made in advance to let my supervisors know the time and place of my interview, and an estimated time of completion. Contact will then be made on completion of the interview to ensure them of my safety.

Interviews may take place in the home of the participants and therefore measures will need to be taken to ensure my safety. As mentioned above in Section 2 Methodology, this will only occur if both the interviewee and myself feel safe and comfortable.

Section E: About the data

1. Data Confidentiality Measures

My research notes and data will either be on me, or will be stored in a locked cabinet in a locked room. Any electronic notes will be saved onto a memory stick which is password protected.

Specific details of the case in which I am discussing will not be identified and no participants will be named. From the early stages of this phase, de-identification measures will be taken as long as they do not compromise the integrity of the research.

The use and storage of all data will comply with the Data Protection Act 1988 and the Common Law duty of confidence.

The research data that is collected will be destroyed at the end of the analysis.

2. Data Storage

See above Section 1 Data Confidentiality

Section F: Supporting documentation

Information & Consent

Participant information sheets relevant to project?

Yes

[Document 1013164 \(Version 1\)](#)

[All versions](#)

Consent forms relevant to project?

Yes

Document 1013168 (Version 1)

[All versions](#)

Additional Documentation

Document 1013178 (Version 1)

[All versions](#)

Document 1028828 (Version 1)

[All versions](#)

External Documentation

- not entered -

Section G: Declaration

Signed by:

Lauren Bradford

Date signed:

Mon 2 November 2015 at 12:57

Official notes

- not entered -

Appendix 9 – NOMS Application Phase two: Interview with National Probation Service

Research Project Application

Section 1 – Key Details

Full Title of Research Project:	Hidden Victims? Exploring the criminal justice experiences of those bereaved through homicide.		
Date of Application:	25/04/2017		
Start Date:	01/10/2014		
Data Collection From:	01/06/2017	Data Collection To:	01/09/2017
Report Completion Date:	01/09/2021		

Researchers

Lead Researcher Name:	Mrs Lauren Bradford	Post:	Doctoral Researcher	Employer:	University of Sheffield
Address:	PGR room, Bartolome House, Winter Street, Sheffield, S3 7ND				
Tel No:	07738968376	Email:	lbradford1@sheffield.ac.uk		

Student Application:	Yes	
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Academic Supervisor Name (if applicable):	Joanna Shapland	Post:	Professor of Criminology	Employer:	University of Sheffield
Address:	Bartolome House, Winter Street, Sheffield, S3 7ND				
Tel No:	0114 222 6771	Email:	j.m.shapland@sheffield.ac.uk		

Supported by HMPPS HQ:	No	HMPPS HQ Contact:	
Supported by Probation Trust:	No	Probation Trust Contact:	
Supported by Private Sector:	No	Private Sector Prison Contact:	
Supported By MoJ:	No	MoJ Contact:	
Supported By Other Government Dept:	No	Supporting Other Gov Dept Specified:	
Supported By Other:	No	Supporting Other Specified:	
Funded By HMPPS HQ:	No	Funded By HMPPS HQ Amount:	
Funded By Probation Trust:	No		
Funded By Private Sector Prison:	No		
Funded By MoJ:	No		
Funded By Other Government Dept:	No	Funding Other Gov Dept Specified:	
Funded By Other:	Yes	Funding By Other Specified:	Economic and Social Research Council
HMPPS Project Lead Name:		HMPPS Project Lead Post:	
HMPPS Project Lead Directorate:		HMPPS Project Lead Group:	

HMPPS Project Lead Telephone No:		HMPPS Project Lead Email:	
HMPPS Most Relevant Business Priority:	Security, safety and public protection		

Section 2 – Aims & Objectives

Brief description of research (Max 300 words using language easily understood by a lay person):	The proposed research will be undertaken as part of a PhD programme (01/10/2014 - 29/08/2019). It is a multi-method approach, and this application relates to one of these methods. This research is an exploration of the criminal justice experiences of homicide bereaved people. I have conducted observations in Crown Court throughout the duration of three murder trials. The second stage of my methods is to interview practitioners and professionals who work with homicide bereaved people in various capacities, including as part of criminal justice, probation, support and voluntary organisations. It is this stage of the methods that this application relates to. The third phase is to interview homicide bereaved people themselves. This application does not seek any contact with homicide bereaved people through probation. All recruitment of homicide bereaved people will take place through victims' support services. This application is intended for the second stage of the research where I wish to interview someone part of the victim liaison unit who provides contact and information relating to offenders and their release. This is to better understand what the VLO's role is in order to both theoretically and practically inform the interviews with homicide bereaved people themselves. It will help familiarise me with the processes that are involved and the types of information and contact that is received from VLOs.
Aim of the research	The overall research aims to better understand the experiences of the family and close friends of homicide victims as they progress through the criminal justice system. It focuses on cases where the original indictment was murder or manslaughter. In particular, I am interested in the different stages of criminal justice that they encounter in the aftermath of a homicide and the different agencies, organisations and individuals they may interact with as part of this process. Ultimately this research aims to allow homicide bereaved people an opportunity to reflect on their experiences and the meanings they attribute to these. I hope to highlight why their experiences matter for the broader criminal justice agenda and to inform future provision for these individuals.
What are the primary research questions (and/or hypotheses)?	What do people bereaved through homicide encounter and who do they come into contact with? What are the potential policy implications of these experiences?
What are the potential benefits of the research to HMPPS policy/business?	This research meets a number of the values of the offender management services. It allows for some of the service users, namely homicide bereaved people to reflect on their experiences while also hearing from the VLOs who deliver these services, allowing for transparency and openness and empower them to reflect in their role. By looking at this delivery from both the perspective of the VLO and the homicide bereaved it will allow for effective use of resources and the most efficient outcomes. It should provide assurance of the measures that make the public feel safe and possible highlight areas where people do not feel safe. This research compiles voices and perspectives from private, voluntary and social sector who work with or are homicide bereaved and therefore should contribute to improvements with outcomes and cost reductions. Although this research does not focus on offender's rehabilitation, it should contribute to public interest and public protection matters.

What are the potential benefits of the research to academic knowledge in the field of study?	There is very little research or statistics that relate specifically to homicide bereaved people. This research builds on the work of victimology from the 80s and 90s which began to identify the needs of victims of crime and to explore how existing research on victims of crime can be used to address the needs of homicide bereaved people and also where that may have specific needs that differ from other types of victimisation. The former Victims' Commissioner Louise Casey conducted a large-scale study on homicide bereaved people in 2011 and this research ties into the main findings of this research. The qualitative multi-method approach will allow for a robust exploration of the depth and breadth of understanding of these people's experiences and compliment the quantitative study in 2011.
What previous research has been conducted in this area?	Louise Casey, 2011, Review into the Needs of Families Bereaved by Homicide provided a study into aspects of the CJS and the impact they have on homicide bereaved people and what needs they have. This study revealed a number of areas that were failing homicide bereaved people. Pat Carlen, 1976, The Staging of Magistrates' Justice looked at defendants' position in magistrates' courts, and the 'performance' of procedures. Joanna Shapland, Jon Willmore and Peter Duff, 1985, Victims in the Criminal Justice System looked at victims of crime and their status in justice proceedings and highlighted victims' desire to be involved in proceedings. Paul Rock, 1993, The Social World of an English Crown Court looked at the different 'zones of trust' in Crown Court, the different court staff and their roles.
What are the main limitations of the research proposed?	The main limitation of this research is the sampling of the participants in the homicide bereaved interviews. These will be recruited via support agencies and therefore it will not be representative of the entire population. Due to the time and cost constraints of a PhD this method of recruitment is unavoidable. Furthermore, if homicide bereaved people's sense of 'justice' is hinged on conviction outcome this could have an adverse impact on their overall perception of the process.

Section 3 – Proposed Methodology

Methodologies to be used:

Literature Review:	Yes
Rapid evidence assessment/systematic review:	No
Action research:	No
Case studies:	Yes
Process evaluation:	No
Impact evaluation:	No
Economic evaluation:	No
Other:	Yes
Other Method Specified:	Qualitative methods including interviews and observations
Please summarise your proposed design and methodology (including details on sampling and sample sizes)	This is a qualitative study which uses multiple methods in order to conduct a robust exploration of the criminal justice experiences of those bereaved through homicide. The first method was to conduct observations in three court centres in England for the duration of three different murder trials. This was to familiarise myself with current criminal procedures, the spaces that exist in court for families, where people sat, who had authority to speak and participate, what could they see and hear etc. The next stage that is ongoing is to interview practitioners from criminal justice and victims' organisations. I have interviewed individuals from CPS, the police, Victim Support, the Witness Service, Support After Murder and Manslaughter, the courts and this application is to also interview someone who deals with homicide bereaved people post-conviction. The third stage of the research that is also ongoing is to interview up to 20 homicide bereaved people from various jurisdictions about their criminal justice experiences

	following the death of a loved one in the last 10 years. So far 14 interviews have taken place and have been recruited primarily through victim support forums and through snowball sampling. Two more interviews are scheduled and there are a few more potential participants, so it is likely I reach my goal of 20 people.
Please describe the proposed methods of analysis:	This is a qualitative approach using interviews and observations.
What are the resource implications (e.g. anticipated demands on staff time, office requirements, demands on data providers etc)?	I wish to interview 1 staff member for approximately 60 minutes in a location of their choosing. Based on other interviews, this is likely to take place in their place of work and at a time that is convenient for them.
What are the main methodological and/or operational risks and how will these be mitigated?	There are none.

Section 4 – Access To Establishments & Trusts

Requires Access To Prisons:	No	Requires Access To Trusts:	Yes
Requires Access To YOIs:	No		
Youth Offending Teams/Secure Training Centres/Secure Children's Homes:	No		
Requires Access To High Security:			
List of Prisons To Be Accessed:		List of Trusts To Be Accessed:	██████████
Please state your reasons for choosing the selected establishments/trusts:	Due to the time and financial constraints of a PhD, this has been chosen due to proximity.		
Have any establishments/trusts already been approached about this research? If so, provide details:	I have emailed the Performance and Quality Officer in the North East Division due to a link with an academic member of our department. They then referred me to this application process in order to take part.		
Please list any equipment which you are intending to use within the establishments/trusts:	A note book and pen, and a Dictaphone which is password encrypted		

Section 5 – Data Protection

Does the proposed study involve the collection/use of personal data?	Yes
What is your organisation's Data Protection Notification Number?	Z681065X
Does your Data Protection Notification allow for offence- related information of individuals to be stored within your organisation for research purposes?	Yes
Explain how you will hold the personal data in order to ensure its security during the study:	The data will be recorded on a password encrypted Dictaphone and I am the only person who will have access to the recording. All data will be transported immediately from the research site via car or public transport and will be stored in a locked briefcase for the duration of travel. Data will never be left unattended. Recordings will then be stored in encrypted space in a password protected computer. Once transferred to this space, the original recording will

	be permanently deleted off the Dictaphone. The Dictaphone and any field notes will be kept in a locked drawer in a locked office in the School of Law at the University of Sheffield. The room is accessible only to PhD students and academic staff. At the earliest possible point, field notes will be scanned and stored in password-protected space and the originals will be permanently disposed of in confidential waste. No identifiers will be written on any fieldnotes and all transcriptions will use pseudonyms rather than the name of the person interviewed. A document detailing the real name(s) of participants and their corresponding pseudonyms will be stored in a separate document in a separate password-protected computer file so that any contact with participants in relation to their contribution, for example if they wish to withdraw, can be accessed at any time. These procedures for data storage will be made clear to participants in an information sheet in advance of taking part and will be repeated at the beginning of the interview, allowing for participants to ask any questions about this procedure. They will be asked to sign a consent form ensuring that they have been given and understand this information.
How will you ensure that any findings do not reveal information about single individuals?	No identifiers will be used in any field notes or written documents. Pseudonyms will be assigned and only the organisation will be named.
How long will the data be retained for?	The original data will be stored until 01/09/2021 when the PhD thesis has been completed, submitted, examined and preparations have been made for a resulting monograph and publications.
How will you dispose of the data?	All handwritten notes will be shredded and disposed of using the University of Sheffield confidential waste collection facility once they have been scanned and stored in an encrypted, password protected computer file. Once field notes, transcriptions and recordings are no longer required for analysis or publications (01/09/2021) these will be permanently deleted from the university system and any other computer system that has been used during analysis and write-up. Using clean-up software this will ensure that there are no copies of data in the computer recycle bins. The IT staff at the university will be consulted on the most efficient method to ensure files are permanently deleted.
Please provide details on any access required to existing data sources (and whether access to this data has already been sought and from whom):	As the lead researcher on the PhD I am the custodian of all data. This will only be accessible to myself and my PhD supervisors, Professor Joanna Shapland and Dr. Maggie Wykes. No person beyond the supervision team will have access to any data before anonymisation.

Section 6 – Research Ethics

What are the ethical considerations relevant to this study and how have you addressed them?	The NOMS research applications guidance document (A117/2014) will be adhered to throughout the research process. The British Society of Criminology code of ethics and the ESRC Framework for Research Ethics are also guiding the research. The project has received approval from the University of Sheffield School of Law ethics committee which consists of lawyers, criminologists, and professional staff who are aware of the challenges associated with this research.
Has a relevant Ethics Committee approved the research?	Yes

Section 7 – Dissemination

When will the research summary and project review form be made available for HMPPS?	On successful submission and examination of the PhD thesis. Approx 01/09/2021.
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How else will the results of the research be disseminated (e.g. article, book, thesis etc)?	A number of articles will be written resulting from the thesis. In addition, a summary report will be offered to all the organisations and individuals who have taken part.
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Section 8 – Declaration

Has agreed to declaration statement?	Yes
Agreed By:	Lauren Bradford
Agreement Date:	22/05/2017