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**Homicide, Bereavement, and the Criminal Justice System<sup>1</sup>**

Final Report

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## ABSTRACT

The author assesses the influence of the criminal justice system on the bereavement of people who have lost a loved one to homicide ("bereaved"). The data for the study come from three sources: in-depth interviews with 32 bereaved whose loved ones were killed between 1994 and 1998 in Center County (pseudonym), Texas, in-depth interviews with 19 Center County and City criminal justice professionals, and a participant observation of homicide cases in the Center County criminal justice system. A range of sociological and social psychological theories and concepts guide this research, including emotions theory, just world hypothesis, personal control, social control, stigma, and symbolic interactionism. The findings indicate that bereaved use strategies of disbelief and spontaneous action to cope with their emotional upset following the news of the murder. Criminal justice professionals use strategies of avoidance, organizational shields, and information control in their work with bereaved. The main question motivating this research concerns whether the criminal justice system can help to heal the harm of bereaved's loss. The findings indicate that the answer is sometimes yes, but usually no.

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## 1. Introduction

By 1988, more than 16 million Americans had lost a friend or family member to homicide ("bereaved") (Amick-McMullan, Kilpatrick, and Resnick 1991). More than fifty percent of bereaved from a nationally representative sample felt unhappy with the criminal justice system's management of their loved one's murder case, and satisfaction with the criminal justice system explained 66% of the variation in bereaveds' anxiety and depression (Amick-McMullan et al. 1991). The criminal justice system presents bereaved families with frustrating delays, and it offers false hope for closure (Amick-McMullan, Kilpatrick, Veronen, and Smith 1989; Schlosser 1997). Current evidence suggests that the criminal justice system is pivotal in bereavement from murder (Amick-McMullan et al. 1991). It is not clear, however, what this pivotal position entails.

No sociologist has examined the effects of the criminal justice system on the bereavement of people who have lost a loved one to murder. There is sociological research on other types of loss and other aspects of the criminal justice system. This research indicates that social support plays an important role in recovery from loss (Bankoff 1983; Barrett and Scott 1990; Glick, Weiss and Parkes 1974; Gottlieb 1981; Lehmann, Wortman, and Williams 1987; Vachon and Stylianos 1988), but a supporter's willingness to assist someone in need may decrease as the amount of the recipient's stress increases (Thoits 1986b).

Sociological research on the criminal justice system shows that criminal justice professionals play a key role in system outcomes and individual experiences. Bridges and Steen (1998) find that juvenile probation officers' perceptions about race influence their punishment recommendations such that minority offenders receive harsher punishment recommendations than non-minority offenders. Rape victims experience frustration with and anxiety about the

bereaved, and (3) the nature of the association between the criminal justice system and bereaveds' psychological well-being.

The data for the study come from three sources: (1) in-depth interviews with 32 bereaved whose loved ones were murdered between 1994 and 1998 in Center County (pseudonym), Texas, (2) in-depth interviews with 19 Center County and City criminal justice professionals who work on murder cases, and (3) a participant observation of 6 murder cases in the Center County criminal justice system. This range of perspectives and data sources provides rich insight into the nature of the criminal justice system-bereaved relationship, and it brings understanding to the meaning that bereaved attach to the criminal justice process. This meaning helps to explain social action and social psychological outcomes among bereaved, and it explains the social action of criminal justice professionals.

Hagan (1989) notes that there is no theory of the criminal justice system, and the range of issues under consideration in a study on the criminal justice system and bereavement from murder precludes use of one theoretical perspective. Thus, I rely on diverse sociological and social psychological theories and concepts to guide and inform this study, including emotions, belief in a just world, personal control, social control, social support, stigma, and symbolic interactionism. Mead's symbolic interactionist perspective provides an overarching theoretical perspective.

Section II presents a review of the empirical research and theoretical perspectives guiding this study. Section III delineates the research methods used to collect and analyze the data. Sections IV through VII examine the criminal justice system-bereaved relationship from the perspective of the bereaved starting with the death notification and ending with the trial (where applicable). In Section IV, I use bereaveds' in-depth responses to questions about the death

system's management of their case, and they encounter conflicts with the prosecutors who handle their cases (Konradi 1996).

Crime victims' rights advocates have lobbied to include bereaved and other victims of crime in the criminal justice process without an understanding for what this involvement might mean for the victim. The assumption has been that victims need and deserve to have a say in the system's management of their case. Advocates argue that this involvement allows victims to regain personal control over their situation, and personal control boosts psychological well-being (Mirowsky and Ross 1989). However, there is no evidence to support the notion that the criminal justice system can help victims' personal control or their psychological well-being.

California was the first state to adopt victim's rights legislation in 1982, and by 1995, all states had followed. This type of legislation considers the victim's perspective in criminal justice proceedings through victim impact statements and participation in plea bargaining proceedings. In 1985, Texas passed the Crime Victim's Bill of Rights. The bill established the victim's right to be informed about court proceedings and to make a victim impact statement.

In this report, I argue that assumptions about the positive effects of involvement in the criminal justice system on the victim's psychological well-being may be misguided in the case of bereavement from murder. The evidence presented in this report suggests that the criminal justice system presents numerous obstacles to bereaved, and some of this evidence indicates that increased involvement actually brings decreased psychological well-being. This study attempts to explain why that is the case. The primary question motivating this research is: Can the criminal justice system help to heal the harm of the bereaved's loss? The three main goals of the study are to examine: (1) bereaveds' perceptions of and experiences with the criminal justice system and its professionals, (2) the ways criminal justice professionals perceive and manage

notification to consider the use of thoughts to control emotions in times of severe stress. Section V presents findings pertaining to bereaveds' experiences with the police department, and Section VI presents findings concerning bereaveds' experiences with the district attorney's office. Both Sections V and VI reveal the hierarchical nature of the criminal justice system-bereaved relationship, and they provide insight into the types of obstacles that the system presents to bereaved. Section VII considers bereaveds' perceptions of and experiences with the trial, and I use Durkheim's explanation of religious life to provide a framework for explaining the importance of the trial in bereaveds' grief.

Section VIII looks at the criminal justice system-bereaved relationship from the perspective of the criminal justice professional. Section IX uses in-depth interview and participant observation data to consider both quantitatively and qualitatively the association between contact with the criminal justice system and bereavement from murder. Section X provides some concluding remarks about the meaning of these findings, limitations of this research, and proposals for future research.

## II. Literature Review and Theoretical Framework

The death of a loved one to murder may make for a complex bereavement experience. The possible complexity involves the manner of the death, others' reactions to the manner of death, and criminal justice system professionals' investigation of the death. Researchers consistently have found that the homicidally bereaved<sup>2</sup> experience psychological difficulties, traumatic imaginings of the death, and frustrations with the criminal justice system. Seventeen psychiatric patients who had lost a loved one to murder experienced disturbing imaginings of the murder as well as shock, guilt, anxiety, and sadness (Parkes 1993). Amick-McMullan et al. (1989) reported that 19 homicidally bereaved demonstrated high levels of psychological distress. A study of a nationally representative sample of homicidally bereaved found that satisfaction with the criminal justice system explained 66% of the variation in bereaveds' anxiety and depression (Amick-McMullan et al. 1991).

While we know some of the psychological outcomes of this type of loss, we do not know how or why those outcomes arise. There is not one area of research or theoretical perspective that can adequately inform a study on the nature of the relationship between the criminal justice system and bereavement from murder. Thus, I draw from a range of sociological and social psychological theories, concepts and empirical research to guide this study. The empirical research on general bereavement, homicidal bereavement, the criminal justice system, and victims of crime indicates that there are several factors that may influence the bereavement of people who have lost a loved one to murder. Those factors include emotions, belief in a just world, personal control, social control, social support, stigma, sociodemographic characteristics,

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<sup>2</sup> I use empirical research on a range of different types of bereavement to guide this study. To distinguish between these different types of bereavement, in this section only, I refer to people who have lost a loved one to murder as "homicidally bereaved." In all other sections, they are referred to simply as "bereaved."

and experiences with the criminal justice system. This review is organized around those eight factors.

### **A. Emotions**

Symbolic interactionists suggest that emotions emerge from a combination of arousal and sociocultural factors (Stryker 1987). Emotions influence behavior, which shapes role-identity composition; and an individual's role-identity composition establishes his or her social structural position in society. This structural position, in turn, affects psychological well-being. The bereaved may find that their emotion norms (or feelings) and expressions norms are out of place in some social settings. Emotions serve as "signals to the self [and others] regarding the quality and acceptability of one's identity claims and performances, and emotions can lead to changes in role behavior, network memberships, and ultimately, social structure" (Thoits 1989:332).

People think about their emotions to understand themselves and manage impressions (Thoits 1989). The management of one's emotions is a form of coping (Thoits 1989). "Incorporating the meaning of emotions for the self (and others) into theory helps specify when (and what) actions will follow from feelings. Emotions may provide impetus for action, but concerns about impression management and self-esteem direct that action" (Thoits 1989:333). Thoits' research suggests that the loss of a loved one to murder may trigger new emotional experiences for the bereaved. Emotions theory will be useful for understanding these experiences.

Emotions theory will also be used to consider how homicidally bereaved people's feelings and expressions influence others' reactions to those emotions, bereaveds' responses to those reactions, and subsequent interactions between the bereaved and others. Emotional role-



taking plays an important role in self-control, social control, and social interaction (Thoits 1989; Denzin 1984). Emotional role-taking, or empathy, involves imagining another person's situation, view of the situation, and reaction to the situation. The ability to role-take another's emotions, however, does not guarantee that he or she will offer to help. Thoits (1986b) has suggested that there is a curvilinear relationship between empathy and helping. "[P]eople experiencing very low and very high levels of empathy may be less willing to help. (High levels of empathy with victims maybe so painful that individuals prefer to avoid victims rather than assist them)" (Thoits 1989:329).

Emotional role-taking often depends more on situational similarity (i.e., illness, bereavement) than on socio-cultural similarity (e.g., gender, race, education) (Gottlieb 1985). Situational similarity, or having "been there," may shape the supporter's ability to provide adequate assistance and also the recipient's perception that the supporter's assistance is helpful (Thoits 1986b). Victim assistance programs in police departments and district attorney's offices provide victims of crime with crisis counseling, information, and referral services. While criminal justice professionals have experience with people who have had lost a loved one to murder, very few have lost a loved one to murder themselves. Thus, these professionals do not share a situational similarity with bereaved. Mead's (1934) theory of symbolic interactionism and his notion of role-taking may prove helpful for understanding professionals' perceptions and management of bereaved.

## **B. Belief in a Just World**

The just world hypothesis will be useful for investigating how homicidally bereaved people come to make sense of their loss, because the murder of a loved one may shake the

bereaved's faith that the world is a just and ordered place (Burgess 1975). The just world hypothesis states that people use their belief in a just world to develop an understanding of a harmful situation (Lerner 1980).

Most research on belief in a just world focuses on observers of harm; only a few studies examine the role of a belief in a just world on victims' perceptions of themselves and the world around them. Hafer and Olson (1989) found that people who have a strong belief in a just world perceive their misfortune less negatively and feel less discontent (or unhappy). Spinal cord injury victims with a strong belief in a just world were happier than those with a weak belief in a just world (Bulman and Wortman 1977). Some research indicates that the more victims ask themselves why an injustice happened to them, the slower their recovery (Montada and Lerner 1998).

There are three general tactics that observers of harm use to sustain a belief in a just world: help the victim (in this case, the homicidally bereaved), blame the victim, and denigrate the victim. This study focuses on the help-the-victim tactic. People tend to try to prevent harm and bring healing (Montada and Lerner 1998). However, they tend to decline to assist victims when it is too costly and their assistance is not likely to help. People will not offer help if they believe they will only partially heal the harm (Montada and Lerner 1998).

Criminal justice professionals are both observers and managers of injustice. Although the just world hypothesis has not yet been applied to institutional-level processes, it may explain some criminal justice professionals' reactions to people who have lost a loved one to murder. The dramatic rise in the number of victim assistance programs suggests that professionals want to bring additional (non-legal) healing to victims of crime.

### **C. Role-Identity**

Bereavement “concerns the loss of a significant person by death and the status that accompanies the social relationship” (Reed 1993:205). By definition, the status that accompanies the loss of a loved one alters the content and organization of the bereaved’s role-identities. Role-identity refers to the role position(s) held by an individual, such as spouse, parent, employee, and neighbor (Thoits 1989). The death of a loved one is a life event that can eliminate one or more of a person’s role-identities, such as spouse, parent, sister, or brother (see Thoits 1991). Along with the loss of a loved one, the bereaved person loses the responsibilities, strains, comforts, and benefits associated with his or her relationship to the deceased (Burgess 1975).

Thoits (1986a) has argued that the same role-identity may have different meanings for different people. Our culture’s view of women’s roles in child rearing may influence mothers to feel more strongly than fathers about the parental role-identity. In fact, women experience more nurturant role-related stress than men (Kessler and McLeod 1984). It may be that the bereaved’s relationship to the deceased (e.g., child, spouse, parent) influences the way he or she reacts to the loss. It may also be that criminal justice professionals’ role-identities (or roles) in the criminal justice system shapes their interaction with bereaved.

### **D. Personal Control**

Personal control refers to “one’s perceived sense of control” (Gecas 1989:293), and personal control is positively associated with status achievement, physical health, coping, and psychological well-being (Mirowsky and Ross 1989). Sociodemographic characteristics are associated with personal control, such that as level of family income and occupational prestige

increase, personal control also increases (Mirowsky and Ross 1989). In addition, women and Mexican-Americans report less personal control than men and other races (Mirowsky and Ross 1989). Unwanted life events diminish people's personal control and subsequent well-being (Pearlin 1989; Ross and Mirowsky 1989). It follows from the literature on personal control that there will be a relationship between the homicidally bereaveds' personal control and psychological well-being. This study will explore the effect of the system on personal control and the measures people take (if any) to restore personal control.

### **E. Social Support**

Social support<sup>3</sup> plays a critical role in the bereavement process in general and particularly in the case of murder (Bankoff 1983; Barrett and Scott 1990; Glick, Weiss and Parkes 1974; Gottlieb 1981; Lehmann, Wortman, and Williams 1987; Vachon and Stylianos 1988). Use of social supports decreases the length of the bereavement period, especially for women (Sprang and McNeil 1995). However, the more stressful the experience, the more problematic the social interactions and subsequent social support (Dunkel-Schetter 1984). "The associations between stressors and social supports are sometimes complex. Certain events – for example those involving interpersonal loss – may increase the importance of compensating support. Stigmatizing events or conditions can reduce others' willingness to provide support" (Shinn, Lehmann, and Wong 1984:58).

Potentially supportive people may shun people who lose a loved one to murder because of the bereaved's emotional devastation and the deceased's manner of death (Dunn and Morrish-Vidners 1987-88; Pearlin 1989). The devastation experienced following the sudden death of a

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<sup>3</sup> Social support "refers to the positive, potentially health promoting or stress buffering, aspects of relationships, such as instrumental aid, emotional caring or concern, and information" (House, Umberson and Landis 1988).

loved one may give others the impression that the bereaved has a personal weakness or is maladjusted (Wortman, Battle, and Lemkau 1997). Supporters feel helpless when faced with a suddenly bereaved person, because there is little that brings comfort to them (Wortman, Battle and Lemkau 1997). In addition, poor supporters may recognize their ineffectiveness and become frustrated with themselves and others (Wortman and Lehmann 1985).

Coyne, Wortman, and Lehmann (1988) found that people have difficulty improving depressed people's emotions, and this difficulty leads the giver to feel frustrated with and withdraw from the victim. This may be influenced by the donor's comforting skills (Burleson, Albrecht, and Sarason 1994). Those less able to comfort others may blame or denigrate the victim (Montada and Lerner 1998). In addition, extended periods of imbalance in social support eventually will weaken even the closest of relationships (Shumaker and Brownell 1984). One must give in order to get (Huston and Burgess 1979). Gouldner (1960) has argued that this reciprocity<sup>4</sup> facilitates the development and maintenance of stable social relationships. Gouldner (1960) also has suggested that we consider situations where people remain socially indebted to better understand the ways people manage non-reciprocal relationships.

Social support influences social relationships, physical health and psychological well-being (Burleson et al. 1994; House, Umberson, and Landis 1988). Socially supportive people can assist with emotion-management (i.e., coping assistance) (Thoits 1984). Researchers tend to focus on the recipient of support, neglecting both the support giver and the giver-recipient relationship (Pearlin 1989:251). This study considers the effect of perceptions on potential supporters' offers to help, and it examines the ways that socially supportive and unsupportive people shape the bereavement process.

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<sup>4</sup> “[T]he norm of reciprocity holds that people should help those who help them and, therefore, those whom you have helped have an obligation to help you” (Gouldner 1960:173).

## F. Stigma

Some people have a hard time working through their traumatic loss because of the way other people treat them (Burgess 1975). The National Organization for Victim Assistance says that people express four common reactions to victims of crime: isolation, blame, stigmatization, and injustice. One woman describes her experiences with others following her husband's murder, "They're just letting us become untouchable people . . . When I say 'untouchable' it's because murder is an ugly thing. You feel as if you [have] become one of society's leftovers that nobody wants to know about at all" (Rock 1998:32).

Stigma is not intrinsic to the person, but attaches to the identity of the person through interaction with others. Stigma "refers to an attribute a person possesses that makes him [or her] different from others . . . and of a less desirable kind" (Goffman 1963:3). In an attempt to make sense of uncertainty and disorder, people take active measures to categorize problems as anomalies or find someone or something to blame (Schur 1980). These categorizations afford observers the opportunity to reason that such uncertainty could never happen to them. This reasoning may help people to maintain their belief that the world is just.

It may be that the homicidally bereaved experience a stigma for their reactions to the loss and a courtesy stigma for others' views of their deceased loved one. Courtesy stigma is the process of being treated as a deviant because of an association with a stigmatized individual. Blum (1991) finds that caretakers both passively and actively support a loved one's efforts to manage a stigma, and as a result, they experience a courtesy stigma.

## **G. The Criminal Justice System**

At all levels of the criminal justice system, researchers find that professionals' perceptions shape individual experiences and criminal justice system outcomes. Stenross and Kleinman (1989) report that law enforcement detectives dislike dealing with emotional crime victims, and detectives want other workers, like a receptionist or public-relations person to handle victims. These detectives want what Stenross and Kleinman call a "buffer" between them and the victim. Hochschild (1983) describes this buffer as an "organizational shield." Detectives used organizational shields as well as a professional demeanor to emotionally dissociate themselves from victims (Stenross and Kleinman 1989).

In their study of prosecutorial discretion in murder cases, Radelet and Pierce (1985) find that the race of the defendant amplified the seriousness of the case, such that minority defendants were at greater risk for the death penalty. Prosecutors hold great influence over the management of homicide cases in all aspects of case processing, including the investigation, plea-bargaining, and punishment (Radelet and Pierce 1985). Prosecutors worked harder on higher profile cases than on lower profile cases (Radelet and Pierce 1985). Sudnow (1965) finds that public defenders question their clients until they have enough information to categorize the case as a "normal crime." This stereotyping scheme emerges in situations where a few professionals handle a large number of people (Lofland and Lofland 1995). The common theme across these studies is that criminal justice professionals use their perceptions of case seriousness and typicality to develop strategies for streamlining their work. These strategies affect the way victims and offenders experience the system. It may be that criminal justice professionals formulate an understanding of the typical murder case and the typical (or normal) bereaved, and this understanding may shape the professionals' approach to the bereaved. Weber's (1968)

discussion of legal-rationality and bureaucratic order may offer insight into the way the criminal justice system operates as a bureaucratic organization, as well as the effect that such operations have on bereaved.

## **H. Social Control**

As an institutionalized agent of control, the criminal justice system exercises power and authority over individuals. Ekland-Olson (1984:210) defines social control as, "any social mechanism or process whose purpose is to respond to relational disturbance," and it "includes the full array of ties (exchange and affective as well as normative) that bind actors in networks of relationships." An understanding of the criminal justice professionals' use of control to influence the behavior of the homicidally bereaved will be helpful for understanding the hierarchical dimensions of the criminal justice professional-bereaved relationship. It may also provide insight into the reasons that bereaved feel dissatisfied with the criminal justice system; perhaps they dislike the power and authority criminal justice professionals hold (and exercise) over them and their loved one's murder case.

## **I. Sociodemographic Characteristics**

Research on general bereavement indicates that grief experiences differ for different populations, and they also tend to differ by the decedent's age and manner of death. Reed (1993) found less grief among older, highly educated, higher income bereaved people and more grief among Hispanic and black (versus white) bereaved people. Upper-class married women had a shorter and less problematic bereavement period than lower class single women, according to



Sprang and McNeil (1995). The younger the deceased, the more the death adversely affected the bereaved's self-esteem and depression (Sherkat and Reed 1992).

Socialization research indicates young children in the U.S. learn the socially acceptable and gender appropriate ways to express and manage emotions. This research indicates that boys are taught to be stoic during times of sadness and girls are taught to express their emotions (Ross and Mirowsky 1984). These teachings may influence the expression of grief in adulthood. It may be that women and men react to and cope with the loss of a loved one to murder in different ways.

Although general bereavement research describes sociodemographic differences in bereavement experiences, it does not reveal whether these differences hold for bereavement from murder. The small sample size (N=32) in this study prohibits much analysis on the sociodemographic differences in bereaveds' experiences, but where possible, I report differences.

The primary question motivating this research concerns whether the criminal justice system can help to heal the harm of people who have lost a loved one to murder. This question and previous research direct me to formulate three goals for this study. Those goals are to examine: (1) bereaveds' perceptions of and experiences with the criminal justice system, (2) the ways criminal justice professionals perceive and manage bereaved, and (3) the nature of the association between the criminal justice system and bereaveds' well-being.

### **III. Research Design and Methodology**

This study utilizes qualitative and quantitative data to assess the effect of the criminal justice system on the bereavement of people who have lost a loved one to murder (“bereaved”). The data come from three sources: in-depth interviews with 32 bereaved whose loved ones were murdered between 1994 and 1998 in Center County (pseudonym) Texas, in-depth interviews with 19 Center County criminal justice professionals, and participant observations of murder cases in the Center County criminal justice system.

#### **A. In-Depth Interviews with Bereaved**

From June to December 2000, I conducted in-depth interviews with 32 bereaved whose loved ones (e.g., spouse, parent, child, sibling, aunt) were murdered between 1994 and 1998 in Center County, Texas. The purpose of the interviews was to examine bereaveds’ experiences with the self, others, and the criminal justice system following their loss. The in-depth interviews allowed interviewees to talk about their experiences in their own words. Before the start of the interviews, all interviewees were informed of the interviewer’s educational background and research interests. All of the interviews were tape-recorded and transcribed. Three research assistants transcribed the interviews.

##### *1. Recruitment*

It was unexpectedly difficult to recruit bereaved to participate in this study. I used three methods to recruit bereaved. First, I obtained names of next-of-kin and their addresses from

death certificate records for murder victims<sup>5</sup> in Center County from 1996 to 1998 on file with the Texas Department of Health (TDH). I used this information to write to the next-of-kin to request his or her participation in the study (for research using a similar strategy, see Reed 1993; Sherkat and Reed 1992).

According to TDH, there were 131 murders in Center County from 1996 to 1998. I wrote to the next-of-kin listed on the death certificate record for 111 of those murders (see Appendix A for Letter for TDH Recruitment Method). I excluded 20 of the 131 records for one of three reasons: (1) the next-of-kin was convicted of the murder, (2) no next-of-kin was listed (e.g., deceased was a homeless person), or (3) a funeral home address was the only address listed for the next-of-kin. Of the 111 letters mailed to next-of-kin, 27% (N=30) came back "undeliverable." I sent two follow-up letters to the remaining 81 next-of-kin (see Appendix B and C for Follow-up Letters for TDH Recruitment Method). Of the 81 people whose letters did not come back undeliverable, 24 bereaved agreed to participate in the study yielding a response rate of 30%. In addition, one of those 24 respondents had a sister (the aunt of the deceased) who also agreed to participate in the study. Thus, I recruited 25 bereaved using this method.

There was a three and a half month period from March to July 2000 when TDH repeatedly postponed making a decision on my request for death certificate records. During this time period, I began to have concerns about the possibility that TDH would deny my request for records and the timeline for completing the study. While I waited to receive the TDH records, I used two additional methods to recruit participants.

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<sup>5</sup> The Texas Department of Health's record that the death is a homicide does not necessarily mean that the Center County criminal justice system pursues the case as a homicide or murder. It is important to make two distinctions here. First, all homicides are murders, but not all murders are homicides. Murder suggests intent, whereas homicide does not. The distinction between the two legal terms is not important for this research, and the two terms are used interchangeably in this study. Second, for two of the murder victim's whose bereaved loved one participated in the study, the homicide was ruled an accident (i.e., the case was dropped by the police department or district attorney's office). The remaining thirty bereaveds' cases were pursued as a murder.

The second method involved the use of newspaper information. I obtained name, age, race, and date-of-death information for all 1994 to 1995 Center County murder victims from a reporter with the daily newspaper for Center County, *The Center Tribune* (pseudonym). I purposely selected the years 1994 and 1995 (not 1996, 1997 and 1998, as in the TDH sample) so that when TDH released the 1996 to 1998 records, there would be no duplicate bereaved across the two sampling frames. I used the newspaper information to conduct an electronic search for the murder victim's name in the newspaper's archives. For each "hit," I read the article to: (1) check that it mentioned the actual victim and (2) search for any mention of the victim's next-of-kin. Once finding a name for the next-of-kin, I searched the local telephone directory for the person's telephone number and address. I then telephoned the next-of-kin using a scripted Call Form (see Appendix D for Call Form for Newspaper Recruitment Method) to request his or her participation in the study. This yielded the recruitment of 6 bereaved. However, only 3 of the 6 bereaved recruited from telephone calls actually appeared for an interview. When I attempted to reschedule the interview, the 3 no-shows either did not return my telephone calls or did not appear for the second meeting. I took the non-returned telephone calls and no-shows as an indication that the recruitee would not participate in the study, and I stopped trying to contact them after 3 attempts. When not able to reach the newspaper next-of-kin after repeated telephone calls, I wrote a letter (see Appendix E for Letter for Newspaper Recruitment Method) asking him or her to participate in the study. I wrote to 18 people, and 1 participant was recruited using this method. A total of 4 bereaved participants were recruited using this newspaper information.

In the third recruitment method, I asked victim/witness counselors with the Center County District Attorney's Office for the names and contact information of bereaved. I recruited

3 bereaved using this method. I provide information about the differences in sociodemographic characteristics across the three recruitment methods in Table 3.3.

### *3. Sample Profile*

Table 3.1 reports the sociodemographic characteristics of the bereaved in the sample. Seventy-eight percent of the bereaved in the sample were female. Fifty-three percent were white, 31% Hispanic, and 16% black. The mean age of bereaved respondents was 49 years old; the mean age of bereaveds' deceased loved ones was 30 at the time of death. The modal level of education for bereaved was some college with 39% of bereaved completing some college. Seven percent of bereaved did not complete high school, 32% completed high school, 13% completed college, and 10% either attended graduate school or obtained a graduate degree. The median household income was \$40,000 to \$59,999 (figures not shown). Forty-four percent of bereaved were married, 41% were divorced or separated, 9% were widowed, and 6% were never married.

Sixty-three percent of the bereaved in the study were the parent of the murder victim, 19% were the sibling, 9% were the adult child, 6% were the spouse, and 3% another relative (e.g., aunt). Nineteen percent of the loved ones' murder cases remained unsolved at the time of the interview. Nine percent of them were solved-unresolved; in some solved-unresolved cases, a grand jury had brought an indictment against a suspect, but the suspect had not yet been located. In others, the trial was set after the interview. Fifty-six percent were solved-resolved (i.e., a suspect was indicted, charged, and either tried or plea-bargained; resolved does not necessarily mean the suspect was found guilty), and 16% were murder-suicides.

**Table 3.1: Sociodemographic Characteristics of Bereaved in the Sample\***

Mean Age	Gender	Race	Marital Status	Level of Education	Next-of-Kin's Relationship to Victim <sup>3</sup>	Status of the Murder Case in the Criminal Justice System <sup>4</sup>
49	22% Male 78% Female	53% White 16% Black 31% Hispanic	44% Married 41% Divorced <sup>1</sup> 9% Widowed 6% Never Married	6% Less than H.S. 32% High School 39% Some College 13% College 10% Grad School <sup>2</sup>	9% Child 6% Spouse 63% Parent 19% Sibling 3% Other	19% Unsolved 9% Solved-Unresolved 56% Solved-Resolved 16% Murder-Suicide

\*This information was obtained from in-depth interviews with bereaved.

<sup>1</sup>Divorced and Separated are combined under the label "Divorced."

<sup>2</sup>Grad School refers to people who either attended or completed Graduate School.

<sup>3</sup>Relationship to victim refers to the bereaved's relationship to the murder victim as listed on the death certificate. For example, if the mother is listed as the next-of-kin contact on the murder victim's death certificate, her relationship would be listed in this table as "parent."

<sup>4</sup>Solved-Unresolved refers to a case in which a suspect has been identified and/or indicted, but the case has not yet been resolved in the criminal justice system through plea-bargain or trial. Solved-Resolved refers to cases where a suspect has been indicted, charged, and either tried or plea-bargained. Resolved does not necessarily mean the suspect was found guilty.

To measure depression, I used the 11-item Center for Epidemiological Studies-Depression Scale (CES-D) (Radloff 1977). The average depression score for bereaved in the sample was 11.32, with a standard deviation of 6.01. Ensel (1986) noted that the standard cut-off for clinical depression in the 20-item CES-D Scale is 16.00, which converts to 9 in the 11-item scale. Fifty-eight percent of bereaved were above the clinical depression cut-off. Ensel (1986) reported that 16-17% of the population is above the clinical depression cut-off. This suggests that a larger percentage of the bereaved in this study are clinically depressed than one would find in the general population.

I obtained information on the age, gender, and race of Center County murder victims from 1994 to 1998 to consider the possibility that the 32 bereaved that participated in the study were different from the total population of bereaved.<sup>6</sup> I do not have sociodemographic information on the total population of bereaved (or next-of-kin), because TDH death certificate records list the sociodemographic information for the decedent, but not the next-of-kin. Therefore, I compare the sociodemographic characteristics of the population of murder victims to the sample of murder victims (i.e., murder victims in the sample refers to murder victims whose bereaved loved ones participated in the study) to infer a comparison of the sociodemographic characteristics of the population of bereaved to the sample of bereaved. Admittedly, is it less than ideal to use a population-to-sample comparison of murder victims to infer a population-to-sample comparison of bereaved. However, the murder victim comparison does shed light on the possibility that bereaved of some murder victims are more likely than bereaved of other murder victims to participate in a study on bereavement.

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<sup>6</sup> For the ten-year period from 1989-98, there were 469 murders in Center County, Texas. Seventy-eight percent of those were male, 70% were white, and 29% were black. The average age of the victims was 31, and 29% had completed high school.

Table 3.2 presents this comparison. The mean age and gender distributions of murder victims in the population and sample are very similar. The mean age of murder victims in both groups is 30 years old. Seventy-seven percent of murder victims in the population were male, and 75% of murder victims in the sample were male. There are slight race differences in the two groups of murder victims. The sample has a larger percentage of white and Hispanic murder victims and a smaller percentage of black murder victims. The population of murder victims was 33% white, 24% black, and 43% Hispanic, while the sample of murder victims was 50% white, 12% black, and 38% Hispanic.

**Table 3.2:** A Comparison of the Sociodemographic Characteristics of the 1994 to 1998 Center County Murder Victims (Total Population) to the Murder Victims Whose Bereaved Loved Ones Participated in the Study (Sample)\*

Population and Sample	Sociodemographic Characteristics of Murder Victims			
	N	Mean Age	Gender	Race
Total Population	226	30	77% Male 23% Female	33% White 24% Black 43% Hispanic 1% Other
Sample	32	30	75% Male 25% Female	50% White 13% Black 37% Hispanic 0% Other

\*This information was obtained from Texas Department of Health death certificate records for 1996 to 1998 Center County murder victims.

The larger percentage of white murder victims in the sample may reflect three things. First, it may be that the bereaved person of a white murder victim feels more shock and dismay that his or her loved one died in such a violent manner. This reaction may arise from the bereaved's awareness of racial differences in murder victimization rates in the U.S.; a disproportionate number of blacks (as opposed to whites) die from murder in the U.S. Thus, these bereaveds' shock at the manner of the death may prompt them to come forward to



participate in the study (i.e., you won't believe what happened to me). Second, it may be that the bereaved person of a white murder victim has more difficulty finding supporters who are willing to hear about the loss. Perhaps white supporters remain uncomfortable with hearing about this type of loss and the idea that it could happen to them. Therefore, these bereaved may see the study as an opportunity to "talk" about their loss. Third, it may be that blacks distrust researchers as well as the federal government's financial support of this project (see Appendix A for letter used in the TDH recruitment method).<sup>7</sup> This distrust may leave blacks feeling less comfortable with the idea of participating in a study on bereavement than whites. The race differences in the sample and population prompt me to present these findings with caution.

Table 3.3 compares the sociodemographic characteristics of bereaved across the three recruitment methods (e.g., TDH, newspaper, District Attorney's Office) and the total sample. The total sample is similar to the TDH sample with the exception of race. The mean age of the total sample of bereaved and the TDH-recruited bereaved was 49 years old, while the mean age for the newspaper-recruited bereaved was 47 years old and DA's Office-recruited bereaved was 41 years old. The racial distribution for the total sample of bereaved was 53% white, 16% black, and 31% Hispanic.<sup>8</sup> The group of TDH-recruited bereaved has a larger percentage of whites, and smaller percentage of blacks (8%) and Hispanics (25%) than the other two recruitment methods and the total sample.

**Table 3.3: Sociodemographic Characteristics of Bereaved by Recruitment Method and for the Total Sample\***

Recruitment Method	Sociodemographic Characteristics of Bereaved			
	N	Mean Age	Gender	Race
Texas Department of Health	25	49	20% Male 80% Female	64% White 8% Black

<sup>7</sup> I would like to thank Christine Williams for making this point.

<sup>8</sup> The racial distribution of the bereaved and the murder victims "in the sample" are slightly different, because of two bereaved. One bereaved was a white woman married to a Hispanic man; her daughter, the murder victim, was Hispanic. Another bereaved was a black woman married to a Hispanic man, the murder victim. Thus, the biracial nature of these two bereaved-murder victim relationships explains the slight differences across the two groups.

Newspaper	4	47	50% Male 50% Female	25% Hispanic 0% White 50% Black 50% Hispanic
District Attorney's Office	3	41	0% Male 100% Female	33% White 33% Black 33% Hispanic
Total Sample	32	49	22% Male 78% Female	53% White 16% Black 31% Hispanic

\*This information was obtained from interviews with bereaved.

The bereaved who participated in the study may be different from those who did not participate. As in Table 3.2, I use information about murder victims to make inferences about bereaved. Table 3.4 delineates the sociodemographic characteristics of the murder victims for bereaved who participated and did not participate in the study. I can only provide this comparison for the 81 murder victims in the TDH population. TDH death certificates list the decedent's age at the time of death, gender, and race; they also list the next-of-kin's contact information and his or her relationship to the deceased. Table 3.4 provides information about the three groups: (1) all 1996 to 1998 Center County murder victims, (2) murder victims whose bereaved relatives did not participate in the study, and (3) murder victims whose bereaved relatives participated in the study. There are gender, race, and relationship differences between the participants and non-participants.

**Table 3.4:** Sociodemographic Characteristics of the Population of 1996 to 1998 Center County Murder Victims, Murder Victims' whose Bereaved Loved Ones Did Not Participate in the Study, and Murder Victims' whose Bereaved Loved Ones Participated in the Study.\*

Population and Participation Status	Sociodemographic Characteristics of Murder Victims				
	N	Mean Age	Gender	Race	Next-of-Kin's Relationship to Victim
Total Population	131	29	72% Male 28% Female	37% White 20% Black 42% Hispanic 1% Other	4% Child 15% Spouse 47% Parent 3% Sibling 31% Other

Did Not Participate	57	29	68% Male 32% Female	32% White 26% Black 40% Hispanic 2% Other	4% Child 18% Spouse 56% Parent 2% Sibling 21% Other
Participated (or TDH sample)	25	30	72% Male 28% Female	56% White 12% Black 32% Hispanic	4% Child 12% Spouse 64% Parent 16% Sibling 4% Other

\*This information was obtained from Texas Department of Health death certificate records for 1996 to 1998 Center County murder victims.

A higher percentage of the bereaved that did not participate (32%) than did participate (28%) had a deceased loved one that was female. Also, of the bereaved who did not participate, 32% of the deceased loved ones were white, 26% were black, 40% were Hispanic, and 2% were other. Of the bereaved who participated, 56% of the deceased loved ones were white, 12% were black, and 32% Hispanic. There are some differences in the next-of-kin's relationship to the murder victim among the total population, did not participate, and participated groups. In the total population, 4% of bereaved were the child of the murder victim, 15% the spouse, 47% the parent, 3% the sibling, and 31% other (e.g., grandparent or cousin). Of the bereaved who did not participate, 4% were the child of the murder victim, 18% the spouse, 56% parent, 2% sibling, and 21% other. Of the bereaved who participated, 4% were the child of the murder victim, 12% the spouse, 64% the parent, 16% the sibling, and 4% other. These differences suggest that parents and siblings are more likely to participate than spouses and other relatives. It is not clear from the interviews, however, why this is the case.

Overall, the total sample of victims (N=32) looks like the TDH-recruited bereaved except for the representation of blacks and Hispanics. Three of the 5 blacks (i.e., bereaved whose deceased loved ones were black) were recruited from newspaper information and the

District Attorney's Office. However, the findings presented in the subsequent sections indicate that there are no substantial differences in bereaveds' experiences with the criminal justice system among the three groups.

#### *4. Pretests*

Four pretest interviews were conducted for this study. Pretest interviewees were recruited through a local chapter of Parents of Murdered Children (POMC). In September 1999, I attended the monthly meeting of POMC in a small church office with the intention of conducting a focus group. The POMC members had requested that I conduct the focus group during their regularly scheduled meeting, and I agreed. Soon after I arrived, however, I concluded that this was not the time or place for a focus group. There were six bereaved at the meeting. One POMC member, in particular, appeared to desperately need the emotional support of the other group members and not the restricted structure of a focus group. She was a tall, thin woman in her 40's. Her complexion was pale, possibly from stress, and she rarely made eye contact with the other members. She sat with her arms crossed in front of her stomach, with a tissue clenched in her fist. She seemed fragile, and her pain appeared raw. It was clear that she had been coming to the POMC meetings for a while, and the other members knew about her loss. Her 20-year-old daughter's murder case was underway in another state, and there were problems with the strength of the case, which upset her.

After judging her discomfort, I abandoned the focus group plan. Instead, I sat at one end of the oval-shaped table around which the members had gathered, and I listened to each member tell his or her story. Each story was a little bit different, but they all contained several key elements – name of the loved one, member's relationship to the loved one, date of the murder (or

time since the murder), and status of the murder case (i.e., offender sentenced, case unsolved, trial underway). One story sounded like this:

As you guys know, our 30-year-old daughter, Amy, was murdered 42 months ago in [another state]. For two years, nothing has happened on the case. I call the detective every 10 days to get an update on the case. I am very hopeful now though because the department has started a cold case squad, and it looks like they are going to start working on Amy's case again. So, we are really happy about that. [This man eventually participated in the study and became Pretest A]

An hour or so later, after sharing all of their stories, a group member turned to me and asked me about my study. I told them I was planning to conduct interviews with bereaved people like themselves, and if they were interested in participating, they could put their name and phone number on my sign-up sheet. Four of the six group members expressed interest and became pretest interviewees.

The interview guide changed over the course of the four pretests, particularly in regards to interview structure, question wording, question order, interviewer rapport, interview location, and interviewer confidence. First, I went to the first two pretest interviews with a very structured interview guide. I abandoned that structure, however, when the first interviewee appeared eager to share the status of his adult daughter's unsolved murder case. (I returned to the structured guide in the third and fourth pretest interviews.) His eagerness to tell me about the case was heart-warming, and I found it difficult to stick to the structure of my interview guide. This change, however, worked out for the best. The unstructured format allowed the first two pretest interviewees, a husband (Pretest A) and wife (Pretest B), to tell me about their loss in their own words; in many ways, those words helped me to identify important issues in this type of bereavement, issues that had not come up in my review of the literature. In addition, I learned that these bereaved abhor several popular bereavement recovery terms, particularly the word "closure." Pretest A explained:

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[E]ven still [4 years after our daughter's murder], you know, [my wife] Kathy and I hate this word "closure." "Do you have closure?" "If they find the murderer, you'll have closure then." I say, "No, no. I won't have closure. I'm never gonna have complete closure, no matter what happens." As we've discussed at length, if they find the murderer, arrest him, and try him, that's great. I'm gonna feel a lot better for that, but not "closure." [Bereaved Pretest A]

After the first two pretests, I changed the wording of some questions and dropped others. I reworded questions about death notification, case resolution, and the criminal justice system. I dropped questions about turning point, notification of others, and control of the criminal justice system. I began the first two pretest interviews with the statement, "I'd like to start by having you tell me your story" (see Appendix F for Pretest A Interview Questions and Appendix G for Pretest B Interview Questions). Both pre-test interviewees took an hour to tell their story, which was a problem, because I still had 67 questions to ask. The lengthy stories also included information unrelated to this study. Pretest B told me about her murdered daughter's divorce, boyfriends, and career aspirations. Although I wanted some of this information to provide a context for introducing the interviewee and the deceased in the presentation of the results, I did not need so much of it. Thus, I revised my beginning statement to say, "To start, I'd like to take 10 to 15 minutes for you to tell me how you learned that your loved one had been killed. (Probes: Who told you? How did they tell you? How did you react? Who did you first contact?)" This revised statement gave interviewees a temporal frame, and it told them what kind of information to provide.

To better address the issue of murder-case resolution, I revised the question from "How do you feel about where the case stands now? (Probe: Does it give you any relief?)" to "People tell me it's very important to have the case solved. Why is this so important?" This question also was used in interviews with criminal justice professionals.

For the criminal justice system and coping with loss, interviewees originally were asked, "What things did the police (DA's office, judge) do that made it harder for you to cope with your loss?" This question, however, stumped them. They had great difficulty thinking of "things" the police had done. Thus, this question was changed to, "What was the most difficult part of the police's (DA's office, judge) involvement in the case for you?"

I dropped the questions about turning point, notification of others, and control in the criminal justice system. Pretest interviewees said there were no turning points in their grief. They explained that, instead, their recovery from the loss was a long, slow process, taking 6 to 7 years Pretest D explained. Pretest interviewees spontaneously and voluntarily addressed the issue of death notification in response to the question, "How did you learn that your loved one had been killed?" So, the death notification question proved unnecessary. Similarly, I was able to address the influence of the criminal justice system on the bereaved's sense of personal control through questions about bereaved's experiences with the criminal justice system. Therefore, the questions about sense of control were dropped.

I changed the order of the questions by moving the more emotional questions to the end of the interview and by moving two questions with multiple-choice responses to the beginning. The questions about emotions seemed to drain and deflate interviewees. For example, about halfway through the interview I told Pretest C, "The next section is about your feelings and experiences since your loss; it's more focusing on emotions." The respondent gave a big sigh and said:

What do you want to know? I adored the girls. You can put me in tears if you want. It's very simple. I loved them dearly. [Erin's murder] screwed up [her sister] Samantha's life, and it killed Erin. Erin lost her whole life. What is there to say? Just sheer raw pain at her loss at, I mean, at what she lost. Look what she lost. She lost a whole life. And that's the central [point]; you don't get around that fact. And that's the center of my emotions, is that single fact. There it is.

I've done an awful lot of crying about it. An awful, awful lot of crying.  
[Bereaved Pretest C]

I told her that we could skip the questions or ask them at a later time. She told me to proceed. This type of reaction created problems for several reasons, including interviewee's emotional drain, interviewee's emotional shield, and interviewer-interviewee rapport. The emotional drain created a problem because the interviews tended to last 2 to 3 hours, and draining the interviewee early in the interview made it more difficult for them to finish. Further, I found that some interviewees put up a shield when I asked about their emotions. This shield took energy to build and maintain because the resistance to a difficult issue made him or her tired. The shield also took time to break down. In addition, asking the more emotional questions too early in the interview did not allow for establishment of interviewer-interviewee rapport. Placement of the more emotional questions at the end of the interview created enough time for the interviewee to become comfortable with the interviewer.

Two questions with multiple-choice answers: "With which criminal justice officials [list of officials] and which parts of the criminal justice process [list of parts] have you had contact?" was moved to the start of the interview. The answers provided information for questions asked later in the interview. The answers, however, did not need to be tape-recorded. So, the recording started after these questions. Other multiple-choice questions (e.g., depression, race, and income) were placed at the end of the interview.

The pretests helped me to work on building rapport in several ways, including interviewer approach and interviewer reaction. My approach to the interview as a serious researcher served to send an important signal to interviewees. The manner in which I introduced myself and started the interview also proved to be important to establishing control of the interview. Pretest C especially shaped my awareness of interviewer reaction and



professionalism. In our first of two interviews, Pretest C shared in detail the circumstances of her stepdaughter's murder:

[T]he killing [of my stepdaughter and several other kids] didn't start just in a bullet gone astray, or a physical fight gone astray. It's even more horrible than that. It makes no sense. It makes absolutely no sense. Yeah, poor little Becky. I mean, to pick the 13-year-old for the worst treatment is just [pounds fist on table], there it is, it's just ugly. It's real real ugly. [Bereaved Pretest C]

I found her reflection that the murderer(s) picked the youngest of the four kids for the worst treatment upsetting, and my eyes filled with tears. I did not cry. Later in the interview, when I asked Pretest C about people's reactions to her emotions from her loss, she said that people either change the subject or cry when they don't want to hear about her loss. When I asked her to explain why crying indicated a lack of interest in hearing about her loss, she said, "At that point they're dealing with their own upsetness. They need to get their own upsetness [because] you can't be there for somebody else if you are dealing with your own upsetness." I took her response to mean that it was inappropriate that my eyes watered when she talked about the murder, and I got the impression that she decided to protect me from other upsetting details about the murders and her loss as a result.

At the end of the second interview, Pretest C expressed a slightly different position on the value of a listener expressing emotions. I asked her if there was anything she would change about the way I conducted the interview, and she said:

[Y]ou strike me as you're being very very careful to be very professional, and I'm not sure [if that's necessary]. Is it necessary to be that? Because if your human instinct is to say, 'I'm so sorry, that must have been terrible,' it would go down real well. I mean, I think people would like that.

Pretest C's contradictory comments about the value of a listener expressing emotions confused me. After discussing these comments with my advisor, I decided to address the issue by building better rapport. To do this, I took a few minutes to visit with the interviewee at the start. I started

by asking the interviewee about his or her day. In cases where I knew something specific about his or her personal life from our phone conversation to set up the interview, I asked how that part of his or her life was going. In scheduling Pretest C, I learned that her elderly father recently had moved to town from another state. At the beginning of the interview, I asked how her father was adjusting to the move. In scheduling Pretest D, she told me that she had an appointment after our interview (see Appendix H for the Interview Guide used in Pretest C and D). At the beginning of the interview, I told her that I knew she had an appointment later in the day, and we would be done in time for her to make the appointment. She said it was a card game. We then joked that the other players in her group might pull a “fast one” on her if she arrived late.

I also found that interviewees appreciated it when I shared something about my personal life, which I started doing at the end of interviews. Pretest A asked me if I knew about the importance of concentration in golf, something he had been struggling with since his adult daughter’s murder four years ago. I told him that I did not play golf but my husband did. He seemed to truly enjoy knowing that I was married and my husband played golf. Bereaveds’ interest in my personal life was the rule, not the exception. For example, at the end of my interview with Steven Erickson, a 57-year-old white father whose 23-year-old son had been killed 2 years before our interview, he said, “I would like to know something about you. Since you’ve been asking all of the questions” [B30]. I said, “Of course. Ask away,” and I proceeded to offer information about my graduation plans, job search, and marital status.

I think this has something to do with the very personal nature of the interviews and the one-way flow of self-disclosure, and it can be linked to social exchange theory. The interview encounter is social exchange. Homans (1961:13) states that “social behavior [is] an exchange of activity . . . between at least two persons,” and his social exchange theory delineates principles

for social behavior including emotional feelings (Wallace and Wolf 1995). In the interview meeting, the interviewee offers information to the interviewer in exchange for a monetary or personal reward; the interviewer offers a listening ear and an attentive presence in exchange for data.

Other researchers have found that the recipient (i.e., interviewee) in the giver-recipient relationship may experience a decline in self-esteem if the relationship is hierarchical (Shinn, Lehmann, and Wong 1984). The interviewer-interviewee relationship is certainly hierarchical; the interviewer attempts to control the direction and pace of the conversation while the interviewee responds. Admittedly, interviewees also exert control in these exchanges, such as control over when and where he or she will meet and for how long, as well as control over what information to provide the interviewer. In general, in an interview meeting, the interviewer has more authority than the interviewee. Similar to a job interview, the research interviewer knows the list of questions to ask, she knows the type of information she's looking for, and she knows (more so than the interviewee) the direction the interview will (or should) take. Homans (1961) might argue that interviewees' interest in my personal life provided a means of restoring balance to the interviewer-interviewee exchange. In the interviews, interviewees told me a great deal of very personal information about themselves and their murdered loved ones without knowing anything about me. In appreciation for the very sensitive nature of the topic and interviewees' interest in restoring balance to the exchange, I allowed time for their questions about me at the end of the interview.

I learned from the pretests that interview location set a tone for the formality and control of the interviews. Location of the interview was critical for both making the interviewee comfortable with expressing emotions about the loss and giving control to the interviewer. For

the interviewee's convenience, I conducted the interview with Pretest C in her work office (on a college campus). This location made the interview less personal; and several times during the course of the interview, she referred to herself as a faculty member and to me as a graduate student conducting research. In addition, Pretest C admitted that she was keeping her shield up so as not to cry. She explained that she wanted to give me "good data." To avoid these issues, whenever possible I began to insist that the interview be conducted either in the respondent's home or at a local restaurant.

The pretests allowed me to build interviewer confidence. In the beginning, particularly in Pretest A, I found it difficult to stick to my interview guide. When I went to Pretest A's home to conduct the interview, he was anxious to begin and was ready to talk before I even started the tape recorder.

##### *5. Interview Guide*

The interviews with bereaved contained close-ended and open-ended questions, and the interviews were divided into five parts – criminal justice system, social relationships, self, demographic characteristics, and advice (see Appendix I for Bereaved Interview Guide, Final Version). For this project, I only use bereaveds' responses to questions about the criminal justice system and demographic characteristics. Interviewees were first asked a series of open-ended questions about the criminal justice system, including how they learned about the death and the current disposition of the murder case. They also were asked what they would change about the criminal justice system's treatment of them. The bereaved were also asked about their sex, age, race, education, marital status, employment status, income, and number of children; they also were asked about their deceased loved one's age at the time of the murder, race, relationship to

interviewee, and deceased's relationship to murderer, if known. When presenting bereaved's responses, I note the bereaved's age at the time of the interview and the murdered loved one's age at the time of the death.

The length of the interviews ranged from 1 to more than 4 hours, and the average interview length was 2.5 hours. When the interview continued for more than 2 hours, the bereaved and I scheduled a second meeting. I conducted 81% (n=26) of the bereaved interviews in-person and 19% (n=6) over the telephone. The telephone interviews were conducted with bereaved that lived out-of-state. The in-person interviews took place at either the bereaved respondent's home, a local restaurant, or, in one case, my office. There was one non-English speaking bereaved. This bereaved was a Spanish speaker, and I conducted my interview with her through a Spanish-English interpreter. The interpreter also transcribed the interview.

When an interviewee cried during an interview, I gave one of three responses. First, I offered him or her a tissue. Interviewees seemed to appreciate the gesture, and these pauses in the interview gave them a chance to catch their breaths. Second, I said that I was sorry that this had happened to them. One mother described the way she learned about her son's murder. "They said, 'Something has happened, but we can't tell her because we don't know what it is.' They knew what it was. I guess they just didn't want to say what it was, and I learned my son had been shot with his best friend. Both of them had been shot [and killed]." I paused and then replied, "Oh, okay. I'm sorry to hear that" [B28]. I found this acknowledgement of the bereaved's loss to be important to establishing rapport and building trust. Third, I offered the respondent the opportunity to pause the interview. The father of a 23-year-old son became tearful when he described the way his son looked like a "shell" on life support and how he and his wife stayed at their son's hospital bedside for the 24 hours before for the organ donor

transplant team came to take him for harvesting. He said, "We stayed there with him the whole time [crying]." I responded, "Would you like to take a break?" He said, "No, I'm okay."

Two bereaved withdrew from the study. In the first case, at the start of the interview, I reminded her (per our phone conversation) that the interview would take approximately 2 to 3 hours depending on how much she had to say. She said that she didn't realize it would take 2 to 3 hours, and she needed to leave in an hour. I said that would be fine, and perhaps we could schedule another time to complete the interview. She said that would be good. At the end of this meeting, I gave her contact information for counseling resources specifically organized to assist people who have lost a loved one to murder, and we discussed a day and time to finish the interview. We planned to meet again in a week. She, however, did not show up for the second meeting. I called her to see if she wanted to reschedule our meeting, and she agreed. However, she again did not show up. I called her a third time to reschedule. She apologized for not showing up for our last two meetings, and she agreed to another meeting time. She again did not show up. I decided not to ask her to reschedule for a fourth time because I suspected her not showing up for the meetings was an indication that she did not wish to complete the interview. Perhaps she was simply uncomfortable declining my requests to reschedule.

In the second case, the subject and I were not able to complete the interview in 2.5 hours, and we discussed scheduling a second meeting. She asked that I call her in two weeks after she returned from her brother's wedding. Before we parted, I gave her contact information for resources to assist the bereaved. After two weeks, I called her, and she said that she did not wish to talk about her loss again until after the trial in her son's murder case. She said she wanted to focus her energy on the trial, and she suggested that I call her back in 3 months. She explained that she was fine during the interview, but she had a difficult time in the days that followed.

Throughout the study, after the interview, it has been my policy to send a \$20 donation to a non-profit organization in memory of the bereaved subject's deceased loved one as a small thank you for the subject's participation. I always send a copy of my donation letter to the bereaved subject. In both of the above-mentioned cases, I sent the subject a copy of my donation letter; and in the second case, I wrote a note expressing my apologies that the interview was difficult.

### **B. In-depth Interviews with Center County Criminal Justice Professionals**

I conducted interviews with 19 Center County criminal justice professionals, including 6 murder detectives, 4 prosecutors, 3 criminal court judges, 3 victim's service counselors, and 3 victim's rights advocates. I also interviewed 3 defense attorneys with experience as the court-appointed lawyer for defendants charged with murder, but those interviews are not used in this project. The interviews with criminal justice professionals took approximately an hour to complete, and these interviews took place in the professional's office or at a local restaurant. Two of the 3 crime-victim-advocate interviews took place at the professional's home.

The purpose of these interviews was to learn the criminal justice professionals' perspectives of a murder case, bereaved, and criminal justice professionals' approaches to both. The interviewees were asked 4 closed-ended questions about their job title, years in the position, number of murder cases handled in the past year, and number of murder cases handled over the course of the career (see Appendix J for Criminal Justice Professional Interview Guide). Interviewees also were asked a series of open-ended questions, including the extent of their work with bereaved, the hardest part of their work with bereaved, and the negative and positive aspects of including bereaved in criminal justice proceedings. Responses to two open-ended questions

were analyzed: "What is the hardest part of your work with bereaved people?" and "What are the negative aspects of including bereaved people in the criminal justice process?"

Interviewees were recruited using purposive sampling procedures. This sampling procedure was used because there are select groups of people who can inform us about this topic, and those groups are experts in this area. The interviewees were selected based on three criteria: (1) employment with the Center County or City criminal justice system, (2) experience with cases of murder and people who have lost a loved one to murder, and (3) a minimum of two years experience in the position. In several cases, it was difficult to get criminal justice professionals to commit to an interview. In these instances, I made five attempts to schedule an interview with the professional with the idea that those more difficult to recruit probably had different approaches to social interaction in general and to bereaved in particular. My assumption was that those professionals who were bad about returning my phone calls about an interview were also probably bad about returning bereaved's phone calls about the murder investigation. Interestingly, I found my volunteer work with the police department to provide a good entree into the criminal justice system. The interviews were conducted in the professionals' offices, and they took approximately one hour to complete. The interviews were tape-recorded and later transcribed.

Forty-two percent of the sample of criminal justice professionals (not including defense attorneys) were women. Fifteen of the 19 criminal justice professionals were white, 3 were Hispanic, and 1 was black. The professionals' years of work experience on murder cases ranged from 2 to 20 years, with an average of 10 years of experience per professional. The number of murder cases worked by these professionals ranged from 7 to 400 cases, or an average of 121 cases per professional.



### **C. Participant Observation of Murder Cases in the Criminal Justice System**

Another part of the study was a participant observation of criminal justice professionals' interactions with bereaved. The participant observation data provide insight to other researchers' descriptions of the criminal justice system's aggravation of this type of bereavement (Amick-McMullan et al. 1991; Burgess 1975), and they addressed the means by which criminal justice professionals attempt to balance the needs of bereaved with the legal rights of offenders. The observations began with death notification and ended with the sentencing of offenders.

Non-disruptive participant observation was used to explore the criminal justice system's management of the bereaved. My observations focused on the characteristics, organization, and interaction of people in the field. I noted each person's race and gender because previous studies have shown that these characteristics affect bereavement outcomes. I watched for two types of interaction: participation forms and power dynamics. I observed the forms that the interactions take, such as professional discussion, legal direction, comforting assistance, or advice. I also considered the possible power dynamics in the interactions. I took brief field notes about the environment, people, relationships, physical behavior, verbal behavior, and histories and recorded more detailed notes within 24 hours of the observations. I attempted to observe as many aspects of these cases as possible.

I was not able to follow a murder case through the entire Center County criminal justice system from death notification to defendant sentencing as originally planned for two reasons: access and time frame. Instead, I observed 6 different murder cases at 5 different stages in the criminal justice system (e.g., death notification, investigation, evidentiary pretrial hearing, trial, sentencing). I had difficulty gaining access to certain criminal justice proceedings because some professionals were not comfortable with me observing their interactions with bereaved or other

crime victims. The police department was particularly difficult to observe because of the confidential nature of murder investigations, counselors' concerns about victim interests, and professionals' discomfort with the idea of being "observed." So, I gained entrée into the police department through the "back door." I became a volunteer victim service crisis counselor.

From September to November 1999, I underwent 72 hours of volunteer crisis counselor training with the Center Police Department; and from December 1999 to December 2000, I volunteered for 12 eight-hour shifts. In these shifts, I rode with a victim-service crisis counselor staff person in an unmarked patrol car where we received requests via the radio dispatcher and vehicle computer to meet police officers at the scene of a crime or incident to provide counseling to victims of crime. These calls were to assist a range of crime victims, not just people who had lost a loved one to murder. In my 144 hours of volunteer work, I received one call to do a death notification in a murder case, but the staff counselor and I were not able to make the actual notification because of the detectives' disinterest in locating the next-of-kin.

The Center County District Attorney's Office was much more agreeable to my observations. I observed the evidentiary pretrial hearings and trial in 5 murder cases, and I sat in on 3 bereaved-prosecutor meetings. I conducted more than 53 hours of participant observation of murder cases in the District Attorney's Office.

The time frame problem concerns the amount of time it takes a murder case to work through the criminal justice system, usually one to three years. To complete this research, therefore, I observed several different cases at several different stages of the criminal justice process. In 2 of the 6 murder cases observed, I interviewed the bereaved family member, and those in-depth interviews are included in the sample of bereaved.

#### **D. Data Analysis**

Lofland and Lofland's (1995) principles for coding qualitative data guided the analysis of the in-depth interview and participant-observation data. Each interview transcript and field note was read three times, and then coded using pre-established codes. The codes were hand-written in the left margins of the transcripts. When an interviewee's response or field note was identified as illustrating a specific code, the data and the interviewee's identification number were copied into a file organized by codes. When data reflected more than one code, they were copied under all relevant codes with a comment noting the cross-listed codes. The data most clearly forming the recurrent patterns are presented in the discussion of the findings. I note exceptions to the general patterns.

When quoting respondents, I delete the stalls and false starts to improve the flow of the text (Wolcott 1994). I do not change the substance of their remarks or style of conversation. I also provide pseudonym for names, dates, and places that might jeopardize participants' confidentiality. A table of bereaved and murder victim pseudonyms along with demographic and cases status information is provided in Appendix K. Every bereaved and criminal justice professional was given a case number. That number is noted in brackets following the respondent's quote.

As an example of the coding method used, previous research on bereavement and social interaction indicates that emotions and social support influence the bereavement process. Every time an interviewee made reference to his/her emotions (e.g., sadness, anger) in interactions with others, that reference was coded under "emotions" in a subsection on social relationships.

I use a series of bivariate regression models to estimate the effect of sociodemographic characteristics on the criminal justice index score, sociodemographic characteristics on

depression, criminal justice index score on depression, and case status on depression. The details concerning the concepts and methods used in these analyses are detailed the section in which the findings are presented, Section VIII.

### **E. Community Profile**

According to the U.S. Census Bureau, more than 700,000 people reside in Center County, Texas. From 1994 to 1998, the mean number of murders per year was 45. Center County has a reputation for being less harsh on felony offenders than other counties in Texas, and the county has received some criticism from neighboring counties for being "soft on crime." In the early 1990's, a gruesome murder of four teenagers took place late one night in a pizza place. Approximately six months prior to the start of the interviews for this study, the county brought charges against three of the four alleged offenders in these murders. More than two years after those charges were brought, the case continues in pretrial evidentiary hearings.

I mention this case, because bereaved often referenced the "pizza place murders" in the interviews (without my mention of it). The frequency with which bereaved mentioned the case suggests that it provides a frame of reference or a comparison for the worst type of murder. A respondent whose daughter was killed by her ex-boyfriend who then killed himself says, "I feel like we were so much luckier than the pizza place parents. We got an end. I mean, we know who did it. We know he's dead. We got it closed. Theirs is still open" [B22]. This pattern in bereaveds' responses also indicates that the pizza place murders represented a turning point in the community's experience with violent crime.

#### **IV. The Death Notification**

The purpose of this section is to understand bereaveds' reactions to and strategies for coping with the news of their loved ones' murder. The data for this part of the study come from in-depth interviews with 32 bereaved whose loved ones were murdered in Center County, Texas. I link the findings to a range of sociological theories and concepts. The findings capture the emotional aspects of the experience, and they help to address the larger question motivating this research. That question is: Can the criminal justice system help to heal the harm of the bereaved's loss?

Bereavement "concerns the loss of a significant person by death and the status that accompanies the social relationship" (Reed 1993:205). To understand the bereavement of people who have lost a loved one to murder, it makes sense to start with the event that marks the change, the death notification. The death notification is important for understanding the bereavement of people who have lost a loved one to murder because (1) it marks the acquisition of a new role (i.e., the bereavement from murder role) and thus a change in the self and (2) it marks the beginning of a series of experiences with the criminal justice system and its professionals. A consideration of the ways that bereaved describe the death notification provides insight into the connection between cognition and emotion (Mills and Kleinman 1988). It also reveals the strategies that bereaved use to manage the "self" and "others" in situations of intense emotional feeling. While each bereaved tells a unique notification story (Wolcott 1994), there are patterns in how bereaved react to the death and the strategies they use to manage it. Here, I present findings about those reactions and strategies.

A death notification in a murder case represents what Lofland and Lofland (1995:107) term an "episode" in that it is a highly dramatic experience for the people involved. There are

several levels at which one can analyze data about episodes, including cognitive, emotional, and hierarchical levels (Lofland and Lofland 1995). The most appropriate levels of analysis for the death notification episode are cognitive and emotional. Cognitive (i.e., thinking or meaning) aspects of social life concern the understandings people associate with an experience or behavior. Emotional aspects refer to the feelings people associate with an experience, role, or behavior. Mead's (1934) theory of symbolic interactionism and his discussion of the self supplement my interpretation of the cognitive and emotional aspects of these findings.

Bereaved learn about their loved one's murder from one of four sources: a law enforcement professional (e.g., police officer, murder detective, victim service counselor), medical professional (e.g., doctor, nurse, or paramedic), friend or family member, or the self (i.e., witnessing the actual incident, seeing the murder scene). Forty-seven percent of the bereaved in this study learned about the murder from a friend or relative, 28% from a law enforcement professional, 16% from a medical professional, and 9% from witnessing the incident or coming upon the murder scene. Many bereaved learn of the death from a combination of the above sources. It remains unclear from these data, however, whether the mode of notification influences bereaveds' thoughts and feelings in the notification event or bereavement process. Bereaveds' descriptions of the death notification reveal one type of reaction to the news, emotional upset, and two strategies for managing it, disbelief and spontaneous action.

#### **A. Emotional Upset**

First, bereaveds' most common reaction to the notification episode generally can be described as one of emotional upset or "temporally embodied, situated self-feelings that arise

from emotional and cognitive social acts that people direct to the self or have directed toward them by others” (Denzin 1984:49). While “emotional upset” provides a useful label for these reactions, bereaved express a range of emotional reactions to the news. In addition, unlike criminal justice professionals (see Section VIII for a discussion of professionals’ views of bereaveds’ reactions), bereaved rarely use the word “emotional” to describe their reactions. Instead, they use more specific emotions terminology, including crying, despair, and shock. The following four bereaved describe the way they were notified and their reactions to the notification:

It was a Friday in the afternoon, the early afternoon, and I heard a knock on the door and a policeman was standing at the door and he asked me if I had a brother by the name of Alexander Belton [pseudonym]<sup>9</sup> whose birthday was February 28th, 1948 [pseudo-date], and I said, “Yes, I did,” and he said, “Well, I am sorry I have to inform you that he expired.” That was the word he used. And I started crying immediately . . . [E]ventually, I got through to somebody [at the coroner’s office]. They told me that there was foul play and that he’d been murdered, and [short pause] then I was really hysterical. [B21, Natalie Harris, 55-year-old white sister of murder victim]

It was really early in the morning; I’d say [about] eight o’clock in the morning. The first thing [my neighbor] said was, “Your aunt’s been trying to call you. It’s about your brother.” Tears were falling right then. . . They were only saying that Frank was dead, but they didn’t know what had happened to him. I was just real upset . . . I was screaming so loud. [B02, Donna Taylor, 26-year-old black sister of murder victim]

I got a call from my aunt. She said she’d been trying to reach my parents for a number of days, and she was getting concerned. I said, “I’ll go over there and check on them.” So, I went over there, and that’s how I found out, because they were dead when I got there. . . [my father shot my mother and then killed himself]. I was pretty upset. I pretty much lost it. [B10, Vince Norton, 48-year-old white son of murder victim]

Anyway, my sister-in-law called me and didn’t tell me what it was. [The message] just said, “Call her immediately.” I tried calling, and I didn’t get through. So the meeting ended and I got back to my office here and I had

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<sup>9</sup> All of the proper names and dates noted in this report have been changed to protect the identity of the study participants. Hereafter, I will not note that these names, dates, and places have been changed to pseudonyms.

[another] call on my recorder to call. So I called her again and I got through and she said, "I just want to tell you that [your son] Luke [pseudonym] has just been killed" . . . I was just stunned mostly. I was shocked. [B29, Martin Evans, 65-year-old white father of murder victim]

Bereaveds' descriptions of their reactions suggest that they experience intense emotional upset following the notification – screaming, losing it, hysteria, and shock. The upset is all-consuming, and it represents what Denzin (1985) terms "feelings of a lived-body." Feelings of a lived-body take over the individual's mind and body for a total emotional experience; and they include feelings like joy, sadness, despair, and anger. While some might think that shock signals the absence of feeling, in their work on the connection between thoughts and feelings among battered women, Mills and Kleinman (1988) argue that shock is an overpowering feeling state, not a feeling of numbness.

Other research on bereavement in general identifies stages of the grief process, and the way these authors describe the first stage of grief indicates that bereaveds' reactions to murder is no different from bereaveds' reactions to other modes of death. Kavanaugh (1972) identifies the first stage of grief as shock, which he claims gets expressed through disbelief and denial. Raphael (1983) describes the first stage as one of shock, numbness, and disbelief. Weizman and Kamm (1985), on the other hand, call this the "shock, disbelief, and denial stage." While these studies group thoughts and feelings about the loss into one category, I argue that shock and numbness represent emotional feeling about the loss, and disbelief and denial represent thoughts, or the avoidance of thoughts, about the loss. This distinction remains important for explaining the connection between thoughts and feelings elaborated on below.

Although Mills and Kleinman (1988) do not use the term "feelings of a lived-body," their four-category thoughts-feelings typology (see Table 4.1) lends itself to it.



**Table 4.1: Typology of Relationships Between Reflexivity and Feelings<sup>10</sup>**

Reflexivity about Self in Situation	Intensity of Feeling	
	High	Low
Low	Numbness Spontaneous Action <i>Emotion Work*</i> <i>Disbelief*</i>	Routine Action
High	Emotion Work Felt Action	Rational Action

\*Italics notes my addition to the Mills and Kleinman typology.

They employ the typology to explain variation in battered women's reactions to their domestic violence situations. They explain that when highly intense feelings emerge, people either exercise a low level of self-reflexivity (i.e., minimal thought) or a high level of self-reflexivity (i.e., much thought). Low self-reflexivity is characterized by numbness and spontaneous action. High self-reflexivity is characterized by emotion work. The authors argue that intense emotional reactions arise when an event or action alters the way the individual thinks about things (Mills and Kleinman 1988:1014).

The bereaved in this study report experiencing highly intense feelings as well as low and high self-reflexivity in the notification episode. While Mills and Kleinman (1988) argue that emotion work emerges only in situations where the intensity of feelings is high and self-reflexivity is high, I argue that the most extreme emotion work occurs when self-reflexivity is low. Thoits (1984) suggests that the management of one's emotions is a form of coping, and Mills and Kleinman (1988) say that this happens when self-reflexivity is high. I argue, however, that the *suppression* of thoughts is also a type of emotion work, and an extreme type at that. As such, it is a manner of coping. These findings and the strategies described below extend Mills and Kleinman's typology, and they clarify the link between cognition and emotions. The

<sup>10</sup>Reproduced from Trudy Mills and Sherryl Kleinman. .1988. "Emotions, Reflexivity, and Action: An Interactionist Analysis." *Social Forces* 66:1009-1027.

extension and clarification broaden the application of Hochschild's (1983) emotion work, and they specify the process of self-interaction that occurs in extreme stress (Mead 1934).

Before elaborating on these two strategies, it is important to note that there were gender differences in the way men and women described the notification episode. Women were more likely than men to mention their emotional reaction in the telling of the notification story. Seventy-two percent (n=18) of the women mentioned their emotional reaction, while only 42% of the men (n=3) did so. The following three women describe:

I was just real upset. . . I was screaming so loud. [B02, Donna Taylor, 27-year-old sister of murder victim]

Of course [we] were devastated, and we were just crying and screaming. [B03, Wendy Lawrence, 50-year-old daughter of murder victim].

I would have spells off and on where I would just lose it for a while. [B07, Andrea Castaneda, 48-year-old mother of murder victim]

This reveals an interesting gender difference in the importance that men and women place on emotional feeling in the telling of a story. It suggests that women see their emotional reaction as an important part of the event and a meaningful part of the experience. It suggests several things about men: (1) men do not see their emotional reaction as an important part of the story, (2) men do not react emotionally to the news of the death, or (3) men are not comfortable talking about their emotional reactions to an interviewer. There is some evidence to support the first two points.

First, some men offered information about their reaction when I probed for details. When Martin Evans, the father of 25-year-old Luke, did not mention his reaction to the news of his son's death, I asked about it. He said, "I was just stunned mostly I think, shocked" [B29]. Second, other men indicated that they did not react in an emotional way. Xavier Nettles's learned from a police officer at the hospital that his 21-year-old son Kennedy had been killed in a

drive by shooting. Xavier did not mention his reaction to the death. When I asked about it, he said:

I didn't break down, nor did my wife. I'm pretty strong and so is she. . . We never broke down. It was probably the most hurtful thing that's ever happened [to us], but . . . we kept our heads and just tried to do what we had to do. [B23]

Unfortunately, there is not enough evidence to support (or refute) the third point.

Bereaved use two main strategies to manage the news of the death (and their reaction to it): disbelief and spontaneous action. These strategies allow bereaved to stall acceptance of the news (despite their initial reaction of emotional upset) by avoiding self-thought (or self-interaction) about the loss. This stall keeps the "self" in a suspended state of non-feeling, or what Mills and Kleinman would call low intensity of feelings and low self-reflexivity. I argue that this suspended state is a type of emotion work. Mills and Kleinman (1988) suggest that emotion work only occurs with high levels of self-reflexivity, but bereaveds' reactions to the news of the loss indicate otherwise.

Hochschild (1983) defines emotion work as the process of using thoughts to control feelings, and this process often emerges in short-term encounters. Hochschild (1983) found that flight attendants do emotion work to dispel their feelings of anger toward airline passengers and to continue their work. In the case of murder, emotion work allows bereaved to keep feelings about the loss at bay, at least for the short term. This type of emotion work gives the self the ability to use thoughts to control feelings, and it supports the symbolic interactionist view that the self represents a "social process" of thought about situations (Mead 1934).

These strategies give insight into the self-process connecting cognition and emotions in the bereaved, in particular, and in the self in general. In death notification, bereaved cognitively process information about the news of the death for the self before (often not even seconds

before) he or she can feel about or react to it. Denzin (1984:70) suggests that this is so in his discussion of emotional consciousness, which starts with "becoming aware of a new object or event in the stream of consciousness."

## **B. Disbelief**

The most extreme strategy (and type of emotion work) for managing the notification is disbelief. Eight of the 32 bereaved (25%) say that they simply did not believe that their loved one had either died or had been murdered. In these situations, the bereaved postpones acknowledgement of the loss (but not necessarily emotional reaction to it) until convinced otherwise. This reaction fits into the high intensity of feelings and low self-reflexivity category in the Mills and Kleinman (1988) typology. In most cases, the disbelief lasts a few minutes. In one case (presented below), the disbelief continued for several days. To demonstrate the connection between thoughts and feelings, I provide information about two bereaved who experienced disbelief. In the first case, the bereaved's disbelief was extreme and strong. In the second, the disbelief was more moderate.

One Monday afternoon, Karinna Sheridan, a newly married 46-year-old white woman came home from work to find her 33-year-old husband lying on their bedroom floor. She did not realize it at the time, but he had been shot in the back of the head. She describes:

I saw him laying on the floor [in the bedroom]. I thought he was playing a game. I kept trying to get him to wake up, and he wouldn't wake up. I thought, "I'll call 9-1-1, that will wake him up. He'll jump up and say, 'Trick!'"

Roy, however, didn't wake up. When 9-1-1 answered her call, she asked the dispatcher to send an ambulance. The paramedics tried unsuccessfully to revive Roy. One of the paramedics told Karinna that they had come prepared to do everything they could, but it was too late. Roy had

died. She says she doesn't remember much about the day after that point; but four days later, she explains:

I thought it was still a trick. Roy had done some work for the FBI, and I thought, "Okay, he's gotten into something, and they need to make him disappear."

Karinna doubted the reality of her husband's death for *four* days during which the murder detective investigating the case questioned her as a suspect and subjected her to two lie-detector tests. Despite the police department's pursuit of the case as a murder, she says it was not until she talked to one of Roy's co-workers at the FBI that she knew her husband was dead. She asked the co-worker if the FBI was plotting to hide Roy. The friend said, "Karinna, we're not that good." She says, "That's when it finally dawned on me that it was real" [B25]. Karinna's disbelief allowed her to stall self-thought about the loss of her husband. While this low level of self-reflexivity does not completely prevent emotional upset, it does allow the bereaved to postpone serious acknowledgement of the loss, at least temporarily. This delay also serves to contain the high intensity of feelings. The explanation that "this cannot be true" captures the most extreme type of emotion work – the dismissal of reality. It also demonstrates the ability of thoughts to control feelings.

One Tuesday night in the spring, Andrea Castaneda, a 50-year-old Hispanic widow and the mother of two teenage sons, Nolan and Damon, left work early to make her sons' favorite meal. Her 18-year-old, Nolan, however, did not show up for dinner. So Andrea and Damon waited an hour. When he still didn't show up, they ate without him. Andrea felt disappointed with and even mad at Nolan. Later that evening, she paged him; and when he did not return her page, a behavior uncharacteristic of him, she started to worry. After dinner, Andrea and Damon worked at the dining room table, she on a volunteer project and he on a college homework

assignment; and they went to bed about eleven o'clock with still no word from Nolan. Andrea could not sleep. She says:

I waited in my bedroom, waited. I couldn't sleep. My eyes were wide open. Finally, about two o'clock [in the morning] the doorbell rang, and I jumped out of bed. I went to see who it was. There were two men from the sheriff's department . . . and then there were two ladies dressed in black with t-shirts saying, "Victim Services." So I looked at them, and I said [to myself], "What did my son get into, some kind of trouble or something?" And then I looked at the ladies from victim services, and I felt really bad when I saw them there too.

Andrea processes the information presented to her, and she reflects on the meaning of this information to herself and in consideration of her son's absence. She talks to herself about what the deputies' and counselors' visit might mean, "What did my son get into, some kind of trouble or something?"

They told me they had found a car like mine that was set on fire. They had found a body next to it, a dead body that had been shot in the head. But they didn't know who the person was, because most of the body was already burned. They were wondering if that was my son. So I told them, "No, that can't be my son." I said, "Maybe he loaned the car to somebody and stayed at somebody's house over night or something."

Andrea finds a "rational" explanation for her son's absence and the deputies' information, and she manages to hold onto that explanation in disbelief that the body could be her son. She maintains her disbelief until the following afternoon almost 12 hours after the deputies' first visit to her home. She says it was when she admitted to herself that her son would never stay out of contact with her for an entire day that she let go of her disbelief. She explains:

And that's when it hit me in the heart. I realized that that boy, that my son, wasn't coming back. So, I started picking up the phone book, calling the funeral home, and making funeral arrangements. [B07]

Symbolic interactionists posit that people use thoughts to control feelings (Blumer 1969; Denzin 1984). Flight attendants do emotion work to dispel their anger toward passengers, and undergraduates talk about trying to feel grateful and getting psyched up (Hochschild 1983). The

disbelief reaction provides one way to control feelings about loss. Andrea Castenada used her thoughts of disbelief to postpone her emotional reaction to the possibility of her loss. Hochschild (1979:561) says this emotion work is “the act of trying to change in degree or quality an emotion or feeling.” I would add that it is also the act of trying to suppress an emotion, not just change it.

These findings suggest that the disbelief reaction falls at one end of the emotion work continuum. Imagine that disbelief is on the far left of the continuum and self pep talks are on the far right. Disbelief is the use of thoughts to suppress feelings, while a self pep talk is the use of thoughts to boost feelings. Mills and Kleinman (1988) describe emotion work as part of the short-term process of adjustment or escape. Karinna and Andrea’s disbelief provided temporary means to first escape the reality of the death and second to adjust to it.

### **C. Spontaneous Action**

Spontaneous action, the second strategy for managing the news of the death, refers to situations where emotions, usually overwhelming emotions, spur one into action. This reaction is characterized by a high intensity of feelings and low self-reflexivity (Mills and Kleinman 1988), and it tends to arise when the “self” feels unsettled or shaken. The spontaneous action reaction is an individual’s means of restoring personal control in times of uncertainty (Mirowsky and Ross 1989).

Personal control is about “one’s perceived sense of control” (Gecas 1989:293). It is positively associated with coping and psychological well-being (Mirowsky and Ross 1989). Unwanted life events diminish people’s personal control and subsequent well-being (Pearlin 1989; Mirowsky and Ross 1989). Thus, spontaneous action provides the self with the

opportunity to “do something” and “control something” in place of thinking about they unwanted event. This “doing” and “controlling” brings some order to a disordered situation.

Other researchers have found that the spontaneous action reaction emerges in situations of vulnerability. In these cases, the individual stalls self-thought and takes action in substitution for the felt vulnerability (Mills and Kleinman 1988; Averill 1978; Dutton and Aron 1974). In an experiment on vulnerability and action, Dutton and Aron (1974) found that men on a weak bridge were more likely to have romantic feelings for a passing woman than men on firm ground; feeling vulnerable about safety spurred men to romantic action.

Mills and Kleinman (1988) argue that spontaneous action originates from Mead’s “I” in the self. The “I” is the “spontaneous disposition or impulse to act” (Wallace and Wolf 1995:190), and it gives the self its “sense of freedom, of initiative” (Mead 1934:177). I believe, however, that there is an important distinction between spontaneous action and the “I.” Mead describes the “I” as an *unorganized* response, and spontaneous action tends to be a very ordered response. Denzin (1984) calls this “unreflective emotional consciousness.” “The person is not explicitly aware of his or her feelings, thoughts, movements, actions, or statements, except as these are further elements of the emotion being experienced. . . The person is in the emotion and unable or unwilling to make her emotional experience an object of internal reflection” (Denzin 1984:71)

After receiving a long-distance phone call from the Center County Sheriff’s Department that her sister had been shot and killed by her ex-husband in a murder-suicide witnessed by their small three children, Katherine Talbert’s first reaction was shock. Her second reaction was to move into “supermode” or spontaneous action. She says:

So, then I went into supermode just to keep myself from going totally nuts. I started cleaning the house, packing, and doing laundry. I was just at mach-two.



My husband said, "You've got to calm down or you're going to come apart at the seams." [But] every time I started to slow down, I started crying. [B06]

Katherine's reaction to "do things" provided an alternative to thinking and crying about her sister's death. She says it kept her "from going totally nuts."

#### **D. Conclusion**

These findings help to address the first goal in this study, which is to examine bereaveds' perceptions of and experiences with the criminal justice system following their loss. Bereaveds' discussions of their reaction to the news of the death gives meaning to and confirms criminal justice professionals' perceptions of bereaved as "emotional" (see Section VIII for professionals' views of bereaveds' reactions). Unlike criminal justice professionals, however, bereaved rarely use the term "emotional" to describe those reactions. They use emotion terminology, such as crying, shock, and upset to describe feelings following the notification. Their reactions and subsequent strategies for managing the news give insight into the ways bereaved cope. More generally, these findings reveal the connection between thoughts and feelings in the self.

"An emotional experience that does not in some way have the self, the self-system, or the self or self-system of the other as its referent seems inconceivable" (Denzin 1984:50). Also, "emotions are not mere cognitive responses to physiological, cultural, or structural factors. They are interactive processes best studied as social acts involving interactions with the self and interactions with others" (Denzin 1984:61). Also, "Sociologists must attempt to build theories of emotion that study emotion from the perspective of interacting individuals" (Denzin 1984:61). The focus here was on interaction with the self.

Bereaveds' descriptions of the event suggest that there are better ways than others to deliver the news of the death (i.e., don't use the word "expired"), but the delivery of the news

does not appear to present an obstacle to bereaveds' grief. Bereaveds' reactions, however, may inadvertently leave professionals with the impression that they are irrational or maladjusted (Wortman, Battle, and Lemkau 1997). Overall, it does not appear that the criminal justice system or its professionals help or harm bereaveds' healing in the notification episode. The next two sections address emotions in social interactions with criminal justice professionals, along with other issues.

## V. Law Enforcement

We do not know why or what parts of the criminal system (i.e., law enforcement, district attorney's office, or the trial) are associated with bereaveds' psychological well-being. Each of the next three sections considers one aspect of the system. This section examines bereaveds' perceptions of and experiences with the police and sheriff's departments (or law enforcement) following the murder of their loved one. The data for this part of the study come from: (1) in-depth interviews with 32 bereaved and (2) participant observations of murder cases. I supplement the findings with some insights from in-depth interviews with law enforcement professionals. I link the findings to a range of sociological theories, concepts, and empirical research. The findings reveal the hierarchical nature of the law enforcement-bereaved relationship, and the obstacles and easements bereaved face in law enforcement shed light on some of the reasons that the criminal justice system influences bereaveds' psychological well-being.

Law and society research begins with a discontent or dissatisfaction (Chambliss and Seidman 1982:15). In this study, the discontent resides with the criminal justice system and bereaveds' experiences with it. The criminal justice system is multi-organizational, and each organization within that system serves a specialized function (Hagan 1989; Hagan, Hewitt, and Alwin 1979). Despite shared common goals – to make people accountable for their criminal actions – each part of the system operates under a specific set of organizational goals, policies, and procedures. The organization's location in the system directs those goals, and those goals shape the way professionals do their jobs and, more importantly for this research, the way professionals work with bereaved.

Since previous research on bereavement from murder confounds bereaveds' experiences with the system and its professionals, I first coded bereaveds' responses to questions about the police and sheriff's departments (hereafter "police department" or "law enforcement") into two categories: (1) organizational issue and (2) implementation issue. I did this for bereaveds' responses to questions about each of the three parts of the criminal justice system (e.g., law enforcement, district attorney's office, and the trial). I then identified the themes within each category. In this section, I present the findings on law enforcement.

Organizational issues refer to bereaveds' comments about the organization's formal policies, rules, and procedures in murder cases. Implementation issues concern bereaveds' comments about the way criminal justice professionals administer organizational policy and procedure, and they get at the informal and interpersonal nature of professional-bereaved encounters. Weber (1968) says law involves legal officials' ability to coerce people to conform. Sociologists of law refer to the distinction between organizational policy and the implementation of organizational policy as the difference between law in the books and law in action.

The organizational issue category falls into what Lofland and Lofland (1995) call the "organization unit," and I examine this category of bereaveds' responses for the hierarchical nature of the organization-bereaved relationship. The implementation of organizational policy category, on the other hand, fits into the encounter type of unit (Lofland and Lofland 1995). An encounter is longer than an episode (see the death notification findings earlier in this section); an encounter is a "tiny social system formed when two or more persons are in one another's immediate physical presence and strive to maintain a single (ordinarily spoken) focus of mutual involvement" (Lofland and Lofland 1995:105). I examine the implementation of organizational

policy and procedure at two levels: hierarchy in play and emotions in practice. I present the findings by organizational issue and implementation issue.

Bereaveds' experiences with law enforcement represent their first encounters with the criminal justice system and its professionals following the murder of their loved one. This part of the study draws on an analysis of bereaveds' responses to questions about their perceptions of and experiences with the Center Police Department and the Center County Sheriff's Department (hereafter "law enforcement" or "police department"). Those questions include: "Tell me how you first learned that your loved one had been killed." "Briefly tell me about where the case stands now in the criminal justice process." "Some people tell us that there are things about the criminal justice system that make it harder for them to cope with their loss. What was the most difficult part of the police department's involvement in the case for you?" "What was the most positive part of the police department's involvement in the case for you?" and "If you could change anything about the way the police worked with you, what would you change?"

#### **A. Organizational Issues**

The criminal justice system holds jurisdiction over almost every aspect of a murder case, and the system has procedures for how to handle it. Weber (1968) identified bureaucratic organizations as ones that focus on rules, and this is certainly true for the police department. Bereaved view several aspects of police department rules as presenting obstacles to their bereavement process, including: (1) corpse, (2) information, and (3) priority.

## 1. Corpse

First, bereaved express concern with the police's policy to take possession of the murder victim's body. Eleven of the 32 bereaved talked about the police's confiscation of the body following the death. Rachel Donado, the 48-year-old Hispanic mother of 24-year-old Erica says:

[I thought], "It's my daughter, not yours. How is it that you decide that I can't see her?" . . . They took possession of my daughter . . . It was very, very upsetting to me that their criminal investigation took precedence over just letting me see her. [B20]

Fannie Quintanilla, the 43-year-old Hispanic mother of 21-year-old Terrill, a son whom she had raised largely on her own says:

I wanted to see him, and I went crazy because they wouldn't let me. I didn't know that once you get murdered, you can't see them. You can't see them. I couldn't even claim nothing of his. [B27]

These mothers object to the police department's power to deny their requests to see their children's bodies, and this denial caused distress. In these cases, the police department's goal to preserve the integrity of the murder scene (and solve the murder) takes priority over the individual's need to say good-bye. It also represents bereaved's first obstacle to bereavement. The obstacle delays the performance of what bereaved consider to be an important grief ritual, and thus, it delays movement through the grief process. The conflict between organizational goals and bereaved's needs reveals a power struggle – a struggle that the bereaved loses. This loss may diminish bereaved's personal control, including control over the way they grieve and their loved one's remains.

In an ethnographic study of hospitals and death, Sudnow (1967) finds that hospitals try to prevent what he calls "body exposure," which occurs when a family member or hospital patient sees the deceased's body. Police departments take steps to prevent body exposure also. They use yellow tape and police personnel to protect the boundaries of the crime scene, and they deny

access to that scene to all non-investigation personnel. The Center Police Department even has policies for personnel on the scene. The department requires all officers to sign in before crossing the yellow tape to enter the scene, and every officer entering the scene must write a report documenting their involvement. This policy is to prevent curious officers from entering the scene "just to look." Sudnow (1967) finds that the intensity of the protection of information increases when the public's access to that organization also increases. He explains that the "more the institution is open to the public, the more elaborate and enforced are its arrangements for segregating front and backstage activities" (Sudnow 1967:49).

In many ways, a police department looks like a "public" organization. As a city or county tax-funded organization, the police department is supported publicly and it serves to protect citizens. In addition, the investigation of a murder usually takes place in a public way – the crime scene investigation tends to be fairly visible (i.e., police cars, ambulance, and yellow tape mark the scene), and the death and investigation often receive media attention (i.e., making information available to the larger community). While the police department appears open to the public, in practice, it is not. Much of what the police do is inaccessible to organizational outsiders. Departments work hard to restrict the public's access to police work (i.e., drug sting operations, interrogation techniques) and police information. These restrictions bother bereaved.

One detective admits:

Sometimes there's some conflict because our job is probably at odds with what comes naturally to them. That is, they want to go to the body, they want to grieve next to the body, or they want to touch the body, kiss it, whatever. You know, say good-byes. Typically, it is really difficult for us to allow that to happen. We can't allow that to happen typically because of the nature of the crime scene investigation. [CJ03]

There also may be gender and cultural issues at work in bereaveds' interest in viewing the corpse. Only women expressed this interest, and 8 of those 11 women were mothers of the

deceased. Five of them were Hispanic mothers. The gender and race differences suggest that bereaveds' cultural background and their relationship to the deceased influence the meaning of the viewing ritual. To explain role differences, Thoits (1986a) argues that the same role-identity and the affiliated relationship may have different social and cultural meanings for different people. She finds that men and women's role structures are not comparable. This may explain the gender differences in the viewing ritual. A mother's loss of an adult daughter may not carry the same meaning as a father's loss of an adult daughter. The differences in meaning may bring differences in grief ritual practices. Kessler and McLeod (1984) find that women felt more role-related stress than men. The racial differences may reflect religious influences. Unfortunately, it is not in the scope of this study to consider the effects of religion on grief.

## *2. Information*

Second, access to information emerges as bereaveds' biggest concern (and second obstacle to grief) with police department policy and procedure. Bereaved long to have information about both the way their loved one died and the status of the murder investigation. Eighteen of the 32 bereaved in the study talk about the issue of information. Sal Halvata's 33-year-old white son, Henry, was killed in a barroom brawl. Henry had a history of getting into scuffles. Describing when he learned about his son's death, Sal says:

I wanted to know how it happened. I wanted to know everything they [the police] knew . . . [I wish] that they would've been more forthcoming. [B13]

Sal later explains that everything he got from the police, he had to demand. He describes his experience with the police department's policy to not inform him about the way his son died as an obstacle, an obstacle he tried to overcome through other means.



Just to satisfy my own curiosity, I hired a private detective . . . They gave me two or three reports, and they frankly could not find out a heck of a lot more than the police. [B13]

This finding suggests that bereaved “need” information about the way their loved one died to understand it and to make sense of it. As with the notification episode, this reveals a connection between thoughts and feelings. In her work on emotions, Thoits (1989) argues that the management of emotions is a form of coping. I would add that the management of information is also a form of coping, and this finding indicates that bereaved use information as a resource to manage stress.

Two problems arise in bereaveds’ efforts to use information to manage stress. In the first problem, police department policy prohibits the release of detailed information about the death, and these rules help to promote a successful investigation. A murder detective with the Center Police Department explains:

[O]ur investigation is much better served if we don’t provide any additional information than what we need to provide [to the bereaved]. I mean, that’s just a basic tenet of sound investigative procedure . . . And, they obviously want to know. It’s human nature. They want to know exactly what happened [to their loved one]. Unfortunately, sometimes we can’t tell them. [CJ03, Police Department Murder Detective]

While this detective recognizes bereaveds’ interest in having information about the murder, that interest conflicts with the organization’s goals to solve the case, and the organization’s goals supersede the bereaved’s needs. This represents the second point in the criminal justice process where the system presents an obstacle to healing.

The second problem is that the police department does not typically have information to answer the bereaveds’ biggest questions, “Why? Why did this happen?” Vince Norton (48-year-old white divorced father of a teenage son) says that he and his three siblings felt shock when they learned that their 76-year-old father had shot and killed their 75-year-old mother and

then killed himself after almost 50 years of marriage. His father had no history of violence, and the children were not aware of any marital difficulties. Vince says that they wanted answers to their questions about why and how this happened, but the police department was not open to sharing that information.

This was a big shock . . . there were just a lot of 'why' questions. What was going on [with them]? . . . After a while you finally get the answer. There is no answer. [B10]

The interest in information appears to be connected to the link between thoughts and emotions. Thoughts can bring emotional comfort, and bereaved believe that the police can provide information that will comfort them. Information can relieve the grief for some bereaved, but not others; and it is not clear from this research what accounts for the difference.

Melissa Merton, the 52-year-old white divorced mother of 23-year-old Bonnie, says that information about the way her daughter died was very important to her. Her daughter's ex-boyfriend had killed her daughter, and then he waited 2 hours before killing himself. Melissa worried that the ex-boyfriend had raped her daughter either before or after killing her. So she decided to meet with the County Medical Examiner to get answers to her questions. She says:

The unknown was making me feel bad from the standpoint of could it have been worse? Did she suffer? . . . I could take the answers, but I needed the answers so I could go on . . . I got a lot of comfort in talking to the medical examiner. [B22]

Information appears to play an important role in the bereavement process, and bereaved use this information to manage their grief. Answers to questions about how and why appear to help bereaveds' psychological well-being. Mirowsky and Ross (1989:13) write, "A world that cannot be understood cannot be controlled." Bereaved appear to feel that obtaining information about the death will bring understanding to their loss.

The just world hypothesis states that people use their belief that the world is just to develop an understanding of harmful situations in the world (Lerner 1980). Melissa's acknowledgement that she needed the answers to go on supports Montada and Lerner's (1998) finding that the more people ask themselves why an injustice happened, the slower their recovery from it. I would add that the more people ask themselves how an injustice happened, the slower their recovery. Melissa's acknowledgement also supports Mirowsky and Ross's (1989) explanation for the role of personal control in well-being. For Melissa, information allowed her to move forward in her healing. It allowed her to stop asking how and why. This evidence suggests that bereaveds' inability to get answers to their questions about the death delays and possibly hinders their recovery. The police department's control of information presents a barrier to the bereavement process.

Not only do bereaved want to know about the way their loved one died, they also want to know what the police are doing about it. Nadia Becerra, the 30-year-old Hispanic sister of 31-year-old Trevor explains:

Even though it is a cold [or unsolved] case, rather than the family taking the initiative to call, because sometimes it's difficult to get through and get a hold of the detective . . . Maybe they could periodically (once a month or once every three months) call and say, "We haven't forgotten. We're still working on the case." [That would] make us feel like, "Okay, my brother's murder wasn't just set aside."  
[B01]

Bereaved wished for formal policies to facilitate their access to information about the murder investigation. Police department policy, however, prohibits the release of such information about the investigation for the same reason it prohibits the release of information about the death – investigation integrity. While this finding reaffirms bereaveds' need for information, it reveals the hierarchical nature of the criminal justice system-bereaved relationship. Bereaved hope the criminal justice system will bring resolution to their loved one's murder case, but it is truly out of

their control. This struggle diminishes bereaveds' personal control. Karen Noland, 52-year-old white mother of 17-year-old Mark says:

I hated that period of time between [the suspect's] arrest and when I finally got to go to a pretrial hearing. I felt like I was totally out of the loop. I mean, they would tell me things, but they couldn't tell me why they were there, or what was there, or what happened. [B08]

Seeman and Lewis (1995) argue that powerlessness is a form of alienation, and it is significantly associated with psychosocial symptoms, such as depression and anxiety. When control of the situation lies outside the "self," people become alienated from the organization supposedly assisting them (Marx 1972). The finding that bereaved want to know the status of the case supports this view of powerlessness as alienation. Bereaved who feel that they have no control over the criminal justice system's management of the case feel alienated from the system they expect to bring them resolution. Goffman (1961:43) explains:

Total institutions disrupt or defile precisely those actions that in civil society have the role of attesting to the actor and those in his presence that he has some command over his world – that he is a person with "adult" self-determination, autonomy, and freedom of action. A failure to retain this kind of executive competency, or a least the symbols of it, can produce in the inmate the terror of feeling radically demoted in the age-grading system.

Bereaveds' interest about the police department's management of the case is justified. In a study of Atlanta homicides, Williams and Rodeheaver (1991) report that the "weak link" in the criminal justice system in cases of homicide is in the police's ability (or inability) to solve the case. "Police clear about 70% of reported homicides in any one year. Thus, a significant number of homicides are never solved" (Williams and Rodeheaver 1991:83). The police department's stronghold on information about the investigation presents an obstacle to bereaveds' interests.

### 3. Priority

Bereaved also have concerns about the organization's priorities. Some bereaved feel that their loved one's murder case took a lower priority because of the murder victim's race or standing in the community. Carmela Esparza was the 38-year-old Hispanic sister of 25-year-old Tamidor Rodriguez. Although she is a U.S. citizen, her younger brother was an undocumented immigrant from Mexico. Through a Spanish-English interpreter, Carmela says:

[My brother] immigrated [to the U.S. from Mexico, and he] didn't have papers, and this meant that he was a very low person. People who have papers get a better process than ones that do not. He didn't have any papers; he was illegally in the U.S. [B32]

The lesser process, Carmela thinks, is a less rigorous investigation of the murder and less time spent on the case. Her experience suggests that it is not just "low" murder victims who may receive a lesser process; the family members of those "low" victims may also receive a lesser process, meaning less responsiveness from the detectives investigating the case. This is a courtesy stigma (Goffman 1963), or a discrediting of the self as a result of an associate's downgraded identity. Blum (1991) argues that the family caregivers of Alzheimer patients become just as vulnerable to discrediting as the failing patient. Carmela's courtesy stigma may have blocked her access to the police. Despite her two visits to the police department to meet with the detective about the case, Carmela says that no one in the criminal justice system has talked to her in the three years since her brother's murder.

Bereaved also believe that the sensational nature of a murder and the media attention given a murder fuels the police department's priorities. Karinna Sheridon, the 46-year-old woman who found her husband dead on their bedroom floor in 1997, says that her husband's murder looked like the typical wife-kills-the-husband murder. The police suspected her in the

murder; and when they could not prove it, they reached a dead end. Karinna says that unlike some other high profile cases in Center, her husband's murder received no media attention:

If it's a famous person, a big political case, or something so horrific that it draws everybody's attention, like the pizza place murders, . . . they get something [from the police] a little more serious. But for us poor peons down here, it seems like there's no justice anymore. The justice system just isn't working. [B25]

The differential pursuit of justice creates difficulties for bereaved in their view of the self and the world. The perception that one's situation is not fair diminishes personal control; the perception that the world is unfair diminishes one's belief in a just world. Neither perception is good for psychological well-being (Lerner 1980).

Radelet and Pierce (1985) find that prosecutors spend more time preparing for murder trials that receive media attention than murder trials receiving none. "Faced with heavy workloads and forced to make priority decisions (Carter 1974), prosecutors may downgrade cases because they see no great returns from investigating in the substantiation of possible aggravating factors. Conversely, once a case is in the public eye, upgrading may be seen by the prosecutor as politically expedient or as worth the extra effort necessary to justify the upgrade" (Radelet and Pierce 1985:616-617).

While the media may fuel criminal justice professionals' efforts in a murder case, the priority factor also may be linked to professionals' view of the "normal murder."

The appearance of *atypical* crime victims – those not included among the 'normal' victims of their crime category, such as grandmother or baby rape victims – and their reactions, causes legal professionals some level of distress, even abhorrence, in contrast to the matter-of-fact response to typical victims. This differential response emerges as there are no familiar categories of harm, and it is more difficult, indeed impossible, to reduce these individuals to the typical victims of a specific offense category. (Erez and Rogers 1999:225, emphasis added)

In the case of murder, the inability to reduce the murder to a “normal” murder suggests that the murder case is complex, and this complexity makes the professional’s work more difficult. Sudnow (1965) and Skolnick (1975) find that criminal justice professionals develop stereotypes to facilitate efficient management of cases. When a stereotype, however, leads a detective to incorrectly label a case, that stereotype may decrease efficiency. The mislabeled case may lead the detective down the wrong path and even to a dead end in the investigation as it appears to have done so in Karinna’s husband’s case (and others discussed below).

## **B. Implementation Issues**

Three themes emerge in bereaveds’ discussions about the implementation of organizational policy and procedure in law enforcement: (1) information, (2) emotion, and (3) investigation.

### *1. Information*

Bereaveds’ most common remark about law enforcement professionals’ implementation of policies and procedures involve the way those professionals controlled the information they had about the case. Here, I reiterate the distinction between an organization’s policy to control information (i.e., law in the books) and a professional’s implementation of that policy (i.e., law in action). The focus in this section is on professionals’ execution of organization policy. Bereaved want to give information to and get information from police department professionals about three things: (1) identifying the cause of death, (2) providing details about the death, and (3) conducting the investigation.

a. Identifying the Cause of Death. According to bereaved, some professionals do not accept or consider the information they offered about their loved one's death. Seven of the 32 bereaved report this as a problem in their encounters with law enforcement professionals. The "dismissal" usually emerges at the very start of the investigation when professionals believe the death is a suicide or something else, not a murder. As a result, the detectives do not label the death a "murder" or handle it like one.

A dismissal of bereaved's concerns occurs for probably one of four reasons. The first reason is that professionals hold assumptions about the "normal case" (Sudnow 1965), and these assumptions impede their interest in non-normal information. When Bradford Carson (75-year-old white man) and his wife could not reach their 38-year-old son Carl for several days and his office said that Carl had not shown up for work, Bradford flew from South Carolina to Texas. When he arrived, he went straight to the Center Police Department to file a missing persons report. He says:

The guy in charge of missing persons was very cavalier about [my son's disappearance]. He said, "There's nothing to worry about. He probably went to Vegas for a few days or something like that. I've been at this job for 9 months, and everybody has always shown up. So don't even think about it" . . . The next day I went to Carl's house and something was dreadfully wrong. You could tell, the condition of the place and everything. Things were missing, what have you, his car was gone, one thing and another. So, I called the guy from missing persons, and I said, "Somebody oughta look this house over." He said, "Well, we'll see about that" . . . I was highly disappointed in the attitude of the guy at missing persons . . . I felt he could have been a little bit more cooperative . . . I think I'm a credible person. [B09]

The second reason is that detectives do not like to be told how to do their jobs. Stenross and Kleinman (1989) find that general investigative detectives (not just murder detectives) resent victims' attempts to direct them in their investigation of a crime. Skolnick (1975) finds that the



police hold tremendous discretionary power over which laws to enforce and which actions to investigate. This power can prove frustrating and disempowering to bereaved.

One day after work, Wendy Lawrence (50-year-old white woman) came home to find the front window to her apartment open, money on the living room floor, and her 77-year-old father dead from a heart attack. Despite her efforts to tell the police that something was not right about her father's death, the police labeled the cause of death "natural" for three days. The police later admitted that there was foul play. A crack-addicted woman facilitated Wendy's dad's heart attack when she broke into the apartment, pinned him to the floor with a towel, and robbed him.

Wendy says:

The most difficult [part] was that they did not take it serious that I felt like he had been murdered. That was the hardest part and that they didn't fingerprint the door, they didn't do any of those things, they didn't take the towel, they just watched it all. That was the most difficult. It still is. [B03]

Bereaveds' experiences indicate that murder detectives decline to take pointers from bereaved, and bereaved believe that this hinders the strength of the case in the long term. In the defense of indigent clients, Sudnow (1965:270) found that public defenders stopped asking their clients questions about an offense when they had "enough information to confirm the case's typicality and construct a typifying portrayal of the present defendant." Murder detectives do not listen to bereaved when they think they have enough information to confirm the case's typicality.

The detectives did not take the towel the defendant used to pin Wendy's father, because they did not agree with Wendy that it was "evidence." Wendy kept the towel under the front seat of her car for three weeks before the detectives called and asked her for it. In Wendy's case, the police "dismissed" her information about the death because her father's murder did not fit the typical murder; his death looked like a simple heart attack. It also appears that the detectives handling the case did not like being told how to handle it. Bradford Carson's experience with the

missing persons detective captures the same kind of treatment. When Bradford told the detective that someone should come look at his son's place, he says the detective replied, "We'll see about that" [B09].

The third reason professionals dismiss bereaveds' information is because they assume that the bereaved will be too emotional to be rational. One professional explains, "There's not a whole lot that registers [with the bereaved] at that time" [CJ03]. Professionals perceptions that bereaved are "emotional" creates the related perception that bereaved are irrational. This emotional-irrational label gives bereaved a stigmatized identity in the eyes of professionals. Rachel Donado sensed that the detectives investigating her daughter's case thought she was too emotional to be of help in identifying Erica's murderer, the ex-boyfriend Marcus. She says they took down the information she offered, but they did not pursue it right away. Instead, they asked if Erica had been suicidal. Rachel says:

They took down all the information I gave them [about Erica's ex-boyfriend and the potential suspect], but I think where they failed was that they assumed that a mother is overemotional . . . We, I think, are their greatest tools and if we are emotional, they need to learn to get around that and get to the core. [B20]

The fourth reason professionals dismiss bereaveds' information is because it is probably difficult for professionals to let down the information control barrier. The police department's policy to not release information to bereaved appears to influence their willingness to accept it. The policy to control information (Section VIII presents more detailed findings concerning professionals efforts to maintain "information control") creates a structure of non-exchange, and it exposes the hierarchical nature of the criminal justice professional-bereaved relationship. Professionals, not bereaved, determine when and if to rule a death a murder and what information to consider.

So, what does this type of dismissal do to bereaved and their well-being? It diminishes their personal control. Blumberg (1975:236) explains, "Almost all those who come within the ambit of organizational authority, find that their definitions, perceptions, and values have been refurbished, largely in terms favorable to the particular organization and its goals." When others are not willing to confirm their definition of the situation, bereaved experience stress. To not be taken seriously by the organization that one believes should resolve the problem puts bereaved in a position of powerlessness. To be listened to is to be involved. Involvement suggests participation, and participation suggests control. The opportunity to be a part of the process may create an opportunity to restore control.

In his study of prosecutor's management of rape cases, Frohmann (1998) argues that in comparison to prosecutors, victims hold limited influence over their case in the criminal justice system. Prosecutors rely on their educational training, organizational experience, and insider system status to manage a rape case, and victims do not have those resources on which to draw. This structural constraint places victims in a situation of diminished control. This type of structural constraint also appears in the police department. Detectives use their training, organizational experience, and insider status to manage a murder investigation, and they hold discretion in how and when to apply those resources to a death (Skolnick 1975).

*b. Providing Details about the Death.* As discussed in the organizational issues section, bereaved often ask professionals for details about the way their loved one died. This is the second type of information bereaved want professionals to exchange with them. While the police department has a policy not to release such information, some professionals do so out of sympathy for the family. Steven Erickson's (57-year-old white man) 23-year-old son Ben died

from a gunshot wound to the head. Curious about what happened to his son, Steven asked the detective investigating Ben's death to tell him everything she saw.

I said, "I want you to tell me what you know, everything that happened." So she did, and it was gory. She said that Ben was lying there and his feet were shaking. I mean with a head injury, you can understand that . . . So, I can almost see this picture of this happening from what all she told me . . . Like I said, she told me, but I wanted to know. I felt like I had to know. [B30]

Graphic details about the way the murder victim died, however, can create discomfoting images in bereaveds' mind. There is a line between information providing comfort and information bringing discomfort.

In their work on dying and social interaction, Glaser and Strauss (1965) identify four ways that families create contexts of awareness to communicate about an ill loved one. One of those contexts, the mutual pretense context, is helpful for understanding such a professional-bereaved encounter. The mutual pretense context rests on the assumption that people should avoid unsettling topics. Bluebond-Langer (1978) finds that family members of a dying child avoid talking about the child's appearance to pretend that things are okay; she describes this as a method of coping. When a bereaved asks for specific details about the death and criminal justice professionals describe how the victim suffered, they abandon the mutual pretense context. This abandonment denies bereaved the ability to pretend that their loved one did not suffer, and it creates an unsettling image in the bereaved's mind.

As indicated by professionals' discussions about providing information (see Section VIII for professionals' perceptions and management of bereaved) and bereaveds' discussions about receiving information, the line between enough and too much information is difficult to negotiate. The "information threshold" rests in different places for different bereaved, and there is some indication that professionals understand this. A counselor with the district attorney's

office says that she does not like bereaved families to see photographs of the murder scene or autopsy, because she worries about the lasting impression those photographs will make. I asked Steven Erickson if he regretted asking the detective to tell him everything she knew about Ben's death. He admits:

Maybe a little . . . Since then, I've also gotten the police report. . . Since I got it, I read it. Again, I probably learned more than I cared to about it, but I felt like I needed to know to understand what happened in my own mind. It's a hard thing. I don't know [what I would do] if I had to do it over again, but you don't know and I felt like I needed to know what happened. [B30]

These findings reveal the connection between thoughts and feelings for bereaved. A cognitive understanding of the death appears to provide comfort, but photographic-like images of the suffering bring traumatic visions.

c. Conducting the Investigation. Bereaved also want professionals to provide information about the status of the murder investigation. They want to know what the police plans to do (and is doing) about the death. Andrea Castaneda's son's murder case has remained unsolved for more than a year, and the detective investigating the case rarely returns her phone messages. Then, one day he answered the phone. She says:

I told him, "I left you several messages on your voice mail and I haven't gotten any callbacks." He goes, "Oh well, I have problems with my voice message." I said, "Detective, you've been telling me that for over a year. Do you mean you haven't gotten that voice mail fixed?" . . . He said, "I think they're going to fix it." . . . Right! Liar. So, I told him, "I just feel that you should be returning my calls whether I page you or leave a message on your voice mail" . . . So, I said, "By the way, I know you told me you were waiting for something to happen. I said how long is that wait going to be?" [B07]

Andrea says that the detective's unwillingness to return her calls makes her feel helpless, and she says it is not often in her life that she has felt so helpless. Andrea says that if he does not call her back this time, she has a plan. She will keep a record of her calls to the detective, obtain the organizational chart for the department, and report his non-responsiveness to his superior.

Andrea's plan indicates a desire to restore personal control that she believes the detective has taken from her.

## 2. *Emotion*

Bereaved also want police officers to express sympathy for their loss, for them to take the role of the other. Other researchers identify the normative expectations for the exchange of sympathy in every day life (Clark 1987).

People generally believe that they have a right to sympathy during times of trouble, that sympathy should be given to the deserving (i.e., those who are not exaggerating their needs are not at fault for their plight, modified further by the victim's status characteristics relative to the giver), and that recipients of sympathy should be grateful or deferent and should reciprocate that at some later time. (Thoits 1989: 323, referencing Clark 1987)

Katherine Talbert, the sister of a woman whose husband killed her in a murder-suicide in front of their three small children, describes her experience with the police:

They bent over backwards to make it as easy as possible . . . I could be wrong but I think everyone was so upset because of the kids. I got the feeling that everyone was really sympathetic because he had a record. Once they started looking into his background; he had a criminal record for road rage and for a drunk driving incident. So they kinda got the picture right off that he was a number one jerk. And they just basically went to our side of the family, being very supportive, and feeling like this guy was a jerk, and look what he did to this woman and her kids. So they just were wonderful. [B06]

Role-taking allows the individual to imagine oneself in another person's situation (Mead 1934).

Emotional role-taking, or empathy, involves imagining another person's situation, view of the situation, and reaction to the situation; and it plays an important role in social interaction (Thoits 1989). Katherine appreciated the murder detectives' empathy for her and her loss.

A problem for bereaved arises when professionals do not express empathy for their loss. Clark (1987:313) refers to this type of person as an "underinvestor," or one who neglects another's need for sympathy. She writes, "The underinvestor's sin, it seems, is to be aloof and

removed” (Clark 1987:313). However, several factors hinder some criminal justice professionals’ interest in taking the emotional role of the bereaved, including: (1) roles and (2) outcomes. First, it is not always useful for murder detectives to take the emotional role of the bereaved. The role of empathizer is simply not compatible with their other roles, such as the interrogating detective. The murder detective relies on his or her position of authority and intimidation to question murder suspects, and the sincere expression of sympathy implies a disregard for that position of authority. Empathy suggests equality, and it sets aside the hierarchical relationship between the professional and the bereaved.

For several weeks, the police suspected Karinna Sheridan shot and killed her husband in a fit of jealous rage. The detective investigating the case interviewed her repeatedly, and she did not like that he never offered her sympathy. She says:

I understand they deal with a lot of scum, and they deal with a lot of drug dealers, and they deal with a lot of really, really ugly people, but I'm sorry, I'm not one of them . . . Show a little more compassion. At least tell me you're sorry it happened. Don't keep me, they said the reason they kept me at the police station until two o'clock in the morning was so they could get the events, as they were fresh in my mind. [B25]

Clark (1987:299) maintains that sympathy helps people “because normal role obligations and standards are relaxed.” Murder detectives cannot afford to relax role obligations or standards in their investigations. The professional-bereaved hierarchy allows them to maintain a position of authority for interrogations and discourage bereaved from making demands on them for information. Hochschild (1983) calls this a “status shield.”

As for the second factor that hinders professionals’ interest in taking the emotional role of the bereaved, Wortman, Battle, and Lemkau (1997) find that supporters feel helpless when faced with suddenly bereaved people because there is little that brings them comfort. Denzin elaborates:

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Because feelings of the lived-body express an orientation to the interactional world of experience, they are accessible to others and they can furnish the foundations for socially shared feelings. (Denzin 1985:230, citing Scheler [1916] 1973:338-39)

Moreover,

Others are able to vicariously share in the subject's feelings. . . The subject can communicate and 'give' these feelings to others, thereby allowing them to enter into a field of emotional experience with them" (Denzin 1985:230).

In some situations, "giving" one's feelings to others would be a positive experience for the self and for others. Imagine sharing the news of the arrival of your first-born child or the announcement that you have just been offered an assistant professor position at a well-respected university. You would probably be bursting with excitement about the news. You want to share in your excitement, and your happiness and enthusiasm are contagious.

The devastation felt following the murder of a loved one is also all-consuming. This type of emotional experience is a feeling of the lived-body, and this and other research on difficult loss indicates that there are few who are willing or even able to share it with the bereaved (Burgess 1975; Dunn and Morrish-Vinders 1987-88). This is precisely the reason that criminal justice professionals have difficulty observing bereaveds' emotional reactions to the news of the death. Potentially supportive people may shun people who lose a loved one to homicide because of the bereaved's emotional devastation (Dunn and Morrish-Vidners 1987-88; Pearlin 1989), and this finding supports that idea.

### *3. Investigation*

The third and final concern bereaved express about the police's implementation of organizational policy involves the way professionals conducted the investigation. Bereaved express satisfaction and dissatisfaction with the way professionals managed the investigation of



their loved one's murder case. The following three bereaved describe their view of the police's management of the investigation.

The fact that the detective did not take fingerprints, blood samples, or anything. Don't ask me why he didn't because that was a part of his job and his procedure. The reason why he said he didn't do it, he said it was obvious who committed the crime, but that's not the question here, whether it was obvious or not. It was their job. [B32, 46-year-old white sister of murder victim]

They messed up the whole interrogation because his Miranda rights were violated. That's why he only got six years, or he would have gotten forty years because he was the driver. The driver of the car only got six years; the other guy, the passenger, he got forty years, but the one I'm struggling with is the one that only got six years. [B15, 42-year-old Hispanic mother of murder victim]

And, it made me appreciate our police force. They were relentless. They did not stop. They caught this boy within twenty-four hours. They did not sleep. They did not eat, 'till they caught him. [B08, 52-year-old white mother of murder victim]

Bereaved view an incomplete investigation as an incomplete resolution. They wonder what if they had hired a private detective and what if they had called the police detectives investigating the case more often. While bereaved explain that a resolved case does not necessarily bring them "closure," they say that it does bring them an ending to one part of their bereavement.

There is evidence, however, to suggest that bereaved whose loved ones' murder cases are resolved (e.g., there has been a plea bargaining or trial in the case) are more likely to suffer depression than bereaved whose loved ones' murder cases are either unsolved (e.g., offender unknown) or solved-unresolved (e.g., the offender has been charged, but not yet arrested or the trial is set for a later date). This finding will be discussed in more depth in Section IX, which presents evidence on the nature of the association between the criminal justice system and bereaveds' depression.

### **C. Conclusion**

The findings presented in this section address one aspect of bereaveds' experiences with the criminal justice system, law enforcement. Bereaved express concern about law enforcement procedures regarding the corpse, information, and priority. The police departments' efforts to prevent "body exposure" reveal the jurisdictional control that the organization has in cases of murder (Sudnow 1967), and the organization's interest in monitoring the police-public boundaries in murder investigations. The police department appears to be a public organization, but its activities, particularly in murder cases, are not accessible to organizational outsiders (Skolnick 1975). The police control information, and this impedes bereaveds' access to details about the way their loved one died and why that loved one was murdered. This impediment diminishes personal control, and it alienates bereaved from the system they feel should be helping them with their loss.

The perception that the police department prioritizes some murder cases over others indicates that some bereaved experience a courtesy stigma (Goffman 1963), and this stigma gives professionals an excuse to exclude bereaved from the process. This exclusion (or demoted priority) diminishes the bereaved's view that the world in general and their world in particular is fair (Lerner 1980). Law enforcement organizational goals supersede bereaveds' needs and interests, and the organization and its professionals present obstacles, not avenues to healing the harm of bereaveds' loss.

## **VI. The District Attorney's Office**

This section examines bereaveds' perceptions of and experiences with the district attorney's office. The data come from: (1) in-depth interviews with bereaved and (2) participant observation of murder cases in the criminal justice system. I draw from Weber's (1968) discussions of bureaucracy, symbolic interactionists' views of emotions, and research on rape cases to interpret the patterns in the data. As in the law enforcement section, I present the findings in two parts: (1) organizational issues and (2) implementation issues. Bereaved express slightly different concerns about their experiences with the district attorney's office. These differences reveal some interesting changes in the meaning bereaved attach to this part of the criminal justice system. They also reflect structural and organizational differences between the police department and the district attorney's office, and these differences appear to shape how professionals manage bereaved.

The findings presented in this section come from bereaveds' responses to the following questions: "What was the most difficult part of the district attorney's office's involvement in this case for you?" "What was the most positive part of the district attorney's office's involvement in the case for you?" "If you could change anything about the way the district attorney's office worked with you, what would you change?" These questions were asked only of the 19 bereaved whose loved ones' murder case went to the district attorney's office, because the unsolved and murder-suicide bereaved had no contact with this part of the system at the time of the interview.

Unlike the police chief, the district attorney is a politically elected official. This fact influences assistant district attorneys' management of bereaved. In their study of welfare agencies, Piven and Cloward (1971:147-8) write, "a public agency will cater to a clientele that

has some political force, for that clientele can become a supporting (or threatening) constituency." The agency responds to constituency interests to prevent the constituency's opposition against them. The district attorney's office appears to bend more to bereaveds' interests than does the police department in awareness of bereaveds' political force.

## **A. Organizational Issues**

Bereaved express concern about the police department's efforts to take possession of the corpse, not release information about the death, and prioritize some cases over others. Recall that bereaveds' biggest concern with police department organizational issues revolved around information control. This is not so for the district attorney's office. With the district attorney's office, bereaved express concern about the organizational issues of timing and turnover.

### *1. Timing*

Several bereaved expressed either satisfaction or dissatisfaction with the amount of time it took the district attorney's office to bring their loved one's murder case to trial. Cara Eberhart, the 46-year-old sister of Kelly Herrera who was killed by her paranoid schizophrenic son, says that the district attorney's office repeatedly changed the date of the trial in her sister's murder case:

I mainly had a problem with the district attorney's office [not the police department]. They would call us and say, "Okay, the trial is going to come in so-and-so days." Okay, and then I said, "Well, look, since it is so far away [the bereaved lives in Louisiana, and trial is in Texas], you need to let me know for sure because I have a job. Okay, so if I have to take off for a week [I need to know when]" . . . So that was really, really hard for us, because we wanted this to be over with and the district attorney's office drug it on and on and on. I mean, it was just never ending. [B32]

Amick-McMullan et al. (1991) and Schlosser (1997) argue that the criminal justice system may prevent bereaved people with frustrating delays, and this finding validates that argument.

The problem emerges for bereaved in planning their time off from work to attend the week-long trial and in bringing resolution to the case. The inability to plan for the trial because of changes out of their control remains frustrating. Bereaved also want an expeditious resolution to the case. Some bereaved believe that a delay in the trial means a delay in their grief process. Up until now, I have not use pretest respondents' responses in these analyses, but Pretest A, Norm Drake, the father of 30-year-old Amy, explains this belief best when he says:

I want [a resolution to this case] so bad for Amy and for us and for her brothers and sister. I know I will never have her back, [but] I know it would make me be able to handle what we've gone through a lot better . . . . If we could have a trial, I think I could move on." [Pretest A]

Norm and other bereaved like him believe that a resolution to the murder case in the criminal justice system will bring them some resolution to their grief in the bereavement process. Prosecutors report, however, that relief from grief rarely comes with the resolution of the case in the criminal justice system, and evidence presented in Section IX about the relationship between case status and depression support this view.

Bereaved also want case resolution in a timely manner because they worry that detectives' and witness' memories about the case will fade over time, weakening the strength of their loved one's case. In my in-depth interview with her and in my observations of her brother's murder trial, Natalie Harris mentioned her frustration with the longer than three-year lag between her brother's 1997 murder and the 2001 trial. Her 49-year-old brother, Alexander, was murdered when the defendant bludgeoned him in the head and set his house on fire over a money dispute.

Observing her brother's murder trial, Natalie says she is quite frustrated with the way the case is being handled. During one of the courtroom breaks, she tells me, "There have been a lot

of mistakes.” She names one of them as confusion about where her brother’s bedroom was in the house, and to calm herself, she takes a Valium. She explains, “The problem is that it’s been so long. If they had done this [trial] three months or even a year after my brother’s death, the [witnesses would] remember better. The arson investigator has probably had 300 cases since this one.” During the trial, Natalie passes the district attorney’s office counselor notes about the inconsistencies in evidence. Natalie later tells the counselor, “I slept in that house. I know that house.” The counselor replies, “I know, but sometimes we don’t want to point out errors in the witness’ testimony.”

## 2. Turnover

Another reason for the delays in case resolution is the amount of turnover in the prosecutors handling the case. Natalie’s brother’s case had two different prosecutors in the three years the district attorney’s office handled the case. She says:

The amount of turnover [has been difficult]. This case being turned over from one prosecutor to another to another. It takes time for that person to begin to know me, to grasp the impact it’s had on me, to get a feeling for the case, to get a feeling for what my brother was like . . . And so that part has made it very very hard [on me]. [B21]

The turnover in prosecutors creates time delays, and it diminishes bereaveds’ faith in the system and their sense of control over the situation. For bereaved, the murder case is personal and important. They want a prosecutor – one prosecutor – that will share those feelings with them. Another bereaved, Zoe Nuno, dealt with four different prosecutors over the two years her son’s murder case worked its way through the system. She says that one of the prosecutors was taken off of her case to handle a higher profile murder case. These changes deflate bereaveds’ confidence in the organization handling the case, and it reminds them of their lack of control

over the situation. When the organization processing the case cannot even select a member of its personnel to handle it, the bereaved lack trust that the case is being or will be handled fairly and thoughtfully.

In *Economy and Society*, Weber (1968) argues that bureaucratic rationality puts us in a meaningless "iron cage," where all aspects of life get reduced to calculation, measurement, and control. While it may be completely rational for an organization to place its most experienced prosecutors on more complex (and even higher profile) cases, that rational decision devalues the importance of the bereaved loved one's murder case in the eyes of the bereaved, particularly when the change leaves bereaved with a less experienced prosecutor. The district attorney's calculated decision may signal a reduction in the value (or significance) of the bereaved loved one's case. The organization's "legal-rational" decision to shift prosecutors looks like a "power-and-influence" motivated decision to bereaved (Weber 1968).

The finding that information control does not emerge as a problem for bereaved in their encounters with the district attorney's office can be explained by three things: (1) organizational culture, (2) bereaved socialization, and (3) information release. First, the appearance of information control as a major concern for bereaved in their dealings with the police department but not with the district attorney's office points to a difference in organizational cultures.<sup>11</sup> The police control information about the death to achieve the organizational goals of preserving the integrity of the investigation and solving the murder. The district attorney's office, on the other

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<sup>11</sup>There were a few exceptions; two bereaved felt that the district attorney's office restricted their access to information, and one of these bereaved filed a civil suit to gain access to the district attorney's office's files in her daughter's case. Interestingly, Dana Gifford obtained those files, but she has never looked at them. Her need to have the information, but reluctance to look at it, suggests that a bereaved's fervor to have information about the death and the case fades over time. It also indicates that simply restoring control to the situation is enough to fill the need for information.

hand, gets the case when the questions of “who” and “how” seemingly have been resolved. For this reason, unlike detectives, prosecutors do not view bereaved as possible suspects.

Also, while the district attorney’s office does not want to advertise their prosecution strategy, disclosure rules require that all evidence be shared with the defendant’s counsel. As a result, prosecutors appear to be in a better position to share information with the murder victim’s family than the police department. After all, the district attorney’s office eventually will present this information to the court in pretrial hearings and/or a trial.

Second, it may be that bereaved adapt to the criminal justice system’s interest in information control over time. The time from murder investigation to grand jury indictment often lasts several weeks to several years. In this time, criminal justice professionals informally socialize bereaved about system rules and procedures. By the time the case reaches the district attorney’s office, bereaved better understand how the criminal justice system works and why it maintains a stronghold on information. When bereaved encounter detectives, it is at the beginning of their grief experience and it is difficult to “hear” police’s reasons for controlling information.

Third, bereaved can actually observe the work of the prosecutor in a pretrial hearing or trial proceeding, and these observations may give them faith that the system is working on their behalf. Bereaved cannot observe the work of the murder detective interviewing witnesses and combing crime scenes for evidence. Hochschild (1983) would argue that bereaved see prosecutors’ stage but not detectives’. She compares bill collectors’ and flight attendants’ “stages.” “In the collection business, the stage setting and the relations between actors are depersonalized and guarded from the very start . . . Unlike the passenger on board a plane, the debtor cannot – in the case of telephone collecting – see the collector’s ‘stage’ ” (Hochschild



1983). In the murder investigation business, the stage setting and interaction are also depersonalized and guarded. Not being able to see the murder detective's stage (or work) may be distressing and alienating for bereaved. Being able to see the prosecutor's stage, on the other hand, may be reassuring (and comforting).

## **B. Implementation Issues**

Bereaved express three concerns about the way prosecutors implement organizational policies and procedures: (1) information, (2) action, and (3) emotion. There is some overlap in these three themes, and the greatest overlap is in bereaveds' concerns about action and emotion.

### *1. Information*

Bereaved express appreciation for the straightforward manner in which prosecutors communicated with them. Zoe Nunoz, whose 25-year-old son Kelson Nunoz was murdered in 1997 says she liked the fact that the prosecutors handling her son's case were so honest with her.

I guess just the fact that they were so up front, I mean. We're already past the investigative stage, where the cops wouldn't tell you anything and, just telling you things in circles, trying to pacify you so you shut up and leave them alone. But the [prosecutors] were open and honest. One of the prosecuting attorneys used to live maybe five, six blocks from me. One night when he was out jogging, he jogged to the house, and he came by to inform me of something. . . I think he just went the extra mile. I mean, it felt like he cared. [B12]

In comparison to her experience with the police department murder detectives investigating her son's death, Zoe believes the prosecutors were candid, involved, and empathetic. Melissa Iker, the 50-year-old white mother of Timothy, expressed the same kind of appreciation for the prosecutor's efforts to keep her informed about the case in her son's murder:

They kept contact with us . . . they . . . let me know about the indictment and then when it was time, the man pleaded guilty in the beginning, so when it was time

for him to go in front of the judge to plead guilty they made arrangements and flew my mother and I down to be there . . . They briefed us on what was going to go on and what was going to happen, and there was always somebody with us during the day. They never left us alone. They were very, very kind and nice people. [B11]

Bereaved value prosecutors' efforts to take the role of the other (Mead 1934). A prosecutor's attention to the bereaved means attention to their loss and attention to the effect the loss has had on them. While detectives attend to the death, they do not attend to the bereaved or their loss. In other words, professionals' attention to and time spent with a bereaved person signals to bereaved that they care and share the bereaved's concern for the case. It signals to bereaved that the professional has taken the role of the other (their role) (Mead 1934).

Bereaved appreciate the prosecutor's honesty even when it means sharing bad news about the case. Wanda Diaz, the mother of 20-year-old Dominique, says that the prosecutor made things easier on her when he was so straightforward about the problems in her son's case.

I think the DA being up front and truthful, even though the case was ruined. I think with them letting us know, this is what might happen, if they don't go for the plea bargain then this is what will happen and we'll have to let them go, but there's nothing they can do, there's nothing the DA can do about that. [B15]

Prosecutors appear to be more willing (and probably able) to share information about the case with bereaved. Thus, the organization's location in the system shapes the rules and procedures that guide it. Further, bereaved feel a part of the process when the case reaches the district attorney's office. These feelings provide the opportunity for bereaved to feel like they are a part of the "team" and part of the process, restoring their personal control.

Konradi (1996) reports that rape survivors find other ways to involve themselves in the criminal justice system handling their perpetrator's case. They educate themselves about the legal process to become strong witnesses. This education is a "productive way to become more involved in the legal process. The information obtained may ease her worry, thus boosting her

confidence" (Konradi 1996:421). Similarly, bereaveds' access to the criminal justice process alleviates their worries about the case and restores their personal control.

## 2. Action

The second concern bereaved have with prosecutors' implementation of organizational policy and procedure involves the prosecution of the case. This concern is similar to bereaveds' concerns about murder detectives' investigation of the murder case, and it gets at the skills and personality of individual prosecutors. Timothy Goreman was killed by a man seeking revenge on Timothy for his efforts to assist the man's battered girlfriend. Timothy's mother, Melissa Iker, believes that the prosecutor handling the case did her homework on the man's background, and she appreciated that. She explains:

She really did a lot of investigating, and she went beyond to find out what this man's previous history was as far as in the criminal system, what his behavior was like toward family and friends. She had good backup as to what kind of person he was. [B11]

Bradford Carson believes the same about his prosecutor. Although Bradford experienced difficulty in getting the police department's missing persons detective to take his son's disappearance seriously, he felt good about the prosecutor. He found her optimism reassuring.

He says:

When I met the assistant district attorney for the first time, it was very positive because she said that they had a very very strong case and they were going to go for it. She wanted the death penalty, but she was overruled by . . . a committee of lawyers and the district attorney . . . they determined in this case because the guy had no previous criminal history other than being AWOL from the army at one time, he had no previous criminal history, that, the likelihood of a jury sentencing him to death was so remote that they decided not to pursue that. But, she was, [short pause] like I said she was very optimistic about getting a guilty verdict. [B09]

Despite the jury's deadlock in reaching a verdict and the case ending in a mistrial, Nora Harden (45-year-old white mother) appreciated the assistant district attorney's work on her 25-year-old son Henry's case. She describes the prosecutor's work:

The way she handled everything was very calculated and very graceful, but firm. She did a very good job and she has been on this case and will be on this case until it's finished and she told me, "Yes, there are possibilities that somebody else could [take it over]," and she said, "But this is my baby, this case, and I don't believe that they would do that to me at this point." She went up against basically a Texas legend, Sal Nowlins [pseudonym]. [B26]

Bereaveds' appreciation for the prosecutor's confidence in the case resembles Denzin's (1985) conceptualization of feelings of a lived-body. The prosecutor can "give" or "share" confidence with the bereaved, and this makes bereaved feel good about both the prosecutor and the case. This finding captures the social exchange of emotional feeling.

As in the notification episode where one's thoughts can shape one's feelings in self-interaction, another's expressed thoughts can shape one's feelings in *social* interaction. Denzin (1985:225) writes, "Emotionality draws the subject into social, moral, and emotional relations with others. These others are termed emotional associates." The prosecutor becomes an emotional associate when he or she expresses an emotional feeling about or energy for the murder case. Denzin (1985) argues that emotional associates can become significant "others" when the individual's emotions embody an important part of his or her experience.

Bereaveds' descriptions of encounters with prosecutors suggest that these meetings are an important part of their experience with the criminal justice system. Moreover, the frequency with which bereaved mention the prosecutors' either expression or absence of feeling for the case indicates that prosecutors can enhance bereaveds' experience both (1) positively through the expression of feeling or (2) negatively through the absence of feeling. Denzin (1985:225,

emphasis added) continues, "These others *aid in* and contribute to the embodied feelings the subject experiences in the emotional situation."

Bereaved describe prosecutors' hard work on the case as a relief to their anxiety about the case and a comfort for their loss. A prosecutor symbolizes the leader for restoring the bereaved's, as well as the community's, belief that the world is a just and ordered place. A just and ordered place is a place where people have control, a place where people have influence (Lerner 1980; Mirowsky and Ross 1989). An understanding of that world boosts personal control and perceived well-being (Lerner 1980; Mirowsky and Ross 1989). When bereaved believe the prosecutor is not handling the case appropriately, they become upset. Wendy Lawrence became upset when the prosecutor neglected the significance of some evidence in her father's murder case. She says she grew concerned when she learned that the prosecutor had not listened to her 9-1-1 call reporting the death. Wendy tried to convince the prosecutor about the importance of the tape. She says:

I realized that none of them had even listened to the 9-1-1 tape and this was like, the year 2000, a week to go to trial . . . I finally convinced him to listen to the 9-1-1 tape. At that time, Detective Harcourt realized the importance of the towel, [but] the D.A. didn't realize the importance of the towel. So . . . I thought that wasn't good and then when he didn't allow the 9-1-1 tape or my granddaughter's [videotaped testimony]. I thought those were two important, very important things pertaining to her guilt or innocence for the jury to hear. [B03]

Although the prosecutor listened to the 9-1-1 tape, he did not take Wendy's advice to include it in the evidence presented at trial. This suggests that prosecutors consider information about evidence from bereaved but not advice about trial strategy. Konradi (1996) reports that prosecutors dislike it when rape victims went beyond simply providing information about the case and try to offer advice about case strategy. She elaborates:

Provision of tangible corroborative evidence falls within the bounds of appropriate witness behavior from the standpoint of the prosecution. Providing

strategy [however] appears to tread on prosecuting attorneys' toes as it challenges their right to determine whether and how prosecution will proceed. (Konradi 1996:423)

Bereaved, as well as rape victims, experience prosecutors' dismissals when they offer suggestions about strategy.

My observation of prosecutor-bereaved interactions in the courtroom suggests that bereaved from higher socioeconomic statuses act more aggressively in their attempts to offer advice about the prosecution. I observed the pretrial hearing or trial proceedings for four different murder cases. In only one of those cases did I observe the bereaved telling the prosecutor how to handle the case. The difference between Natalie Harris and the other three bereaved is in socioeconomic status. Natalie, a counseling psychologist with college degrees, advised the prosecutor about strategy. Throughout the trial Natalie took notes, and she tried to meet with the prosecutor several times during court recesses to offer her suggestions about how to question a witness, and the prosecutor did not appear to appreciate Natalie's efforts. The bereaved in the other three cases asked prosecutors questions about the criminal justice process, court proceedings, and legal terminology; but I did not observe them telling the prosecutor what evidence to present or how. These three bereaved did not attend college.

Bereaved with less education appear to defer to the expertise of the prosecutor about the presentation of evidence. This suggests that bereaved express their advice about the management of the case when they feel they are on the same or a similar level with the prosecutor.

### 3. *Emotion*

The third issue that emerges in bereaveds' concerns about the prosecutor's implementation of organizational policies and procedures involves emotion. Bereaved express genuine appreciation for the prosecutor's emotional investment in their loved one's murder case, and they view this investment as an indication that the prosecutor truly understands their loss. Fannie Quintanilla, the mother of 21-year-old Terrill, grew upset and stormed out of her first meeting with prosecutors about her son's case when the prosecutors suggested that they dispose of the case in a plea bargain. In the second meeting, the lead prosecutor conceded to Fannie's request for a trial. When I asked her what the prosecutor did that made it easier to cope with her loss, she says:

She agreed with me. She knew she could get him. She was self-confident. She knew how strong, how much and how bad and that I wanted this and she believed in me and . . . she knew she had a case and she had a real strong case . . . So, Noel [pseudonym], she right there knew that we had a case and not once did she try to talk me out of it. I mean, I cried when they told me they wanted a plea bargain. I left. I just got up and left, and I told them I couldn't talk to them because it wasn't fair. I couldn't let it go to rest without getting what Terrill deserved. So, she was wonderful. [B27]

Fannie values the prosecutor's understanding of her situation and her feelings about the case. She says, "She knew . . . how bad that I wanted this." As prosecutors describe in Section VIII, bereaved want and expect a trial. Fannie cried when the prosecutor suggested they dispose of the case in a plea bargain. She wanted what she felt was something her son deserved – his day in court. The expression of upset may be a tool for getting what one wants. Children use emotional upset as a tool to manipulate parents. For bereaved, emotional upset can be a resource. In the right situations, emotional upset can be a powerful tool. Clark (1987) describes the expression of sympathy as one dimension of power in relationships.

In the wrong situation, however, emotional upset can be a liability or even a disability. Murder detectives, as discussed in more detail in Section VIII, believe that bereaved are “too emotional” to be helpful in an investigation. This type of emotional upset can give bereaved a stigmatized identity. As Goffman (1963:3) would say, it makes them “a less desirable kind.” This stigma arises in social interaction, not in social isolation, and for bereaved, it arises when detectives see their emotional devastation following the news of the death.

It can create conflict for a bereaved to view the prosecutor as lacking emotional investment in the case. Deidra Fiero, the wife of 24-year-old Nicolas, believes the prosecutor handling her husband’s case did not truly understand her loss, and lack of understanding or empathy impeded the prosecutor’s ability to assess the case in a reasonable manner. She notes:

Of course, me and the DA got into it a few times, because I didn't like what she was telling me, jumping from 20 to 35 to 15 years [for a plea agreement for the defendant], and then [I said], "Well, how are you going to think? That ain't your husband. That ain't your son, your niece, that's not even nobody in your family. You doing a job, true enough, but you have to think about that that's somebody's life, and it hurt me, some of the things that I went through [hurt me]." [B17]

Denzin (1984:137) explains, “Shared and sharable emotionality lie at the core of what it means to understand and meaningfully enter into the emotional experience of another.” In the view of the bereaved, shared emotionality lies at the core of what it means to be a good criminal justice professional. Shared emotionality indicates to bereaved a shared understanding and a shared meaning. A shared meaning makes bereaved feel as though the professional “gets it.” The professional gets the meaning of the death and the meaning of the loss. This shared meaning means the world to the bereaved. Denzin (1984:140) elaborates on the link between shared emotionality and shared understanding in social interaction:

Emotionality is the basic feature of emotional understanding. That is, as understanding moves along emotional lines, emotionality is built into the interaction process. Self-feelings become attached to the selves that are



interpreting and understanding each other. In this way understanding is filtered through emotion. It is those felt feelings that give emotional understanding a depth of feeling that is not present in purely cognitive interactions, understanding and interpretations.

Bereaved remain very aware of professionals' shared (or unshared) emotional emotions for their loss.

#### *4. Action with Emotion*

As some of bereaveds' comments about prosecutors' work suggests, bereaved value both good action and good passion in the prosecution of their loved one's murder case. They like to see prosecutors exerting emotional energy in the pursuit of justice for their loved one. For bereaved, part of doing a good job in management of the case means seeing the prosecutor conveying outrage at the loss. Delia Jiminez, the aunt of 24-year-old Diana Coronado who was raped and then stabbed to death by her ex-boyfriend says:

Once we got to trial, clearly, Edward Parsons, who was the assistant DA, did a very thorough job. [He] understood what was going on, [and he] was able to express some of our anger at the injustice of the murder. So it wasn't like he was without passion once we got to trial. He was good about conveying the fact that, that this women was killed innocently. I mean, she hadn't done anything to deserve this. [B18]

Nora Harden, the 45 year-old white mother of Harry who was shot four times in the back following an argument with the shooter's girlfriend, also talked about her prosecutor's action with emotion. Of her prosecutor, she says:

She was always very warm. As a matter of fact, this year she sent me some beautiful flowers on the 6th [in anniversary of my son's death]. I think she's taken a very personal edge to this case and I think that she's made a commitment that is very strong in her heart to prove this case once again beyond the shadow of doubt. [B26]

Steven Erikson's 23-year-old son, Ben, died when his roommate, Todd, jokingly pointed a gun to Ben's head and pulled the trigger. Todd did not realize that one bullet was still lodged in the chamber; and when he pulled the trigger, he shot and killed Ben. The prosecutors handling Ben's case considered charging Todd with involuntary manslaughter, but they asked Ben's parents their feelings about the case first. Steven says:

They talked to us first about how we thought the case should be pursued . . . [They asked if] we wanted to pursue this case, type of thing. You know, what do you think we should charge? And we said no, we don't feel the boy going to jail is going to bring Ben back, and we don't think it is justified. We think it's a terrible, tragic accident . . . They seemed to really take heart in what we asked for. [B30]

Bereaved long for others to share their view of the loss. When prosecutors seem to pursue the case with that view in mind, they validate the bereaved's definition of the situation. Delia says the prosecutor expressed their "anger," Nora says the prosecutor took a "personal edge," and Steven says the prosecutors took "heart." Shared emotion means a shared value and a shared meaning (Denzin 1984: 278); and in a senseless or meaningless loss, few others can share the bereaved's sense of meaning or grasp their sense of loss. As the person fighting for the prosecution and punishment of the defendant, the prosecutor may be one of the few people that can appreciate the injustice and the loss. Prosecutors, because of their role in the criminal justice system, are in a better position than detectives to see both the physical facts of the crime and the toll it has taken on the bereaved.

### **C. Conclusion**

Bereaved experience fewer organizational and professional obstacles to their grief in the district attorney's office, and they find more emotional understanding from the professionals in this part of the system. The obstacles they discuss include the organizational issues of timing

and turnover and the implementation issues of information, action, and emotion. The most interesting differences in bereaveds' experiences with the police department and district attorney's office concern information and emotion.

Prosecutors appear to have more flexibility than murder detectives in releasing information about the case to bereaved and taking the role of the bereaved. This flexibility arises for three reasons. First, as suggested earlier when a murder case gets to the district attorney's office, the detectives have eliminated the bereaved as a suspect. The prosecutor role permits the release of information to bereaved. It also allows for the expression of concern and empathy for the bereaved because the prosecutor role does not require the maintenance of the professional-bereaved hierarchy for the purposes of interrogation and information control. Thoits (1984) notes that socially supportive people can assist with emotion management. Prosecutors' expression of empathy comforts bereaved. Second, it also may be that bereaved view prosecutors with more respect and esteem than detectives because as a general rule prosecutors are more educated than detectives. Several bereaved felt they could have done the detectives' jobs better than they had.

Third, prosecutors may express sympathy to build rapport with and the trust of the bereaved. Clark (1987:299) notes this: "As sympathy flows from donor to recipient, sympathy leaves invisible but important ties and debts marking its path. Receiving sympathy can both benefit and obligate the recipient." Prosecutors may express sympathy for bereaveds' loss in preparation for future conflicts that may arise in the prosecutor-bereaved relationship. In this way, sympathy is a subtle and powerful tool - a tool to build trust, trust that may make conflicts less pronounced when the prosecutor has to make a decision that the bereaved does not like, such as to offer a plea agreement to the defendant in the case.

Prosecutors' sympathy toward bereaved may leave bereaved feeling indebted to prosecutors, indebted for their understanding and kindness. This indebtedness may make them less likely to grow angry when the prosecutor makes a decision that they do not support. Clark (1987:300, emphasis added) explains, "Receiving sympathy obligates, because accepting the role of sympathizee requires one to reciprocate for the gifts of sympathy and acceptance. A variety of emotional commodities, such as gratitude, *deference*, and future sympathy, serve as returns on the original gift." In the prosecutor-bereaved relationship, the bereaved's deference to the prosecutor may be repayment for the prosecutor's earlier expressed empathy.

The district attorney's office and its professionals can play a role in healing a part of bereaveds' harm. These professionals' healing abilities come in their efforts to share bereaveds' emotionality (Denzin 1984). This shared emotionality proves to be an important tool for facilitating smooth social interaction (Thoits 1989). A prosecutor's confidence in the strength of the case and his passionate fight for justice for the victim make bereaved feel that the prosecutor and those that hear the prosecutor's arguments understand their loss.

## VII. The Trial

This section considers bereaveds' perceptions of and experiences with the trial in their loved one's murder case. The data come from (1) in-depth interviews with the bereaved and (2) participant observations of murder cases in the criminal justice system. I supplement the findings with some insights from criminal justice professionals. I link the findings to Durkheim's (1965) explanation for the significance of rituals in religious life. I present the findings by organizational issue and implementation issue. Bereaveds' views of the trial are helpful for understanding the bereavement process because it marks the last criminal justice ritual in the process (for most bereaved), and it marks the end of a series of experiences with the criminal justice system and its professionals. A consideration of the ways that bereaved view the trial provides insight into the meaning bereaved attach to this part of the system.

The bulk of the evidence presented in this section comes from bereaveds' responses to the following question: "What was the hardest part of the trial for you?" Only fourteen bereaved had experienced this part of the criminal justice process at the time of the interview. I analyze these fourteen bereaveds' experiences with the trial as an "episode," because the trial is a highly dramatic event for the participants involved (Lofland and Lofland 1995). I use Durkheim's (1965) discussion of the development of religious life as a framework for explaining the significance of the trial for bereaved.

In *Elementary Forms of Religious Life*, Durkheim (1965) explores the development of religious beliefs and order. His work delineates the emergence of a system of beliefs, which starts when society categorizes social experience into the sacred and the profane. The sacred represents the respected and feared sphere of life; the profane is the common and ordinary part of life. The sacred emerges from principles of legitimacy and significance. Durkheim argues that

the distinction between the sacred and the profane brings order to social life. This order structures people's interactions, and the sacred provides a moral guide for behavior. People reinforce the sacred-profane distinction through ritual practices that celebrate their system of beliefs, and the system of beliefs gets depicted in a symbolic representation (or totem). The collective expression of beliefs creates and maintains social order.

Similar to religious life, we can separate realms of the social world into the sacred (legal) and profane (illegal). Like the sacred, the legal is the traditionally respected and feared part of life. Illegal behavior, like the profane, lacks legitimacy. As with the sacred-profane distinction, the legal-illegal distinction brings order to social life, and it provides individuals with a moral guide for action. We create and sustain this distinction through legal practices, such as traffic tickets, arrests, and trials. Legal practices are rituals that become symbolic representations (or totems) of legal beliefs. In this analogy, the trial is the ritual practice that creates and maintains justice in society (i.e., system of beliefs). A trial serves to remind others about the rule of law (i.e., a totem). The trial puts the profane (or illegal) behavior of the defendant on display. The trial represents a cultural practice or ritual that symbolically represents justice. Through the administration of justice, a trial attempts to restore order to social life. A trial, however, rarely restores order for bereaved; it usually impedes it.

#### **A. Organizational Issues**

Bereaveds' concerns about organizational policy and procedure in the trial involved rules. Some bereaved believe that the criminal justice system caters to the criminal, not the victim, and these bereaved object to the defendant's decision-making power in the trial "ritual." Bereaved

think of the defendant as a profane person who disrespected and disregarded the sacredness of their loved one's life. Wendy Lawrence shares:

You know what else upset me about the justice system? If she hadn't wanted me in the [courtroom], I couldn't have been in there. It was her decision, the defendant's, on whether I could stay in the courtroom for the whole trial or not. And I thought, "That sucks." How can that be? But that's the law . . . It seems like [the criminal justice system] is more for the criminal. I mean, I'm glad we have innocent until proven guilty and all that, but it's like they went overboard on rights. [B03]

A judge with three years of experience on the bench says that the bereaved and others misunderstand the role of the criminal justice system in society.

The criminal justice system is, and a lot of people are confused about what it was originally designed to do. It's designed to hold people accountable for their conduct. It is defendant oriented. A lot of people think of it in terms of protection of the rights. Protection? Well, yes we do, but it is to punish those who have done wrong, and has never been to heal the victim. [CJ08]

The criminal justice system reaffirms a system of beliefs through the criminal justice process (or ritual practices), but the system of beliefs it reaffirms are the system of beliefs that protect, as one example, the defendant's right of innocent until proven guilty. The system is not designed to reaffirm the bereaveds' system of beliefs or their interests. The system only reflects bereaveds' interests as they reflect the larger community's interests. The problem arises for bereaved when they do not feel that the criminal justice system reflects their system of beliefs. When this happens, the legal beliefs and ritual practices of the system hold no legitimacy for the bereaved, and it brings anxiety and depression to bereaved.

## **B. Implementation Issues**

Bereaved do not necessarily experience problems with the way the courts implement policy and procedure, but they do experience problems with people in the courtroom. Two

categories of people bring trouble to bereaved in the trial: (1) the defendant and defense attorney and (2) the jury.

### *1. The Defendant and the Defense Attorney*

Bradford Carson says the hardest part of the trial was hearing the defendant's testimony about the supposed altercation that took place between him and Bradford's son before the murder. The defendant claimed that he killed Bradford's son in self-defense. Bradford says:

I guess the hardest part was the defendant; he claimed self-defense. [But] he hit Carl in the head eleven times, one of which fractured his skull, and then he cut his throat and he bled to death. I guess the hardest part was listening to this guy say it was self-defense, when he didn't have a bruise on his body. And knowing Carl, I couldn't believe it was self-defense. [B09]

This claim did not fit Bradford's understanding of his son, and he describes the defendant's testimony as disrespectful to the facts in the case and his son's memory.

Durkheim might argue that the discontinuity between the bereaved's sacred feeling about the deceased and the defendant's profane depiction of the incident creates disorder for bereaved. For bereaved, the profane has no place in the trial ritual. When profane displays emerge to disrupt the legitimacy of the prosecution's case, bereaved become upset.

Donna Taylor wished for the opportunity to ask the shooter in her brother, Frank's, death why he did it. In this case, a white man (defendant) found a black man (Frank) in his car late one evening in downtown Center. The defendant followed Frank for several blocks and then shot him in the back. Donna says:

I wish I could talk to him, just to know why . . . I want him to be honest with me . . . I just want to know why. Why would you follow a person like that. Were you that angry over a [broken car] window? . . . And does he feel any remorse at all from what he did? From the look on his face, he doesn't. [B02]



I observed the murder trial in Donna's brother's case. During the trial the defendant's attorney argued that his client thought the victim was reaching for a weapon in his pocket when he shot the victim in fear for his life. Throughout the trial, the defense attorney showed the mostly white jury pictures of the gang tattoos on Frank's black chest. On the last day of the trial, the courtroom was packed at standing room only with news reporters, gun-rights advocates, and supporters of the defendant. More than sixty friends and family members of the defendant packed the courtroom. The murder victim, on the other hand, had three supporters, his sister and two friends. After a week of evidence and less than seven hours of deliberation, the jury found the defendant not guilty. When the jury foreman read the verdict, the defendants' supporters screamed and cheered in celebration of their victory. My field notes read:

The foreman says, "The jury finds the defendant not guilty." Donna puts her face in her hands and begins to cry. The defendant and his sixty or more supporters are screaming and cheering for the victory. The cheers are cheers of victory, not cheers of relief.

Donna talked about her reaction to the defendant and his supporters' reactions in my interview. She says, "They acted like it was a celebration, and I don't feel like it was a celebration at all . . . That wasn't the time and the place to act the way they did . . . They acted very, very immaturely" [B02]

Bereaved also express frustration at the defense attorney's profane behavior. Wendy Lawrence, whose 77-year-old father was pushed to a heart attack during a robbery, describes the defense attorney's behavior in her father's trial. She says:

I took a photo of my dad, a 5-by-7, they blew it up to an 8-by-10 put it in a frame right. So here's the jury sitting right here and the judge is right here and there's like a little bar counter thing. So Terry [the prosecutor] put my dad's picture right side up, right here, facing the jury. Every time the defense attorney walked in, he would pop it down. Pissed me off! I was so angry I wanted to go and pop him and he'd do it every time and Terry would have to go up there and raise it up and face the jury. I thought that was ridiculous. [B03]

Wendy was not alone in her frustrations with the defense attorney. On the third day of the six-day trial in Natalie Harris' brother's case, I witnessed an exchange between the defense attorney and Natalie during a court recess. The attorney, Sal Nowlins, was taking a break from his seat at the defense table and sitting three rows behind Natalie's seat in the courtroom. When Natalie returned from the bathroom and saw that the court was in recess, she looked surprised. Sal saw her surprise and he told her, "It's all over. They [meaning the jury] let [my client] go." Natalie firmly and quickly replied, "You may think that's funny, but I don't. That man killed my brother." Natalie said this rather loudly for the courtroom demeanor, and a slightly awkward hush fell over the room. A profane disregard for what the bereaved views as a significant loss and an important case disrespects the meaning of the trial ritual for bereaved. This disrespect unsettles bereaved.

## 2. *The Jury*

Bereaved also report satisfaction and dissatisfaction with the jury or judge's ruling in the case. Bradford Carson was pleased with the jury's verdict in his son's case. He and his wife and other son were so pleased that they stayed around the courtroom after the trial to express their appreciation to the jurors and the judge for their role in the trial. He says:

Well, [short pause] I feel good that he is going to spend the bulk of his life in prison, he'll be about 65-years-old when he gets out. . . We stayed around, we thanked the jurors, and we thanked the judge. [B09]

Other bereaved experienced difficulty in making sense out of the jury's decision in their loved one's murder case. When the jury found the defendant not guilty in Donna Taylor's brother's case, she wondered what was wrong with the jurors. She says:

Honestly, I feel like if it was the other way around [and a black defendant had shot and killed a white victim] my [black] brother would be in prison. [B02]

When the legal decisions do not offer a meaningful representation of the beliefs and principles that bereaved expect those decisions lack legitimacy. For bereaved, the jury's inconceivable ruling in a case distorts the bereaved's view of the system as legitimate. The inability of the system to bring justice for some bereaved may inhibit their ability to restore order to their view of the loss and the world.

### **C. Conclusion**

This section reveals the types of experiences bereaved have in the trial, and Durkheim's (1965) theory of religious life provides a framework for demonstrating the significance of the trial ritual for bereaved. The trial is a sacred ceremony, which bereaved expect will bring to light the profane (illegal) behavior of the defendant and the sacred nature of their loved one's life. The defendant's lies about the murder, defense attorney's jokes about the case, and defense attorney's disrespect for the murder victim frustrates the bereaved. These gestures tarnish the sacredness of the trial. From the perspective of the bereaved, the jury invalidates the bereaved's understanding of the way their loved one died and devalues the life of the deceased when they do not bring the verdict or sentence that bereaved expect. The trial ritual rarely ends in the way that bereaved want, and it does not, in most cases, heal the harm of their loss.

## **VIII. Professionals' Perceptions, Perspective, and Management of Bereaved**

The purpose of this section is to examine the ways that criminal justice professionals perceive and manage bereaved. The data for this section come from two sources: (1) in-depth interviews with 19 Center County criminal justice professionals and (2) participant observation of murder cases in the Center County criminal justice system. The findings are presented in three parts: perceptions, perspective, and management, and I link these findings to a broad range of sociological theories and concepts. The findings capture the emotional aspects of the criminal justice professional's roles. The findings also illustrate the hierarchical nature of the relationship between criminal justice professionals and bereaved.

### **A. Perceptions**

Empirical research on organizations in general and the criminal justice system in particular indicates that perceptions play a key role in organizational (and system) outcomes. This research also shows that such perceptions play an important role in individual experiences. Criminal justice professionals' most common perception of bereaved is that they are emotional. Emotion refers to "temporally embodied, situated self-feelings that arise from emotional and cognitive social acts that people direct to the self or have directed to them by others" (Denzin 1984:49).

Fifteen of the 19 criminal justice professionals report that seeing the emotions of a person who has lost a loved one to murder is the hardest part of work with bereaved; and as findings presented later in this section suggest, this perception influences professionals' management of bereaved. A murder detective with 8 years of experience explains the reason why he finds these encounters so difficult:

[W]atching somebody go through an experience like that is not easy. I mean, that's a really difficult thing to do. . . . Regardless of what we [the police] do, I'm really not sure that much registers at that time. And there's not, so consequently, it is difficult to watch, and it's difficult to observe and to kinda watch their pain and see the grief that they're experiencing. [CJ03, Police Department Murder Detective]

A crime-victim's-rights advocate (someone who works for non-profit organization that assists crime victims who want to learn more about the criminal justice process) feels similarly about his encounters with bereaved.

If you have a person who is just so emotionally wrought, every time you talk to them, and a lot of these people, when they're like that, they won't remember from day to day what you've told them. They stay confused and things of this nature. So that's probably the most difficult part, because you never know if they have absorbed anything you've told them . . . It's frustrating. You feel for them, but . . . what more can I do to help bring them up a little bit? And some times you just can't. [CJ13]

Both the detective and the advocate note the intensity of the pain bereaved feel following the murder of their loved one. This type of emotional intensity is feelings of a lived-body (Denzin 1985).

Because of the intensity of their emotions, these criminal justice professionals also question the ability of bereaved to receive and retain information about the murder case and the criminal justice process. The perception that bereaved are too emotional to register information gives bereaved a cognitive disability in the eyes of criminal justice professionals. The emotional-irrational disability is a stigma. Goffman (1963) indicates that assigning another with a stigmatized identity gives people an excuse to exclude them from social interactions. Stigma is "an attribute a person possesses that make him [or her] different from others" (Goffman 1963:3). The "emotional-irrational" stigma appears to give some criminal justice professionals a justification for excluding them from the process.

Other research confirms that criminal justice professionals dislike emotional encounters. Stenross and Kleinman (1989) report that detectives feel powerless when faced with such emotional reactions, because they see victims' reactions as genuine and sincere. Montada and Lerner (1998) find that people only help others when they believe their help will bring change. Some criminal justice professionals perceive their help as bringing little change in the bereaved, and they find this frustrating. Thoits (1989) argues that the relationship between stress and helping may be curvilinear; people experiencing very high and very low levels of stress may have difficulty in finding socially supportive others. The finding that detectives dislike emotional encounters supports Thoits' (1989) argument, as well as Stenross and Kleinman (1989) and Montada and Lerner's (1980) empirical research.

The difficulty for the detective and the advocate rest on professional and personal understandings of the bereaved's situation. At a professional level, they recognize the limitations of what they can do for bereaved following the murder of their loved one. Even with the best possible ending to a murder case, the bereaved's pain continues. Wortman, Battle, and Lemkau (1997) find that supporters feel helpless when nothing brings comfort to bereaved people.

Criminal justice professionals also believe they understand what it might mean to lose a loved one, and this weighs on them emotionally. The following five criminal justice professionals explain how seeing bereaveds' emotions makes them feel:

Seeing them, seeing their grief. A lot of times it will get to me. [CJ12, Sheriff's Department, Violent Crimes Detective]

There's just a lot of pain. And it's painful for us, too. [CJ06, District Attorney's Office Victim Counselor]

But just dealing with people's sorrow like that, it's just awful. [CJ07, District Attorney's Office Prosecutor]

The hardest part for me is to separate myself as friends. . . [B]ecause I pretty much get to know the family very well. . . That is the hardest part of [it for me], is separating and not getting so close to the families that I can't separate myself from them because I must always keep that in mind. [CJ17, Volunteer Crime Victim's Advocate]

Criminal justice professionals in general, and especially those who work with people who have lost a loved one to murder, do what Hochschild (1983:7) terms emotional labor. Emotional labor is "the management of feeling" of others in a work setting.<sup>12</sup> This emotional labor grows more difficult when the professional can imagine himself or herself in the bereaved's situation.

A detective with the Sheriff's Department elaborates on this point:

When I have a grieving mother or father that [has] lost their kid, that's really hard, really hard...[A]s far as dealing with the victims, a lot of times whenever they get real emotional, I can understand what they're going through. I've seen it many, many times, and sometimes it bothers me and sometimes it doesn't. And I guess it bothers me more whenever it's children involved or somebody young than [when] it is an older person. And that may be because I have kids. I can't imagine losing my kids. [CJ12, Sheriff's Department, Violent Crimes Detective]

This detective says that he "can't imagine" losing his kids. In all likelihood, he does not want to imagine it. That image proves a rough part of these encounters. Symbolic interactionists argue that role-taking promotes smooth social interaction (Blumer 1969), and emotional role-taking allows observers to imagine the victim's feelings. When observers decline to imagine the victim's feelings, it limits their ability to extend sympathy. Professionals often do not want to take the role of the other in these situations, and this resistance to role-taking emerges in professionals' strategies for managing bereaved (see the third section in this section on Management).

While murder detectives dislike emotional encounters, they sometimes use them to eliminate or confirm the bereaved as a murder suspect in their investigation. In fact, detectives

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<sup>12</sup> Emotion work, on the other hand, is the management of feelings of the self (Hochschild 1983).

consider “emotional” reactions from bereaved to be normal reactions, and they use emotional reactions to categorize bereaved into “normal bereaved” and “abnormal bereaved” categories. The “abnormal (or unemotional) bereaved” is a suspect in the murder.

Sudnow (1965) finds similar types of “normal crime” categorization schemes among public defenders. He examines legal officials’ implementation of penal code statutes, and finds that public defenders use their informal understanding of offense category types, offender characteristics, and offense location to stereotype or categorize cases. This stereotyping serves to provide an efficient tool for caseload management (Sudnow 1965). Skolnick (1975:237) also finds stereotyping in police departments. He explains:

[A]s a system of organization, bureaucracies can hope to achieve efficiency only by allowing officials their own means for solving specific problems that interfere with their capacity to achieve productive results. Some of these procedures may arise out of personal feelings – for example, relations between the police and traffic violators – while others may become a routine part of organizational structure.

Detectives categorizations of bereaved as normal or abnormal appears to arise both out of personal feelings and organizational structure. Personal feelings involve the detective’s discomfort with the bereaved’s emotional devastation following the loss; organizational structure concerns the detective’s interest in solving the murder case efficiently.

Lofland and Lofland (1995, citing Mennerick 1974) argue that informal classification schemes emerge in situations where a handful of professionals manage a large number of people. This is the situation in murder cases. In Center County, 12 police department murder detectives and 3 sheriff’s department felony detectives handle approximately 45 new murder cases per year, and these new cases do not include the unsolved cases still under investigation. The structure of the system and the volume of cases influence professionals’ need to classify bereaved into



normal and abnormal bereaved. This classification helps professionals identify or eliminate the bereaved loved one as a suspect in the murder.

In a study of prosecutor files for murder cases disposed of in 1988, Dawson and Langan (1994) find that 64% of murder victims were killed by friends or acquaintances, 16% by family members, and 20% by strangers. Detectives with the Center police and sheriff's departments know that 80% of murders are committed by a friend, acquaintance, or relative of the murder victim. This knowledge shapes detectives' approach toward bereaved people, particularly in the early stages of an investigation. As one counselor explains, "[Detectives] are all very paranoid . . . Everybody's a suspect until they find out what happens" [CJ01, Police Department Counselor]. This paranoia shapes detectives' perception of bereaved. The structure of the system, knowledge of murder, and experience on investigations facilitates the detective's formulation and use of a "normal bereaved" classification scheme. Akers and Hawkins (1975) explain that these classification schemes short-circuit formal organizational policy, and they allow professionals to use perceptions to make case management decisions.

Not all criminal justice professionals support or utilize the "normal bereaved" categorization scheme. Victim service counselors with the police department do not utilize this type of categorization. In the police department training program for volunteer victim service counselors, volunteer counselors are instructed to think of (and treat) bereaved only as a bereaved, not also as a suspect. This becomes difficult when detectives ask counselors if a particular bereaved person's emotional reaction is a "normal reaction." In these situations, counselors are trained to respond, "Every reaction is a normal reaction." Thus, despite detectives' efforts to get counselors to help them place bereaved into "normal bereaved" and "abnormal bereaved" categories, counselors are asked to resist. The interest of detectives in

categorizing bereaved and the non-interest of counselors in categorizing bereaved get at the different professional roles and responsibilities for each. Although counselors may categorize bereaved for other reasons, such as psychological evaluation or treatment purposes, they decline to do so for investigation purposes.

## **B. Perspective**

While criminal justice professionals' most common perception of bereaved was that they were "emotional," their discussion of emotions depended on two things: (1) the organization to which the professional belonged (e.g., police department, sheriff's department, district attorney's office) and (2) the professional's role in the organization (e.g., detective, counselor, prosecutor). Abbott (1988) argues that events external to the system trigger the actions of professionals within the system, and this is certainly true in murder. A murder triggers an entire series of actions by professionals in the criminal justice system, and one of the first of these actions is the death notification of the victim's next-of-kin.

### *1. Organizational Location*

For professionals with the police and sheriff's departments, the death notification was the most difficult part of their work. When a murder occurs, the police and sheriff's departments share the primary responsibility for notifying next-of-kin of the death; and in Center County, police department professionals handle most notifications. Once dispatched to the next-of-kin's home, a uniformed police officer, sheriff's deputy, or murder detective notifies the family of the murder. The officer, deputy, or detective often is accompanied by a victim service counselor; and in many cases, the counselor is the one to make the actual notification.

As reported in Section IV in bereaveds' discussion of the notification episode, the notification elicits very emotional reactions from the next-of-kin, including shock, disbelief, anger, and sadness. Some bereaved even strike out in violence against the person informing them of the death. For this reason, the police department, in fact, has an informal policy of not allowing counselors to make the death notification without the presence of a police officer. Weizman and Kamm (1985) report that shock, disbelief, and sadness characterize the first stage of bereavement in general (not just in murder cases). Two victim service counselors with the police and sheriff's departments describe the hardest part of their work with bereaved:

The death notification is pretty hard. And the first, I think the first day, the first interaction with them is the hardest, cause emotions, their emotions, their feelings are very very intense, it's kind of hard to deal with that. Just seeing them through the pain is hard. [CJ01, Police Department Victim Service Counselor]

Just seeing that kind of grief is just, it has a depth that's indescribable. And that's the hardest part. Is just actually seeing somebody with that kind of grief. It is just heartbreaking. [CJ09, Sheriff's Department Victim Service Counselor]

As discussed earlier, feelings of a lived-body represent such strong feelings that observers can vicariously share in the victim's emotional experiences (Denzin 1985). It speaks to the symbolic interactionist view of social encounters that counselors find it hard to "see bereaved through the pain" and feel "heartbreak" for their loss. In the professional-bereaved interaction, the bereaved's pain is so intense as to bring in willing others. I emphasize "willing others" because, as demonstrated earlier in this section, not all others are willing to be brought into the bereaved's situation of feeling.

Professionals in other parts of the system describe other aspects of bereaveds' emotions as difficult. Prosecutors and counselors with the district attorney's office consider bereaveds' views that a trial will make them feel better to be the most difficult part of their work. Their experience tells them that a trial will never make the bereaved feel better, but they have difficult

convincing bereaved of that. A prosecutor with 16 years of experience and approximately 100 murder cases recognizes this difficulty:

Not being able to make it all go away and be okay. You see them hurting and you can't fix it, and you know that, they think that something wonderful is going to happen at the end of the case and you know that, that after the verdict they are going to go, they going to be really disappointed about how that made them feel. And that's not going to solve it for them. [CJ07, District Attorney's Office Prosecutor]

This may be where bereaveds' grief becomes entangled in the criminal justice system's processing of the case. This entanglement is supported by data collected from bereaved. The father of a 30-year-old daughter who was murdered 4 years prior to our meeting for the interview and whose daughter's murder case remains unsolved says:

I know I will never have her back, [but] I know it would make me be able to handle what we've gone through a lot better... If we could have a trial, I think maybe I could move on. [Bereaved Pretest A]

When asked what it would mean to have his 21-year-old son Kennedy's 1995 drive by shooting death resolved, Xavier Nettles, a 61-year-old black man explains:

It would mean a great deal to me. It's very difficult. You learn to live with it, but [there are] times when you sit down and you think about [it]. In fact, I think about my son every day, but there are times when I sit down and reflect on [the case]. And it would mean a lot to me to know [who did it] to have it solved. [B23]

## *2. Professional Roles*

The professional's role in the system (not just the organization in which the professional works) also shapes his or her view of bereaved. Here, I focus on the three types of professionals that have the most contact with bereaved – counselors, detectives, and prosecutors.

a. The Counselor Role. Counselors view bereaved as victims needing assistance. All 4 victim service counselors say the hardest part of their work with bereaved is simply seeing the pain from their loss. A victim service counselor explains:

And when people have lost someone to murder, there's so much emotion. There's no chance to say good-bye. The horror of it all. And they want someone to share that with them. And we do a good job of that. You don't ever get to where you don't feel it. You might think that you would but you have somebody come in who's just full of so much pain. There's just no way that you don't share a little bit of that with them. [CJ06, Prosecutor's Office Victim Service Counselor]

Denzin (1984) terms the sharing of feelings "shared emotionality." The "shared emotionality" of counselors, but not detectives or prosecutors, indicates that criminal justice professionals in the counselor role take the emotional role of the bereaved in these encounters. In fact, they are trained to do so. This training helps them to conduct the emotional labor of their work, and the absence of this "sharing" in detectives and prosecutors' descriptions of their encounters with bereaved indicate that it is the job of some professionals to take the role of the other but not of others. Findings presented later indicate that, although it is not their job, it is advantageous (and sometimes disadvantageous) for some professionals to take the emotional role of the bereaved.

Some, however, view this sharing of bereaveds' emotions, or emotional labor, as problematic for themselves and their work:

[I] think that can be hard when you can almost connect to what they're going through, if you're that close, or you're too close to what they've gone through. I think that's tough. When you can almost put yourself in their shoes. You try to keep a distance, so you can keep a level of professionalism. But sometimes when you get too close, I think that can get hard. [CJ02, Prosecutor's Office Victim Service Counselor]

This counselor suggests that one can go too far in taking the emotional role of the bereaved. That line surfaces when emotional role-taking hinders the professionals' ability to do their job professionally. This is part of the difficulty of emotional labor. It blurs the line between the

professional self and the personal self. Hochschild (1983:132) says that flight attendants ask themselves, "How can I feel really identified with my work and my company without feeling fused with them?" Counselors who work with bereaved ask the same type of question, "How can I assist these bereaved without putting myself in their shoes or getting too close?" Joffe (1978) notes that even trained therapists find working with highly emotional clients difficult.

The difference in roles among professionals can sometimes create conflict. One counselor related a case in which a young man shot himself in the presence of his girlfriend. The detectives investigating the man's death originally thought the girlfriend played a part in her boyfriend's death, and they questioned her as a suspect. This counselor elaborates:

I was working with the girlfriend [of a man who had shot himself]. The detectives thought she had something to do with it. They were interrogating her. That was pretty hard, because for me, she was a victim... I was working with her as a victim, and they were treating her as a suspect. [CJ02, Police Department Counselor]

This relates to the finding presented earlier that counselors remove themselves from casting judgment on bereaveds' involvement in a case, and they resist other professionals' requests to classify bereaved into normal and abnormal bereaved categories. Counselors do not see their role as assisting detectives in the resolution of the case; their role calls for them to support and assist victims of crime.

While the organization does not ask counselors to cross that line detectives sometimes do. Abbott (1988:73) argues that separations of responsibility facilitate a division of labor, and interprofessional conflicts arise when two professionals hold responsibility for other tasks. When the tasks conflict, the professionals executing those tasks also conflict. In the police department, the detective's task is to solve the murder and the counselor's task is to assist the victim. Interestingly, the organizational importance of the professional's perception of bereaved

(i.e., meaning the value the organization places on the professional's label of the bereaved) varies with the professional's importance in the system. My observations of (and work with) police department detectives and counselors indicate that counselors are subordinate to officers and detectives. The subordination is evident in three ways: (1) assignment of work, (2) amount of emotional labor, and (3) importance of the professional's label for the bereaved.

First, police officers and murder detectives decide if and when to call a victim service counselor to a scene. Once the counselor arrives to the scene, the officer briefs her on the situation. The officer decides when the counselor will talk to the victim. One day a police department counselor and I were called to go to the homicide division of the police department to assist detectives with a death notification. When we arrived, three detectives and a prosecutor were talking about the odd behavior of the lead suspect, who was in separate room. They said that the woman was doing "chair aerobics" while they questioned her about her common-law husband's death, and they gave animated impersonations of the woman touching her head, shoulders, knees, and toes. They wondered out loud what was wrong with her.

The staff counselor, Elena Manuel, who has worked closely with the department's murder detectives for more than three years, approached Detective Jose Benivedez and asked him who we needed to notify. The detective said that he was not sure, because the wife said that she did it. He did not know the man's other relatives. Jose asked if we would wait while he figured out who else to notify. After fifteen minutes with no news, the counselor asked the detective again, "What about the victim?" A second detective overheard her question and replied, "The victim is dead" and laughed. The counselor rolled her eyes and said, "very funny." The counselor later told me, "They always say that; they like to try to get a rise out of me." In response to her question, Jose requested that we wait another fifteen minutes. We waited another

thirty minutes, and then, the counselor told Jose that she was not going to wait all day. She said she had other calls to take, and they could page her when they identified the victim's other relatives. This observation (and the organizational procedures for involving counselors in police work) indicates that counselors rank lower than detectives in the organizational hierarchy of the police department.

The second indication that counselors rank below officers and detectives in the organizational hierarchy is in the amount of emotional labor that they perform. Stenross and Kleinman (1989) note that professionals view emotional labor as low-level work, and they try to push it off onto others. The third indication is in the weight given to the counselor's label of the bereaved as a victim and the detective's label of the bereaved as a suspect. The detective label carries a higher priority.

b. The Detective Role. Detectives view bereaved as possible suspects, and some detectives use "status shields" to distance themselves from the bereaved (Hochschild 1983; Stenross and Kleinman 1989). The authors explain:

By cultivating a demeanor that people associate with authority, clients often feel too intimidated by professionals to complain to them face-to-face. Affective neutrality sets up an emotional distance in the relationship that clients, having less power and feeling vulnerable, are likely to go along with. This 'professional demeanor' may well cut down on the amount of emotional labor a professional will have to do. (Stenross and Kleinman 1989: 449)

For the detective, the decision not to take the role of the other is an instrumental one. It would be disadvantageous to take the emotional role of the bereaved, because it would dismiss the hierarchical relationship between them. The hierarchical position is useful in conducting an interrogation of a bereaved when he or she is a possible suspect. This authority or "status shield" is also helpful for discouraging bereaved from contacting them with their questions about the case (Hochschild 1983). The status shield may also provide an "emotional shield" for criminal



justice professionals to distance themselves from potentially draining emotional encounters with bereaved.

Detectives probably face bereaved when they are at their most vulnerable point in the bereavement process – the beginning. In addition, the police department and its professionals hold the greatest responsibility for moving a case through the criminal justice system. Williams and Rodeheaver (1991) describe the police as the “weakest link.” If a case does not leave the murder detective’s desk, it goes nowhere. The knowledge that bereaved look to detectives to start the process that will bring resolution (or relief for their grief) can be disheartening when detectives cannot solve the murder case. One detective says:

When you have a case that’s unsolved, it’s really difficult to look at the family. I think they want some, [well] everybody knows that they want some closure to the case. I’m sure it doesn’t solve the problem, and I’m sure the loss is just tremendous for them regardless but, it’s somehow, most families want to have some kind of a closure to the case. They want an arrest made and somebody prosecuted and tried . . . and when that doesn’t happen I think it’s really difficult for family members. Sometimes [it’s difficult] to deal with them. That’s kinda tough, you know. I don’t like disappointing people. It’s not easy. You want to solve the case; you want to have a successful investigation concluded. It’s not always possible, [and] that’s pretty tough. That’s probably the most difficult aspect of [working with bereaved families] for me personally. [CJ03]

Like other professionals, this detective recognizes the importance of a resolved case to the bereaved, and it becomes difficult to talk to bereaved whose loved ones’ cases he cannot solve. This fact may provide the best explanation for why detectives, more than any other type of criminal justice professional, dislike working with bereaved. It is not just that they view the bereaved as emotional; they also recognize that bereaved’s expectations for the case resolution begin with the police department. The guilt felt from not meeting those expectations may prove difficult to shoulder.

c. The Prosecutor Role. The prosecutor views bereaved as looking for closure in all the wrong places. Center County prosecutors bear the burden of prosecuting felony cases. In this particular county, prosecutors also are asked to involve bereaved families in their decisions about the case. This involvement varies from prosecutor to prosecutor and from bereaved family to bereaved family. Some families do not wish to be a part of the criminal justice process, because as one counselor explains, they don't want to be responsible for making a decision about the state's offer for the defendant's punishment, such as death or life in prison. In most cases, however, the bereaved and prosecutor meet to discuss the status of the case. They may meet as few as one or two times or as many as ten times over the 12-to-18 month period from indictment to trial. Over the course of these meetings, the prosecutor gets to know the bereaved family as well as the family's feelings about the case. Of course, some bereaved never have the opportunity to meet with a prosecutor, and this happens for three main reasons: (1) the case remains unsolved and stays in the hands of the police or sheriff's department, (2) there is not enough evidence to bring the case before a grand jury for indictment, or (3) the grand jury declines to bring an indictment.

Three of the 4 prosecutors observed that bereaved families expect the criminal justice system to heal the harm of their loss. They found this expectation and the empty promise for emotional closure that it brought to be the most difficult part of their work with bereaved. A prosecutor who has worked on approximately 200 murder cases in his 20 years of experience, describes this difficulty:

In almost all the homicide cases I've dealt with, everybody wants to go to trial. And they think that a trial is a public airing of what happened. [They think it] is going to fix them, and it doesn't fix them. [CJ04, Prosecutor's Office Prosecutor]

He continues:

I try to explain to them in those series of meetings we go through, that regardless of how we dispose of this case, whether it's a negotiated plea, or whether it's a jury trial, when that actually happens, you're not going to be fixed. You're still going to have to deal with this. It's not going to go away. And most people don't believe me before it happens, but I think if you, if you're able to talk to any of the families of cases that I've worked on, they'll tell you. [CJ04, Prosecutor's Office Prosecutor]

Erez and Rogers (1999) report that court personnel identify the "normal" victim reactions for various types of offenses, including rape and burglary (but not murder). These professionals recognize that the amount of harm varies with the seriousness of the offense, and their knowledge of what that harm reveals their level of experience in the system. Center County prosecutors indicate that bereaved always "want" a trial from the criminal justice system.

### **C. Management**

Criminal justice professionals' views of bereaved as emotional shape their decisions about when to talk to them, what to tell them, and how to tell them about the murder case. These professionals use three strategies to manage bereaved, including avoidance, organizational shield, and information control.

#### *1. Avoidance*

As for avoidance, a murder detective with 8 years of experience on murder cases and more than 10 years of experience on sexual assault cases said the toughest part of his work with bereaved was simply:

Talking to [the] family. Yeah, it's tough. I'd rather talk to them after they've been told. Cause they've already gotten that, for the most part, crying out of the way, that raw emotions. And, so, that's the part I don't like. I don't like notifying next-of-kin. That's the hardest part. [CJ05, Police Department Murder Detective]

As this detective indicates, he finds death notification to be very difficult. His view of bereaved as emotional influences his decision about when to meet with the family; and as a result, he avoids meeting with the family until after those early emotions have been expressed.

The just world hypothesis sheds some light on criminal justice professionals' use of avoidance in their encounters with bereaved. The just world hypothesis states that people use their belief that the world is just to develop an understanding of harmful situations (Lerner 1980). One of the three tactics that observers of harm use to sustain this belief system is helping the victim. However, people provide assistance to others when the assistance is likely to help and it is not too costly (Montana and Lerner 1998). As the detective quoted in the first section of this section suggests, there is not much that professionals can do to help bereaved following the shock of the death notification, and this makes the avoidance of bereaved that much more plausible. Montanda and Lerner (1998) report that people do not help if they believe their help will only partially heal the victim's harm.

Professionals in all parts of the criminal justice system recognize the system's inability to heal the harm of a bereaved person's loss. Their observations suggest that even when they can bring some relief to bereaved, they are least likely to be able to do so in the early stages of grief. This observation leads them to choose avoidance as a strategy in their work with bereaved.

## *2. Organizational Shield*

Four of the 5 murder detectives said that they preferred to have a victim service counselor make the actual notification. As this preference suggests, avoidance is not the only strategy professionals use with bereaved; they also use organizational shields. An "organizational shield" refers to interactions in which one professional (usually a higher ranking professional) uses

another professional to field calls or meet with emotional people (Stenross and Kleinman 1989). This shield serves to provide a buffer between the professional and the emotional client or customer. The professionals caught playing the organizational shield are usually of lower rank, lower salary, and are often female. In corporate organizations, supervisors rely on receptionists and secretaries to field calls and visitors and to give the corporation a "human face" (Kanter 1977).

Abbott (1988:126) argues that the division of labor in organizations "may reflect intraprofessional status forces; professionally impure work maybe given to particular members of a profession." Professional dirty work, like emotion work, may be given to particular members of the organization or profession, and Abbott (1988) notes that it is usually women. Stenross and Kleinman's (1989) research on detectives supports this view. Although it is not within the scope of this study on professionals' perceptions and management of bereaved, gender issues bear brief comment. The distribution of men and women in detective, prosecutor, and counselor positions in the Center County criminal justice system reveals a gendered aspect to the structure of this system, such that women tend to be in counselor positions and men tend to be in detective and prosecutor positions. It may be that the distribution of men and women in the system affects bereaveds' encounters; perhaps female criminal justice professionals express more empathy with bereaved than male criminal justice professionals. This disproportionate representation may limit the amount of sympathy that bereaved receive.

A murder detective with 8 years of experience (the same detective who, in an earlier section, describes his avoidance of bereaved families until post-death notification) explains his use of an organizational shield this way:

Before victim services got assigned to here, it was us. They caught you on the phone. They'd show up, just out of the blue and want to talk. . . So, [now] I try to

push [them] as much onto Victim Services as I can. [CJ05, Police Department Murder Detective]

This strategy can be linked to two sociological issues, including Abbott's system of professionals and Hochschild's emotional labor. It follows from Abbott (1988:86) that in an interdependent system the behavior of one professional influences the workload of others. In this case, detectives avoid bereaved or "push them" onto others, and counselors end up catching them. Counselors serve as organizational shields for detectives because they provide a buffer between detectives and emotional bereaved.

This finding also suggests that the inaction of some professionals creates the *opportunity* for work for others. It is only in the last 20 years that criminal justice systems in the United States have employed counselors in police departments, sheriff's departments, and district attorney's offices. In their study of detectives and emotion work, Stenross and Kleinman (1989) found that detectives' primary strategy for dealing with crime victims was avoidance, but the authors indicated that these detectives wished there were other professionals, such as secretaries or public-relations personnel, within the system to handle victim contacts. Detectives' lack of responsiveness to bereaved (and other victims of crime) in the past may have created the opportunity for victim service counselors' work within the system. Abbott (1988:276) explains that a professional subgroup [in this case victim service counselors] emerges when the social environment and other professional subgroups create the need for that group. The social environment in this case is the crime victim's movement of the 1980's and 1990's, and the other professional subgroups are detectives and prosecutors. Detectives and prosecutors' avoidance of crime victims created a gap in the system; and since 1982, when the first state passed victims' rights legislation, criminal justice systems throughout the country have begun to employ counselors to fill in that gap.

### *3. Information Control*

The third strategy criminal justice professionals use in their encounters with bereaved is information control. The evidence presented below indicates that information control involves the amount, timing, and tone (i.e., manner of delivery) of information released to others in an effort to influence their behavior. Information control is a type of social control, and social control is the use of power and authority to control the behavior of others (Clark and Gibbs 1965). Criminal justice professionals offer or withhold information they have about the criminal justice process and the murder case to control the behavior of the bereaved, and they use this type of social control for the bereaved's and their own feelings of well-being.

Criminal justice professionals explain that information can both exacerbate and assuage bereaveds' emotions. They describe situations in their work where the information they had about a particular murder victim or murder case brought either pain or relief to bereaved. This finding supports bereaveds' perception that criminal justice professionals restrict their access to information as reported in Section V. Professionals' discussions of information control and their reasons for it involved three emotional issues, including checking current emotional stability, creating emotional stability, and maintaining emotional stability.

Criminal justice professionals also control information for the purposes of the murder investigation. First, professionals assess the emotional stability of bereaved to decide what information to share and when. A murder detective with 15 years and 20 cases reported:

You're not going to tell a mother that her nineteen-year-old son was found with his face shot off by a shotgun. So, you've got to temper the answers to the person's emotional stability at that particular point. [CJ10, Sheriff's Department Murder Detective]

This professional uses his view of the bereaved's emotional state to decide what information to release to bereaved.

Although this professional and others interviewed for this study suggest that they do this for the good of the bereaved, I argue that they also do this to protect their own emotional well-being and their organization's interests. These encounters take an emotional toll on professionals, and it is in their best interest to keep them to a minimum. These encounters also take time, and detectives do not have much time. All of the detectives indicated that the first 48 hours of a murder investigation are critical to solving a murder because that is when witness' memories are clearest and crime scene evidence is best. The likelihood that the case will be solved declines rapidly after the first 48 hours. Because of these time constraints a detective does not want to be stuck in an emotionally delicate (and time-consuming) situation with bereaved.

Second, criminal justice professionals control information to create stability in bereaved by providing them with information about the criminal justice process. One counselor says that she uses her knowledge of the criminal justice process to prepare families for the murder trial. She noted that defense attorneys often use the murder victim's background to argue that he or she was partly to blame for the murder. Bereaved often are shocked and enraged that the defense can use such information to denigrate their loved one and boost his or her client's case. A victim service counselor with 14 years of experience in the district attorney's office explained:

The victim's criminal history, you know, on homicide cases, can be a big issue. If there's a prior relationship with the victim and the defendant. If there's any drug or alcohol involved on the victim's part. We will let [the bereaved] know this . . . to help them emotionally cope with it . . . just to help them prepare to hear it. So, it won't be so shocking at the time in the courtroom. So, that emotionally, they want to be a little bit stronger at that time and prepare themselves. [CJ02, Prosecutor's Office Victim Counselor]

Thus, the counselor prepares bereaved for the mention of such issues in the courtroom to alleviate some of the pain such information would cause. Counselors did this, however, not just



for the well-being of the bereaved, but also for the strength of the prosecution's case. A bereaved person's emotional outburst, termed an "emotional utterance," in a trial before a jury could cause a mistrial in the murder case. Thus, it remains important that the bereaved be prepared for information that might upset them. Konradi (1996) finds that prosecutors prepare rape victims for similar difficulties at trial. Prosecutors warn rape victims about the issues to emerge in the defense attorney's cross-examination of them so that the victim will make a better witness at trial.

The third reason professionals control information about the murder case is to help the bereaved maintain emotional well-being in the longer term. Several counselors, detectives, and prosecutors report that they often receive requests from the murder victim's family to see photographs of the crime scene or the autopsy. These professionals explained that they never understand bereaveds' interest in seeing such photos, and they always try to convince them that it is not a good idea to see them. A counselor with 14 years of experience explains the reason she does not want bereaved to see such photos:

I think it's important to understand what memory they're going to have of their loved one, and I'm very careful on what that last memory can be. I really don't want it to be of the crime scene or the autopsy. [CJ03, Prosecutor's Office Victim Counselor]

In some cases, the reasons for controlling information overlap. For instance, a professional may control the information he gives to bereaved to both create emotional stability in the short term and maintain emotional stability in the long term.

The fourth and final reason professionals control the information released to bereaved concerns the investigation. Four of the 5 murder detectives describe problems with telling bereaved too much about the murder investigation. While the bereaved want to know details

about what happened to their loved one and the status of the murder investigation, those details are usually believed to be best kept secret.

Well, a lot of times you can't tell them all the information. And they feel like they have a right to know, but unfortunately, you can jeopardize your case by letting too much out. I'll give them as much information as I can without jeopardizing the case. And I think if you can explain it to them, they understand, but it still hurts. [CJ16, Police Department Murder Detective]

The ability of professionals to keep such secrets speaks to the hierarchical nature of the criminal justice system-bereaved relationship. The system and its professionals hold authority (and jurisdiction) over bereaved, and this authority often creates tension between the two parties. In these conflicts, the organization's goal to solve the case supersedes the bereaved's need for information.

While departmental procedure (the law in the books) prohibits the release of such information to bereaved, professionals often do so out of sympathy with the family (the law in action). Another detective describes the dilemma of telling bereaved too much about the case:

[S]ometimes [detectives] will let their guard down and probably will break with protocol, out of sympathy with the family, or because they bond with a family member. They will sometimes, provide more information to the family member than would be prudent, given what our job is, and what our responsibilities are. And I've seen it really hurt them, hurt the investigation in the long run. [CJ03, Police Department Murder Detective]

He later explains:

And that's a really difficult part to try to balance out the fact that [the bereaved are] wanting information, and often times our investigation is much better served if we don't provide any additional information than what we need to provide. I mean, that's just a basic tenet of sound investigative procedure. [CJ03, Police Department Murder Detective]

Skolnick (1975) documents the discretionary power of police to decide which cases to investigate and how. This study indicates that this power also exists in police's work with bereaved. They hold discretion over which bereaved person to tell what to and when.

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This detective's description of the "balance" indicates that emotions may be one of bereaved's resources or tools for upsetting the professional-bereaved hierarchy. Bereaved who are able to get the professional to "bond" with them may be able to persuade that professional to release information about the case that he normally would not. Collins (1990) argues that at the macro-level people can collect the "emotional energy" of others to build social capital (see also Clark 1987). The willingness of professionals to let down the information-control barrier for some bereaved suggests that the "emotional energy" of people at the micro-level can also serve as a source of power.

Hochschild (1983) finds that bill collectors and flight attendants use emotional displays to manipulate the behavior of customers. The flight attendant uses positive emotions and the bill collector uses negative emotions to elicit particular actions from others. Detectives can use both; they use negative emotions or no emotions to maintain a "status shield" (Hochschild 1983), and they use positive emotions to calm the bereaved.

The bereaved's trustworthiness is a major issue in deciding what information to release. One detective says that he uses his own judgment to decide if he can trust the family not to share their knowledge of the investigation with other friends or family members and especially the media. He uses this same judgment to decide if a suspect is telling the truth.

[E]ach [bereaved family] is judged differently. For me, I don't know how the next guy does it. [B]ut if I feel like I can trust them, and they won't tell certain things. I'll probably lay it out with them. If I'm real sure they're not involved [in the murder], then I'll give them an idea where we're at, where we're going, and what's happening. For me, that keeps them from raising Cain. [CJ05, Police Department Murder Detective]

Much of these professionals' work involves deciding what information to reveal to the bereaved and when exactly to do so.

#### **D. Conclusion**

These findings address the second goal in this study, which is to examine the ways that criminal justice professionals perceive and manage bereaved. Professionals agree that bereaved are “emotional,” but the aspect of emotions they discuss is influenced by their organizational location and professional role. Professionals with the police and sheriff’s departments often are called to do the death notification, while victim service counselors are called to provide counseling after notification. Prosecutors, on the other hand, are responsible for the prosecution of the case. They encounter families at a later point in their grief, sometimes a year or more after the murder.

All three of professionals’ management strategies – avoidance, organizational shield, and information control – are motivated by professionals’ awareness of bereaveds’ emotions (among other things), and all three of these strategies serve to protect (and attempt to promote) the emotional well-being of both the bereaved and the professional. They also safeguard the goals of the organizational and the professionals’ work for that organization.

## **IX. The Criminal Justice System and Bereavement**

The purpose of this section is to address the main question motivating this research (i.e., can the criminal justice system help to heal the harm of people who have lost a loved one to murder?) by looking at the association between the criminal justice system and bereaveds' psychological well-being in more detail. To do this, I use quantitative and qualitative data collected from interviews with 32 bereaved, and I use two different measures of the concept "criminal justice system." The qualitative data gives meaning to the associations identified in the quantitative findings.

I conduct a series of bivariate regression analyses to examine the effects of (1) sociodemographic characteristics and relationship to the murder victim on a criminal justice index score, (2) sociodemographic characteristics on depression, and (3) criminal justice index score and relationship to the murder victim on depression. Bivariate regression analysis is most appropriate in this study, because the sample size for bereaved is 32. The number of controls I am able to include in linear regression analyses is limited. As a general rule, one independent variable can be added for each 20 cases. I exclude cases where there is no information on the dependent variable. I also compare mean depression scores across case statuses, and I construct a cross-tabulation for case status and clinical depression caseness.

The sociodemographic characteristics include gender (0-male, 1-female), race (0-white, 1-non-white), level of education (11-less than high school, 12-high school, 13-14 some college, 15-college, 16-graduate school), and level of income (1-less than \$20,000, 2-\$20,000-29,999, 3-\$30,000-\$39,999, 4-\$40,000-\$59,999, 5-\$60,000-\$79,999, and 6-\$80,000+). I use two measures for the criminal justice system.

In his *Atlantic Monthly* story on bereavement from murder, Schlosser (1997) reports that bereaved long to have resolution to their loved one's murder case. The stories he presents suggest that case status may play a role in healing the harm of bereaveds' loss. As an indicator for case status (and the first measure of criminal justice system), I categorize the status of the murder case into one of four groups: unsolved (i.e., there is no known suspect), solved-unresolved (i.e., a suspect has been identified and/or indicted, but the case has not yet been resolved in the criminal justice system through arrest, plea-bargain, or trial), solved-resolved (i.e., a suspect has been indicted, charged, and either tried or plea-bargained; the suspect was not necessarily found guilty), and murder-suicide (i.e., the suspect killed the victim and then himself).

Schlosser (1997) suggests that the time it takes to move a murder case through the criminal justice system prolongs and aggravates the bereavement process, and Amick-McMullan et al. (1991) find that fifty percent of bereaved remain dissatisfied with the criminal justice system's management of their loved one's murder case. It may be that the more the bereaved has contact with the system handling the case, the more they feel frustrated with it. In consideration of that possibility (and as the second measure of criminal justice system), I construct a 15-item index for the types of criminal justice professionals and parts of the criminal justice process with which bereaved came into contact (hereafter "criminal justice index score"). The summed score provides information about the number of different types of professionals and processes with which bereaved interacted. Admittedly, it is not the ideal index, because it does not account for the actual number of times a bereaved person came into contact with professionals or parts of the process. It simply counts the total number of types of contacts. After the first ten interviews, I noticed that some bereaved met with the detectives and prosecutors handling their loved one's

murder case once, while others met with these professionals five or more times over the course of the case. In future research on this topic, I would ask respondents to provide an estimate for the number of times they met with a detective, prosecutor, and so on for each of the 15 indicators in the index.

I code bereaveds' responses to each item in the index as 1-Yes, 0-No. The question asked: "Which criminal justice professionals and which parts of the criminal justice process have you had contact with?" I then read out the name for each type of professional and each part of the process (see Table 9.1).

**Table 9.1: Criminal Justice Contacts Index**

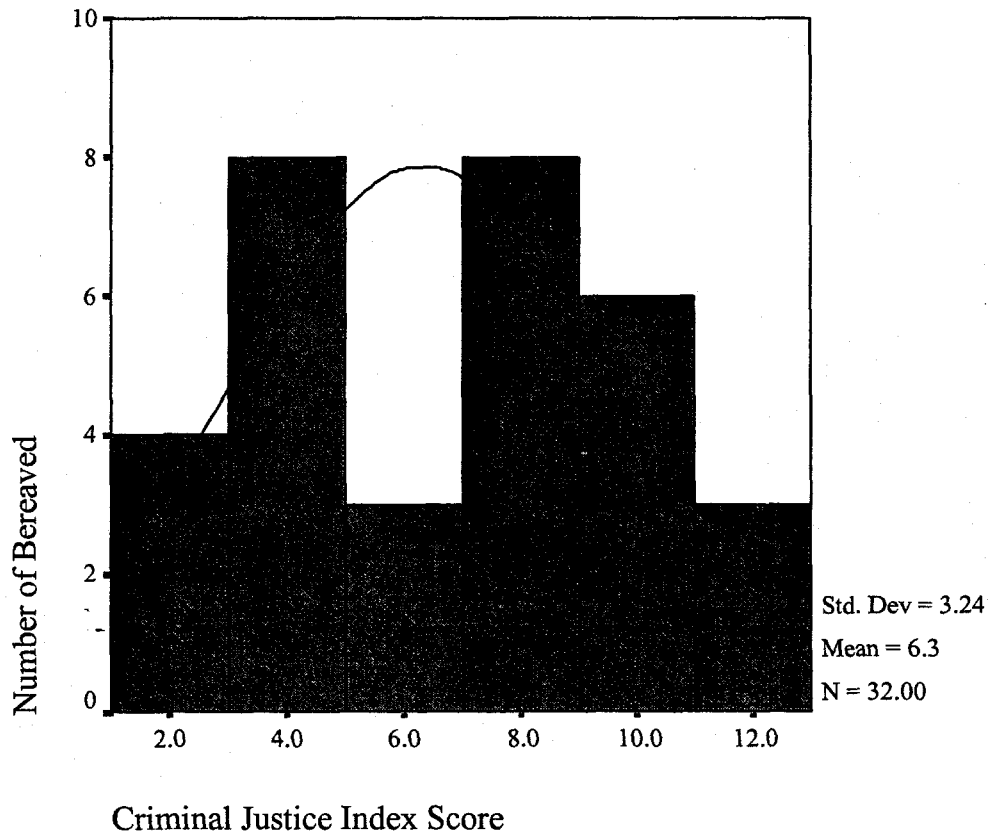
<b>Criminal Justice Professionals</b>	<b>(Yes=1)</b>
1. Center Police Department Detective	
2. Center County Sheriff's Office Detective	
3. Prosecutor with the DA's Office	
4. Defense Attorney	
5. CPD Victim Service Counselor	
6. DA's Office Victim-Witness Counselor	
7. Anything Else?	
<b>Criminal Justice Process</b>	
8. Meet with Police about Homicide Investigation	
9. Meet with District Attorney or Prosecutor about the Case	
10. Pre-trial Hearing	
11. Trial	
12. Sentencing	
13. Probation Hearing	
14. Parole Hearing	
15. Anything Else?	
<b>Total Score</b>	

The variable, Criminal Justice Contacts Index Score, used both as an independent and dependent variable in the following analyses, provides a composite measure for these 15 different types of contacts bereaved could have had with the criminal justice system and its professionals. The criminal justice index score is a continuous variable with possible values ranging from 0 to 15.

The mean criminal justice index score for the sample is 6.3, with a standard deviation of 3.24.

Figure 9.1 provides a histogram for the variable criminal justice index score.

**Figure 9.1:** Histogram for Criminal Justice Index Score for Bereaved



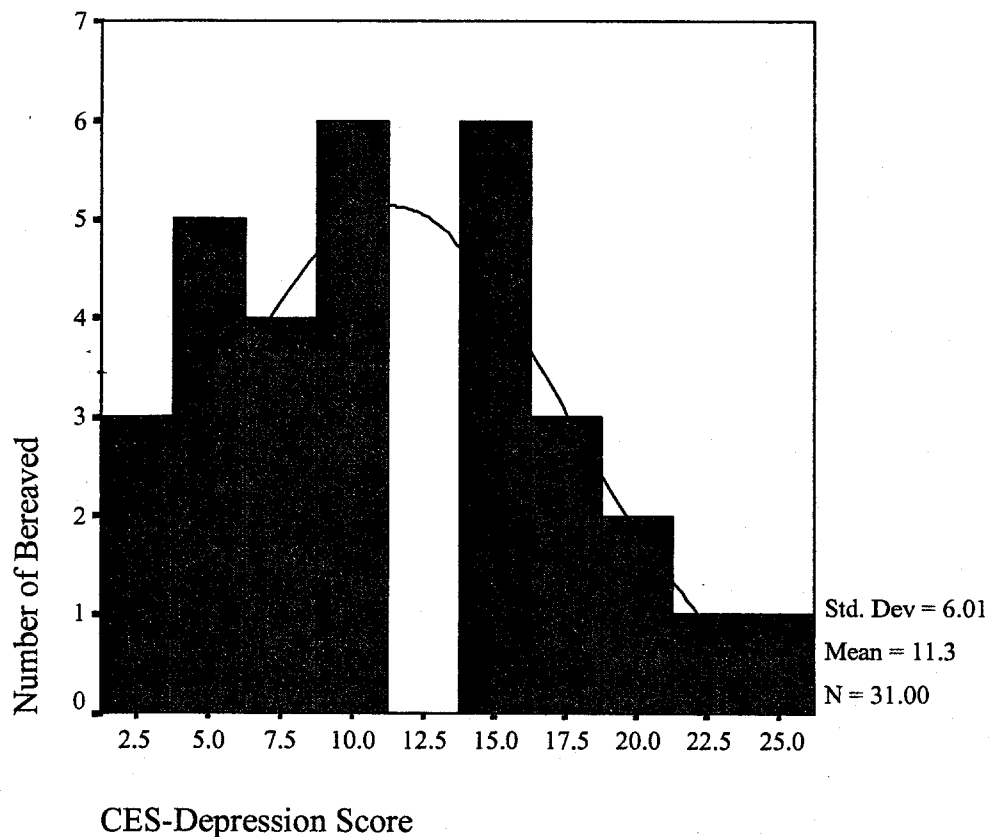
Amick-McMullan et al. (1991) find that bereaved have high levels of depression. As a measure of bereaveds' well-being, I use the Center for Epidemiological Studies-Depression Scale (Radloff 1977). The scale asks respondents to indicate how often in the past week they felt a particular way, and each item on the scale measures a different dimension of depression. The response options are: 0-none of the time, 1-a little of the time, 2-occasionally, and 3-most of the time. The scale is widely used in psychological, psychiatric, and sociological research (Mirowsky and Ross 1990; Umberson and Chen 1994; Umberson, Wortman, Kessler 1992).

Here, I use the 11-item or abbreviated CES-D Scale. As noted in Section III (Methods), Ensel



(1986) argues that the clinical depression “caseness” cut-off score is 16 on the 20-item index. The caseness cut-off score is 9 on the 11-item index. On the 11-item index, the scores can range from 0 to 33 (33 being very depressed). Ensel (1986) also finds that 16-17% of the general population is clinically depressed. In this study, 58% of bereaved are clinically depressed. The mean level of depression for the bereaved respondents in the study is 11.32, with a standard deviation of 6.01. Figure 9.2 presents a histogram of this variable.

**Figure 9.2:** Histogram of CES-Depression Score for Bereaved



This sample’s mean depression score is similar to the mean depression score of people who have lost a loved one to murder in a study by Kitson (2001), who finds that women whose husbands died by homicide had a mean depression score of 10.5.

## **A. Sociodemographic Characteristics, Relationship to Victim, and Criminal Justice Contacts**

To estimate the effects of different sociodemographic characteristics and relationship to the murder victim on the number of types of contacts bereaved had with the criminal justice system, I run six bivariate regression analyses (see Table 9.2). In Model 1, I regress criminal justice index score on gender. The results indicate that gender affects criminal justice index score, such that women have more than 3 additional types of criminal justice contacts than men, and the gender effect is significant at the 01 level.

Model 2 involves the effect of race on the criminal justice index score, and the coefficient for race is not significant. Model 3 reports the effect of level of educational attainment on the criminal justice index score; this regression coefficient is also not significant. I also examine the effect of income on criminal justice index score, and income has no significant effect (Model 4).

In Models 5 and 6, I test the effect of bereaved's relationship to the murder victim on criminal justice index score. Both measures for bereaved's relationship to the murder victim – (1) immediate family member (1-murder victim was bereaved's child, parent, or spouse; 0-murder victim was bereaved's sibling or niece) and (2) parent (1-parent of the murder victim, 0-not a parent of the murder victim) – have no effect on criminal justice index score. Thus, it appears that gender is the best predictor of the number of types of contacts with the criminal justice system, and this suggests that women react to the loss of a loved one differently from men. They appear to be more attentive to and involved with the system's management of the case than men.

**Table 9.2: Effect of Sociodemographic Characteristics and Relationship to Murder Victim on Criminal Justice Index Score among Bereaved (Unstandardized Regression Coefficients)**

Independent Variables	Model 1		Model 2		Model 3		Model 4		Model 5		Model 6	
	<i>b</i>	S. E.	<i>b</i>	S. E.	<i>b</i>	S. E.	<i>b</i>	S.E.	<i>b</i>	S. E.	<i>b</i>	S. E.
Gender (1=Female)	3.51*	1.25										
Race (1=Non-White)			0.67	1.16								
Education					-5.84	0.42						
Income							-0.22	0.38				
Immediate Family (1=Yes)									0.766	1.400		
Parent (1=Parent)											1.433	1.173
Constant	3.571		6.00		6.53		7.26		5.714		5.417	
N	32		32		31		30		31		31	
<i>F</i>	7.842		0.331		0.000		0.36		0.299		1.494	
<i>R</i> <sup>2</sup>	0.207		0.011		0.00		0.013		0.010		0.47	

\**p* < 0.01

Dependent Variable: Criminal Justice Index Score

## **B. Sociodemographic Characteristics and Depression**

The second series of bivariate regression models examines the effects of sociodemographic characteristics on bereaveds' CES-Depression Score (see Table 9.3). For the bereaved in this sample, gender and education have significant effects on depression. The regression coefficient for the effect of gender on depression is 5.95, which indicates that women have higher depression scores than men, and the coefficient is significant at the 01 level. Model 2 reports the effect of race on depression, and there is no significant effect. Models 3 and 4 report the effect of education and income on depression. The coefficient for educational attainment is  $-2.0$ , and it is significant at the 01 level. This indicates that level of education is negatively associated with level of depression for bereaved. The effect of income on depression, however, is not significant.

These analyses indicate that gender and education play a role in the depression of bereaved such that women and less educated bereaved have higher levels of depression than men and the more educated. These findings partially support research on bereavement following a sudden death (Reed 1993). Reed (1993) reports less grief among the more highly educated bereaved, but unlike here, he finds that Hispanics and blacks have more grief than whites. The lack of an effect for race, however, may be a reflection of the outcome measure, which is grief for Reed (1993) and depression in this research.

**Table 9.3: Effect of Different Sociodemographic Characteristics of Bereaved on CES-Depression Score (Unstandardized Regression Coefficients)**

Independent Variables	Model 1		Model 2		Model 3		Model 4	
	B	S. E.	b	S. E.	b	S.E.	b	S.E.
Gender (1=Female)	5.95 <sup>^</sup>	2.38						
Race (1=Non-White)			1.24	2.19				
Education					-2.0*	0.69		
Income							-1.3 <sup>+</sup>	0.646
Constant	6.71		10.77		37.85		16.43	
N	31		31		31		30	
F	6.251		0.317		8.664		3.806	
R <sup>2</sup>	0.177		0.110		0.230		0.120	

\* $p < 0.01$ ; <sup>^</sup> $p < 0.05$ ; <sup>+</sup> $p < 0.06$

Dependent Variable: CES-Depression Score

### C. Criminal Justice Contacts, Relationship to Victim, and Depression

To examine the criminal justice-bereaved relationship, I regress criminal justice index score on depression (see Table 9.4). The regression coefficient is 0.797, which indicates that for each one-unit increase in the criminal justice index score, the depression score increases by 0.797. The coefficient is statistically significant at the  $p=0.02$  level ( $t=2.52$ ). There is a significant positive correlation between number of contacts in the criminal justice system and level of depression. The more bereaved have contact with the system, the more depression they report.

**Table 9.4: Effects of Criminal Justice Index Score and Relationship to the Murder Victim on CES-Depression Score among Bereaved (Unstandardized Regression Coefficients)**

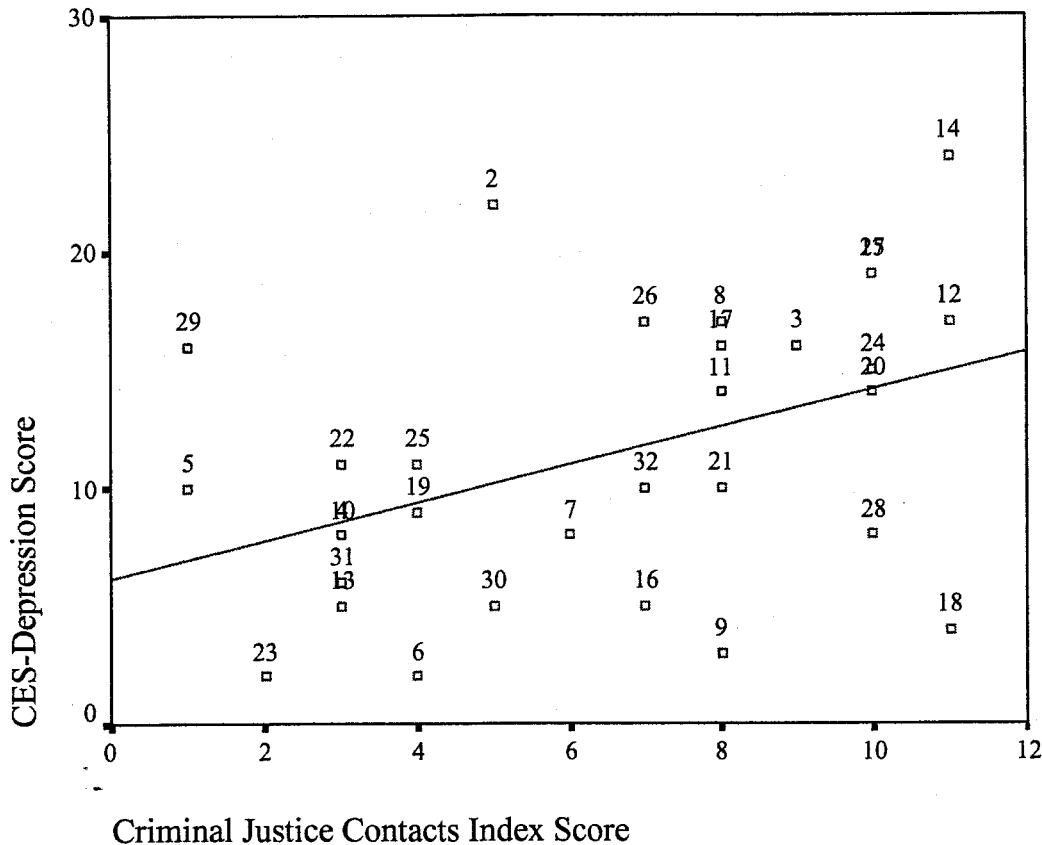
Independent Variables	Model 1		Model 2		Model 3	
	<i>B</i>	S. E.	<i>b</i>	S. E.	<i>B</i>	S. E.
Criminal Justice Index Score	0.797*	0.317				
Immediate Family (1=Yes)			2.880	2.726		
Parent (1=Yes)					1.345	2.280
Constant	6.184		9.000		10.455	
<i>N</i>	31		30		30	
<i>F</i>	6.328		1.116		0.348	
<i>R</i> <sup>2</sup>	0.179		0.037		0.012	

\**p* < 0.05

Dependent Variable: CES-Depression Score

The scatterplot (see Figure 9.3) provides a pictorial illustration of the relationship between criminal justice index score and depression (or Model 1).

**Figure 9.3:** Scatterplot of Criminal Justice Contacts Index Score and CES-Depression Score with Bereaved Case Identification Labels (Model 1 from Table 9.4)



The two greatest outliers on the scatterplot are Cases B29 and B18, and they warrant some explanation. Martin Evans (B29), who has a low criminal justice index score and high depression score, had very little contact with the criminal justice system or criminal justice professionals following his son's death in a murder-suicide. However, his depression score is substantially higher than other bereaved whose loved ones were killed in a murder-suicide. Some of his life experiences explain his higher depression score. In the two years before his son's 1996 murder, Martin's wife left him after more than 30 years of marriage and his brother died unexpectedly. Delia Jiminez (B18), who has a high criminal justice index score and low depression score, is the only aunt (or uncle) to participate in the study, and her more distant kin-

relationship to the murder victim may explain her low depression score. Her high criminal justice index score is accounted for because she accompanied her sister, Rachel Donado (B20), the mother of the murder victim, to all of her meetings with detectives and prosecutors. Delia also attended every day of the murder trial.

One might expect the bereaved's relationship to the murder victim to be associated with depression. The assumption here is that bereaved whose loved ones were an immediate family member will have more interest in and make more of an effort to attend criminal justice proceedings and thus have a higher criminal justice index score. In consideration of this possibility, Model 2 regresses bereaved's immediate family member status (1-murder victim was bereaved's child, parent, or spouse; 0-murder victim was bereaved's sibling or niece) on depression. I do not include sibling in the immediate family member category because the bereavement literature tends to focus on the loss of a child, parent, or spouse as a more traumatic type of loss. The effect of immediate family member status, however, is not significant.

Model 3 regresses bereaved's parental status (1-bereaved was murder victim's parent, 0-bereaved was not the murder victim's parent) on depression, and the effect is not significant. The bereaved's relationship to the murder victim appears to have no effect on either the criminal justice index score (Table 9.2) or depression (Table 9.3) Neither one of the family variables is significant. This finding suggests that bereaveds' relationship to the deceased does not have a significant effect on depression.

So, what might explain the positive association between criminal justice index score and depression? It may be that some bereaved invest more energy in and attention to the criminal justice system's management of their loved one's case than others. This investment may build up bereaved's expectations for (and hope of) the system's resolution to the case, and the



bereaved may feel depressed when that resolution (or ending) does not make them feel better. The bereaved attended all of the pretrial hearings and every minute of the trial, and the ending was not what they expected.

When I met Nora Harden for an interview, the first trial in her son Harry's murder case had ended in a mistrial. The second trial was scheduled for three months after our interview. When we met, I asked her why it was important to her to have the case resolved. Nora says:

Well, one main reason, I can never communicate with my son again. I want to get down to the bottom of the nitty gritty as to exactly what took place and how somebody could shoot somebody in the back four times. I wouldn't miss a minute of that case, not a minute of it. [B26]

I was not able to attend the first or second trials in Nora's son's case, but I followed the case and Nora's reaction to it in the local newspaper. *The Center Tribune* reported that the jury in the second trial found the defendant guilty. When the reporter asked Nora how she felt about the verdict, she replied, "[I] could do cartwheels around this entire courtroom. . . I'd like for him to get 60 years" [B26]. Two days later, the jury met again to sentence the defendant. They sentenced him to five years in prison because one juror explained that they felt the defendant had learned his lesson. Nora expressed her disappointment with the sentence to a reporter, "I am so sick. I can't even tell you how sick I am" [B26].

For three years, Nora attended numerous pretrial hearings and two trials in her son's murder case, and she did not "miss a minute" of it. She held out hope that the second trial would give her answers as to what exactly happened on the night her son was shot and killed at a party. She held out hope that the jury would give him "60 years." She did not get the sentence she wanted, and it made her "sick."

#### **D. Case Status and Depression**

Some bereaveds' in-depth interview responses (and Nora's example) suggest that the resolution of the murder case plays an important role in their bereavement. To address that possibility qualitatively, I asked bereaved to respond to the following open-ended question: "People tell me it's very important to have the case solved. Why is (or why was) it important to you to have this case solved?" To see if the status of the case in the criminal justice system influences bereaveds' depression, I grouped bereaved by case status and then considered their responses to the question about the importance of case resolution. Bereaveds' responses, however, were not influenced by the status of the case in the system. Instead, regardless of the case status – unsolved, solved-unresolved, solved-resolved, or murder-suicide – bereaved express two main reactions to the question about case resolution: justice and answers.

First, bereaved indicated that they did not want the person or persons responsible for their loved one's murder to "get away" with it. They wanted justice. Melissa Iker, the mother of 23-year-old Timothy explains:

Well, because the man that killed my son, he deserved to be punished. He took an innocent life for no reason, and he was a very, very mean man. I think if he hadn't done this to my son, the day would have come that it would have been somebody else. [B11]

Rachel Donado, the mother of 24-year-old Erica says:

To me, there is no closure. There's no closure involved in finding Marcus and convicting him and putting his butt in jail. It won't bring Erica back, and that's all I want. . . I can't bring her back. So, get him off the streets. I really feel that now, it's a social responsibility to get him off the streets to prevent him from doing it again. [B20]

Erica's aunt, Delia Jiminez, sees the importance of case resolution a little bit differently from her sister (Erica's mom):

It's just about fairness . . . It wasn't fair. [Erica] didn't do anything wrong. So, it's just a sense of justice. It's not about revenge. It's just about having some closure to it. [B18]

Second, bereaved wanted to know why and how it happened. Bereaved who wanted answers believe that a case resolution or trial will give them the answers to their questions, and they felt these questions will give them relief. Barbara Yanez the mother of 19-year-old Gary says that even after the trial in her son's 1997 murder, she does not understand why two teenage boys would have shot and killed her son. She explains:

Still right now, for me, I don't understand why they did what they did. I don't know. It's hard for me to understand. I want to say, "Yes, I do understand. They did what they did. Fine." But there's nothing I can do. [B28]

Zoe Nunoz the mother of 25-year-old Kelson says, "You don't have closure. We still don't know why" [B12].

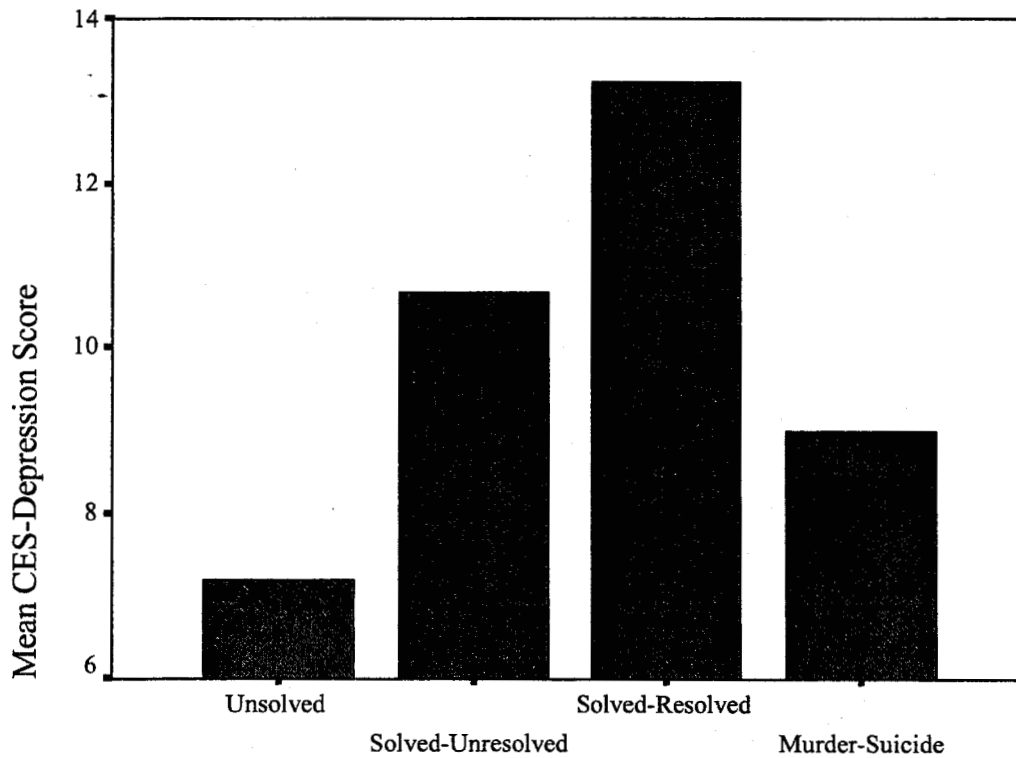
To consider the effects of case status on bereaveds' depression quantitatively, I compare the mean depression score across all four case statuses (see Table 9.5). Surprisingly, bereaved whose loved one's murder case is unsolved have the lowest mean depression score ( $x=7.20$ ). Bereaved whose loved one's murder case is solved-resolved, meaning it has worked its way through all parts of the criminal justice system, have the highest mean depression score ( $x=13.2$ ). The murder-suicide group of bereaved also have a low mean depression score ( $x=9.0$ ), and the solved-unresolved bereaved fall below the solved-resolved bereaved on mean depression score ( $x=10.7$ ).

**Table 9.5:** Case Status in the Criminal Justice System and Bereaveds' Mean CES-Depression Score with Standard Deviation and Subsample Size

Case Status	CES-Depression Score		
	Mean	S.D.	N
Unsolved	7.2	3.4	5
Murder-Suicide	9.0	5.1	5
Solved-Unresolved	10.7	6.0	3
Solved-Resolved	13.2	6.3	18
Total	11.3	6.0	31

To provide a pictorial illustration of this relationship, I construct a bar graph for case status and mean depression score (see Figure 9.4). Each bar on the x-axis represents a different case status, and the y-axis represents the mean depression score for that particular case status. The graph depicts an interesting and surprising story.

**Figure 9.4:** Bar Graph of Case Status in the Criminal Justice System and Bereaveds' Mean CES-Depression Score



### Status of the Murder Case in the Criminal Justice System

The unsolved bereaved have the lowest mean depression score and the solved-resolved bereaved have the highest mean depression score. One might expect that the unsolved bereaved would report the most anxiety and depression. These bereaved do not know who killed their loved one or why, and one might expect that uncertainty to bring distress (Lerner 1980; Mirowsky and Ross 1989). There are two possible explanations: hope and answers. Bereaved whose loved one's murder case remains unsolved may hold out hope that there will be some resolution to the case, and this hope may keep their depression at bay. Again, this suggests that thoughts shape feelings (recall Section IV's discussion of death notification). Bereaveds' open-ended responses to questions about case status support my hope hypothesis.

Although it has been three years since she has heard anything from the police about her brother's murder investigation, Nadia Beccerria remains hopeful that her brother's 1995 murder will be solved.

I'm being patient. These days, I watch a lot of CourtTV and those detective movies, and I see that there is hope. I see that they bring up cases where it's taken them years to solve. So, I hope that the killer will be found one day . . . I try and think to myself, "Well, it's not that they're [meaning the police] ignoring it. It's just that they're taking it slowly." I don't want them to mess up the investigation or anything. It's like, see what happened with the pizza place murders? People were saying too much, you know? Everything was in the news. So, I'd rather people not know as much right now about my brother's case because that will make it easier to prosecute someone, I guess. [B01]

The second reason is that bereaved whose loved ones' murder cases remain unsolved may find other means to resolve their questions (and pain) about the loss. When the unsolved group of bereaved becomes aware that the criminal justice system cannot even provide an answer about *who* killed their loved one several months or years after the murder, they may find other ways to alleviate grief. As the 38-year-old son of parents who died in a 1996 murder-suicide

explains, "After a while you finally get to the answer, [laughs] there was no answer [laughs]" [B10].

On the other side of this issue are the solved-resolved bereaved. There are two possible explanations for their high mean depression scores: (1) more contact with the criminal justice system creates more distress and (2) the unmet expectation that the criminal justice system will give them answers brings disappointment (and perhaps uncertainty). First, the solved-resolved bereaved have more contact with the criminal justice system and its professionals than the other case status groups. This group has a mean criminal justice index score of 8.3. In contrast, the mean criminal justice index score for the murder-suicide bereaved is 2.8, unsolved bereaved is 3.5, and solved-unresolved bereaved is 6.0. These mean criminal justice index scores suggest that the solved-resolved bereaved have more opportunities for contact with different parts of the system and thus, more opportunities to experience frustration with it.

Second, it may be that bereaved, who know that the criminal justice system has brought an indictment against a defendant for the murder of their loved one, both look to and wait for the criminal justice system to heal the harm of their loss. These bereaved may expect that the answers to why this happened and how it happened will be revealed over the course of various criminal justice proceedings. In waiting for the case to be resolved, they may postpone their grief work. When the case has moved through the entire system and they still have unanswered questions, they may feel disappointed at the amount of information they gained. They may also feel disappointment with the way that resolution made them feel. This expectation hypothesis is supported by Nora Harden's anticipation of the second trial in her son's murder case and her "sick" feeling when the jury sentenced the defendant to five years in prison for killing her son. When the case is resolved, usually a year or more after the actual death, bereaved may feel like

they have just started to grieve. A prosecutor with twenty years of experience on murder cases says:

I try to explain to [bereaved] in those series of meetings that we go through, that regardless of how we dispose of this case, whether it's a negotiated plea, or whether it's a jury trial, when that actually happens, you're going to not be fixed. You're still going to have to deal with this . . . most people don't believe me before it happens, but if you're able to talk to any of the families of people whose cases I've worked on, they'll tell you. It didn't fix them. [CJ04, District Attorney's Office Prosecutor]

Similar to the means comparison and bar graph for case status and depression, the cross-tabulation of case status and bereaveds' clinical depression "caseness" (Table 9.6) indicates that bereaved whose loved ones' murder cases are solved-resolved are more likely than the other three groups of bereaved to be clinically depressed. The group least likely to be clinically depressed is the solved-unresolved group. These findings, however, must be interpreted with caution. The general standard for cross-tabulation analysis is that each cell have a minimum of 5 cases. Only two of the cells in this eight-cell table meet that standard. Thus, while it provides some useful information about the association between case status and clinical depression, the information is tentative.

**Table 9.6: Cross-tabulation of Case Status and Bereaveds' Clinical Depression Caseness**

Case Status	Clinically Depressed		Total
	No	Yes	
Unsolved	60% (n=3)	40% (n=2)	100%
Murder-Suicide	60% (n=3)	40% (n=2)	100%
Solved-Unresolved	33% (n=1)	67% (n=2)	100%
Solved-Resolved	28% (n=5)	72% (n=13)	100%
Total	39% (n=12)	61% (n=19)	

### E. Healing the Harm

The evidence presented up to now suggests that bereaved confound an interest in justice with a need for healing. Nora's "sick" feeling about the five year sentence provides one example of this. To learn bereaveds' expectations for the system's role in the healing of their harm, I asked them about it. At the end of the questions about the criminal justice system, I asked, "Do you think the criminal justice system can help (or has helped) to heal the harm of your loss in any way?" Bereaveds' responses indicate that most bereaved (but not all) recognize the difference between their interest in justice and their need for healing.

Twenty bereaved (63%) say that the criminal justice system did not or could not help to heal the harm of their loss, and most of these bereaved say that they never expected it to do so. These bereaved indicate that a resolution to the case in the criminal justice system simply brings an end to one part of their experience. Steve Hernandez's 24-year-old daughter Nicole was shot and killed by her ex-husband in a murder-suicide. He says:

I don't think that to put someone behind bars for an extended period of time, nothing like that heals [the harm]. What it does is [it] brings a little bit of closure, but it doesn't create any kind of healing, none at all. [B04]



Katrina Danza's 27-year-old son Brian was shot and killed during an argument with three other men; two of those three men are currently serving time in prison for the murder. Similar to Steve, Katrina says, "I don't think anybody can really help that part. I think it's up to the individual [to heal the harm of the loss]" [B14].

Other bereaved, however, felt that the criminal justice system could or should have done more to heal the harm of their loss. The following three bereaved, whose loved ones cases are unsolved, solved-unresolved, and solved-resolved (respectively), describe what they believe the criminal justice system could do (or should have done) to heal the harm of their loss. Xavier Nettles' 21-year-old son Kennedy was killed in a drive by shooting, and the case has remained unsolved for 4 years. He explains, "[F]ind the person that did it. That would mean more to me than anything else. It's difficult not knowing who did [it]" [B23].

Carly Thompson's 17-year-old son Allen was in the wrong place at the wrong time. He was killed when a man attempted to shoot and kill his ex-girlfriend and her new boyfriend. Allen, a friend of the shooter's two intended victims, was the only one to die in the incident. Although a grand jury has brought an indictment against the shooter in the case, the defendant has not yet been located. Although Carly does not want a severe punishment for the offender, she does say, "If I was allowed to give punishment on the guy that did it, I think that it would make me feel better" [B19].

Diedra Fiero's husband was killed when he tried to sell a bag of flour like it was cocaine. One man is serving twenty years and another received probation for the murder. About the system's management of her husband's case, she says, "I think they just did what they had to get the case over with and phooey" [B17].

A few bereaved indicated that the criminal justice system had brought them healing through either the professional's expression of compassion for their loss or the professional's management of their loved one's case. The following four bereaved explain:

They had great compassion for us. [B09, Bradford Carson, 75-year-old father of Carl]

I think it did to a degree because we don't have to sit back and wonder who did it, or how it happened, or why it happened. And we know that he is not out on the streets. [B11, Melissa Iker, 50-year-old mother of Timothy]

I'm glad to know it's over . . . It doesn't heal your pain, but it's just something else to get behind you. [B18, Delia Jiminez, 36-year-old aunt of Erica]

I do [think the criminal justice system has helped to heal the harm of my loss]. I do not want to be daily living with the knowledge that Marcus is out there. . . [It] doesn't relieve the sorrow of losing your loved one, but it does give you relief that he will not do it to someone else, and that he's not out there enjoying life while your daughter is not out there enjoying life. [B20, Rachel Donado, 48-year-old mother of Erica]

## **F. Conclusion**

The findings presented in this section address the third goal in this research, which is to examine the nature of the association between the criminal justice system and bereavement from murder. The findings indicate that the number of types of contacts with the criminal justice system is positively associated with bereaveds' level of depression. Case status also appears to be associated with levels of depression, such that bereaved with unsolved cases have the lowest levels of depression and bereaved with solved-resolved cases have the highest levels of depression. Most bereaved do not think that the criminal justice can heal the harm of their loss, but they view the system as providing a partial resolution to the experience of their loss. Several bereaved explained that the loss is not something that they ever "get over," but they do learn to "move on." The criminal justice system appears to embody one step forward in that move.

## **X. Conclusion**

The main question motivating this research concerns whether the criminal justice system can help to heal the harm of bereaveds' loss. The answer to that question is sometimes yes, but usually no. In this section, I present a summary of the findings for each section, link those findings to Weber's theory of bureaucracy and Durkheim's theory of modernization, delineate the limitations of the research, provide recommendations for policy, and discuss future research to come from the data, and present suggestions for future research on this topic.

### **A. Summary of the Findings**

#### *1. Section IV*

Bereaved express emotional upset, or all-consuming feelings of a lived-body, following the news of their loved one's death (Denzin 1984), and they use two strategies to cope with the news: disbelief and spontaneous action. Both strategies capture the ability of thoughts to suppress feelings in self-interaction (Mead 1934; Mills and Kleinman 1988). These strategies also indicate that emotion work occurs not just when individuals have high levels of self-reflexivity (or thought) but also when individuals have low levels of self-reflexivity (Mills and Kleinman 1988). Emotion work conducted in times of little thought represent an extreme type of emotion work (Hochschild 1983).

#### *2. Section V*

Overall, bereaved experience the most frustration with the law enforcement aspect of the criminal justice system. This is true for probably two reasons. First, all 32 bereaved had contact with the police department following their loved one's death; only 19 bereaved had contact with

the district attorney's office and only 11 bereaved experienced a trial. There are more bereaved who can express concern for the law enforcement part of the system, and they did so. Second, the police department is more "public" and thus more protective of its work than other organizations in the system (Skolnick 1975; Sudnow 1967). Police department's efforts to control information impede bereaved's access to that information. This impediment frustrates bereaved. In fact, I found the police department to be the most difficult part of the system to access for participant observation.

Bereaved describe three main law enforcement policies as presenting obstacles to their grief, including taking possession of their deceased loved one's corpse, controlling information about the death and the investigation, and prioritizing some cases over others. The police's ability to confiscate the corpse can be linked to Sundow's (1967) finding that hospitals try to prevent "body exposure" following the death of a patient. The corpse confiscation also reveals the public in appearance but private in practice nature of police department work. Women, particularly mothers, were more likely than men or other relatives to express an interest in seeing their deceased loved one's body, and this indicates that grief practices differ by gender and role-identity (Thoits 1986; Thoits 1991).

Bereaved express concern about law enforcement professionals' implementation of departmental policies, including information control, emotion, and investigation. Bereaved wanted murder detectives to consider their information about the cause of death, but detectives often dismiss that information. Bereaved also want information about the way their loved one died, but too much information about the death can create distress and traumatic imaginings (Amick-McMullan et al. 1989; Burgess 1975; Parkes 1993). The information threshold (i.e., how much information is too much) is a difficult one to negotiate. Some bereaved think they want to

know everything about the death, but then find that information to be upsetting. Others find it comforting. Information can provide a means to coping with stress.

Bereaved also want murder detectives to keep them informed about the status of the investigation. The detective's interest in protecting the integrity of the murder investigation, however, supersedes bereaved's interest in learning about the detective's work. Bereaved's inability to access information about the case diminishes their personal control, and decreased personal control is associated with decreased psychological well-being (Mirowsky and Ross 1989).

Bereaved expect detectives to express sympathy for their loss (Clark 1987). Clark (1987) would describe detectives as "underinvestors" in sympathy exchange. Detectives underinvest because they recognize the limited effect that their emotional efforts will have on bereaved's well-being, and it is not in the interest of their work to do so. The detective's "status shield" intimidates bereaved when they are being questioned as suspects, and it discourages bereaved from approaching detectives with their questions about the case (Hochschild 1983; Stenross and Kleinman 1989).

Bereaved also criticize or praise murder detectives for the way they investigated the case. Their view of this part of police work suggests that a good investigation brings some relief for their grief.

### *3. Section VI*

Bereaveds' two main frustrations with the district attorney's office concern timing and turnover. The delay in time from indictment to trial appears to postpone bereaved from both moving forward in their bereavement and getting answers to their questions. In turnover, the

organization's "legal-rational" decision to move a prosecutor from one case to another gives bereaved the impression that their case, and thus their loved one, are not valued within the organization (Weber 1968).

Information control is not as big of an issue for bereaved in their encounters with the district attorney's office because of organizational culture, bereaved socialization, and stage access. First, the law requires that prosecutors disclose evidence in the case to the defendant and his or her attorney. Prosecutors are more open to sharing their information with bereaved. This makes bereaved feel a part of the process, and it boosts their personal control. Second, bereaved also gain an understanding of how the system works by the time the case reaches the district attorney's office, and they may have adapted to the system's interest in information control. Third, bereaved can see prosecutors' "stage" or their work (Hochschild 1983); they cannot see detectives' work, because of the police's interest in maintaining the integrity of the investigation. The increased access to the prosecutors' stage may alleviate concerns that the system is working on their behalf and reduce their sense of alienation.

Bereaved talk about three aspects of prosecutors' implementation of organization policy and procedure: information, action, and emotion. Bereaved express appreciation for the information prosecutors shared with them, even when that information concerned weaknesses in the case. They also appreciate prosecutors' efforts in the case. However, some bereaved experienced resistance when they tried to offer prosecutors advice about how to handle the case. Konradi (1996) finds that prosecutors reject rape victims' suggestions for prosecution strategy. My observations indicate that bereaved with higher levels of education are more like than bereaved with lower levels of education to offer advice about case strategy.

The prosecutor's "shared emotionality" (or shared understanding for their loss) indicates to bereaved that the prosecutor "gets it" (Denzin 1985). When prosecutors express that shared emotionality in the trial, bereaved feel that not only the prosecutor but also the jury and judge understand the effect the loss has had on them.

#### *4. Section VII*

The trial is a ritual that reaffirms the criminal justice system's beliefs, and it upholds the distinction between the sacred (legal) and the profane (illegal). Durkheim's (1965) explanation for the emergence of religious life provides a constructive framework for understanding the meaning of the trial for bereaved. When the defendant or defense attorney's behavior at trial does not uphold the sacred nature of the ritual, bereaved become upset. When a jury's decision does not reflect bereaveds' understanding of the murder or the weight of their loss, bereaved feel that the ritual and the system are illegitimate. The perception that there is no justice for you or your loved one is unsettling for bereaved.

#### *5. Section VIII*

Criminal justice professionals' most common perception of bereaved is that they are emotional, but what aspect of emotions they talk about is influenced by their organization in the criminal justice system and their role within that organization. The "emotional" label gives bereaved a stigma in the eyes of some professionals, and this stigma gives professionals an excuse to exclude them from the process (Goffman 1963). Although murder detectives dislike emotional encounters, they use these encounters to categorize bereaved a "normal" and "abnormal." An emotional bereaved is a normal bereaved; an unemotional bereaved is a suspect

in the murder. Skolnick (1975), Sudnow (1965), and Bridges and Steen (1998) find that criminal justice professionals use classification schemes to streamline their work. Murder detectives use a classification scheme for bereaved to assist them in the identification or elimination of the bereaved as a suspect.

Counselors, detectives, and prosecutors describe different aspects of emotions as the most difficult part of their work with bereaved – seeing them through the pain, making the death notification, and explaining that a trial will not make them feel better (respectively). Professionals use three management strategies in their work with bereaved, including avoidance, organizational shield, and information control. Professionals, particularly detectives, use the avoidance strategy because they are not comfortable seeing the pain of bereaveds' loss, and they recognize that there is not much that brings them comfort. Detectives along with prosecutors use counselors as organizational shields to create a buffer between them and the bereaved. Counselors are more likely to do emotional labor or “dirty work” than detectives or prosecutors (Abbott 1988; Hochschild 1983).

Professionals control information to check the stability of bereaved, create stability in bereaved in the short and long term, and protect the integrity of the investigation. Information control is a form of social control (Clark and Gibbs 1975; Ekland-Olson 1984). It allows professionals to influence the behavior of bereaved. There is evidence to indicate that bereaved use emotions to influence the behavior of criminal justice professionals. They “bond” with a detective to encourage the detective to release information about the case or they storm out of prosecutor meetings to push for a trial instead of a plea bargain (Clark 1987). Information and emotions are tools for shaping others' behavior in social interaction.



## 6. *Section IX*

The nature of the association between the criminal justice system and bereaveds' psychological well-being is complex. Bivariate regression modeling indicates that women have a greater number of contacts with the criminal justice system than men. Gender and level of education are associated with depression, such that women have higher levels of depression than men and the higher the level of education, the lower the level of depression. The number of contacts with the criminal justice system is positively associated with level of depression, and this association is significant.

The status of the case in the criminal justice system also appears to affect depression such that bereaved whose loved ones' murder cases were unsolved had the lowest levels of depression and bereaved whose loved ones' murder cases were solved-resolved had the highest levels of depression. These findings run counter to what one would expect, but they may be explained by hope, information, and contacts. It may be that the unsolved bereaved hold out hope that the system will bring healing to their harm, and this hope prevents depression. Or perhaps unsolved bereaved find answers to their questions of how and why this happened to their loved one outside of the criminal justice system. They may realize, sooner than the solved-resolved bereaved, that the system cannot give them those answers. Solved-resolved bereaved, on the other hand, may feel disappointed that through the course of the criminal justice process, the system did not give them the answers they expected. It may also be that bereaved whose cases are solved-resolved have had a greater number of contacts with the criminal justice system, and this greater number of contacts creates the opportunity for a greater number of conflicts and frustration.

## **B. Weber and Durkheim**

The classical sociological theorists Max Weber and Emile Durkheim held ideas about the organization of modern society, and those ideas are helpful for understanding the findings presented in this project. Weber's (1968) interest in bureaucratic organizations provides a framework for understanding the organizations that make up the criminal justice system and the influence these organizations have on the bereavement process. Weber (1968) explains that as population size increases, the need to specialize labor (or work) also increases. This specialization is called the division of labor. The division of labor allows people to work more efficiently and productively. This rational division leads to the bureaucratization of work. A problem arises, however, when the organization's bureaucratic interest in efficiency overrides the individual's interests. The bureaucratic organization loses meaning. The rational efficiency traps the organization in a meaningless "iron cage." For Weber (1968), modernity made cultural institutions devoid of normative meaning.

For bereaved and the criminal justice professionals that work with bereaved, the "iron cage" creates two problems. First, the efficient manner in which a system and its professionals dispose of a murder case may not coincide with the value that a bereaved saw in their loved one's life and their subsequent loss. A prosecutor's plea bargain for 15 years in prison to a defendant charged with murder may leave bereaved feeling that the victim's life was only worth 15 years of the defendant's (imprisoned) life. This may make bereaved feel that the system and its professional do not value their murdered loved one's life, and thus, their loss is meaningless. Weber might argue that in our democratic interest to administer justice in a fair and systematic way, we neglect the interests of individual people, and this neglect is harmful to individual well-being.

Second, criminal justice professionals may object to their organization's interests in efficiency. Although not considered (or revealed) in this project, it may be that professionals feel constrained by the rational interests of their organization. Murder detectives may wish they could work on a murder investigation until the case is completely resolved. The organization, however, may not have the financial resources or personnel to allow such thoroughness or devotion. In addition, detectives may find that more recent murder cases take priority over older unsolved ones, and organization goals may restrict professionals' work. The idea that the organization's interests conflicts with the professional's interests in the criminal justice system warrants further study. In future research, I would ask professionals about their relationship with the organization, supervisor, and co-workers. I would also ask professionals to talk about any organizational conflicts they encounter in their work on murder cases. The rational "iron cage" may devalue the importance of bereaveds' loss, and it may diminish the meaning inherent in professionals' work.

Durkheim (1933) argues that law reflects social solidarity (or social organization), and as society moves from mechanical (primitive) to organic (modern), the laws for society move from repressive to restorative. Mechanical solidarity consists of a homogeneous population with little conflict and a shared collective consciousness. Organic solidarity consists of a heterogeneous population with increased conflict and a greater division of labor. The shift from mechanical to organic solidarity weakens the collective conscious and promotes individualism. In Durkheim's (1933) conceptualization, the repressive laws of mechanical societies seek to bring suffering, and the restorative laws of organic societies seek to repair the situation. Durkheim (1933) explains that punishment reaffirms the collective consciousness, and punishment is necessary to maintain social solidarity. There is no empirical evidence, however, to support Durkheim's (1933) view

of law growing more restorative as social solidarity grows more organic (Erickson 1991; Nader and Todd 1978). In fact, Schwartz and Miller (1964) find more mediation and conciliation in mechanical societies than in organic ones.

The social movement to involve crime victims in the criminal justice process presents an interesting case for Durkheim's (1933) theory of law. On the one hand, the opportunity for victims to have a say in the system managing their (or their loved one's) case reveals an interest in restoring the victim's harm. On the other hand, some victims' interest in bringing suffering to the person that killed their loved one reveals the individual's interest in repressing the offender, not restoring their harm. The evidence presented in this report suggests that involving victims in the process does not necessarily restore their harm. It may aggravate it. It also suggests that involving victims in the process may mislead them into believing that the system can restore (even in some small way) the harm of their loss.

### **C. Limitations of this Research**

There are four main limitations of this study. First, the study focuses on bereaveds' experiences in one county. Center County may not be representative of other counties' work with people who have lost a loved one to murder, and there is some information to indicate that it is not. Center County has a reputation for being an innovator in victim services. As a result, bereaveds' experiences in less innovative counties may be more negative. I suspect, however, that the experiences will be very similar. I think the difference will emerge in professionals' perceptions of bereaved. While Center County criminal justice professionals perceive bereaved as emotional, professionals in less victim-friendly counties may perceive bereaved as annoying. This might occur because organizations that offer special services for victims, such as crisis

counseling, may encourage professionals to have an awareness of and appreciation for victims' emotional difficulties.

Second, the study is limited by the small sample size. All findings are offered with caution. These 32 bereaved represent a small portion (14%) of the 226 murder victims killed in Center County between 1994 and 1998, and as indicated in Section III (Methods), the sample is not representative of the population on the variable race. There were a smaller percentage of blacks participating in the study than were in the population. Thus, this sample may not capture the racial differences, if any, in bereaveds' experiences with the criminal justice system.

Third, it may be that the bereaved that participated in the study are different in their bereavement from those that did not. I suspect that participants and non-participants are different in two ways: process and expression. Steven Erickson (57-year-old white father of murder victim) did not come forward to participate in the study until he received the third of my three letters. Steven admitted that he was reluctant to participate because he did not want to stir up his feelings about his son's death. He explained that he got to a point in his grief where he didn't want to feel sorry for himself any more, and he was trying to "move on." As Steven's explanation for his delay in participation suggests, it may be that bereaved who have not yet "moved on" were more likely to participate in the study than those who had. It may also be that bereaved who are more comfortable expressing their feelings about their loss are more likely to participate in a study on bereavement than those who are not.

Fourth, there are parts of murder cases in the criminal justice system that I have yet to observe, and I suspect that these observations would have been helpful for understanding professionals' management of bereaved. I did not observe law enforcement's professionals

making a death notification, nor their interaction with the bereaved following the notification and in subsequent meetings.

#### **D. Policy Recommendations**

Four main policy recommendations follow from this research. First, a judge interviewed for this study said that the criminal justice system was never designed to heal the harm of a victim's loss, and people that think it should are misled. It may be the criminal justice system plays a part in misleading people. While victim service counselors offer a helpful resource to bereaved, the term "counselor" may not be appropriate for the victim service professionals assisting bereaved for two reasons. The first reason involves time; victim service counselors actual have a limited amount of time to spend with bereaved. In my observations of counselors in the police department, the counselor spends one to two hours with the victim and then offers him or her information on referral services in the community. In the district attorney's office, counselors accompany bereaved to the criminal court proceedings and educate bereaved about the criminal justice process, but they do not provide in-depth counseling assistance.

The second reason is that the term counselor may mislead bereaved into thinking that the criminal justice system can play a role in their healing. The idea that the system employs licensed professional counselors suggests that the system has an interest in bringing resolution to the bereaved's feelings about their victimization, and the evidence presented here indicates that the system offers some relief to the bereavement process, but not much. For these reasons, the term liaison better indicates both the role that these professionals play in the system and the work that they do with bereaved. They are liaisons between the bereaved and other professionals in the system, between the bereaved and community services, and between bereaved and the system

in general. Although the change from counselor to liaison is subtle, I think it sends an important message to both professionals and victims that neither the criminal justice system nor its professionals can assist bereaved in recovery.

Second, the evidence presented here suggests that criminal justice professionals could do a better job of explaining to bereaved the reasons for their actions in the case as well as the reasons for their exclusion of bereaved from particular aspects of the criminal justice process. These explanations should come early in bereaveds' experiences with the system, and they could be presented at a meeting with the detective(s), liaison, and family members in the first week or two following the death. These explanations would indicate to bereaved that professionals understand and acknowledge their interest in obtaining information (for example), and this acknowledgement could improve professional-bereaved relations. These explanations could also help bereaved to see the long-term benefits of not getting the information they desire in the short term.

Third, previous research indicates that recipients of social support find that people with situational similarities provide the most helpful assistance (Gottlieb 1985; Thoits 1986b). Thus, bereaved would find other bereaved that have had contact with the criminal justice system to be the most helpful. Criminal justice liaisons in law enforcement (the first part of the system with which bereaved have contact) could provide bereaved with a list of situationally similar bereaved that have volunteered to be contacts for newly bereaved people. The system could also seek out bereaved to serve as volunteer victim service liaisons. In my volunteer training class with the Center Police Department, Janet Holcomb (pseudonym), the mother of 25-year-old Matthew, was at home when she heard her son shoot and kill himself in another room of their house. When the police arrived at her house to investigate the death, they treated Matthew's death like

a murder (which professionals interviewed for this study indicate is normal procedure). The detectives investigating the case took her to the downtown police station in the back seat of a marked police car to question her about his death. Janet says she felt like a criminal when her neighbors watched her be taken away in a police car. She decided to become a volunteer with the police department to bring awareness to detectives and counselors about how to better handle bereaved families and to help other bereaved like herself following the trauma of a sudden death. These types of situationally similar liaisons could prove very helpful to bereaved.

Fourth, bereaved indicate that they appreciate professionals' expressions of sympathy for their loss, and their comments suggest that the professionals that do this have smoother (or less adversarial) interactions with bereaved. While some professionals may feel that they cannot offer sympathy without compromising their work on the murder case, others may not. Detectives appear to use a status shield to maintain their position of authority over bereaved and to discourage bereaved from making contact with them. The expression of sympathy dismisses the status shield. I think it is simply important for professionals to be aware of the power of sympathy in their interactions with bereaved. The expression of sympathy can make for less adversarial interactions; the denial of sympathy can make for more adversarial interactions. In this way, emotions – the emotions of the bereaved and of the professionals – are powerful tools for influencing the behavior of others in interactions.

#### **E. Future Research from the Data**

In this project, I do not use all of the data collected in the in-depth interviews with bereaved. In future analyses, I plan to examine bereaveds' experiences outside the criminal justice system, such as with family, social support, and forgiveness. First, several women



indicated that they did not grieve for their loss until all the members of their immediate family had been informed of the loss. I hypothesize that women are more likely than men to take play the role of “emotional leader” in families, and I plan to use the data to test this hypothesis. I also asked bereaved how their relationships with other family members had changed since their loss. Their responses indicate that those relationships either grow stronger or weaker, and I would like to examine when and why that is the case.

Second, the literature on social support suggests that people with traumatic loss will have difficulty finding helpful others. In the interviews, I asked bereaved if they felt that people had treated them differently. Approximately half of the bereaved said yes, and I plan to examine why some perceive a difference but others do not. I would also like to further explore the nature of emotions in social interactions. In this report, I argue that emotions are powerful tools of manipulation for both bereaved and professionals. The expression of emotions can persuade people to do something or nothing, and I think there is still a lot to be learned here (Thoits 1989).

Third, I asked bereaved how they felt about the issue of forgiveness in their situation. Some research suggests that forgiving a person that has wronged you can improve well-being (Freedman and Enright 1996). An analysis of these data on the forgiveness question may provide insight into why that is the case as well as what it means to forgive someone in cases of severe harm.

#### **F. Future Research on this Topic**

Future research on the bereavement of people who have lost a loved one to murder should seek to investigate four issues: (1) the race and socioeconomic differences in bereaveds’ experiences with the system and its professionals, (2) the reasons for the positive association

between number of contacts and level of depression, (3) the differences between bereaveds' experiences in a victim-friendly system versus a non-victim-friendly system, and (4) the organizational constraints professionals experience in their work on murder cases.

First, while some bereaved perceive that the criminal justice system treated them differently because they (or their loved one) were either a minority or from a low socioeconomic status, it is not clear from my observations of the criminal justice system whether this is the case. Additional research could consider the way the amount of time spent on a case varies by the victim's race and socioeconomic status. Other research has used juvenile probation officer's punishment recommendation reports to consider the role of race in criminal justice professionals' management of offenders (Bridges and Steen 1998). Future research on bereavement from murder could rely on detectives' notes from solved-resolved murder cases to consider the possibility that race and socioeconomic status influences professionals' management of murder cases and perhaps treatment of bereaved.

Also, several bereaved suggested that the media expressed more interest in murder cases where the victim was from a higher socioeconomic status. I have pulled all newspaper articles on the topic of murder or homicide in the Friday, Saturday and Sunday issues of *The Center Tribune* from May to December 2000, and I plan to conduct a content analysis of these articles to consider the race and socioeconomic status differences in the media's coverage of murder. This investigation could shed light on bereaveds' perceptions.

Second, while this research demonstrates a positive association between the number of contacts a bereaved had with the criminal justice system and level of depression, it is not clear why that is the case. Further research is needed to better understand this issue. This could be done using two methods. One method could combine a longitudinal study with a case study

approach. This method would involve following several bereaved families through the criminal justice process from notification to resolution. There would be difficulties in executing this method – difficulties in getting bereaved who have just lost their loved one to murder to agree to participate in a study, difficulties in gaining in-depth access to the system, and difficulties in having the time and resources to follow a case through the system (which often takes more than a year and sometimes several years). However, I do not think these difficulties make the method impossible; it just makes the method more challenging for the researcher. A second method could ask bereaved to keep a daily (or perhaps weekly) diary of their thoughts about and experiences with the criminal justice system handling their case. This diary could provide helpful insight into the day-to-day experiences bereaved encounter, and it may shed light on why number of contacts is positively associated with level of depression.

Third, I think it will be very important to replicate this study in a county that has a reputation for being less victim-friendly than the county of focus in this study, Center County. The question would be: does a victim-friendly system really make a difference in bereaveds' experiences? My suspicion is that bereaveds' experiences with the criminal justice system will be very similar regardless of the victim orientation of the system. I believe, however, that professionals' perceptions of bereaved may change in a less victim-friendly system. I suspect that such professionals will be more inclined to say that bereaved are difficult or annoying instead of emotional. I think, however, a comparison of bereaveds' experiences in victim-friendly and victim-unfriendly systems would provide insight into how the system can make bereaveds' experiences better or worse.

Fourth, there is some evidence to suggest that criminal justice professionals experience constraints from the organization overseeing their work. I did not ask professionals about the

pressures of their work in general. I only asked about the pressures of their work with bereaved. I think an understanding of the larger organizational context in which professionals work will be helpful for understanding professionals' work with and management of bereaved. In future research, I would ask professionals about those organizational constraints, and I would interview professionals' supervisors to understand their perspective of the work, the professionals' responsibilities, and the professional-bereaved relationship.

## APPENDICES

### A. Appendix A: Letter for the TDH Recruitment Method

July 26, 2000

Ms. Jane Doe  
Middle Street  
Center, Texas 12345

RE: Study on Bereavement from Murder

Dear Ms. Doe:

I am writing to request your participation in a study of people who have lost a loved one to murder. I have obtained information from Texas Department of Health death records that leads me to believe that you may be the relative of a person who was murdered in Center County between 1996 and 1998.

The purpose of the study, which is supported by the National Institute of Justice, is to learn about sources of stress and support in bereavement from murder, because, as you may know, few people understand this type of loss. The study also considers bereaved people's experiences with the criminal justice system. You are one of 131 people selected to participate in the study. Your participation is critical to the success of the study.

If you decide to participate, we can talk about a convenient time for you to do an interview. Most people say that they actually feel better after talking with an interviewer because they have few opportunities to talk about their loss. Please know that all of the information from the interview will be kept confidential. To thank you for your participation, a donation of \$20 will be made to People Against Violent Crime (an non-profit Victim Service Group) in memory of your loved one.

To sign-up to participate, please call me at (512) 431-0216. If you prefer, you can reply using the enclosed postcard. Please respond either by phone or postcard. If you would like additional information before deciding whether to participate, give me a call. I would be happy to tell you more about the study.

I thank you in advance for your consideration of my request.

Sincerely,

Sarah Goodrum  
Doctoral Student

## **B. Appendix B: First Follow-up Letter for the TDH Recruitment Method**

September 1, 2000

Ms. Jane Doe  
Middle Street  
Center, Texas 12345

Dear Ms. Doe:

This is a follow-up letter to request your participation in a study of people who have lost a loved one to murder. So far, 17 people have volunteered to participate, but we need 33 more volunteers. Your participation is critical to the success of the study.

As you may recall, the purpose of the study, which is supported by the National Institute of Justice, is to learn about sources of strain and comfort in bereavement from murder, because, as you may know, few people understand this type of loss. The study also considers bereaved people's experiences with the criminal justice system.

To sign-up to participate, please call me at (512) 431-0216, so we can talk about a convenient time for you to do an interview. Please know that all of the information from the interview will be kept completely confidential, and if at any time you wish to stop the interview, you are free to do so. Most people say that they actually feel better after the interview because they have few opportunities to talk about their loss. To thank you for your participation in the study, a donation of \$20 will be made to the charity of your choice in memory of your loved one.

If you would like additional information before deciding whether to participate, give me a call. I would be happy to tell you more about the study. Also, if you have a relative who would like to participate, please tell him or her to contact me. I welcome his or her involvement in the study.

I thank you in advance for your consideration of my request.

Warmest Regards,

Sarah Goodrum  
Doctoral Student

### **C. Appendix C: Second Follow-up Letter for the TDH Recruitment Method**

October 25, 2000

Ms. Jane Doe  
Middle Street  
Center, Texas 12345

Dear Ms. Doe:

This is a follow-up letter to request your participation in a study. As you may recall, the study is about people who have lost a loved one to murder. I need 6 more people to volunteer to participate in the study, and I am hoping you will be one of those people. I would very much like your experiences to be a part of this research.

As you may recall, the purpose of the study, which is supported by the National Institute of Justice, is to learn about sources of strain and comfort in bereavement from murder, because, as you may know, few people understand this type of loss. The study also considers bereaved people's experiences with the criminal justice system.

To sign-up to participate, please call me at (512) 431-0216. We can talk about a good time and day for you to do an interview. Please know that all of the information from the interview will be kept completely confidential, and if at any time you wish to stop the interview, you are welcome to do so. So far, everyone who has participated has told me that they actually feel better after the interview because they have had few opportunities to talk about their loss. To thank you for participating in the study, I will make a donation of \$20 to the charity of your choice in memory of your loved one.

If you would like additional information before deciding whether to participate, give me a call. I would be happy to tell you more about the study. Also, if you do not wish to participate, but you have a relative or friend who would like to participate, please ask him or her to contact me. I welcome his or her involvement in the study.

I truly appreciate your consideration of my request.

Warmest Regards,

Sarah Goodrum  
Doctoral Student

## D. Appendix D: Call Form for Newspaper Recruitment Method

Date \_\_\_\_\_  
Homicide Victim's Name \_\_\_\_\_  
Bereaved Loved One's Name \_\_\_\_\_  
Phone Number \_\_\_\_\_

Hello. My name is Sarah from the University of Texas. Is \_\_\_\_\_ there? I am trying to contact \_\_\_\_\_, because we are conducting a study on bereavement. We think that she/he may qualify to participate in the study.

IF BEREAVED NOT AT HOME: When would be a good time for me to reach him/her? \_\_\_\_\_  
TO DESIGNATED RESPONDENT

Hello. My name is Sarah from the University of Texas. We are conducting a study on the bereavement of people who have lost a loved one to homicide. We have selected you because we have information that leads us to believe that you may be a relative of \_\_\_\_\_, who was killed in Center County in 199\_\_. We obtained \_\_\_\_\_'s name from the *Center Tribune*, and we obtained your name and phone number from the Center telephone book.

According to my instructions, I need to ask if you are this person's relative? Yes/No

IF NO, thank you very much for your time.

IF YES, we are looking for 30 people who have experienced the loss of a loved one to homicide to participate in the study. The study involves an in-person interview that takes about two hours to complete. Your participation is completely voluntary, and the information you provide will be kept completely confidential. Would you be interested in participating in the study?

IF NO, thank you very much for your time.

IF YES, would you like me to send you information about the study via mail? OR Would you like me to tell you more information about the study while we are on the phone?

IF MAIL, what is your mailing address?  
\_\_\_\_\_

Thank you for your time. We'll be mailing you this information.

IF PHONE, I need to ask you a few background questions to determine if you qualify to participate (see attached Screen Form).



## E. Appendix E: Letter for Newspaper Recruitment Method

June 29, 2000

Ms. Jane Doe  
Middle Street  
Center, Texas 12345

RE: Study on Bereavement from Homicide

Dear Ms. Doe:

I am writing to ask for your participation in a study of people who have lost a loved one to homicide. I obtained information from the *Center Tribune* that leads me to believe that you may be the relative or friend of a person who was murdered in Center County between 1994 and 1995. I obtained your address from the Center telephone book.

The purpose of this federally funded study is to learn about the sources of stress and support in bereavement from homicide, because, as you may know, there is very little known about this type of loss. This study also considers bereaved people's experiences with the criminal justice system.

If you decide to participate, we can talk about a convenient time for you to do an interview. In the interview, I will ask you a number of questions about your experiences with this type of loss. You can answer the questions in your own words. Most people say that they actually feel better after talking with an interviewer because they have few opportunities to talk about their loss. Please know that all of the information from the interview will be kept completely confidential.

If you would like to participate or would like additional information, please call me at (512) 431-0216 or (512) 232-6308. If you prefer, you may reply using the enclosed postcard. This study could not happen without the participation of people like you. So, I thank you in advance for your consideration of my request.

Sincerely,

Sarah Goodrum  
Doctoral Student

## **F. Appendix F: Pretest A Interview Questions**

Tell me your story.

How does [the case being reopened] make you feel after this much time?

What do you think would change for you if there were a trial or some sort of resolution?

You talked about how your relationships with other people have changed since your loss. Could you give me an example?

How does your faith comfort you?

How come you joined Parents of Murdered Children?

Some people talk about how after they lose a loved one like this, they feel like their life is out of control. Have you felt like that at all?

What would you say your top priorities are these days?

Were there any things that people did that were unhelpful in your loss?

How has your loss changed your view of the world?

Is there anything you would change about the way the criminal justice system has worked with your family concerning this case? What would it be?

## **G. Appendix G: Pretest B Interview Questions**

I'd like to start by having you tell me your story.

You talked about how sometimes you prefer not to tell people what's happened. Could you tell me more about that or give me an example of how you go about that?

Were there any people that indicated to you either directly or indirectly that they didn't want to hear about it? I know that you said that sometimes you would avoid those uncomfortable situations, but was it ever the other person giving you that kind of a signal?

If there were anything you could change about the way the police have handled your family or has dealt with you and your family, what would it be?

Has your loss changed your relationship with other people in your life, like your kids or friends?

You talked about your sons trying to protect you and you guys trying to protect your sons. How do you do that or can you give me an example?

I guess I only have really maybe one more question. Some people talk about how when they experience this kind of a traumatic loss, they feel like their life is out of control or that they've lost control of some things. Have you felt like that at all? Does that ever come into play?

**H. Appendix H: Pretest C and D Interview Guide**

Interview No. \_\_\_\_\_  
Interview Date \_\_\_\_\_  
Interview Location \_\_\_\_\_

**BEREAVEMENT PROJECT**

**(Project Director: Sarah Goodrum)**

**Department of Sociology  
University of Texas at Austin  
Austin, Texas 78712-1088**

I am conducting a study on the bereavement of people who have lost a loved one to homicide.

This interview is completely voluntary and confidential. If I ask you any question you do not want to answer, please tell me and we'll go on to the next question. Please also feel free to ask for clarification. This interview could take anywhere from two to three hours, depending on how much you have to say.

Before we start, I'd like you to read over this consent form. If you consent to participate, please sign both copies – one for you and one for me.

The interview is divided into five parts. The first part asks about your experiences with the criminal justice system. The second and third parts ask you about your feelings and experiences since your loss. The fourth part asks you about you and your deceased loved one's background. The final part asks you about your advice for other bereaved people. With your permission, I would like to tape record parts 1, 2, 3 and 5 of the interview.

## PART 1: THE CRIMINAL JUSTICE SYSTEM

I would like to start the tape recorder now if that is okay with you.

### NOTIFICATION

1.	After this first question, I will have very specific questions for you. But to start, I would like to take 10 to 15 minutes for you to tell me how you first learned that your loved one had been killed? Who told you? How did they tell you? How did you react?
2.	Who was the first person that you told about the death? How did that person react? [emotions-behavior]

### THE CASE

#### [key concepts: healing the harm]

3.	What was his/her relationship to the killer?
4.	Briefly, tell me about where the case stands now in the criminal justice process.
5.	How do you feel about where the case stands now? a. Does it give you any relief?
6.	What criminal justice officials and what parts of the criminal justice process have you had contact with? [CARD #1] <u>Criminal Justice Officials</u> a. Center Police Department Detective b. Center County Sheriff's Office Detective c. Prosecutor/DA's Office d. Defense Attorney e. Judge f. CPD Victim's Service Counselor g. DA's Office Victim/Witness Counselor <u>Criminal Justice Process</u> h. Pre-trial Hearing i. Trial j. Sentencing k. Probation Hearing l. Anything Else?
7.	Some people tell us that there are things about the criminal justice system's management of their loved one's homicide case that makes it harder for them to cope with their loss. Here are parts of the criminal justice system with which you may have had contact. What things did the ____ do that made it harder for you to cope with your loss? [cj

	<p>system-bereavement]</p> <ul style="list-style-type: none"> <li>a. Police Department</li> <li>b. DA's Office</li> <li>c. Judge/Trial</li> <li>d. Anything Else?</li> </ul>
8.	<p>What things did the _____ do that helped to comfort you in your loss? [cj system-bereavement]</p> <ul style="list-style-type: none"> <li>a. Police Department</li> <li>b. DA's Office</li> <li>c. Judge/Trial</li> <li>d. Anything Else?</li> </ul>

*Control*

9.	<p>A lot of people say that one of the hard things about this type of loss is that they feel a total loss of control. Was there anything about the way the criminal justice system handled this case that restored your sense of control? [cj system-control]</p> <ul style="list-style-type: none"> <li>a. Police Department</li> <li>b. DA's Office</li> <li>c. Judge/Trial</li> <li>d. Anything Else?</li> </ul>
----	---

*Emotions*

10.	<p>Would you say that the criminal justice system has helped to heal the harm of your loss in any way? (If unsolved, ask "Do you think the cj system can heal the harm of your loss in any way?") [cj system-bereavement]</p> <ul style="list-style-type: none"> <li>a. How so?</li> </ul>
-----	--

*JWH*

11.	<p>If you had the power to change anything about the way the _____ worked with you, what would you change?</p> <ul style="list-style-type: none"> <li>a. Police Department</li> <li>b. DA's Office</li> <li>c. Judge/Trial</li> </ul>
12.	<p>Overall, do you feel that the criminal justice system brought justice for you? [cj system-bereavement]</p>

## PART 2: THE SELF

The next section asks you questions about your feelings and experiences since your loss.

### EMOTIONS

**[key concepts: meaning of emotions, emotion norms, emotions-behavior, emotions-behavior-roles-wellbeing, role change-social network change]**

13.	Overall, what do you feel you lost with the death of your ___?
14.	What did it mean to lose him/her this way?
15.	How do people react when you express your feelings about your loss? [emotions norms] a. Do they offer to help?
16.	Some people join a bereavement support group when a loved one dies. Did you do this? [role change-social network change] a. Why or why not? b. How does your involvement in this group make you feel? [emotions-behavior-roles-wellbeing]
17.	Could you forgive or have you forgiven the person that did this? [forgiveness-bereavement] What would it take to forgive them? How did you come to forgive them?

### CONTROL

**[key concepts: meaning of control in crisis, demographics-control, restoring control]**

18.	Earlier I asked you about the criminal justice system and feelings of control. Now I'd like to ask you about your feelings of control in the first few weeks after your loss. During these first few weeks following your loss, to what extent did you feel like you had control over your life? [meaning of control] a. What did you do? [restoring control]
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### ROLE-ID

**[key concepts: roles-well-being, gender-role-meaning, role-loss, role-conflict, bereaved role-other roles]**

19.	Some people find that this type of loss places them in a new role – the role of a bereaved parent/spouse/child of a murdered parent/spouse/child. In general, what has that new role meant for you? [role-meaning]
20.	Has this role created any problems for you? [role-conflict]
21.	Some people find that the loss of a loved one changes their priorities. These days, what would you say are your top priorities? [values and meaning]

### PART 3: SOCIAL RELATIONSHIPS

This third section asks you questions about your experiences with other people since your loss.

#### **SOCIAL SUPPORT**

**[key concepts: social support-social relationships-wellbeing, social relationships-social support, donor-recipient relationship, demographics-social support-bereavement, reciprocity-social relationships]**

22.	People have different experiences with other people following this type of loss. I'm interested in what happened to you. To start, who are the main people that you have turned to for help with your loss? [social supporters]
23.	Briefly describe the quality of your relationship with _____. [social support-social relationships, donor-recipient relationship]
24.	What did this person or other people do that helped you to cope with your loss? [social support-bereavement] a. Anything else?
25.	What did people do that made it harder for you to cope with your loss? [social support-bereavement] a. Anything else? Maybe even out of the ordinary?
26.	Since your loss, have there been changes in your relationship with your _____? How so? [social relationships] a. Spouse/partner b. Child(ren) c. Friends
27.	Have there been significant changes in your other relationships that I have not asked about?
28.	Could you briefly describe how your spouse (or sibling, parent) reacted to the death? [emotional role]
29.	Since the death, has there been one person in your family who has been a role model for you emotionally? [emotional role leader]
30.	Has there been turning point for you since your loved one's death?

#### **JWH**

**[key concept: jwh-understand harm]**

31.	Some people find that the loss of a loved one changes the way they see the world.
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	These days, how do you see the world? [jwh-understand harm]
--	---

**STIGMA**

[key concepts: stigma management, destigmatization-therapy, group, activism, courtesy stigma, rewarding aspects of stigma]

32.	Some people find that other people treat them differently after this type of loss. Do you think that there are some people who have treated you differently? [stigma] a. Can you give me an example? b. How do you feel about that person now? Could you forgive them?
33.	Do you try to anticipate people's reactions to your loss? [stigma management] a. How do you do this?

**MEDIA**

34.	How would you describe your relationship with the media?
-----	--

**PART 4: BACKGROUND**

**STOP THE TAPE!!**

In this fourth section, I'd like to ask you a little bit about you and [name of the deceased]'s background. These questions are multiple choice. I'd like to give you these cards to help you provide answers to the questions. Where appropriate, I will tell you to refer to CARD # such-and-such to provide your answer.

35.	What was your age on your last birthday?	
36.	Gender	
37.	What is your current marital status [CARD #2] a. Married b. Divorced c. Separated d. Widowed e. Never Married	
38.	Which do you feel best describes you? [CARD #3] a. White b. Black c. American Indian d. Asian e. Spanish or Hispanic f. Other	
39.	How much education have you completed? [CARD #4] 00-11 (Code Year) 12 High School Graduate 13-15 Some College	

	16 Graduate School 17 Master's Degree 18 Doctorate or Professional Degree 20 GED 21 Vocational, technical school, training																
40.	Do you have any children?																
	<table border="1"> <thead> <tr> <th>Name</th> <th>Age</th> <th>Living w/You?</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> </tr> <tr> <td>b.</td> <td></td> <td></td> </tr> <tr> <td>c.</td> <td></td> <td></td> </tr> <tr> <td>d.</td> <td></td> <td></td> </tr> </tbody> </table>	Name	Age	Living w/You?	a.			b.			c.			d.			
Name	Age	Living w/You?															
a.																	
b.																	
c.																	
d.																	
41.	What is your occupation?																
42.	<p>If we include your income from all sources and all of your and your spouses earnings and other sources of income (such as veterans benefits, unemployment, social security, disability, food stamps and trust funds), what would your total income before taxes for the last 12 months add up to? Just give me the letter from the list on the card. [CARD #5]</p> <ul style="list-style-type: none"> <li>a. Less than \$5,000</li> <li>b. \$5,000-9,999</li> <li>c. \$10,000-14,999</li> <li>d. \$15,000-19,999</li> <li>e. \$20,000-24,999</li> <li>f. \$25,000-29,999</li> <li>g. \$30,000-39,999</li> <li>h. \$40,000-59,999</li> <li>i. \$60,000-79,999</li> <li>j. \$80,000+</li> </ul>																

**ROLE-ID [CARD #6]**

43.	Which of the following roles apply to you? [CARD #6] [roles-wellbeing, role-loss] <ul style="list-style-type: none"> <li>a. Parent</li> <li>b. Stepparent</li> <li>c. Spouse/partner</li> <li>d. Caregiver</li> <li>e. Employee</li> <li>f. Student</li> <li>g. Son/daughter</li> <li>h. Relative</li> <li>i. Friend</li> <li>j. Neighbor</li> <li>k. Churchgoer</li> <li>l. Group member</li> <li>m. Community volunteer</li> </ul>
-----	--

	<ul style="list-style-type: none"> <li>n. Hobbyist</li> <li>o. Athlete</li> <li>p. Therapy patient</li> <li>q. Other</li> </ul>
44.	<p>Which of the following roles applied to you before your loved one's death? [CARD #6]</p> <ul style="list-style-type: none"> <li>a. Parent</li> <li>b. Stepparent</li> <li>c. Spouse/partner</li> <li>d. Caregiver</li> <li>e. Employee</li> <li>f. Student</li> <li>g. Son/daughter</li> <li>h. Relative</li> <li>i. Friend</li> <li>j. Neighbor</li> <li>k. Churchgoer</li> <li>l. Group member</li> <li>m. Community volunteer</li> <li>n. Hobbyist</li> <li>o. Athlete</li> <li>p. Therapy patient</li> <li>q. Other</li> </ul>

**CES-D [CARD# 7]**

I am going to list some statements describing how people sometimes feel. For each statement, please tell me how often you felt that way DURING THE PAST WEEK [CARD #7]. The first statement is \_\_\_\_\_. During the past week, did you feel that way none of the time, a little of the time, occasionally, or most of the time?

	Statement	None of the Time, <1d (0)	A Little of the Time, 1-2d (1)	Occasionally, 3-4d (2)	Most of the Time, 5-7d (3)	Code
45.	I felt depressed.					
46.	I felt that everything I did was an effort.					
47.	My sleep was restless.					
48.	I was happy.					
49.	I enjoyed life.					
50.	I did not feel like eating. My appetite was poor.					
51.	I felt sad.					
52.	I could not get 'going'.					
53.	I felt lonely.					
54.	People were unfriendly.					
55.	I felt that people disliked me.					
	TOTAL (higher score, more distress)					

Now, I would like to ask you a few questions about \_\_\_\_\_'s background. You may have answered these questions in our phone conversation. This is just to make sure I have the correct information.

56.	Which do you feel best describes ____'s race? a. White b. Black c. American Indian d. Asian e. Spanish or Hispanic f. Other	
57.	How were you related to him/her?	
58.	When was he/she killed?	
59.	How old was he/she at the time?	
60.	Would you like to see the results of my study? [INDEX CARD FOR ADDRESS INFO]	
61.	If I have follow-up questions about your experiences, would you mind if I called you?	
62.	I am also trying to interview the friends and family who have helped people like yourself in this type of loss. Can you think of anyone that has supported you that might be willing to participate in an interview? If so, would you mind giving me their name and phone number and/or address. If you would prefer, you could give them my contact information.	

**PART 5: ADVICE, RESULTS, ETC.**

**START TAPE BACK UP!!**

To finish, I have just 3 more questions. I'd like to ask you about advice you would give others. I'm going to start the tape back up.

63.	What advice would you want to give bereaved people like yourself?
64.	What advice would you want to give supporters of bereaved people like yourself?
65.	Is there anything else you'd like to tell me that I haven't asked about?

**INTERVIEWER POST-INTERVIEW COMMENTS**

[Address Issues of Setting, Respondent, Emotional Tone, Difficulties, Interviewer Feelings, and Interviewer Insights/Reflections]

## **I. Appendix I: Bereaved Interview Guide, Final Version**

Interview No. \_\_\_\_\_  
Interview Date \_\_\_\_\_  
Interview Location \_\_\_\_\_

### **BEREAVED INTERVIEW GUIDE**

#### **Bereavement Project**

**(Project Director: Sarah Goodrum)**

**Department of Sociology  
University of Texas at Austin  
Austin, Texas 78712-1088**

I am conducting a study on the bereavement of people who have lost a loved one to homicide.

This interview is completely voluntary and confidential. If I ask you any question you do not want to answer, please tell me and we'll go on to the next question. Please also feel free to ask for clarification. This interview could take anywhere from two to three hours, depending on how much you have to say.

Before we start, I'd like you to read over this consent form. If you consent to participate, please sign both copies – one for you and one for me.

The interview is divided into five parts. The first part asks about your experiences with the criminal justice system. The second and third parts ask you about your experiences since your loss. The fourth part asks you about you and your deceased loved one's background. The final part asks you about your advice for other bereaved people. With your permission, I would like to tape record parts 1, 2, 3 and 5 of the interview.

## PART 1: THE CRIMINAL JUSTICE SYSTEM

Most of the questions you can answer in your own words. There are a few multiple-choice questions. These first three multiple-choice questions will help me ask more general questions later in the interview. To start, would you mind taking a look at this first card and telling me:

1.	<p>Which criminal justice officials and which parts of the criminal justice process have you had contact with? [CARD #1]</p> <p><i>Criminal Justice Officials</i></p> <ul style="list-style-type: none"><li>m. Center Police Department Detective</li><li>n. Center County Sheriff's Office Detective</li><li>o. Prosecutor/DA's Office</li><li>p. Defense Attorney</li><li>q. CPD Victim's Service Counselor</li><li>r. DA's Office Victim/Witness Counselor</li><li>s. Anything Else?</li></ul> <p><i>Criminal Justice Process</i></p> <ul style="list-style-type: none"><li>t. Meeting with Police about Homicide Investigation</li><li>u. Meeting with District Attorney or Prosecutor about the Case</li><li>v. Pre-trial Hearing</li><li>w. Trial</li><li>x. Sentencing</li><li>y. Probation Hearing</li><li>z. Parole Hearing</li><li>aa. Anything Else?</li></ul>
2.	<p>The next question is about the roles or hats that you wear in your life. Which of the following roles apply to you? [CARD #2] [roles-wellbeing, role-loss]</p> <ul style="list-style-type: none"><li>r. Parent</li><li>s. Stepparent</li><li>t. Spouse/partner</li><li>u. Caregiver</li><li>v. Employee</li><li>w. Student</li><li>x. Son/daughter</li><li>y. Relative</li><li>z. Friend</li><li>aa. Neighbor</li><li>bb. Churchgoer</li><li>cc. Group member</li><li>dd. Community volunteer</li><li>ee. Hobbyist</li><li>ff. Athlete</li><li>gg. Therapy patient</li><li>hh. Other</li></ul>

- |    |  |
|----|--|
| 3. | Which of the following roles applied to you before your loved one's death? [CARD #2] <ul style="list-style-type: none"><li>r. Parent</li><li>s. Stepparent</li><li>t. Spouse/partner</li><li>u. Caregiver</li><li>v. Employee</li><li>w. Student</li><li>x. Son/daughter</li><li>y. Relative</li><li>z. Friend</li><li>aa. Neighbor</li><li>bb. Churchgoer</li><li>cc. Group member</li><li>dd. Community volunteer</li><li>ee. Hobbyist</li><li>ff. Athlete</li><li>gg. Therapy patient</li><li>hh. Other</li></ul> |
|----|--|



I would like to start the tape recorder now if that is okay with you.

### **NOTIFICATION**

4.	After this question, I will have more specific questions for you. But to start, I would like to take 10 to 15 minutes for you to tell me how you first learned that your loved one had been killed? Who told you? How did they tell you? How did you react?
----	--

### **THE CASE**

#### **[key concepts: healing the harm]**

5.	Briefly, tell me about where the case stands now in the criminal justice process.
6.	People tell me it's very important to have the case solved. Why is it important to you to have this case solved?
7.	Some people tell us that there are things about the criminal justice system that makes it harder for them to cope with their loss. What was the most difficult part of the _____'s involvement in the case for you? [cj system-bereavement] What did they do that made this so hard? a. Police b. Prosecutor or DA c. Trial d. Victim Counselor e. Anything Else?
8.	What was the most positive part of the _____'s involvement in the case for you? [cj system-bereavement] What did they do that made it easier for you? a. Police b. Prosecutor or DA c. Trial d. Victim Counselor e. Anything Else?
9.	If you could change anything about the way the _____ worked with you, what would you change? a. Police b. Prosecutor or DA c. Victim Counselor d. Anything Else?
10.	Overall, do you feel that the criminal justice system brought justice for you? [cj system-bereavement]
11.	Would you say the criminal justice system has helped to heal (or can heal) the harm of

your loss in any way?

## PART 2: SOCIAL RELATIONSHIPS

This second section asks you questions about your experiences with other people since your loss.

### **SOCIAL SUPPORT**

**[key concepts: ss-social relationships-wellbeing, social relationships-ss, donor-recipient relationship, demographics-ss-bereavement, reciprocity-social relationships]**

12.	Who would you say are the 3 people that have provided you with the most support in your loss? [social supporters]
13.	Briefly tell me about your relationship with _____. [social support-social relationships, donor-recipient relationship]
14.	Could you tell me what this person or other people have done that has comforted you in your loss? [social support-bereavement] a. Anything else?
15.	Some people tell us that there are things that may have made it harder for them to deal with their loved one's death. Could you tell me the things that people did that made it harder for you to deal with your loss? [social support-bereavement] Anything else? Maybe even out of the ordinary?
16.	Since your loss, have there been changes in your relationship with your _____? How so? [social relationships] a. Spouse/partner b. Child(ren)/siblings c. Friends
17.	Since the death, has there been one person in your family who has been a leader for the family? [emotional role leader] a. Who? b. What did he/she do? c. Why this person?
18.	Some people join a bereavement support group when a loved one dies. Did you do this? [role change-social network change] a. Why or why not? b. How has your involvement in this group comforted you? [emotions-behavior-roles-wellbeing]

## **STIGMA**

**[key concepts: stigma management, destigmatization-therapy, group, activism, courtesy stigma, rewarding aspects of stigma]**

19.	Some people find that other people treat them differently after this type of loss. Do you think that there are some people who have treated you differently? [stigma] a. Can you give me an example? b. How do you feel about that person now?
20.	Do you try to anticipate people's reactions to your loss? [stigma management] a. How so?

## **PART 3: THE SELF**

The next section asks you about your more individual or personal experiences since your loss.

## **ROLE-ID**

**[key concepts: roles-well-being, gender-role-meaning, role-loss, role-conflict, bereaved role-other roles]**

21.	Earlier I asked you about roles. I have a few more questions about that. Some people find that this type of loss places them in a new role – the role of a bereaved parent/spouse/child of a murdered parent/spouse/child. In general, what has that new role meant for you? [role-meaning]
22.	Has this role created any problems for you? [role-conflict]
23.	These days, what would you say are your top priorities? [values and meaning]

## **JWH**

**[key concept: jwh-understand harm]**

24.	Some people find that the loss of a loved one changes the way they see the world. How has your view of the world changed since your loss? [jwh-understand harm]
-----	---

## **MEDIA**

25.	People report different experiences with the media. I'm interested in what happened to you. How do you feel about the way the media has treated you and your family?
-----	--

The next few questions are about feelings and loss.

## EMOTIONS

[key concepts: meaning of emotions, emotion norms, emotions-behavior, emotions-behavior-roles-wellbeing, role change-social network change]

26.	Overall, what do you feel you lost with the death of your ___?
27.	I'd like to take a few minutes for you to tell me about your ___? a. What was your relationship with him/her like?
28.	How do people react when you express your feelings about your loss? [emotions norms] a. What do they do?
29.	A lot of the literature on recovering from loss talks about forgiveness. What do you think of the idea of forgiveness in this situation? [forgiveness-bereavement]

## **PART 4: BACKGROUND**

**STOP THE TAPE!!**

In this fourth section, I'd like to ask you a little bit about you and [name of the deceased]'s background. These questions are multiple choice. I'd like to give you these cards to help you provide answers to the questions. Where appropriate, I will tell you to refer to CARD # such-and-such to provide your answer.

30.	What was your age on your last birthday?	
31.	Gender	
32.	What is your current marital status [CARD #3] f. Married g. Divorced h. Separated i. Widowed j. Never Married	
33.	Which do you feel best describes you? [CARD #4] g. White h. Black i. American Indian j. Asian k. Spanish or Hispanic l. Other	
34.	How much education have you completed? [CARD #5] 00-11 (Code Year) 12 High School Graduate 13-15 Some College 16 Graduate School	

	17 Master's Degree 18 Doctorate or Professional Degree 20 GED 21 Vocational, technical school, training	
35.	Do you have any children?	
	Name	Age      Living w/You?
	a.	
	b.	
	c.	
36.	What is your occupation?	
37.	If we include your income from all sources and all of your and your spouses earnings and other sources of income (such as veterans benefits, unemployment, social security, disability, food stamps and trust funds), what would your total income before taxes for the last 12 months add up to? Just give me the letter from the list on [CARD #6].	
	k.	Less than \$5,000
	l.	\$5,000-9,999
	m.	\$10,000-14,999
	n.	\$15,000-19,999
	o.	\$20,000-24,999
	p.	\$25,000-29,999
	q.	\$30,000-39,999
	r.	\$40,000-59,999
	s.	\$60,000-79,999
	t.	\$80,000+

**CES-D [CARD# 7]**

I am going to list some statements describing how people sometimes feel. For each statement, please tell me how often you felt that way DURING THE PAST WEEK [CARD #7]. The first statement is \_\_\_\_\_. During the past week, did you feel that way none of the time, a little of the time, occasionally, or most of the time?

	Statement	None of the Time, <1d (0)	A Little of the Time, 1-2d (1)	Occasionally, 3-4d (2)	Most of the Time, 5-7d (3)	Code
45.	I felt depressed.					
46.	I felt that everything I did was an effort.					
47.	My sleep was restless.					
48.	I was happy.					

49.	I enjoyed life.					
50.	I did not feel like eating. My appetite was poor.					
51.	I felt sad.					
52.	I could not get 'going'.					
53.	I felt lonely.					
54.	People were unfriendly.					
55.	I felt that people disliked me.					
	TOTAL (higher score, more distress)					

Now, I would like to ask you a few questions about \_\_\_\_\_'s background. You may have answered these questions in our phone conversation. This is just to make sure I have the correct information.

49.	Which do you feel best describes ____'s race? g. White h. Black i. American Indian j. Asian k. Spanish or Hispanic l. Other	
50.	How were you related to him/her?	
51.	When was he/she killed?	
52.	How old was he/she at the time?	
53.	What was his/her relationship to the killer?	
54.	Would you like to see the results of my study? [INDEX CARD FOR ADDRESS INFO]	
55.	If I have follow-up questions about your experiences, would you mind if I called you?	
56.	I am also trying to interview the friends and family who have helped people like yourself in this type of loss. Can you think of anyone that has supported you that might be willing to participate in an interview? If so, would you mind giving me their name and phone number and/or address. If you would prefer, you could give them my contact information.	

**PART 5: ADVICE, RESULTS, ETC.**

**START TAPE BACK UP!!**

To finish, I have just 3 more questions. I'd like to ask you about advice you would give others. I'm going to start the tape back up.

57.	What advice would you want to give bereaved people like yourself?
58.	What advice would you want to give supporters of bereaved people?
59.	Is there anything else you'd like to tell me that I haven't asked about?

**INTERVIEWER POST-INTERVIEW COMMENTS**

[Address Issues of Setting, Respondent, Emotional Tone, Difficulties, Interviewer Feelings, and Interviewer Insights/Reflections]

## **J. Appendix J: Criminal Justice Professional Interview Guide<sup>13</sup>**

Interview No. \_\_\_\_\_  
Interview Date \_\_\_\_\_  
Interview Location \_\_\_\_\_

### **CRIMINAL JUSTICE PROFESSIONAL INTERVIEW GUIDE**

#### **Bereavement Project**

**(Project Director: Sarah Goodrum)**

**Department of Sociology  
University of Texas at Austin  
Austin, Texas 78712-1088**

I am conducting a study on the bereavement of people who have lost a loved one to homicide, and I specifically want to understand how the professionals that encounter these bereaved see them. So, I'm talking to people like you.

This interview is completely voluntary and confidential. If I ask you any question you do not want to answer, please tell me and we'll go on to the next question. Please also feel free to ask for clarification. This interview could take anywhere from one to one and a half hours, depending on how much you have to say.

Before we start, I'd like you to read over this consent form. If you consent to participate, please sign both copies – one for you and one for me.

There are three parts to this interview. The first part asks about your work background. The second part asks you about your experiences with people who have lost a loved one to homicide. The third part asks you about your general demographic background. With your permission, I would like to tape record parts 1 and 2 of the interview.

---

<sup>13</sup>The questions appearing in italics were not asked of all criminal justice professionals. If the professional indicated that they had a limited amount of time for the interview, I cut the italicized questions from the interview.



## PART 1: THE JOB

I would like to start by asking you a few background questions.

### **JOB BACKGROUND**

1.	First, what is your job title?	
2.	How long have you been in this position?	
3.	In this position, approximately how many cases of homicide would you say you worked on this past year? a. How many over the course of your time in this position?	
4.	In how many of those ____ cases per year, would you say you worked with the homicide victim's bereaved family members?	

I'd like to start the tape recorder now, if that's okay with you.

5.	Briefly, tell me about your job responsibilities in general.
6.	Briefly, tell me about your job responsibilities in cases of homicide.

## PART 2: THE BEREAVED

### **WORK WITH BEREAVED**

7.	Could you walk me through the steps you take when you have a new bereaved family to work with – at what point do you meet with them, what do you tell them, what don't you tell them (e.g., family member is a suspect and family member is not suspect)?
8.	<i>What are your goals when you meet with a person or family who has lost a loved one to homicide?</i>
9.	What is the hardest part of your work with bereaved people?
10.	<i>What is the most positive part of your work with bereaved people?</i>
11.	<i>What are the positive aspects of including these bereaved in criminal justice proceedings?</i>
12.	What are the negative aspects of including these bereaved in criminal justice proceedings?
13.	I imagine that you often find yourself in a difficult position working with bereaved

	families. Could you give me an example of difficult situations you find yourself in?
14.	If there were anything you could change about the way the _____ (be specific to the respondent's organization) handles bereaved families what would it be?
15.	Do you think the criminal justice system can heal the harm of the bereaved's loss?

**ADVICE**

16.	What advice about dealing with bereaved families would you give to other criminal justice professionals?
17.	What advice would you give to bereaved family members?
18.	What keeps you wanting to do this work?

### PART 3: BACKGROUND

TURN OF THE TAPE RECORDER! These last few questions are about your background.

19.	What was your age on your last birthday?																
20.	Gender																
21.	What is your current marital status [CARD #1] k. Married l. Divorced m. Separated n. Widowed o. Never Married																
22.	Which do you feel best describes you? [CARD #2] m. White n. Black o. American Indian p. Asian q. Spanish or Hispanic r. Other																
23.	How much education have you completed? [CARD #3] 00 None 01-11 (Code Year) 12 High School Graduate 13-15 Some College 16 Graduate School 17 Master's Degree 18 Doctorate or Professional Degree 20 GED 21 Vocational, technical school, training																
24.	Do you have any children? <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Name</th> <th style="width: 20%;">Age</th> <th style="width: 50%;">Living w/You?</th> </tr> </thead> <tbody> <tr> <td>a.</td> <td></td> <td></td> </tr> <tr> <td>b.</td> <td></td> <td></td> </tr> <tr> <td>c.</td> <td></td> <td></td> </tr> <tr> <td>d.</td> <td></td> <td></td> </tr> </tbody> </table>	Name	Age	Living w/You?	a.			b.			c.			d.			
Name	Age	Living w/You?															
a.																	
b.																	
c.																	
d.																	

**APPENDIX K: Table of Pseudonyms**

Case	B Pseudonym	B Race	B Age	B Marital Status	D Pseudonym	D Age	YOD	Case Status
01	Nadia Becerra	H	--	Divorced	Trevor Becerra	31	1995	Unsolved
02	Donna Taylor	B	26	Separated	Frank Taylor	20	1998	Solved-Resolved
03	Wendy Lawrence	W	50	Divorced	Ken Napier	77	1998	Solved-Resolved
04	Steve Hernandez	H	54	Divorced	Nicole Hernandez	24	1994	Murder-Suicide
05	Vicky Kestler	B	27	Divorced	Korey Kestler	43	1994	Unsolved
06	Katherine Talbert	W	46	Married	Kelly Stevens	42	1998	Murder-Suicide
07	Andrea Castaneda	H	48	Married	Damon Castaneda	18	1998	Unsolved
08	Karen Noland	W	52	Widowed	Mark Noland	17	1998	Solved-Resolved
09	Brad Carson	W	75	Married	Carl Carson	38	1996	Solved-Resolved
10	Vince Norton	W	48	Divorced	Seth & Karen Norton	74	1996	Murder-Suicide
11	Melissa Iker	W	50	Married	Timothy Goreman	23	1997	Solved-Resolved
12	Zoe Nunoz	H	45	Divorced	Kelson Nunoz	25	1997	Solved-Resolved
13	Sal K. Halvata	W	65	Married	Henry Halvata	33	1996	Solved-Resolved
14	Katrina Danza	H	54	Divorced	Brian Danza	27	1998	Solved-Resolved
15	Wanda Diaz	H	42	Married	Dominique Diaz Jr.	20	1997	Solved-Resolved
16	Klementine Milton	B	70	Divorced	Larry Bradshaw	49	1998	Solved-Resolved
17	Deidra Fiero	B	30	Widowed	Nicholas Fiero	24	1998	Solved-Resolved
18	Delia Jiminez	H	36	Not Married	Erica Donado	24	1997	Solved-Resolved
19	Carly Thompson	W	44	Divorced	Allen Keller	18	1997	Unsolved
20	Rachel Donado	W	48	Married	Erica Donado	24	1997	Solved-Resolved
21	Natalie Harris	W	55	Not Married	Alexander Belton	49	1997	Solved-Unresolved
22	Melissa Merton	W	52	Divorced	Bonnie Merton	23	1996	Murder-Suicide
23	Xavier Nettles	B	61	Married	Kennedy Nettles	21	1995	Unsolved
24	Dana Gifford	W	51	Divorced	Noreen Gifford	17	1996	Solved-Resolved
25	Karina Sheridan	W	46	Widowed	Roy Sheridan	33	1997	Unsolved
26	Nora Harden	W	45	Married	Harry Harden	25	1998	Solved-Unresolved
27	Fannie Quintanilla	H	43	Married	Terrill Espinoza	21	1996	Solved-Resolved
28	Barbara Yanez	H	46	Separated	Gary Yanez	19	1997	Solved-Resolved
29	Martin Evans	W	65	Married	Luke Evans	25	1996	Murder-Suicide
30	Steven Erikson	W	57	Married	Ben Erikson	23	1998	Solved-Resolved
31	Carmela Esparza	H	38	Married	Tamidor Rodriguez	18	1998	Unsolved
32	Cara Eberhart	W	46	Married	Kelly Herrera	46	1998	Solved-Resolved

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