

KEYS TO SURVIVOR VICTIM RELATIONSHIP BUILDING



OVERVIEW

Success is more than a supportive verdict, it is also building and keeping a healthy, mutually beneficial, and professional relationship with victim survivors during capital and complex homicide litigation. Relationship building, at times, may seem like an overwhelming task, particularly for newer capital litigation and complex homicide prosecutors.

As follow-up to the presentation, this checklist provides an outline that will help set the course for a positive and mutually beneficial relationship between prosecutors and victim survivors. Thoughtful, purpose driven preparation will improve every practicing attorney's skill in understanding and interacting with surviving families of these serious crimes.

If it's impossible to go over all your important victim centric points during the first meeting, pick your most important and be prepared to set another meeting. When possible, arrange the meeting while the victim(s) is still present. After meeting in person, virtual meetings may be an agreed upon option.

DISCLAIMER: The cited material pertains primarily to Arizona statute and law; however, many states have similar victim rights laws. Additionally, this fact sheet is intended to share **model practices** in this area. Below are some examples to consider when navigating the capital litigation process, regardless of jurisdiction.



I. Knowing your agency and immediate resources.

- Location of victim safe areas in your office and in the court? How do you access them?
- How do you access interpretation services?
- Do you know what assistance Victim Compensation may offer the victim?
- Is communication between advocates and victims confidential?
- Does your advocate know the difference in discoverable and exculpatory disclosures?
- Do you have on-site assistance for medical emergencies?
- Can victims attend hearings virtually and who provides that information to the victim?



II. Being Prepared in Advance of Survivor Contact.

- Have a prepared copy of Victim Rights.
- Know the victim's name and the names of the survivors with whom you will be communicating.
- Know if you are going to need an interpreter for survivor communication.
- Create a prepared list of names of hearings with non-professional descriptions – in the written fluent language of survivor.
- A complete Capital Litigation Flow Chart
- Did you invite the advocate to participate in the meeting?
- Do you have Victim Compensation applications available?
- Are you physically set up – tissue, note paper and pencil/pen to offer victim?
- Request Advocate participation in meeting.



III. Additional Preparation for Initial Survivor Meeting

- Make a list of topics to discuss with Survivor during initial contact meeting.
 - Suggestions:
 - Introductions
 - Charges – Be Prepared to discuss the Death Penalty
 - Participation
 - Expectations
 - Boundaries and Availability
 - Timelines
 - Opportunity for Questions

Thinking about your last meeting with victim survivors, what could have been done differently? Check what worked well. What was not discussed or needs additional work on the part of your department or yourself. Staying committed and making changes in a positive direction makes a difference for every victim with whom you work.



IV. Communicating With Survivors

A. Respect

- Thanked the victim for meeting with you.
- Asked how victim wishes to be addressed.
- Used the name of the deceased and acknowledged their murder and the loss to the survivor.
- Introduced myself and my advocate, each gave a brief overview of our professional role.
- Advised I had several important things to discuss and will provide handouts at the end of the meeting.
- Explained the charges and what they mean.

B. Dignity

- Addressed my committed participation in the case.
- Explained Victim Right to participate and how/when.
- Asked how much they want to participate?
- Asked about expectations and addressed realistic expectations.
- Discussed timelines - advised of continuations, vacated hearings, etc.
- Discussed availability - mine, advocates, and asked survivor(s) for theirs. Explained court scheduling cannot always be done on victim's schedule though the attempt will be made.
- Suggested survivor(s) make a list of questions for our next meeting.
- Provided handouts

[1] Ariz. R. Crim. P. 15.1(i)(1)(A) & (B).

C. Fairness and Honesty

- Practiced Patience
- Listened to what was being said and noticed body language.
- Addressed Communication/Behaviors– including my own.
 - Explained and calmed directive comments.
 - Asked for clarification of victim(s) and clarified my own information to be sure they understood.
 - Spontaneously made a statement and afraid it could be misunderstood, apologized for the faux pas blunder and rephrased my statement.
- Discussed boundaries and why they exist – respectfully asked about cultural boundaries.
- Discussed what case information can be shared and then shared updates.
- Discussed what information personal/professional is confidential and the reasons.
- Discussed personal interaction boundaries that may exist, like being in a trial and unable to respond.
- Advised the victim that they may not like what I'm telling them, and I will not lie to them.
- Asked if the victim had questions and answered them.
- Spoke calmly and repeated or clarified a repeat question from the victim. Felt okay in acknowledging they seemed stressed, anxious, confused, i.e. and I demonstrated a calm and acceptable environment.
- Did not assume survivor response – was pleased that allowed open dialog and the victim needed to know if attendance had to be in person. We discussed options.