


Interviewing women bereaved by homicide: Reports of secondary victimization by the criminal justice system

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Abstract

Secondary victimization occurs when victims of crime feel they have been subjected to inadequate, insensitive or inappropriate treatment, attitudes, behaviour, responses and/or practices by criminal justice and social agencies, which compound their original trauma. In order to investigate how an under-researched group of victims of crime may be subjected to secondary victimization by the criminal justice system (CJS), which in this research refers to the police, the Coroner's Service and the legal (or court) system, semi-structured interviews were conducted with 14 women who had been bereaved by homicide. Interpretative Phenomenological Analysis (IPA) identified instances of multiple secondary victimization from all systems considered. Recommendations for how to reduce the secondary victimization of 'co-victims' of homicide are made, including: improving communication and promoting understanding between co-victims and the CJS; statutory rights for co-victims; and participatory rights in the legal process, such as access to victims' lawyers or auxiliary prosecutors.

Keywords

Bereavement, co-victims of homicide, interpretative phenomenological analysis, secondary victimization

Introduction

Undocumented in literature and history, unrecorded in the crime statistics, inadequately researched by social scientists, and denied the legal rights of other victims of crime, those bereaved by homicide have, until recently, been a group largely invisible and forgotten (Armour, 2002; Masters et al.,

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1988). Referred to as 'secondary' victims, the very label implies subordination within a hierarchy of suffering (Spalek, 2006). Yet there is nothing secondary about these 'co-victims' of homicide (Armour, 2002) or their experiences of 'the absolute worst breakdown of societal rules and norms' (Casey, 2011: 5), which they commonly say is 'not something you ever get over' (Casey, 2011: 15).

In the aftermath of homicide, co-victims may suffer a variety of psychological, physiological, emotional and behavioural symptoms. They may experience intense feelings of anger, rage and/or terror, fantasies of revenge on the perpetrator, flashbacks and nightmares (Malone, 2007). They are frequently plagued by physiological symptoms: unable to sleep, or prone to headaches, digestive disorders, chest pains and/or palpitations (Burgess, 1975). They may also develop debilitating mental health problems such as panic attacks, anxiety, depression or obsessive behaviours (Malone, 2007), as well as addictions to alcohol or other substances (Casey, 2011). Ultimately, their belief that the world is a just and fair place, where people get what they deserve, may be shattered and their faith in humanity diminished (Adkins, 2003; Getzel and Masters, 1984). Such symptoms and responses may be more closely aligned to trauma reactions than to what we might term 'normal' bereavement, which has led to bereavement by homicide falling under the umbrella of 'complicated mourning' (Armour, 2002).

As co-victims struggle to cope with these consequences and symptoms, they also become involved with a number of criminal justice and social institutions by choice or necessity, seeking information, understanding, healing and justice. They may come into contact with the police who are investigating the crime; the coroner who will perform a post-mortem and inquest; the mental health system to address any psychological effects; the legal system if there is a prosecution; support groups and charities for advice; and the media if the case is reported in the press. Such interactions can have substantial implications for the victim's recovery processes. If they are given the help they expect, and are treated with respect, care, empathy and support, then the system can aid recovery (Riches and Dawson, 1998). However, if they are treated insensitively and uncaringly, met with refusals to help, given inadequate information or disparaged, then the system can compound harms already committed, magnifying feelings of anger, guilt and powerlessness (Harrison, 1999); exacerbating symptoms of post-traumatic stress (Orth and Maercker, 2004); and inhibiting and prolonging the grieving process (Brown, 1993; Riches and Dawson, 1998; Rock, 1998). This phenomenon is known as secondary victimization, which occurs when a victim of crime feels they have been subjected to inadequate, insensitive or inappropriate treatment, attitudes, behaviour, responses and/or practices by criminal justice and social agencies that compound their original trauma (Victim Support, 2002).

Although few studies look specifically and exclusively at the secondary victimization of co-victims of homicide, some research does consider the CJS, in addition to other organizations and service providers, as factors that may affect the post-homicide experience. The most common forms of secondary victimization by the CJS have been found to broadly include a lack of information on the part of the various systems, and insensitive behaviours and attitudes by criminal justice professionals (e.g. Casey, 2011; Harrison, 1999; Kashka and Beard, 1999; Riches and Dawson, 1998; Rock, 1998; Victim Support, 2006). As noted by Williams (2004: 88), co-victims may find such experiences and treatment by the CJS 'stressful, demeaning, unfair, disregarding of their feelings, rights, needs and interests'.

The relative paucity of research on the secondary victimization of co-victims of homicide in the psychological and criminological literature has recently been partially remedied by a major survey of families bereaved through murder and road traffic accidents in England and Wales, conducted by the then Victims' Commissioner (Casey, 2011). The report is comprehensive and wide-ranging,

encompassing the emotional and practical consequences of such bereavement, the impact of the criminal justice process, currently available support services, and recommendations for future improvements. However, although this report raised political interest in those bereaved by homicide, it seems to have had little subsequent impact on service provision.

Given the profound impact that secondary victimization may have, it is imperative that more research be carried out in this area in order to explore co-victims' experiences and, from this, identify measures to reduce secondary victimization. Building on the small body of work in this area, a qualitative methodology was chosen over quantitative approaches such as those adopted by Casey (2011) as, arguably, large-scale victimization surveys may objectify participants and are not ideally suited to address the emotional element of how it *feels* to be a victim of crime (Spalek, 2006). Conversely, qualitative work operates at an in-depth, subjective level, seeking to explore individual participants' life-worlds: how they perceive, understand and experience certain situations and events in their lives (Ashworth, 2003). Qualitative interviews, as opposed to quantitative data collection methods, have also been found to be more beneficial to participants in trauma-focused research (Newman et al., 1999), thus promoting the likelihood of a good outcome for participants.

Specifically, the technique of IPA was chosen as it is concerned with individual subjective accounts of an event, object or situation, as opposed to 'objective' or 'factual' accounts (Smith and Eatough, 2007). This accords with the definition of secondary victimization used by the Association of Chief Police Officers (ACPO) in respect of hate crime, which places an emphasis on victims' subjective feelings, stating that: 'If, as victims of hate crime or incidence, individuals experience indifference or rejection from the police that in effect victimizes them a second time. Secondary victimization takes place whether or not the police are indifferent or reject the victims if that is how the victims feel about the interaction.' (*ACPO Hate Crime Manual*, Section 6.5, n.d.).

Thus, in this research, there was no attempt to corroborate or question participants' accounts, but rather to accept, respect and document their stories of secondary victimization as their reality. The two main research questions that will be addressed in this article are: (i) 'In what ways do co-victims of homicide experience secondary victimization by the CJS in England and Wales?' and (ii) 'In light of these findings, what recommendations can be made to reduce secondary victimization?' More information and context about the particular criminal justice agencies considered in this research will be given in the findings section.

Method

Design

This study utilized semi-structured interviews, which are usually the preferred method of data collection in IPA (Smith et al., 2009). In accordance with the principles of semi-structured interviewing, the interview schedule was used flexibly, the wording and order of questions varying between interviews, with a variety of responsive follow-up questions asked. In this way, the research both explored pre-defined areas of interest and also attempted to enter into the life-world of the participant.

Participants

Fourteen women who had been bereaved by homicide between 1982 and 2006 were interviewed; the interviews were conducted between 26 years and 2 years since the crime occurred ($M = 10$ years). Gender was not a preconceived factor in participant recruitment, but only women came forward as

Table 1. Participant pseudonyms, years of bereavement, relation to victim and conviction obtained.

Pseudonym	Year of bereavement	Relation to victim	Conviction obtained
Jo	2006	Sister	No
Jane	2003	Mother	No
	2005	Mother	Yes
Nicola	2004	Mother	Yes
Wendy	2004	Mother	Yes
Maureen	2003	Mother	No
Laura	2001	Friend	Yes
Beryl	2000	Mother	Yes
Gail	1999	Mother	No
Viv	1995	Sister	No
Vera	1992	Mother	Yes
Alison	1992	Partner	Yes
Emma	1991	Mother	Yes
Kim	1990	Mother	Yes
Kate	1983	Daughter	Yes

participants. The number of participants is broadly in line with previous research using IPA (Brocki and Wearden, 2006). The mean age of participants was 56 years old (range = 40–89 years), and all participants lived in the Greater London area. Participants described themselves as White British ($N = 11$), Black Caribbean ($N = 2$) and Anglo Caribbean ($N = 1$). One participant had been bereaved by homicide twice. These participants are an exceptionally vulnerable and hard to access group of people whose confidentiality needs to be particularly protected and with whom as much sensitivity as possible should be exercised. Participants were thus approached through the support and self-help groups Support After Murder and Manslaughter (SAMM) and the Terry Booker Foundation. Similarly, pseudonyms have been used throughout this research. Table 1 gives participant pseudonyms, along with the year they were bereaved, their relationship to the victim, and whether a conviction was obtained in the case at the time of interviewing.

Materials

A five-page interview schedule was prepared to explore participants' experiences of secondary victimization by various criminal justice agencies (the police, the Coroner's Service and the legal system) and the media. Here, we concentrate on participants' experiences of secondary victimization by the CJS; the findings relating to the media are presented elsewhere. Each section of the interview schedule was typically introduced by the statement: 'I would like to ask you about your experiences with X.' Participants were then asked a series of two-part questions, utilizing a mixture of closed and open questions, at both the general and explicit level, as is common practice in IPA (Smith and Eatough, 2007). Each section concluded with the questions: 'Overall, do you feel that your contact with X was helpful or harmful to you?' and 'Do you feel that you experienced secondary victimization as a result of your dealings with X?'

Procedure

Information sheets were distributed to participants via the support groups, inviting them to take part in the study, explaining the purpose of the research, the criteria for participation, what

participants' roles would entail, and the possible risks and benefits of participation. Those participants who agreed to take part in the research were given a choice of the time and place of the interview, with the majority ($N = 12$) choosing their home and the remainder opting to come to the researchers' university ($N = 2$). The 14 interviews were carried out by the first author over the course of six weeks in the summer of 2008, with interviews ranging in time from 30 minutes to 3 hours. Prior to beginning, participants were informed that the interview would be audio recorded, and were asked to sign a consent form which confirmed that they understood the details of the research. After the interview, participants were given a debriefing sheet, which also offered contact details of support groups for professional advice or support. Notes were made after all interviews.

Method of analysis

Data obtained from the semi-structured interviews were analysed using the qualitative research method of IPA, using the guidelines developed by Smith and colleagues (e.g. Smith et al., 2009). In accordance with the idiographic nature of IPA, the first interview transcript was read several times, the emerging themes documented, connected and titled, and a summary table produced. This process was then repeated for each transcript, before the themes were integrated and a table of superordinate themes produced. These themes were then presented in a narrative account of the phenomenon, accompanied by quotes from participants.

Results and analysis

Superordinate themes are organized by each of the agencies considered; the themes then seek to identify and explore the most commonly perceived types of secondary victimizations by each agency.

The police

After a homicide has occurred, co-victims' first contact with the CJS is usually with the police. The Home Office (2003) booklet, *Advice for bereaved families and friends following murder and manslaughter*, which all co-victims are meant to receive, explains the role of the police when a suspected homicide occurs in England and Wales. In the aftermath of homicide, the police will open a criminal investigation, where they gather evidence in an attempt to work out what happened and, ultimately, aim to identify the person who committed the alleged crime. If a suspect is arrested and the police decide that there is sufficient evidence to charge them, then their files – which may include witnesses' statements, specialist reports and interviews with the defendant – will be handed over to the Crown Prosecution Service (CPS), whose job it is, ultimately, to decide whether the case will go ahead. If no suspect is identified after all viable lines of inquiry are pursued, then the case, although not actively investigated, will remain open and be reviewed at regular intervals.

Homicide inquiries are led by a senior investigating officer (SIO), who is a detective trained in homicide cases and leads the team investigating the case, which will include a Family Liaison Officer (FLO). Under Section 5.13 of *The Code of Practice for Victims of Crime* (Office for Criminal Justice Reform, 2004) (hereafter referred to as *The Code*), which came into effect under Section 32 of the Domestic Violence, Crime and Victims Act 2004, the police have an obligation, after suspected homicide, to assign a FLO 'to any relatives which the police consider appropriate and make a record of the assignment' (*The Code*, p. 7). The primary aim of FLOs, whose roles were formally

Table 2. Participants' experiences of secondary victimization by the police.

Themes	Participants
Lack of information	Alison, Kim, Laura, Gail
Insensitivity	Laura, Jo, Vera, Gail, Kate
Re-victimization by FLOs	Jo, Laura, Gail, Maureen, Beryl, Nicola

established in 1999, is to: 'Facilitate an investigation into the family's loss by establishing and maintaining a sensitive, supportive and appropriate relationship, which links the family and the enquiry team' (ACPO Family Liaison Strategy, p. 2). More specifically, FLOs' objectives are to provide the family with care, support and information, refer them to support agencies, and gather information from them to aid the investigation.¹

The police investigated every case considered in this study and, in 14 out of 15 cases, handed files over to the CPS for a prosecution decision. All participants had contact with the police during this process, with ten reporting feeling re-victimized or dissatisfied by this experience. Table 2 presents the themes relating to participants' experiences of secondary victimization by the police, which are then explored in detail below.

Lack of information. Previous research has found that, in the aftermath of homicide, many co-victims crave information about the crime and the police inquiry, which may not be forthcoming (e.g. Casey, 2011; Victim Support, 2006). Similarly, in this study, some co-victims reported that the police did not provide the family with adequate information about the investigation into the victim's murder, ignoring repeated requests for information and/or only parting with it when they wanted something in return. As Alison, whose partner was murdered, said: the police only gave her information if 'they wanted something' (5.161), which made her feel 'completely lost. I wanted to know' (5.164).

One of the most striking instances of the police denying information to the bereaved was Kim, who was neither informed of her daughter's murder by the police (who left it to her brother to break the news) nor contacted at all until three weeks after the crime, despite the fact that she and her daughter had a close relationship and lived near to one another:

They [the police] decided it was best that they talk to him [her brother] because I wasn't, you know, I was so upset and in a state, it was best if he dealt with it . . . I was very annoyed that between my brother and the police, they took this decision out of my hands. I think probably they thought they was doing me a favour . . . Now I realize they should have come round to me and told me that [my daughter] had died, not my brother. Nobody else. Them. (Kim; 3/4.93-129)

After a formal complaint was lodged by Kim, the police made an apology and a donation to a support group in recognition of their mistakes.

Another mother, Gail, said that the police did not give her and her husband sufficient information after their son's murder, despite repeated requests from the couple and even the eventual hiring of a lawyer:

We didn't think they told us enough . . . we didn't think they gave us the full facts. They didn't give much away at all, they weren't very nice. (Gail; 8.241-3)

Gail believes that the constant fight for information about what happened to their son contributed to her husband's ill health and ultimately to his death:

He worked for two years on it. To be honest, I think it killed him in the end. Once he gave up this campaign, trying to get the truth of it all, he suddenly went downhill, had a stroke and died suddenly. (Gail; 8.260-4)

While Laura felt that, after the murder of her friend in the house they shared:

There were a lot of questions as to where was I, and what I was doing, but they were very coy in a way of it's not really any of your business. (Laura; 5.144-6)

Similar to other participants, Laura felt shut out of the process because of the lack of information: marginalized and dismissed, her desire for information a burden to the authorities:

I felt like they were pushing me out, like I was some kind of nutcase that was trying to make a fuss . . . I felt left out, ignored and I felt kind of insecure; like they thought I was insignificant. (Laura; 11.346-13.405-6)

She continued:

The impression that I got from the police [was] you're not important. Go away you daft little thing. (Laura; 17.571-3)

Thus, the withholding of information can both produce and exacerbate already existing feelings of frustration and powerlessness in the aftermath of homicide (National Centre for Victims of Crime, 2001).

Insensitivity. As found by previous research (e.g. Riches and Dawson, 1998; Rock, 1998), some participants commented that officers treated them without due care and sensitivity, which included inconsiderate and/or accusatory questioning and making tactless or judgmental remarks pertaining to the victim. Laura, for instance, complained that a uniformed officer made disparaging and insensitive comments about the victim – her friend – immediately after the murder:

I maybe said something like 'I can't believe this has happened. This is surreal.' And the policeman said, 'Well you know, people like that, sometimes get what they deserve.' I just felt speechless. I just said, 'People like what?' And he said, 'You know, people like that.' I went, 'Right, okay, whatever.' I do remember that distinctly. I thought, 'You hard, cold-hearted bastard' . . . Something changed in me when he said that; my trust in people not to be judgemental changed. I just thought that was quite a shocking thing to say. (Laura; 6.181-92)

Jo was similarly distressed by insensitive police attitudes towards her sister, who had mental health problems and died from a drug overdose, describing how judgemental comments from one officer led to a verbal confrontation between them:

He's in a position doing a job, I had to remind him that I'm actually a bereaved sister here, this is my sister we are talking about, I am grieving. I asked him not to contact me. (Jo; 9.295-8)

While Gail described the senior investigating officer (SIO) investigating her son's murder as abrupt, cold, and unsympathetic. Immediately after being informed of her son's death Gail was told that she would need to give a statement, which led to the following exchange:

I said, 'Inspector, I'm really not up to this. You'll have to give me a bit of, you know.' He said, 'Well, that's nothing to do with me, is it?' Not very good bedside manner if he was a doctor, put it that way . . . I suppose they have to be like that . . . they have to be unemotional don't they? (Gail; 8.252-5)

Vera also told how she and her daughter were questioned in an insensitive and aggressive manner by a detective immediately after returning home from seeing her son's body. Her family were so upset by this detective's behaviour that they asked him to leave their house and later made a complaint about his conduct. The memory, years later, is still etched on Vera's mind: 'Oh my God, I will never forget that man. He was the most ignorant pig I've ever come across' (Vera; 10.334-5).

Re-victimization by Family Liaison Officers (FLOs). In this study not all participants were assigned a FLO, either because the murder occurred before the assignment was mandatory, or because of their relationship to the victim (e.g. friend or child). Previous research (e.g. Harrison, 1999) has found FLOs to be of particular help to families in providing assistance and support in the aftermath of murder. However, of those who were assigned a FLO in this study, over half ($N = 6$) expressed some element of dissatisfaction, describing them variously as 'inexperienced', 'useless', 'rude', 'defensive' and 'horrible'. Jo said:

They might as well have sent the local bin man as far as I was concerned. He was absolutely useless. I knew more about anything than he did . . . He was very inexperienced, he was very young, he was making things up as he went along. What he thought his job was [was] to protect us from finding out the truth if you know what I mean. (Jo; 4.113-123)

Beryl, whose son was stabbed to death, also claimed that her FLO was inexperienced, and believes that he was more interested in his investigative role than supporting the family:

My Liaison Officer hadn't been a Liaison Officer before, he was on the Murder Squad, so we was the first family he'd ever had. So his main interest was to get out there and find/interview witnesses and do what he had to do. But he didn't do what he should have done. (Beryl; 22.744-9)

While Laura said that the FLO assigned to the family of her friend who was murdered treated her as if she were 'a stain on the toe of her shoe' (18.580), describing her as 'exceptionally rude, very defensive, barking questions at me . . . I thought: "who is this person? And why is she so horrible?"' (8.264-66). Other participants reported that their FLOs were unreliable in regard to keeping appointments with the family and, after the conclusion of the court case, abruptly ended all contact. Gail said:

Our liaison officer, when he came to the court on the day of the trial he said 'I've got to go out, I'll be back later', and we never saw him again. So that was several lies he told us: 'I'll be back; I'll come and see you tomorrow'. We'd wait in for hours and he'd never turn up. (Gail; 9.276-89)

This complaint was echoed by Nicola and Maureen, who told how as soon as the court case was finished all contact with their FLO came to a sudden conclusion. Maureen said that after the trial: 'You never ever see them again. That's the time the liaison officer's phone is cut off and given to

Table 3. Participants' experiences of secondary victimization by the Coroner's Service.

Themes	Participants
Not being allowed to view the body	Kim, Emma, Maureen, Vera
Being inadequately prepared for viewing the body	Alison, Beryl, Gail, Jane
Lack of information from the Coroner's Office	Alison, Kim, Vera

someone else because there's a different person there' (21.690-2). These excerpts elucidate how those who first respond to co-victims can have a profound impact on their grief. In the immediate aftermath of homicide, police responses are thus crucial to co-victims' well-being.

The Coroner's Service

Having frequently been denied information about the victim's murder by the police, co-victims' perceptions of having lost a family member to the 'system' may be further exacerbated by their contact with the Coroner's Service,² for example, when they learn that their loved one's body now 'belongs' to the coroner, who has legal property rights over the deceased (Rock, 1998). As described by the Ministry of Justice (2012), when a sudden, violent or unnatural death occurs in England and Wales it is reported to the coroner, who is a local doctor or lawyer appointed by, but independent of, the local authority, on behalf of the state. On receipt of such a report, the coroner must decide if the death warrants further investigation and, to this end, may order a post-mortem – a medical examination carried out by a pathologist to try to determine the cause of death. The coroner may also order an inquest, which is an inquisitorial legal investigation at which families of the deceased are entitled to legal representation. The inquest attempts to ascertain the facts of what happened – such as where the death occurred, when it occurred, and how it occurred – rather than who, if anyone, was responsible for that death (unlike a criminal trial). If the coroner thinks that the death may be due to homicide, then he or she must send papers to the Director of Public Prosecutions (DPP: the head of the Crown Prosecution Service) and, if somebody has been charged over the death, the inquest will be formally, and usually permanently, adjourned.

In the aftermath of the murder, most participants had some contact with the Coroner's Service and, of those, just over half expressed some element of re-victimization. Table 3 presents the themes relating to participants' experiences of secondary victimization by the Coroner's Service, which are then explored in detail below.

Not being allowed to view the body. Although the Home Office booklet, *Advice for bereaved families and friends following murder and manslaughter*, informs the bereaved that, While the deceased is at the mortuary, they may choose whether to view their body – and research has found that those who do so are usually glad and rarely regret the decision (Chapple and Ziebland, 2010; Rock, 1998), as found by previous research (e.g. Harrison, 1999) – this may not always be allowed in practice. Of the four co-victims in this study who were not permitted to view the victim's body, three were angry and upset that what they perceived to be their 'right', to say goodbye to their loved one for the final time, had been denied them. Kim said:

I said I wanted to see [my daughter] and the police officer at the time said I couldn't go to see her, because he said that if I go in there, it will mentally affect me. Just remember, he said. I said well

I'm going anyway, you know. They said if you go, we'll physically escort you out, you're not allowed. (Kim; 6/7/8.196-239)

Having already had information withheld from her by the police about her daughter's death, this experience further disempowered Kim, denying her freedom to choose and leaving her feeling that her daughter had been taken away from her by the system:

Everyone seemed to take it upon themselves that I hadn't got a mind of me own. I didn't feel that she was my daughter in the end and that really hurt. That's how the system made me feel – that it wasn't my daughter. (Kim; 6/7/8.196-239)

Echoing Laura's comments about the police earlier, Kim thought that the Coroner's Service regarded her and her requests as nothing more than a nuisance: 'They just wanted me to go away I think. Let me do my job and just sweep me under the carpet. That's how I was made to feel' (9.271-3).

Emma was also told that she could not see her daughter's body, a 'right' which she felt should not have been denied her:

They said that the coroner had refused to allow me to see her because she'd been lying in this cemetery for 3 weeks before she was found in all weather conditions and that she would be unrecognizable to me . . . I even spoke to the coroner in person, well over the phone. She said there is no way I am going to allow you to see your daughter, it is best that you remember her the way she was. She said you wouldn't recognize her anyway . . . I felt that, as awful as it would have been to see her, that should have been my decision. Being her mother, I felt that that's my child and that's my right. (Emma; 6.184-199)

Supporting findings by Brown (1993) and Chapple and Ziebland (2010), who found that those who were deprived of seeing the deceased often felt prolonged feelings of disbelief surrounding the death, not seeing her daughter's body made it harder for Emma to accept her death and to mourn:

One thing I think about not being allowed to see her body is that it took me longer, much longer, to accept the reality. I just thought that there had been a mistake and that she would still come home and whoever they had wasn't actually her because I hadn't seen it with my own eyes . . . I wasn't able to grieve properly because I couldn't believe she was actually dead. (Emma; 7.212-26)

Being inadequately prepared for viewing the body. Although in a minority, co-victims who regret the decision to view the deceased usually do so because they were unprepared for the viewing (Chapple and Ziebland, 2010). In this research, of those participants who did view their loved one's body in the morgue, some felt that they had been inadequately prepared for the experience, in terms of how the body would look or the procedures involved – a finding supported by previous studies (e.g. Harrison, 1999; Riches and Dawson, 1998). Both Alison and Jane were dismayed to learn that they could not touch the victim:

They wouldn't let me go nowhere near him. I wasn't allowed to touch him cos of evidence. But I'm his Mum, you know? I think that is such a ridiculous law, that you can't touch them; your Mum! (Jane; 4.120-30)

Alison was also surprised that she 'couldn't touch [her partner]. I couldn't give him a kiss or anything' (9.284-5) as he was behind a screen:

It wasn't at all like you see on television, so I wasn't expecting to be sort of hit with him as I walked in if you see what I mean. I was expecting to be taken to a door somewhere and to go and I don't know, pull out a drawer, or lift a sheet down or something like that, but it wasn't like that. I went in through a door here and he was there, behind a screen. (Alison; 9.292-300)

She was also not prepared for the state of his body, which left an indelible image on her mind, something also reported by participants in Harrison's study (1999):

I didn't realize he'd be yellow . . . And he had bruises on his face . . . and he was covered in a black blanket with an orange cross on it. It's amazing how I can close my eyes now and picture it. (Alison; 9.279-283)

Gail also said that she was inadequately prepared for the identification procedure:

What I didn't like about it, what's always stuck in my mind, is that I saw the trolley with a body bag on it as we went in. He was lying in the other room. I went in and of course it was him. (Gail; 3.88-94)

Lack of information from the Coroner's Office. As found by previous research (e.g. Riches and Dawson, 1999; Victim Support, 2006), several participants were not given any information from the Coroner's Office about either the inquest into their loved one's death or the post-mortem procedure. Some participants were not even aware that the inquest had been held and felt strongly that they would have wanted to attend:

I didn't even know that it had been done, nobody told me anything about the inquest . . . I eventually phoned the coroner and they said 'oh, that's all been done'. That was terrible, awful, it was something I should have done, I should have been at the inquest. (Alison; 10.317-329)

Kim, already denied permission to see her daughter's body, had a similar experience – 'I wasn't told nothing' (8.243-4) – only finding out about the inquest into her daughter's murder from another family member after it had already taken place.

It was a similar story when it came to being given information about the post-mortem procedure, with some participants being denied information despite repeated requests. As Vera said, 'I never heard a blimmin' word, I've been kept in the dark over everything' (15.489), and Alison said of her partner's post-mortem: 'I didn't know it had taken place. I didn't know what was happening' (10.332). Afterwards, when she requested a copy of the post-mortem report, she was denied it:

They told me it would be too upsetting. I still haven't seen a copy of the report. I've written two or three letters . . . and I've been told it would be too upsetting for me. I really think I'd be the best judge of that. (Alison; 11.341-46)

Thus, just as with the police, co-victims' needs (including access to their loved one and/or information about the inquest and post-mortem), freedom to make their own choices, have an input into the process, and be kept informed of progress, were again denied by the Coroner's Service. As expressed by Kim earlier, this left Alison feeling 'robbed' by the system, her partner taken away from her:

I was, what do they say these days, left out of the loop. I very much wanted to be in all of that. It was the only way I could get even vaguely close to him then and they took it away. (Alison; 12.384-89)

Table 4. Participants' experiences of secondary victimization by the legal system.

Themes	Participants
Treatment by barristers	Alison, Kim, Maureen, Nicola
Problems with the defendant's family in court	Viv, Wendy, Alison, Gail, Kim, Jane
Dealing with distressing evidence	Alison, Kim, Maureen, Beryl, Gail
Not being allowed to show emotion in court	Jane, Gail, Maureen, Vera, Wendy, Beryl
Nobody to speak up for the victim	Alison, Maureen, Jane
Dissatisfaction with verdict/sentencing	Alison, Kim, Gail, Beryl, Kate, Nicola, Maureen

The legal system

As the detection rate for homicide in England and Wales is over 90 per cent, and approximately 80 per cent of homicide cases proceed to a criminal court, the majority of co-victims will be involved in court proceedings (Casey, 2011). The Home Office booklet, *Advice for bereaved families and friends following murder and manslaughter*, explains to co-victims that the proceedings start – as for any criminal case – in the magistrates' courts where, in cases of alleged homicide, the case must be sent to the Crown Court. What is known as a 'plea and directions' hearing is then held, where defendants enter their pleas of guilty or not guilty. If they plead guilty then sentence may be passed either immediately or at a later date. If a not guilty plea is entered then the judge will set a provisional trial date, which should aim to be within 16 weeks of being sent from the magistrates' court. However, in practice, this is frequently slower, with cases taking up to a year, or more, to reach trial (Casey, 2011), with repeated delays and adjournments being routine as the prosecution or defence ask for more time to prepare their case (Williams, 1999).

In England and Wales, there is an adversarial system of justice, where: the police initially investigate the crime; the CPS then make a prosecution decision; in court, lawyers are partisan and act for opposed parties; evidence is presented orally; the role of the judge in deciding guilt at trial is minimized; and a jury is commonly employed, who consist of 12 ordinary members of the public who are asked to look at evidence and make a decision of guilt, after being instructed on the law by the judge (Howitt, 2002). This contrasts with countries such as France, who have an inquisitorial system, where: the prosecuting authorities and the police are involved in the investigation of a crime; trial hearings are based on a search for the truth rather than pleas of guilt or innocence; a trial judge conducts the questioning, whereas the prosecution and defence play a passive role; witnesses can give a narrative account of what happened rather than being led by barristers; victims can be parties in the case or have legal representation; and there is less reliance on oral evidence (Sanders and Jones, 2007).

Of the 15 cases in this study, 14 defendants were prosecuted for murder or manslaughter; guilty verdicts were delivered in ten cases and four defendants were acquitted. The offenders were given sentences of between four years for manslaughter and life for murder (with life tariffs ranging between 10 and 25 years). Of all the processes and systems considered here, the legal, or court, system was the one felt to be the most re-victimizing by participants. Table 4 presents the themes relating to participants' experiences of secondary victimization by the legal system, which are then explored in detail below.

Treatment by barristers. At the opening of the court case, participants were often labouring under the misapprehension that the prosecution were acting on behalf of the victim or their family, rather

than the Crown, the crime being one against the state. Thus, they were frequently shocked and angered to discover that they had no, or minimal, interaction with the CPS barrister or special access to information about, or input into, the trial process. As Maureen said:

I was not happy whatsoever. The Crown prosecution are not the best in the land. When I got to the Old Bailey, not one of them came to speak to me to tell me they're representing my son. I did not speak to any of them whatsoever. (Maureen; 18.589-593)

Similar to the findings of Victim Support (2006) and Casey (2011), participants in this study also commented on what they perceived to be the disrespectful, aloof, and cavalier attitudes of both defence and prosecution barristers in court. Alison, for instance, was upset that the prosecution and defence were talking and laughing amongst themselves while post-mortem photographs of her partner were being shown. While Jane said that the defence barrister 'turned round and laughed' (11.363-6) at her when the man accused of murdering her son was acquitted after a second hung jury. And Maureen described how the defence 'would look round at me and give me dirty looks' which made her feel 'very intimidated' (15.481-5). Viv was also distressed by the casual attitude of the barrister for the Crown:

The CPS barrister was so bored by the whole proceedings that she sat there filling in the Guardian crossword puzzle. She couldn't be bothered. (Viv; 3.92-5)

Alison summed up many participants' feelings about the CPS with the words: 'They were useless, they weren't interested' (21.701).

Problems dealing with the defendant's family in court. Co-victims' anger and dismay at discovering they had no special status in the trial procedure was further exacerbated when they found that they had to share space in the court with the defendant's 'supporters', a finding that is supported by Rock (1998) and Casey (2011). Several participants described how defendants' families deliberately attempted to intimidate them through looks or even specific threats. The most overt case of intimidation was described by Viv, who was verbally threatened in court by the family of the man accused of stabbing her sister to death:

I was actually threatened in the court by his family, they said they were going to get me too. I believe the exact words was: 'I know what happened to your sister and you'd better watch your back because the same thing going to happen to you. (Viv; 4.101-6)

Beryl also told how, while sat in the public gallery with the defendant's family, the defendant's sister 'started with' (17.545) her daughter. And another participant, Wendy, described how she had to medicate herself in order to control her anger towards the defendant's family in the courthouse:

I was taking a lot of Valium to calm me down; the thing was, I had to because I think I'd have gone for them. I couldn't even enter the toilet where [the defendant's] mum was ... I had to say to my family: 'If she comes in, come in' ... I just didn't want to be near her in the public toilets. (Wendy; 7.231-235)

Dealing with distressing evidence. As also found by Harrison (1999) and Casey (2011), although co-victims in this research initially craved information about what happened to their loved one, once

the trial began, they were frequently faced with a devastating, and unmanageable, level of detail about the crime, often presented in what they felt to be an inconsiderate manner. The use of post-mortem photographs by the prosecution, used to illustrate injuries inflicted and cause of death, was particularly distressing. Two participants told how they had to leave the court at this point, while those who stayed described not only the personal anguish involved but also the difficulty in having strangers seeing their loved ones in such exposed states. Kim said:

They showed the jury some photos, so obviously it must have been [the victim], in a terrible state, and I thought: 'All these strangers looking at my daughter'. I found that very difficult, you know. Some of the things what happened to her too. I just felt that she wasn't my daughter all the time. (Kim; 13.404-10)

While Alison was angered by the reactions of some members of the public gallery to the photographs:

The lawyers had the photographs of [the victim] on the mortuary slab laid out over the desk. Stark naked. He's a proud man and a group of school children came into the public gallery and they were pointing and giggling. I wanted to stand up and hit them. I'm not a violent person. (Alison; 17.567-572)

Participants also commented on the distress of hearing evidence for the defence that was disparaging about the victim. Alison, for instance, described hearing her murdered partner portrayed as a 'drunk' and a 'nasty, violent person' (18.581-2) as 'hideous, absolutely hideous. I know the defence has got to try and blacken the character [of the victim], it's their job, you expect it, [but] it's horrible hearing it' (16.523-6). Gail said: 'They can say horrible things about the person that's murdered. That's how it came over' (6.169). Hearing such evidence made some co-victims feel that defendants' rights were more important than victims'. As Kate said: 'It's all about his own well-being, about protecting him' (9.275-79).

Not being allowed to show emotion in court. Sitting just yards from the person accused of killing their loved one and having to contend with hearing and seeing detailed evidence of what was done to them, it is hardly surprising that co-victims were left in a highly emotional state. However, as also found by Rock (1998), many were aware, through the police or CPS, that to show any emotion or speak out in court could influence the jury and jeopardize the trial. Yet restraining themselves from doing so was something that some participants found very difficult on occasion:

I was told not to say anything because it would all be thrown out. I couldn't cry and couldn't scream, I couldn't do nothing. I've got to keep quiet. (Maureen; 17.548-50)

I felt like standing up and shouting . . . but I didn't actually do it, because I'd have been done for contempt I guess, and I was contemptuous. (Alison; 21.676-8)

However, for some participants, the strain became too much and they succumbed to showing their emotions. In Vera's case, the judge was understanding:

He saw me crying once [the defendant] did – a tear had trickled down my face when I was writing. He whispered to his barrister or whatever it is and they said: 'Your Honour, there is a lady up in the gallery with a tear running down her face, she is most probably related to the deceased. She could sway the jury.' Sway the jury! You must be kidding. The judge said: 'If there's a lady up there with a tear in

her eye, I know exactly how she's feeling. This is one of the most distressing cases I've ever had to listen to and if the lady wants to leave she can, or she can stay. (Vera; 22.735-44)

For participants who actually shouted out in court, however, the judge was less understanding, as in Wendy's case, where an angry outburst led to her being banned from court for two days:

'When [the defendant] got in the stand, the way he was acting in the stand, I saw red . . . I don't know what happened to me, I just screamed out like a maniac . . . as loud as my voice could possibly go: 'You xxxxxxxx xxxx, you murdered my son.' It looked round. The one and only time he looked round.' (Wendy; 5/6.168-82)

Nobody to speak up for the victim. Silenced in court under threat of eviction, participants felt that there was nobody to represent the victim, to correct inaccuracies or misrepresentations about them, or tell of the kind of person they had been and what they meant to their families, a finding supported by other studies (Brown, 1993; Casey, 2011; Rock, 1998). As Maureen simply put it, 'There was nobody speaking up for my son' (18.602), while Alison was upset that she could not correct the negative portrayal of her partner by the defence:

I would've liked to be able to say something for [the victim] as well . . . he didn't have anybody for him there. Obviously the prosecution didn't know him and I couldn't say to the judge 'excuse me, that's wrong', when he was saying things that I knew were factually inaccurate and I knew them to be inaccurate, I couldn't stand up and say that. (Alison; 22/23.716-740)

Jane added, 'We weren't allowed to say nothing . . . You know how you can have someone to speak for the person that died? That wasn't allowed'. (13.420-3)

Dissatisfaction with verdict and sentencing. As found by Victim Support (2006) and Casey (2011), co-victims in this study were often inadequately prepared for, and shocked by, the verdict and sentence at the end of the trial. In the four cases where the defendant was acquitted, there was anger expressed by co-victims, who felt that the defendants had '*got away with it*' (Gail; 5.160). However, even in those trials that resulted in guilty verdicts, there was still significant anger expressed at the perceived inadequacy of the sentence. Nicola, for instance, was furious that the woman who killed her son only received a five year sentence for manslaughter, of which she served two-and-a-half:

We had waited a whole year for the case to come to court and we were expecting a higher sentence, we were very shocked at the outcome; very angry and upset. Is that all his life was worth? (Nicola; 14.543)

And it wasn't just 'short' sentences that co-victims were dissatisfied with; some were equally unhappy with life sentences with long tariffs attached:

Mandatory ten years? He took my son's life. Went away and got 12½ inch carving knife and come back and killed him with it. How is that ten years? . . . God help him, that's all I can say. (Beryl; 17.574-85)

Other participants told of their shock at discovering that a life sentence did not usually mean that the offender would spend the rest of their natural life in prison:

I thought life was life, you know? I've never had any dealings with anything like this before. I always thought that when you get life, you go into prison and you die ... Why should he be set free? ... She'll never walk out of the cemetery, so why should he walk out of the prison gates? (Kim; 14.445-57)

Faith in justice destroyed. The majority of participants whose cases went to trial were left feeling disappointed and let down by the justice system. Picking up on the adversarial nature of the British legal system, a key feature of which is a contest between two sides in which each orally present their evidence to the courtroom, participants likened the trial to a 'play' (Maureen; 18.597-99) or a 'circus' (Vera; 23.755-7), and described it as 'a lot of pompous rubbish' (Gail; 9.293). As also found by Adkins (2003) and Mezey et al. (2002), some participants were left with the strong feeling at the end of the trial that the penal system was stacked in favour of the defendant at the expense of (co)victims:

From the day our child was stabbed to death, we do the life sentence, not the perpetrator. They get away with hell. (Beryl; 28.943-5)

In court cases, you don't realize it until you go to one, it's nothing about the person who has been murdered, it's about the defendant. (Gail; 6.169)

Ultimately, around half of participants said that their experiences with the legal system had destroyed their faith in the British legal system and, indeed, in justice itself:

I think the justice system is not good in this country at all ... No, I've got no faith in it after what happened, no faith at all. (Gail; 6.80-82)

I am just left feeling that the law and justice are two completely different things. (Emma; 11.353-66)

I think the Criminal Justice System is a sham. (Jane; 25.811-2)

Perhaps the last word should go to Vera, who summed up many participants' feelings when she said: 'Victims in this country are treated appallingly. I've been treated like dirt, I never thought I'd be treated like this' (6.178).

Discussion

Participants in this study reported experiencing multiple instances of secondary victimization from the CJS which left them feeling disempowered, ignored, side-lined, unsupported, and with a diminished faith in justice. Recent legislation and guidelines introduced since the experiences of co-victims in this study (which span almost 25 years) have gone some way towards reducing such secondary victimization. For example, one of the main complaints of co-victims in this and other research is a lack of information, which has been addressed in several recent reforms. The Code of Practice for Victims of Crime (OCJR, 2004) in England and Wales, for instance, stipulates that the police must give victims certain information about the investigation, such as when a suspect has been charged or bailed. While the 2012 Charter for Coroner Services (Ministry of Justice, 2012) advocates that co-victims be given enhanced information from the coroner, such as details of the post-mortem and inquest. The Prosecutor's Pledge, which was introduced in 2005, also promotes communication between co-victims and prosecutors in court, requiring that co-victims be kept informed of case progress.

There have also been other changes to how co-victims are treated in the CJS. The Code, for instance, stipulates that co-victims should have separate waiting areas in the courthouse and be seated away from defendants' families in the courtroom (although they may still encounter one another in other areas of the courthouse such as the bathrooms or canteen). The bereaved also now have the choice to make a Family Impact Statement, where they can address the court orally or in writing, after conviction and before sentence, about how the crime has impacted upon them (Wolhuter et al., 2009). Co-victims bereaved since April 2010 may also now receive support and information from the Homicide Service, as part of the new National Victims' Service delivered by Victim Support. Several of these changes offer, at least potential, remedies for some experiences of secondary victimization considered in this research. However, there is still much scope for improvement, which will be discussed below, along with suggestions and recommendations for the further reduction of secondary victimization.

It has been argued that some secondary victimization may be the result of a clash between (co)victims' prior (and largely uninformed) expectations of the criminal justice process and the actual process that they experience. Svensson (2007), for example, argues that in the aftermath of crime, (co)victims expect things to progress in a certain way: the police will locate the offender, the CPS will prosecute them, they will go to trial, and be found guilty and punished accordingly. Furthermore, they expect that they, as (co)victims, will be treated with dignity, understanding and respect – a set of beliefs that stem from faith in a state where the power of the 'authorities' is absolute. Thus, if (and when) this view transpires to be an inaccurate or unrealistic one, (co)victims may find themselves disappointed, angered and, ultimately, re-victimized by their experiences.

Considering this in more detail, it may be that there is a fundamental, and perhaps mutually exclusive, difference between co-victim and criminal justice needs and priorities in the aftermath of homicide. For example, rather than supporting victims, the police have traditionally seen their primary role as gathering evidence in order to identify and arrest the offender, and seeing the case through to court (Mawby and Gill, 1987). More recently, alongside a reduced involvement in the prosecution of cases, the role of the police has been explicitly extended to encompass more victim-centred priorities. However, research continues to find that a significant minority of victims describe the police as uninterested, impolite, slow to respond, and unwilling to provide information (e.g. Allen et al., 2006; Ringham and Salisbury, 2004). This suggests that 'the ways in which the police interpret their jobs and the aspects of their work that they value, may mean that victim-orientated work is accorded less priority than crime-fighting' (Mawby, 2007: 215).

This was evident in this research, particularly with respect to FLOs, whom participants reported as being not only unreliable, inexperienced and rude, but also more concerned with their role as investigators than family support. Thus there appears to be a difference in perceptions regarding the primary function of the FLO role, with victims wanting support and information, and research finding that FLOs see their investigative role as taking precedence (Victim Support, 2006). If co-victims are labouring under the initial (mis)apprehension that FLOs are there primarily as support mechanisms, then it is unsurprising that they may feel re-victimized when support is not forthcoming.

Co-victims in this research also reported secondary victimization from the coroner, which again can arguably be attributed to a fundamental conflict of needs and misunderstandings between the two parties. Most co-victims in this study wanted and expected to be allowed to see and touch the body if they wished, to be properly and sensitively prepared for what was involved in this process, and to be given comprehensive information about the inquest and post-mortem. However, these expectations were often not met, partly because a coroner's first concern is to ascertain the cause

of death, while preserving, and not contaminating, forensic evidence that may be on the body. This means that they often want to restrict access to the deceased – and not allow them to be touched – until after the first post-mortem, in order that vital evidence needed for any criminal trial is not compromised (Chapple and Ziebland, 2010).

This sidelining of co-victims' needs in favour of criminal justice priorities may persist into the next stage of proceedings, if the case reaches a criminal court. It has been argued that secondary victimization is systemic within adversarial justice, such as that in England and Wales (Dignan, 2004). In such a system, crimes are seen as committed not against an individual victim but against the sovereign authority, the state; thus, only two parties – the prosecution and defence – are formally recognized during trial (Dignan, 2004). Therefore, from the outset, co-victims are faced with a system in which they have no legal rights or status, and the emphasis is seen to be balanced in favour of the rights of the accused – who is innocent unless proven guilty – rather than them or the direct victim (Adkins, 2003). This came as a shock to co-victims in this study, who found themselves marginalized, far from the centre of proceedings, denied information, and excluded from decision-making or participation in the trial.

Thus, throughout the criminal justice process, secondary victimization may arise when victims' needs – for care, support, involvement and information – are disregarded owing to the institutional culture of the CJS, whose main concern is to catch the offender and obtain convictions (Wolhuter et al., 2009). We therefore conclude that there is a case for improving communication and promoting understanding between co-victims and the CJS, in order that both might better understand the others' needs.

The results of this and other research in the area of secondary victimization (e.g. Campbell, 2005) suggest that service providers may have little understanding of the distressing effects of secondary victimization. Thus, training on the impact of bereavement by homicide, how it differs from 'normal' grief, and how trauma may be exacerbated by the responses of criminal justice agencies and individuals, is crucial. A similar recommendation was made by Harrison (Harrison, 1999: 38) more than ten years ago, advising that police officers be given 'information regarding traumatic loss and the impact on the lives of families, and to be aware of those most at risk'. It is recommended that this training be implemented across the CJS, to include police officers, coroners, morgue workers and lawyers.

In addition to providing training for criminal justice professionals, it is also argued that co-victims should be given informal guidance on how the CJS works and the key roles of those within it, in order to better manage their expectations and head off feelings of disappointment, frustration and anger before they occur. For instance, co-victims might be told specifically that FLOs are primarily there to provide a link between the family and the investigative team, rather than as support figures, along with clear information about where they can obtain emotional support. While as regards the Coroner's Service, when it comes to viewing the deceased, co-victims could be given a full and accurate description of the state the body, either verbally or in writing, with specific reference to the injuries inflicted, ahead of the viewing. They could also be prepared for the exact procedure in the morgue in respect of, for example: where the body will be positioned, how he or she will be presented, whether the deceased can be touched and, if not, why not.

Co-victims could also be given better information on proceedings in criminal courts. For instance, many participants were under the impression that a 'life sentence' meant that the offender would die in prison, which is actually only the case for (very rare) natural life tariffs. As Kim said, 'I've never had any dealings with anything like this before. I always thought that when you get life, you go into prison and you die' (14.445-57). Had Kim, and others like her, been clearly told at the

outset what the law was in this regard, they would have embarked upon the trial with more realistic and reasonable parameters within which to set their experience and thus not felt so re-victimized by the outcome.

This research and previous studies (e.g. Casey, 2011; Harrison, 1999) also found that co-victims may be distressed by the use of graphic evidence in court, particularly post-mortem photographs. This might be avoided if co-victims were told, in advance, by the Witness Service or the CPS, firstly *that* such evidence is used and *why*, and secondly, *when* it is expected to come in the trial, in order to prepare them and give them an opportunity to leave the courtroom. It is further suggested that barristers be mindful of the effect of such evidence on co-victims and attempt to minimize distress by, for example, keeping graphic documents out of sight whenever possible and adopting a respectful manner when handling them.

The suggestions above – which revolve around better communication, information and sensitivity – are examples of how co-victims' experiences could be improved simply, but significantly, by enhancing existing guidelines. However, research has found that, in practice, simple as they may be, such guidelines are all too frequently not implemented at a grass roots level (e.g. Hamlyn et al., 2004; Temkin, 1999). One reason for this is that the service obligations incumbent upon the various criminal justice agencies – such as in The Code, for instance – are not legally enforceable rights and thus cannot result in any legal action if breached (Sanders and Jones, 2007). It is therefore recommended that (co)victims of crime are afforded statutory rights in England and Wales. There is precedent for this in other countries such as the USA, which also has an adversarial system, where the Crime Victims' Rights Act (CVRA) (United States Attorneys, 2004) made victims independent participants in the criminal justice process, with eight specific rights articulated. The CVRA also, crucially, gives victims the right to approach the superior courts if any of these provisions are breached (Beloof, 2005). The recommendation to afford co-victims statutory rights was also recently made by Casey (2011), who advocates a 'Victim's Law' which sets out co-victims' rights in the criminal justice process. Providing co-victims with enforceable rights could potentially reduce secondary victimization, not only by ensuring that they are actually afforded the specific services that they are promised, but also by giving them genuine power, involvement and participation in the process.

As this study found, this may be particularly important during the trial process, where co-victims are granted a limited amount of passive participation (such as making family impact statements), but have no active participation rights unless they appear as witnesses for the prosecution (Wolhuter et al., 2009). As seen earlier, the absence of active participation may engender feelings of exclusion, disempowerment and worthlessness, and lead to dissatisfaction with various specific elements of the legal process. Arguably, these concerns could be addressed by granting co-victims of homicide (and potentially other groups of victims) participatory rights in court proceedings. It is therefore argued that England and Wales should look both to the US and other European countries for specific ways in which victims could be granted more active participation rights, thus empowering, involving and valuing them.

One means of affording co-victims participatory rights would be to allow them legal representation at trial. Although, as Wolhuter et al. (2009) note, it is often argued that granting victims the right to legal representation at the trial stage of proceedings is incompatible with an adversarial system of law, there is precedent for this in the USA, which has an adversarial system, and Sweden, which has a mixed system with an adversarial trial process. In the USA, for example, victims may appoint privately funded lawyers in federal and (most) state courts who may participate in the trial with the permission of the prosecutor and are subject to their control (Beloof, 1999).

A more radical proposal still for victim participation in England and Wales is the introduction of auxiliary prosecutors, as may be used in the German system for victims of serious crimes or co-victims of homicide. Once given permission to participate as an auxiliary prosecutor, the victim officially becomes a party to the legal proceedings and is afforded active participatory rights in the trial (Wolhuter et al., 2009). In such cases, the onus is still on the prosecutor to prove the case but the victim is formally aligned to them and has procedural rights, such as: being present in the hearing; objecting to a judge or expert witness; questioning witnesses; and giving evidence, making statements and appealing judgements (Sanders and Jones, 2007). This can be done by the victim themselves or (more commonly) by a privately appointed lawyer, or court-appointed lawyer funded through legal aid.

Although usually associated with inquisitorial systems of justice, auxiliary prosecutors are also used in systems with adversarial elements such as in Sweden, Denmark and Portugal (Herrmann, 1996), with certain procedural amendments to take into account the adversarial nature of the system (Wolhuter et al., 2009). Given the scope for use within an adversarial system and positive ratings by victims (Bacik et al., 1998), it is suggested that pilot studies be conducted in England and Wales with a view to adopting such a system for co-victims.

However, for victims' lawyers or auxiliary prosecutors to be effective in reducing secondary victimization it is further argued that – as secondary victimization is particularly endemic in socially unequal groups – it is vital that such schemes be funded through the legal aid system, in order to curtail further inequity and re-victimization. Such a system currently operates in Sweden, where victims of serious offences and co-victims of homicide have the right to a publicly funded lawyer who is under an obligation to give them assistance and protect their interests (Bacik et al., 1998). However, given the recently published consultation document from the Ministry of Justice in April 2013, which proposes cutting the legal aid budget by £220 million a year, it is unclear whether this is currently a viable option under the present UK government.

Conclusions

There are, of course, limitations to this research that must be acknowledged. For instance, it only documents the experiences of bereaved women as, although gender was not a preconceived factor in recruitment, only women contacted the researcher. The reason for this is uncertain, but may be owing to the method of recruitment via support groups, as it has been found that bereaved women are more likely to use social contact and support as a coping mechanism, whereas men are more likely to take instrumental action or withdraw (Taylor, 2003). Future research might therefore recruit an exclusively male sample in order that a comparison might be made of the affective responses of female and male experiences of secondary victimization. A further limitation is that, like much other research of this type, the cases spanned some considerable length of time, during which there have been significant changes to criminal justice procedures. It might therefore be reasonably hypothesized that co-victims bereaved more recently might experience less secondary victimization than those bereaved some years ago. In order to test this, future research might look at a sample of very recently bereaved co-victims in order to explore whether new measures are working to reduce secondary victimization. However, it should be noted that in this and other research (e.g. Casey, 2011) there is no evidence to support differences between those bereaved more recently and those some years ago. Finally, it is suggested that future research could broaden the scope of this field to consider other criminal justice and social agencies that might subject co-victims to secondary victimization. The results of this study suggest that these might include:

social services, housing associations, job centres, Victim Support and the Criminal Injuries Compensation Authority. An exploration of secondary victimization by other such agencies would render a more complete picture of co-victims' post-homicide experience and could lead to further policy and practice refinements to reduce re-victimization.

The central conclusion of this research is that co-victims must be given substantial and genuine involvement in the criminal justice process if secondary victimization is to be significantly reduced. Such involvement may come in different forms: through enhanced information about the process; statutory rights; and/or by granting participatory rights in the legal process, such as access to their own lawyers or auxiliary prosecutors. Some of these changes would not be easy, requiring a radical overhaul of the current system as traditionally conceived; a shift in long-held and deeply ingrained attitudes on the part of criminal justice professionals about how services are delivered and victims' roles in them; and significant financial commitment from the government. Yet by empowering, informing, and involving co-victims, such changes have the real potential to put those bereaved by homicide at the centre of the criminal justice process, where they quite rightly feel they belong.

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Notes

1. It should, however, be noted that the procedures mentioned here came about alongside other reforms, did not all happen at once, and, indeed, were not in place for many of the participants in this research. As will also be discussed later, such procedures were, and are, not always fully or correctly implemented.
2. The Coroner's Service is not officially part of the CJS in England and Wales, and coroners deal with non-criminal matters too. However, as in this research we are referring to coroners in the context of their criminal justice role – and as co-victims perceive them to be part of 'the system' – when we refer to the CJS or, more generally, the criminal justice process, we include the Coroner's Service within these.

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