



HOMICIDE IN INDIAN COUNTRY CHALLENGES FOR ADVOCATES 2014 INDIAN NATIONS CONFERENCE

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VICTIM ADVOCATE DEFINITION:

A victim advocate is an individual who interacts closely with victims of crime and supports them in a number of ways. Victim advocates offer a wide range of services, from legal assistance to emotional help.



HOMICIDE

Homicide is the killing of a human being due to the act or failure to act of another.

Homicide is a crime of choice. It is the direct or indirect decision and behavior to harm a person that results in death, the ultimate loss.

The result of this choice has long-term and intense emotional impacts on co-victims and survivors.

CRIMINAL HOMICIDES INCLUDE MURDER AND MANSLAUGHTER

- **Murder:** Killing another person with prior intent to kill that particular victim or anyone who gets in the way and with no legal excuse or authority.
- **Manslaughter:** Killing another person without prior intent to kill.
 - Voluntary manslaughter involves killing another person in the heat of passion or while in the act of committing another felony crime.
 - Involuntary manslaughter involves killing another person while committing an illegal activity that is not a felony. This category often include vehicular homicides.

CRIME VICTIM DEFINED:

“crime victim” includes a person, a group, business, or organization that has been harmed and/or injured due to criminal activity.



TYPES OF VICTIMS

- The categories **victim**, **primary victim**, **immediate victim**, and **direct victim** include people whom the offender directly harms. Some victims prefer to call themselves survivors.
- **Survivors** are usually considered family and close friends of a homicide victim. Some survivors call themselves “victims.”
- **Secondary victims** or **co-victims** have a close relationship with the victim. Crime affects more than the immediate victim. It can have a ripple or domino effect that spreads to victims’ extended families, their social circles, their professional communities, and to community members in general. Even people living in other states or countries who hear about a crime may be deeply distressed.

TERMS TO KNOW IN WORKING WITH HOMICIDES

Homicide: The killing of a person.

Co-victim/Homicide survivor: The loved ones, family, friends or people associated with the event who are left behind after a homicide.

Ripple effect: The impact on others associated with the victim, such as coworkers, classmates, casual acquaintances, or neighbors.

Survivor reactions: Responses, such as thoughts or feelings about the murder of a loved one.

ISSUES THAT HOMICIDE SURVIVORS FACE

- Death notification process
- Identification of the body
- Autopsy issues
- Funeral arrangements
- The media
- An unsolved case



•Investigation of the crime; prosecutor decisions, possibly no charges are filed

•Court system- jury trials, possible dismissals, hung juries, not-guilty verdicts, less than maximum sentence recommendations or actual sentences



•Post trial appeals

•Probation and parole issues.



VICTIM IMPACT IN HOMICIDE CASES

Financial

- Temporary or permanent job loss
- Out-of-pocket costs
- Travel expenses related to parole hearings
- Loss of family home

Emotional

- Guilt/self-blame
- Shame
- Lack of trust
- Depression
- Changes in personal values
- Hyper-vigilance

Physical

- Stomach pain
- Headaches
- Eating disorders

Religious/Spiritual

- Questioning the goodness of others
- Reevaluating basic values/beliefs
- Issues about forgiveness



Cultural

- Obstacles in practicing culture-crime scenes; length of time between death and burial; autopsy Issues

VARIOUS DUTIES FOR VICTIM ADVOCATES DURING HOMICIDE CASES

- Crime Victims Rights
- Notifications of Court Proceedings
- Status of Defendant
- Court Accompaniment
- Liaison with Law Enforcement and Prosecutors
- Crime Victims Compensation
- Victim Impact Statements

CHALLENGES FOR VICTIM ADVOCATES

- Jurisdictional Issues
- Feuding Family Members
- When perpetrator is a family member
- Language Barriers
- Lack of Knowledge of Tribal Culture
- Limited methods of communicating with survivors/co-victims



OVERCOMING THE CHALLENGES

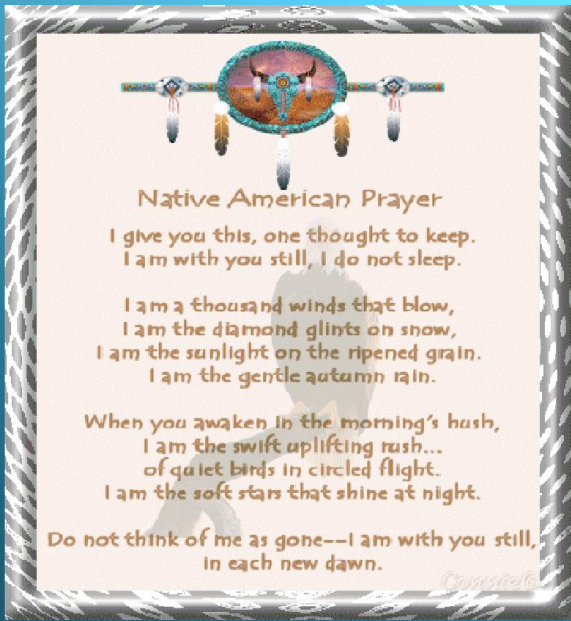
CULTURAL HEALING



Pine Ridge Reservation-Oglala Sioux Tribe-South Dakota



NATIVE AMERICAN PRAYER OF THE DECEASED

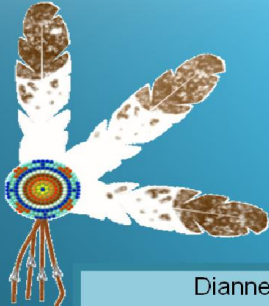


Native American Prayer
I give you this, one thought to keep.
I am with you still, I do not sleep.

I am a thousand winds that blow,
I am the diamond glints on snow,
I am the sunlight on the ripened grain.
I am the gentle autumn rain.

When you awaken in the morning's hush,
I am the swift uplifting rush...
of quiet birds in circled flight.
I am the soft stars that shine at night.

Do not think of me as gone--I am with you still,
in each new dawn.



QUESTIONS OR COMMENTS?

RESOURCE NOTE:
Definitions and parts of other content of this presentation is from the OVC TTAC Training Curriculum
"Victim Impact: Listen and Learn"
www.ovcttac.gov

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