



Department of

Justice

www.dojni.gov.uk



A Guide to Northern Ireland's criminal justice system for bereaved families and friends following murder or manslaughter





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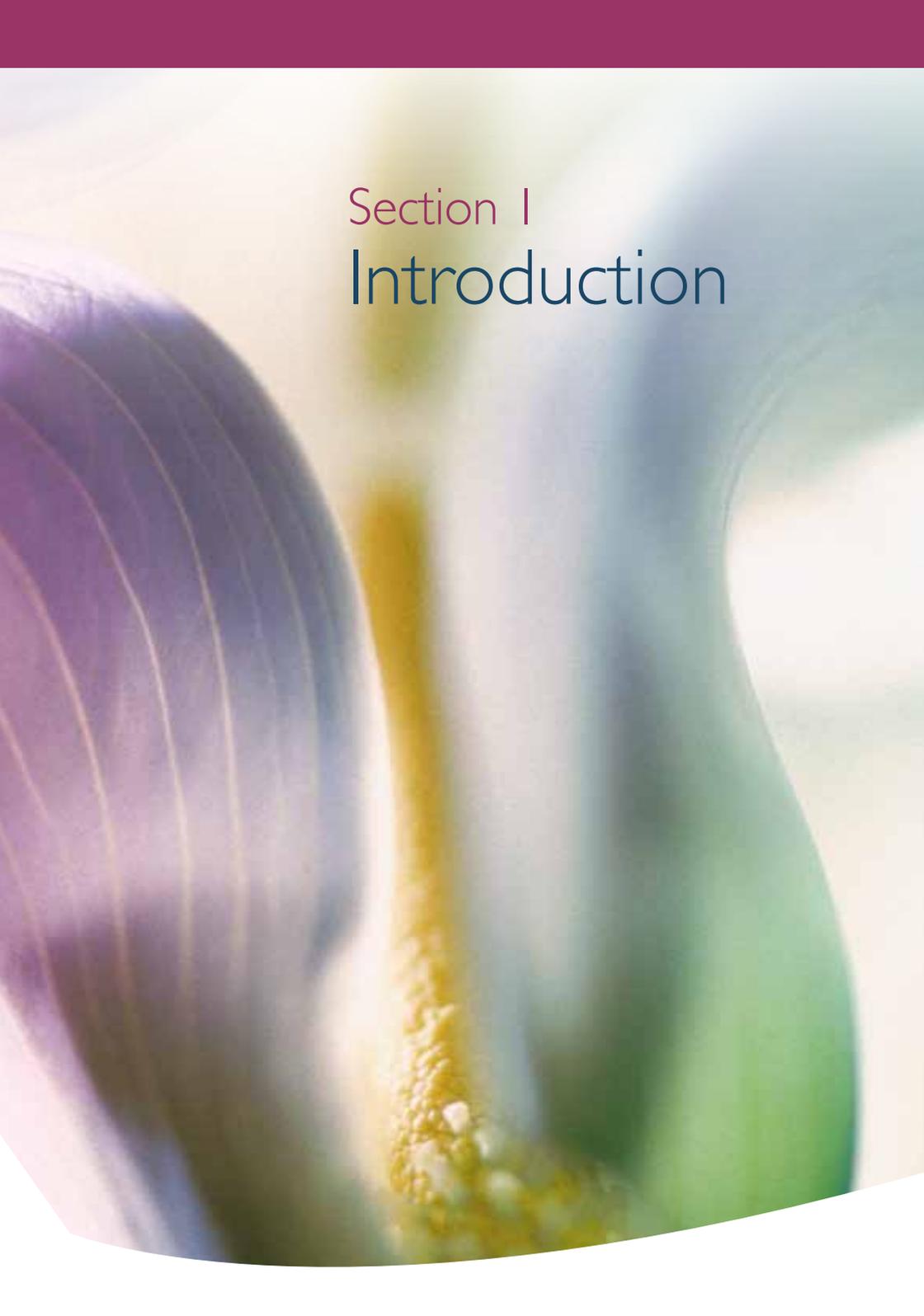
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A close-up photograph of a flower, likely a lily, with a purple and white petal and a prominent yellow stamen. The background is softly blurred, showing more of the flower and some green foliage. The text is overlaid on the upper right portion of the image.

Section I
Introduction

Section I

Introduction

If someone close to you has been killed, or if you are caring for someone bereaved in this way, this booklet aims to help. You may find it useful to keep the booklet somewhere safe and read the different sections when you feel you need to and you are ready to do so.

What to consider reading now

If you have been bereaved in the past few hours or days, you may find it helpful to read section 2, 'What happens next?'.

If you don't feel able to read on right now, you may want to ask someone who is with you to read this to you and tell you things you might need to know if you can cope with this information at this time. You will know when the time is right for you – don't feel pressured into reading the booklet before you are ready to do so and are able to cope.

Support and advice

Section 7, 'Support services', tells you about some support groups, such as Victim Support and SAMM NI (Support After Murder and Manslaughter), who can offer you advice and support on how to manage your grief. These agencies can guide you through this very stressful time and can also direct you to other services, who may be able to help you.

What to do after the death of your loved one

There are sections in this booklet that give you information on the police investigation and the procedures that take place as part of that process. It also covers some practical issues that you may have to consider soon. It covers quite a lot of information and you can read it when it is relevant to you. Right now you need to come to terms with the death of your loved one and ask for help from those who can support you. If you need anything in this booklet explained to you, please ask the police family liaison officer who will help you in any way they can.

Coping with grief

The violent death of someone close is a devastating experience. It can be hard to deal with feelings of grief and sorrow while also dealing with all the practical things you have to do.

Grief can often take many forms and will pass through different phases. It can be reassuring to know that your feelings will change and what you are experiencing is not unusual. There can be many months, or even years, from your loved one's death to a time when you can say that you are managing your feelings. Many people feel that they never fully 'get over it', and you should not feel pressured to 'get back to normal' after someone you love has died. Remember that not everyone will experience grief in the same way – every person, and every loss, is different.

You may experience any, or all, of the following feelings or emotions, sometimes swinging between them or dwelling on a particular one for some time. It could be the case that you feel numb for a while and may need help with your grief. Asking for help is not a weakness. It is a way of looking after yourself at a difficult time.

Shock

This is often the first reaction and can be a feeling of numbness. Some people feel that they are about to wake up and find it all has been a dream.

The physical symptoms may include:

- feeling dizzy, sick, exhausted, anxious, panicky, irritable;
- having palpitations (when your heart feels fluttery);
- having difficulty sleeping;
- having no appetite;
- being forgetful;
- feeling restless (like you can't settle); and
- not being able to concentrate.

Loss

The sense of longing for your loved one can be overwhelming and can cause uncontrollable outbursts of crying or a feeling of going mad. Other people cannot cry at all or hold themselves together for fear of breaking down completely.

Sometimes people feel the need to talk or think about the events surrounding the death, going over them many times, like rerunning a film, and this can help with the healing process.

Fear and anxiety

When you are left in an uncertain situation, it is natural to be anxious. Wondering how you will manage, financially, emotionally or practically, are all real concerns.

Anger

Feelings of anger are normal when there has been a death. It is not unusual to feel anger towards God, or fate, or those believed as responsible for the death. This is especially true if the person has been murdered. You may feel angry with yourself for failing to prevent the death. You could even feel anger towards the person who has died, which can be very hard to admit, even to yourself.

Guilt and regret

It is normal to spend time thinking about what you could have done differently or better, or to have feelings of regret about things you didn't manage to say to the person who has died. You may feel haunted by these regrets and blame yourself for what happened.

Depression and despair

It can be enormously hard work simply surviving each day. Despair can feel overwhelming, and the support of family and friends is a great help. However, sometimes this support gets less as time passes but you may still feel you need the same level of support. This can be the hardest time to live through but may mark the starting point of recovery for some.

Children and grief

Children who experience bereavement will need to grieve just as much as any adult. Their emotions are the same as yours but they may not have the words to express how they are feeling.

During their natural development they will get an understanding of death and separation, and will probably think more about death than many adults realise.

It is natural for you to want to protect them from the details of the murder, but it will help them if someone can talk with them about it. Children can become frightened for other members of the family and themselves in case they also become victims. They can feel bewildered if someone disappears suddenly and nobody ever talks about them.

Encouraging them to talk about the person who has died, and explaining to them what is taking place, will help them to come to terms with the death. Their reactions will depend on their age and previous experiences of death. Some children may find it easier to talk to their friends rather than their family. Others will not be able to talk about their experiences for some time. On occasion, particularly with the loss of a parent, the child may demonstrate some disruptive behaviours. However, you should include them in plans and funeral arrangements where possible.

Every child will react differently and it is important to remember that they can slip into and out of grief very quickly in a way that can be shocking to a grieving adult.

A close-up photograph of a flower, likely a lily, with a purple and white petal and a prominent yellow stamen. The background is softly blurred, showing more of the flower and some green foliage. The text is overlaid on the upper right portion of the image.

Section 2

What happens next?

Section 2

What happens next?

This section explains what happens in the early stages following the death of your loved one.

Family liaison officer

Family liaison officers are specially trained police investigators who are part of the investigation team and are appointed by the senior investigating officer to manage communication between you and the investigation team. In most cases the family liaison officer will work with you throughout the investigation. When the family liaison officer is due to leave your case, the decision will be discussed with you beforehand.

The family liaison officer will keep you updated with the progress of the investigation, will give you as much information as is possible as quickly as possible and will answer your questions as best they can about the investigation or legal proceedings.

The role of the family liaison officer

The main role of the family liaison officer is that of investigator. The family liaison officer will be responsible for collecting information relating to the identity of your loved one and will take all statements, in a sensitive way, from the friends and family members of your loved one.

Other responsibilities include:

- explaining their role to you;
- keeping a record of all information you give them and passing it to the investigating team;
- answering any questions that you have about the investigation;
- relaying the Public Prosecution Service's prosecutorial decision;
- giving you information about other agencies who may provide support for your emotional and practical needs; and
- liaising with the coroner's office for you.

The family liaison officer will explain to you when they are available and how you can contact them. It is a good idea to keep a pen and paper handy so that you can write down any questions, as you think of them, that you may want to discuss with the family liaison officer.

Victim Support

The family liaison officer will ask you if you want to have your details passed to Victim Support. If you say 'yes', someone from Victim Support will contact you direct.

If you don't want Victim Support to contact you now, but later change your mind, you can contact them on **028 9024 3113**. The office is open between 9am and 5pm Monday to Friday. You can find more information on Victim Support in section 7, 'Support services' or on their website **www.victimsupportni.co.uk**.

You may be reading this page wondering 'What happens now?'. We have written the following information in a way that hopefully makes it easy to follow the relevant processes.

Deciding whether you want to see your loved one's body

Deciding whether to see your loved one is a difficult decision. If they have died in violent circumstances, this may make the decision even more difficult. The family liaison officer may be able to make arrangements for you to go to the mortuary to view your loved one, if you want to. However, before you go, the family liaison officer will give you details of what you can expect. They will also explain to you how your loved one will be presented. If photographs are available, the family liaison officer can arrange for you to see them before your visit if this is what you choose. Also, if you want, they will explain to you what injuries your loved one may have suffered.

Identifying a loved one's body

The police have to have someone to identify the body so that they can confirm it is your loved one. A statement also has to be signed confirming your loved one's identity. Sometimes this identification can be made at the scene of the death, depending on the circumstances. Or identification may happen at a hospital or forensic mortuary. If you don't feel up to identifying your loved one, you should ask the police officer if someone else could do it for you.

Seeing your loved one's body

If you do not identify a loved one, you can still choose whether or not to see them. Seeing your loved one can sometimes be the first step towards coming to terms with their death. Sometimes people who do not see their loved one's body can find it harder to accept that the person has died. It is perfectly normal to feel worried or frightened about seeing them. You may not want to have your last memory of them lying in a mortuary or may be worried about how they will look because of the circumstances of their death.

If you decide to see them, you may want to touch them. If you do this, you should be aware that they will feel cold. Sometimes you will not be able to touch their body for reasons to do with the police investigation. If this is the case, the family liaison officer will explain it to you.

You should discuss your wishes about seeing your loved one's body with the family liaison officer before your visit to the mortuary. If possible, the mortuary will do what they can to meet any wishes you may have.

Your loved one's possessions

Depending on the circumstances of your loved one's death, the police may temporarily keep property belonging to them as part of the investigation. In some cases, it may be possible for the police to photograph or copy the property and then return it to you. However, if the property, which the police keep, is going to be needed as evidence, it may be some time before it can be returned to you. Please be patient. The police know that you will want your loved one's possessions back as soon as possible. The family liaison officer will be able to give you guidance about what is happening in your case.

Coping with the media

There may be media interest surrounding the death of your loved one. Questions from the media can be difficult to deal with. However, it is helpful to remember that sometimes the media can play an important role in the investigation.

You may not want to speak to the media or you may find their level of interest too much to cope with and insensitive. If you cannot cope with the attention, you should speak to the family liaison officer who will try and reduce the level of contact you have with the media.

If you want to formally complain about the media and the way they have reported the case, you can contact the Press Complaints Commission.

Press Complaints Commission

Halton House, 20/23 Holborn, London, EC1N 2JD.

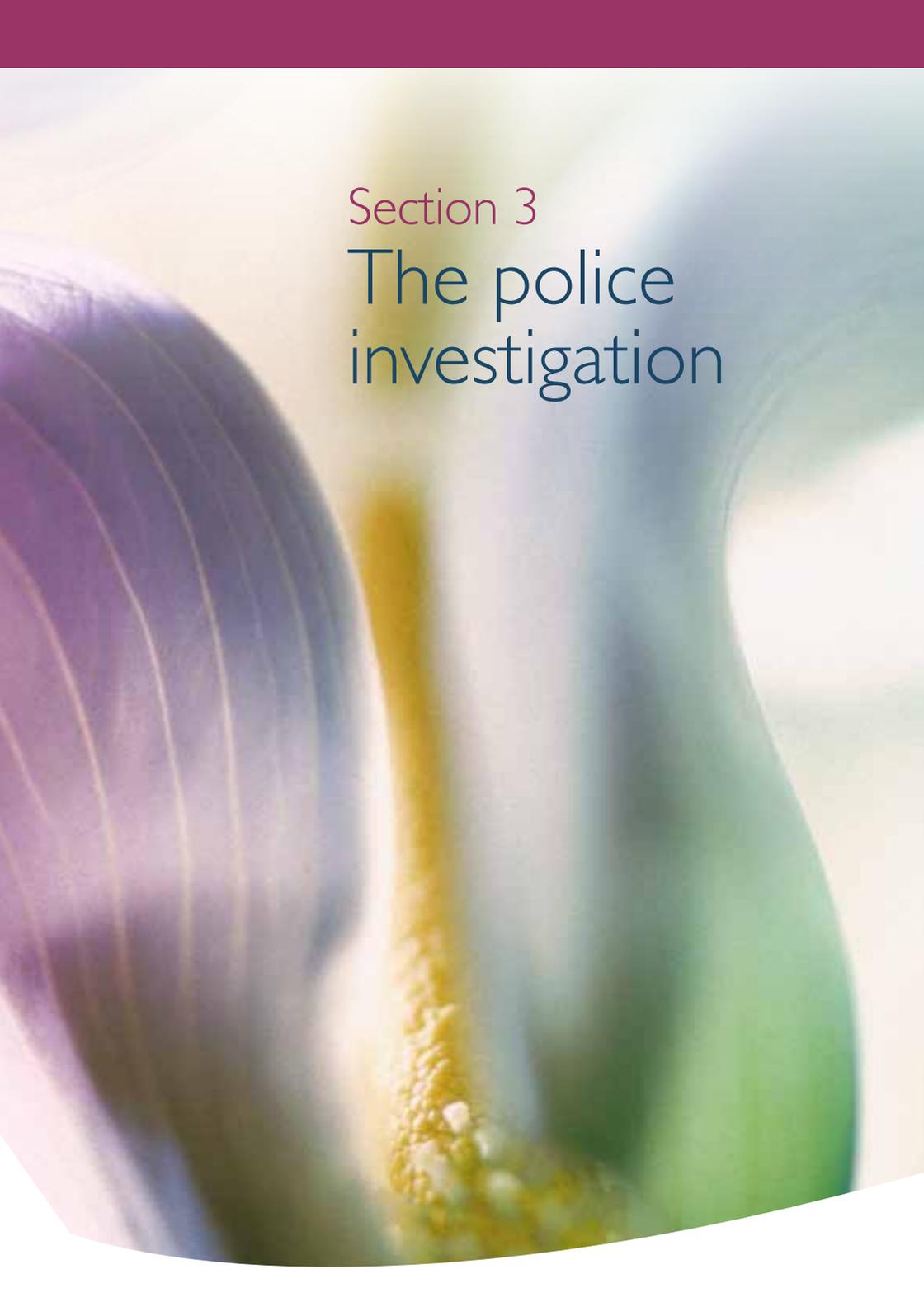
Switchboard: 020 7831 0022

Fax: 020 7831 0025

Email: complaints@pcc.org.uk

Advice line: 07659 152656

Website: www.pcc.org.uk

A close-up photograph of a flower, likely a lily, with a purple and white petal and a prominent yellow stamen. The background is softly blurred, showing more of the flower and some green foliage. The overall lighting is bright and natural.

Section 3

The police investigation

Section 3

The police investigation

The police have a duty to find out what happened and so they will investigate the death of your loved one. They will gather evidence, which they may use when charging any suspects. The senior investigator, who is a senior detective trained to investigate murders, will lead the investigation. They will tell their team to carry out any enquiries that are needed.

Gathering evidence

It is very important that the police can gather the forensic evidence they need. They will take photographs at the scene of the crime and will take away materials, objects and personal items that may help their investigation. They will return these to you as soon as possible.

If the death happened in a house

If the death happened in a house, the police will seal it while they record and gather evidence from the scene. If this was your home and it means you cannot have access to it, the police will put you in touch with relevant support services who will be able to help you with alternative accommodation.

If the police need to examine your house or a part of it, they will explain to you why this is taking place and how long it may take. It is likely that this will take quite a long time.

The police will try to clean any area where they have carried out any examination. However, it is not their responsibility to clean other areas. You can find advice on suitable cleaning agencies under 'Cleaning - domestic' at www.yell.com or else ask the family liaison officer or Victim Support.

Damage to property

During the examination, the police may accidentally damage the property whilst conducting their investigation. Please speak to the family liaison officer who will be able to give you advice and guidance.

Specialist forensic samples

To help identify your loved one, it may be necessary to get dental records, fingerprints or DNA samples. The police may also need DNA samples from relatives. The family liaison officer will be able to explain why this is necessary and suggest the best method of taking the sample. The police will only do what they have to and will not ask anything unreasonable of you. Everything they do is designed to gather the best evidence possible.

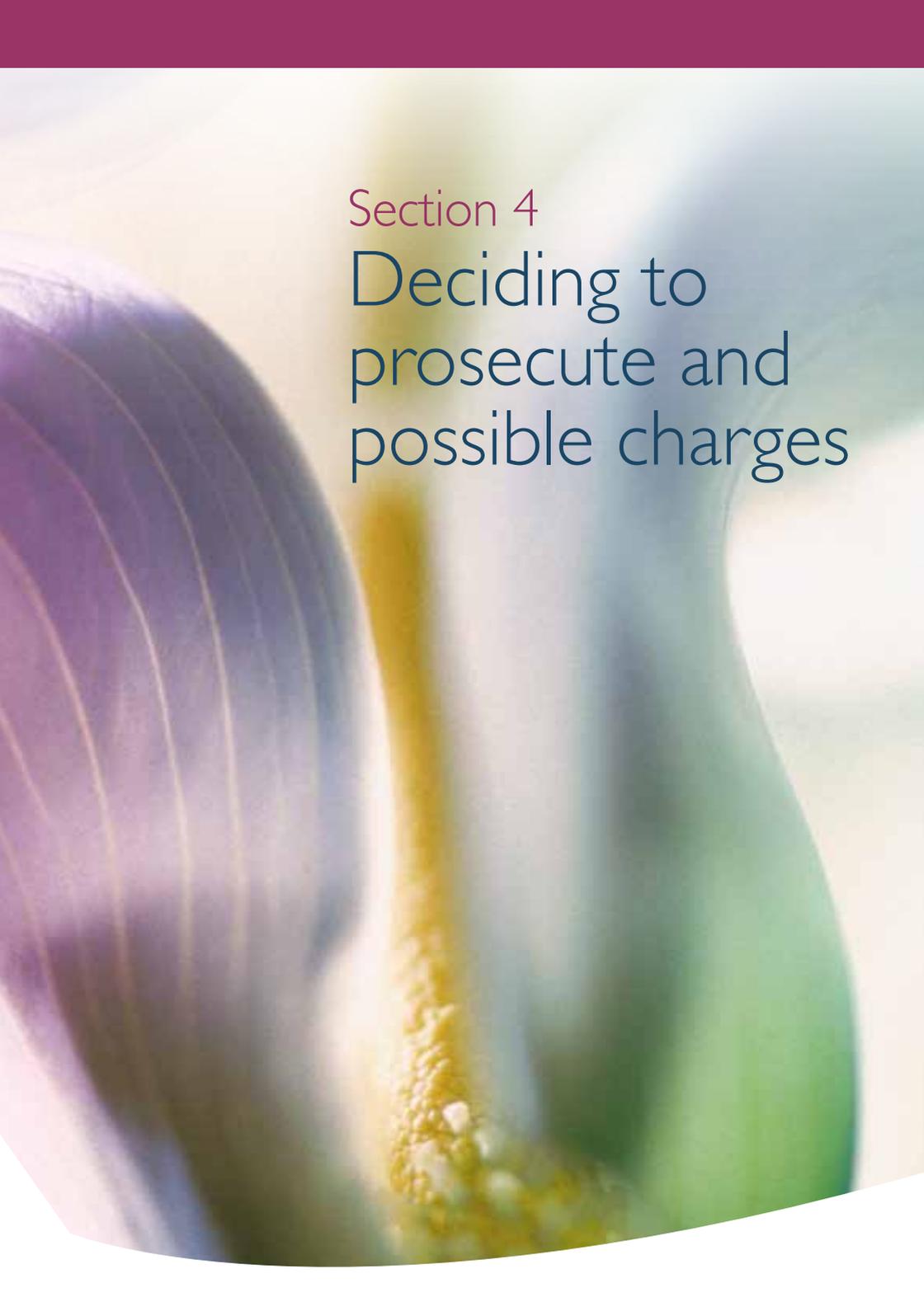
How long will the police investigation take?

There is no set time limit for the investigation. The senior investigating officer is responsible for managing the investigation and will make sure that the family liaison officer keeps you informed of the progress of the case. If nobody is found guilty, the case may stay open and be reviewed periodically.

As part of the investigation, the police may want to interview family members and sometimes they will be needed as witnesses if the case goes to court.

The case file

When the police consider that there is enough evidence against a suspect (or suspects), the senior investigating officer will contact the Public Prosecution Service who will advise if this is indeed the case. Once charged, the suspect becomes known as the defendant. The case file will contain all the witness statements, interviews, specialist reports and other relevant material for the prosecution.

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Section 4

Deciding to prosecute and possible charges

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Deciding to prosecute and possible charges

The decision to prosecute

The Public Prosecution Service makes all decisions whether or not to prosecute someone and takes all legal proceedings against people for criminal offences. The Public Prosecution Service is independent from the police and Government.

After receiving a case file from the police, which includes witness statements and other evidence, the Public Prosecution Service will decide if there is sufficient evidence to prosecute and if so, what offences the offender should be charged with.

A decision to prosecute is based on two tests:

- The evidential test – is there enough evidence to believe that there is a reasonable prospect of getting a conviction?
- The public interest test – is prosecution needed in the public interest?

The first test must be met before the second is considered. If the public prosecutor decides that there is enough evidence to prosecute, and that it is in the public interest to do so, the prosecutor will prepare the papers.

If the Public Prosecution Service makes a decision not to prosecute in the case, the police family liaison officer will let you know before the suspect is notified. This is to make sure that you receive the information first as the Public Prosecution Service recognises that it may be upsetting for you. The Public Prosecution Service will also write to you and explain in detail the reasons for its decision not to prosecute. You can contact the Public Prosecution Service if you want further information or if you want the Public Prosecution Service to review its decision.

Custody and bail

When a person is charged with a crime and held in police custody, they must be brought to the first available court for the court to decide whether the person is to continue to be remanded (held) in custody, or released on bail.

The Public Prosecution Service must consider the charges and consider if there is still a need to keep the person in custody. The Public Prosecution Service will ask the court to remand someone in custody if they consider that (taking account of how serious the offence is and the person's criminal history) there is a risk of the defendant running away, interfering with or threatening witnesses or perverting the course of justice, committing further offences or if they would be a threat to public order.

If the defendant is granted bail, the public prosecutor will consider whether any bail conditions would help address any risks identified. Bail often means the defendant enters into a recognisance (a bond between them and the court) to pay money if they break the conditions of bail. Anyone providing a guarantee (or surety) may also have to enter into a recognisance. (These are people who are prepared to enter into a bond and lose money if the defendant breaks their bail conditions.)

Sometimes conditions are placed on the bail, such as the defendant has to be at the approved address between certain times (this is called a curfew). They may not be allowed to go to certain places, see certain people or drink alcohol. These are a few examples of conditions that may be given but any conditions can be set by the judge. Electronic tagging is also an option as a bail condition.

If the court grants bail even though the Public Prosecution Service has argued against it, the public prosecutor may appeal. This appeal will be heard by the High Court.

If the defendant is held in prison, they may apply for bail again, but usually only when there has been a change in circumstances since they last applied for bail. The defendant can also apply for compassionate bail for a short period for reasons such as a family funeral. After this, they cannot make any more applications unless they can persuade the judge that something about the case, or their personal circumstances, has changed. The judge must grant bail unless the prosecution can show that there is a specific risk.

We recognise that not everyone wants to know what the bail conditions are. However, if you do, you can contact the family liaison officer or the Public Prosecution Service, who should be able to tell you.

The law relating to possible charges

Murder

Murder is committed if a person, who is not mentally ill, unlawfully kills another person with the aim of killing them or causing grievous bodily harm. We call the aim of killing someone 'intent'.

It used to be the case that the death had to take place within a year and a day after the act of murder. However, this has now been abolished except for deaths happening before 16 June 1996.

The sentence for murder is life imprisonment. The judge will decide on the minimum sentence the defendant must serve. A panel called the Parole Commissioners decide on when the defendant can be released on licence. In doing so, they take into account all relevant considerations. If you wish, further information about the Parole Commissioners can be found on their website www.parolecomni.org.uk.

Manslaughter

Manslaughter is divided into three categories – voluntary manslaughter, involuntary manslaughter and corporate manslaughter.

Voluntary manslaughter happens when all the elements of murder are present, including intent to kill or cause grievous bodily harm, but the crime is reduced to manslaughter because of provocation, diminished responsibility, or the death being caused as a result of a suicide pact.

Involuntary manslaughter is unlawful killing without the intent of killing or causing grievous bodily harm. Apart from intent, the elements of the offence are the same as murder. The difficulty is usually in identifying the elements which make the killing unlawful.

There are two classes of involuntary manslaughter – **unlawful act manslaughter** and **gross negligence manslaughter**.

In the case of **unlawful act manslaughter**, it must be proved that:

- the defendant's act caused the death of the victim;
- the defendant's act was a criminal offence;
- the defendant had the 'mens rea' (guilty mind) appropriate to the unlawful act which caused the victim's death; and
- the defendant's unlawful act is recognised, by someone independent, as having put the victim at risk of some physical harm, but not necessarily serious harm.

Unlawful act manslaughter may be caused by driving a vehicle. If someone is killed as a result of a road traffic incident, a family liaison officer will be appointed from Roads Policing and the family will be given a bereavement pack from Brakecare.

To prove a charge based on **gross negligence manslaughter**, the prosecution must show that the defendant should have been more careful and, as a result, they caused the victim's death.

This could also apply to cases where a vehicle was involved if:

- the driving fell far below the minimum acceptable standard of driving;
- there was an obvious and serious risk of death; and
- the conduct of the defendant can, in all the circumstances, be described as reprehensible (in the wrong).

The maximum sentence for manslaughter is life in prison, but this is not mandatory. The court will consider previous case law relating to sentencing and have regard to such factors as:

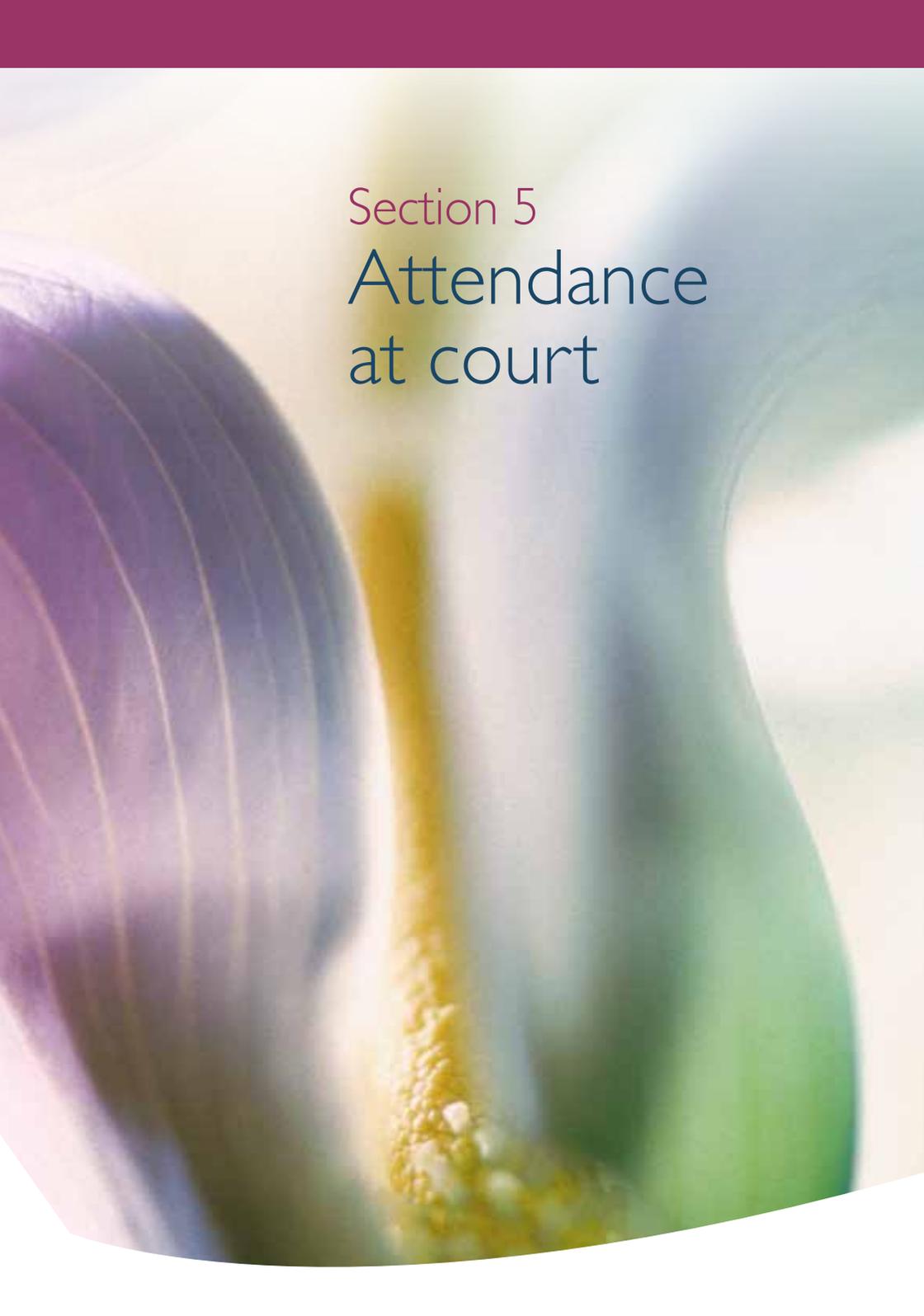
- the situation in which the death happened;
- whether any violence was intended by the defendant; how dangerous the defendant is; and
- the risk of really serious injury or death involved in what was being done and how clear this was to those involved.

Sentencing guidelines are now subject to new rules relating to “Public Protection Sentencing”. These are new provisions governing sentencing for serious crime. The court is required to look into whether the defendant is considered dangerous and will reflect this in the sentence. If you wish further information about how the public protection sentences work and how they provide better safeguards for the public please visit www.sentencingreformni.gov.uk.

Corporate manslaughter is a new category of manslaughter.

An organisation can be guilty of corporate manslaughter if the way they manage or organise their activities causes a person's death and they have not shown enough care in the situation.

The sentence for corporate manslaughter is a fine of up to 10% of the company's turnover.

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Section 5
Attendance
at court

Section 5

Attendance at court

Going to court

The family liaison officer or the Public Prosecution Service should give you the date of the court hearing. If you don't hear anything, and you want to know if a court case is happening, talk to the family liaison officer or the Public Prosecution Service's Community Liaison Team.

Criminal cases and appeals are nearly always held in public. This means that if you are not a witness, and want to, you can go to the court. But remember, you don't have to. The following information may help you to decide if you want to or not, and help to prepare you if you do decide to go.

Support in court

If you decide to go to a court hearing, it may help to have support. The court may be the first place you see the defendant or any of their family or friends. Many people find this hard, particularly if they are sharing the same facilities as you such as toilets. There is no limit on the number of friends or family who can go with you.

In addition, the voluntary organisation, Victim Support, provides a support service in court called the 'Witness Service'. This service is available to all victims of crime, witnesses and bereaved families, and their supporters, who are aged 18 or over who go to court. If you are under 18, the Young Witness Service, provided by the children's charity NSPCC, will be able to help you. Both services provide trained volunteers who can support you in court and give you information about court procedures and, if you are a witness, support you when you give evidence.

The witness services can arrange an accompanied visit to the court before the hearing so you can see the court and its facilities. They can also help to arrange other practical help for when you arrive at court, for example will try to reserve seating in the public gallery, away from the relatives or friends of the defendant. The witness services will also, if they can, provide a room before the hearing where you can sit and wait with relatives and friends, away from the defendant and their family and friends.

For details of the Witness Service, call **028 9024 3113** or go to **www.victimsupportni.co.uk**. For information on the Young Witness Service, call the NSPCC on **028 9448 7533**.

Evidence

When the police learn a crime has been committed, they collect all the evidence and pass the case papers to the Public Prosecution Service, who decides if there is sufficient evidence to prosecute. The Public Prosecution Service presents the evidence in court to the judge and jury. Sometimes you may not be able to see the evidence being discussed (such as diagrams or videos). Some of the evidence may be particularly upsetting. If you get upset and need to leave the courtroom, you can. You can leave and come back into the courtroom when you want, as long as you are quiet. We understand that it may be very difficult at times, but while you are in court, you must sit quietly.

Changes and delays in the court

A court building can have many courtrooms in it. Unfortunately, sometimes at short notice, the courtroom or the court itself at which your case was due to be heard changes or the start time of a hearing is delayed or a hearing is postponed to another day. The family liaison officer, witness services or the Public Prosecution Service should be able to make sure you are kept up to date with what is going on.

Accepting pleas to lesser offences

Decisions to prosecute, including the specific offences to be prosecuted, are taken by the Public Prosecution Service in accordance with the Test for Prosecution to which all public prosecutors must adhere. Such decisions are taken after a careful assessment of all the evidence and information reported, including any obvious or likely defence, and the requirements of the public interest.

The general principle is that the decision to prosecute, and the offences to be prosecuted, should not be altered once they have been taken and formally issued by the Public Prosecution Service unless there is a proper reason.

The defence may on occasion approach the Public Prosecution Service with an offer to plead guilty to only some of the charges that they are facing, or to a lesser charge or charges, with the remaining charges not being proceeded with.

While the prosecutor is under a duty to consider any such formal offer from the defence, “plea bargaining” has no place in the practice or procedures of the Public Prosecution Service. The acceptance by the Public Prosecution Service of any offer from the defence must be consistent with the evidence and information available at the time and meet the requirements of justice. Relevant factors may include whether the court can properly sentence the defendant for their criminality; any relevant information concerning the defendant’s previous convictions and likelihood of reoffending; and the proper interests of victims and witnesses.

What happens if I am a witness?

If you are a witness, you will have already given a statement. In some cases, this statement can be used as your evidence in court. In other cases, you may have to give evidence in court. If you have to give evidence, the police will give you a copy of your statement beforehand for you to read over and refresh your memory. Being a witness in court is a new experience for most people. You can discuss with the family liaison officer, Public Prosecution Service or witness services any concerns you have about giving evidence.

You may also find it helpful to look at the information about being a witness on the Witness Interactive Walkthrough at www.cjsni.gov.uk or in the Guide to Northern Ireland's Criminal Justice System for Victims and Witnesses of Crime, which is also at www.cjsni.gov.uk. Victim Support, NSPCC, SAMM NI (Support after Murder and Manslaughter) or another support organisation should also be able to help you at this time.

If you are a witness, the Public Prosecution Service will tell you if the case will be going to court and they will be there to advise and direct you through the process. They will give you the court date as early as possible and they will also be able to explain your role in the courtroom and the outcome of the case. The Public Prosecution Service should also make sure that someone connected with the prosecution case is introduced to you at court and answers your questions.

Giving evidence

If you have to give evidence, the police or prosecutor will give you a copy of your statement beforehand for you to read over and refresh your memory. As a witness for the prosecution, you will be asked questions first. The prosecution will begin by asking you questions to take you through what you said in your witness statement. The defence will then ask some questions. It is the role of the defence lawyer at a trial to assess the prosecution's case, argue against it and, if necessary, present the defendant's evidence. Essentially they are testing the strength of the prosecution evidence. This is known as cross-examination.

When the cross-examination for the defence has finished, the prosecution may ask you some more questions. The judge may also ask you questions at any time. After the prosecution witnesses have been cross-examined, the defence case opens. Witnesses for the defence are asked questions by their own solicitor or barrister and then the prosecution will cross-examine them.

Special measures for vulnerable or intimidated witnesses

Witnesses who are vulnerable or intimidated may be able to give evidence using special measures (for example, from behind a screen or by live television link). Witnesses to murder can be considered to be intimidated witnesses. It is the role of the Public Prosecution Service to apply for any 'special measures', which you may need in court, if you have to give evidence. If you think you may be eligible for special measures and have not been offered them, please speak to your family liaison officer or the Public Prosecution Service.

The court has to decide if a person is eligible for special measures. If you want to find out if you are eligible, talk to the family liaison officer or Public Prosecution Service.

Courts where charges are heard

Depending on the charge and the age of the defendant, cases are heard either in a magistrates' court or a Crown Court. Each court has different procedures and deals with different types of offences. In cases arising from murder or manslaughter where the defendant is charged with 'indictable' charges (more serious offences), some procedures at the early stages will take place in the magistrates' court. However, the trial and any sentencing will take place in the Crown Court.

Preliminary hearings and length of trial

A prosecution may start with one or more short hearings, which don't usually include witnesses being called, before the main trial goes ahead. These short hearings have several purposes, including giving the lawyers an opportunity to raise and discuss legal arguments that may affect the case.

Cases can take longer than expected to come to court. This may be for many reasons, such as a need to trace witnesses or gather documents before a court hearing. The family liaison officer or Public Prosecution Service will be able to explain to you what is likely to happen at a planned hearing and how a case is doing.

Crown Court

A judge and jury decide on most cases heard in Crown Courts.

If the defendant pleads not guilty, their guilt or innocence is decided at a trial with 12 jurors. Jurors are chosen at random from the community. Sometimes, before the trial, the public prosecutor or lawyers representing the defendants can ask for someone not to serve on the jury. The prosecution or defence lawyers must have a good reason why the person should not serve on a jury. To get a conviction, 10 out of the 12 jurors must find the defendant guilty. The judge will decide on matters of law and the sentence.

Trials at the Crown Court

The defendant will appear first in the magistrates' court, where the charge is read out and the evidence is presented to the District Judge (MC), who must be satisfied that there is a 'prima facie' case against the defendant before the case is passed to the Crown Court. (This means that there is enough evidence to go ahead with the case.) These are called committal proceedings and there are two types – a preliminary enquiry and a preliminary investigation. The family liaison officer will be able to tell you more about this, if you wish.

The first hearing at the Crown Court is called the 'arraignment', which is when the defendant must enter a plea of guilty or not guilty. If they plead guilty, the judge will pass sentence. Sentencing may be on a later date, allowing the court to gather any relevant pre-sentence reports. If the defendant pleads not guilty, a date is set for trial. A trial date may be several weeks or months ahead.

At a Crown Court trial, evidence for the prosecution is presented by a barrister instructed by the Public Prosecution Service. The defendant is usually represented by a barrister who will speak for them in court.

These legal representatives present evidence to the judge and jury to support their cases. They may read statements from witnesses and call witnesses to give evidence in court. Expert witnesses such as police and eyewitnesses may be called. Photographs, videos and diagrams may also be shown to the jury. The public prosecutor, defence counsel and the judge can question witnesses. The defendant can choose not to give evidence.

After the evidence has been presented, the public prosecutor and defence counsel sum up their cases. The judge sums up all the evidence and the jury will go out and consider their verdict. This may take some time.

If the verdict is guilty, the judge considers the sentence. The judge may hear arguments by the defence for a less severe sentence and he may delay sentencing to gather reports and consider the case.

Youth courts

Youth courts deal with young people who have committed criminal offences and who are aged 10 to 18. A District Judge (MC) sits with up to two lay magistrates who are members of the community specially trained to assist the District Judge (MC) to hear a case. If the defendant is being charged with an offence, which, in the case of an adult, would be tried in a Crown Court, the District Judge (MC) may also send them for trial in the Crown Court.

If a young person is aged 18 to 21 and found guilty, they may be sent to a young offenders' centre instead of prison. This is a secure facility like a prison and is run by the Prison Service.

If a young person is aged 10 to 18 and found guilty, they may be sent to the juvenile justice centre. This is also a secure facility like a prison.

The jury

The jury makes decisions on questions of fact and the judge makes decisions on points of law. Sometimes the judge will ask for the jury to be excluded while legal debate about questions of law are decided. This is to ensure that the jury does not hear anything unduly prejudicial. However, the jury may still ask the judge for guidance on questions of law.

There are 12 members of the public in a jury. They are selected at random from the electoral register. Some people are ineligible or may be excused because of their job, for example lawyers and doctors. Each member of the jury is sworn to decide the case according to the evidence, and not otherwise.

After the judge's summing-up, the jury retire to consider the verdict. During this time they are guarded by jury bailiffs to ensure that they are protected from outside influences. The jury deliberations are in secret.

If all the jurors agree, this means that they have reached a unanimous verdict and their decision determines whether the defendant is found guilty or not guilty. They will return to the courtroom and the foreman will hand the court clerk a form with the verdict written on it. The clerk reads the form and calls upon the foreman to pronounce the verdict. If guilty, the judge then decides on the appropriate sentence to impose. If the jury deliver a verdict of 'not guilty', the defendant will be released (unless still held on other outstanding charges).

If all the jurors cannot agree on a verdict, there may be a 'majority verdict'. This may occur as long as at least 10 jurors are agreed on the verdict and the jury has had at least two hours of deliberation. In the case of a verdict of guilty, the foreman of the jury has to state in open court the number of jurors who agreed and the number who dissented from the verdict.

In some cases the jury may be so deadlocked that even a majority verdict is not possible. When this happens the jury is said to be 'hung'. If this is the case, the jury will be discharged and a retrial will normally be ordered. This means that the trial will be run again before a different jury panel. This is undesirable, and can cause a lot of distress, but unfortunately it cannot be avoided if the jury cannot decide on a verdict.

The jurors may sometimes wish to convict the defendant of some other offence than the one charged. The law governs this type of situation. It can only happen where the jury want to acquit of the original charge, not because they cannot agree on it. For example, if the defendant is charged with murder, the jury may convict for manslaughter.

Sentencing

It is the judge alone who decides on the sentence. They are guided by a number of considerations:

- the maximum sentence they can give, which is set by Parliament for the offence;
- whether the defendant pleaded guilty or not. If the defendant pleaded guilty, the judge can reduce the sentence. (We call this discounting the sentence.) The discount will depend on when the defendant pleaded guilty – the biggest discount will usually be given for those who plead guilty at the earliest opportunity;
- the level of sentences in similar cases in the past. This is called 'case law';
- the powers of the court. A Crown Court can issue much higher penalties than a magistrates' court;
- any 'pleas in mitigation' or circumstances set out in background reports; and
- any victim impact statements made by you.

Pleas in mitigation and background reports

Before a defendant is sentenced, their barrister will tell the judge about any factors that they think might reduce the sentence, such as if the defendant has said that they are sorry for the crime.

The judge may ask for background information about the defendant. This will usually include a report about them from the Probation Board for Northern Ireland. Sentencing may be delayed until a later date so that this background information can be provided and the judge can think more about the sentence.

Victim impact statements

You may want to give a statement to the court to describe what effect the death of your loved one has had on you, for example emotionally, medically, physically, socially (such as any resultant relationship difficulties) or financially. This is called a victim impact statement and it can be presented to the judge before sentence is passed.

Victim impact statements can be an important part of the court proceedings. It is your opportunity to tell the judge how your life has changed since the death of your loved one and to give an idea of the type of person they were.

Everyone in the court room knows that the death has changed your life forever but you can tell them exactly how. When you write your statement, try to envision everything that has happened since the moment that you found out that your loved one had died. This will help you to remember the feelings that you felt at that moment and the feelings that you have now. Include in your statement the reasons why you miss your loved one and if you have a favourite memory of them, tell the judge about it.

The statement should be about your feelings and your life only. You should not say anything negative about the person who was the cause of your loved one's death and you should not say for how long you feel that person should get sentenced.

If you want to provide a victim impact statement, please speak to the family liaison officer or the Public Prosecution Service.

If you do not want to make a victim impact statement, do not worry, this will not affect the outcome of the case.

Appeals by the defendant

Following a criminal case, a convicted person may appeal against their conviction (if they pleaded not guilty at trial) and/or their sentence. They can also apply for bail waiting for their appeal.

However, only a small percentage of defendants appeal against their conviction or sentence. If an appeal does go ahead following a conviction in a Crown Court, it is heard in the Court of Appeal. The Court of Appeal has various powers including:

- upholding the conviction;
- upholding the sentence;
- changing the conviction;
- changing the sentence;
- quashing the conviction; or
- ordering a retrial.

Appeals by the prosecution

The Public Prosecution Service has no power to appeal against a verdict of not guilty in a Crown Court. However, if the sentence imposed in the

Crown Court appears to be unduly lenient, that case can be referred to the Court of Appeal by the Director of Public Prosecutions. The Director will refer cases where there is a reasonable prospect that the Court of Appeal will find the sentence imposed to be unduly lenient and it is in the public interest for the referral to be made. There is a strict time limit of 28 days from the date of the sentence being imposed for such a referral to be made.

A family member of a person who has died does not have a right of appeal against a sentence imposed. However, if you consider that a sentence imposed is too lenient, you can ask the Director of Public Prosecutions to consider referring the case to the Court of Appeal. As referrals must be made within 28 days of the sentence being imposed, you should bring your concerns to the Director's attention as soon as possible. You can do this by writing to the Director yourself or through a legal or public representative.

Appeals to the Supreme Court

The prosecution or the defendant may appeal to the Supreme Court if there is a point of law arising from the trial.

When can appeals be lodged?

All appeals must be lodged within a certain time frame. You can talk to the family liaison officer or your contact at the Public Prosecution Service to find out if an appeal has been lodged. They can also tell you the date of an appeal, if you want to go, and its outcome if you don't want to go to the appeal hearing.



Section 6
Coroner's
Service
for Northern
Ireland

Section 6

Coroner's Service for Northern Ireland

Who are the coroners?

Coroners are independent judicial officers. There is one senior coroner and three other coroners.

What do coroners do?

The coroner will ask the pathologist to find the medical cause of death. A further investigation may then be needed after the post-mortem report and an inquest may also be held depending on the circumstances of the death.

Where is the coroner's office?

The Coroner's Service is based in May's Chambers, Belfast.

Coroner's Service for Northern Ireland

May's Chambers, 73 May Street, Belfast, BT1 3JL.

Phone: 028 9044 6800
Fax: 028 9044 6801
Email: coronersoffice@courtsni.gov.uk
Website: www.coronersni.gov.uk

The role of coroner's liaison officers

Coroner's liaison officers are not medical staff but people who work for the coroner to help you when a post-mortem examination has been ordered. The coroner's liaison officer will send you written information about the preliminary cause of death and enclose evidence of death forms to help you with financial matters.

The coroner's liaison officer will work with the police family liaison officer to pass other information on to you.

Can the death be registered?

The death certificate will not be issued until the coroner has completed the investigation. This may take quite a long time. You will be sent several copies of a temporary certificate called 'Coroner's certificate of Evidence of Death' to help deal with the estate (for example, to claim life assurance). Unfortunately, not all financial institutions will accept the interim certificate. However, you can tell these companies that they can contact the coroner's office direct to get more information which may allow them to deal with financial matters without having a full death certificate.

What is a post-mortem examination?

A post-mortem is a medical examination of the body carried out for the coroner by a pathologist in the State Pathologist's Department or by a hospital pathologist. The post-mortem examination is a major stage in investigating deaths referred to a coroner, as the findings often decide whether the coroner needs to take any more action. Post-mortems are carried out to investigate deaths of a sudden, unexpected, traumatic or suspicious nature. The family liaison officer will tell you the first findings (called the preliminary results) of the post-mortem examination. However, the full examination report may take some time to complete.

The post-mortem is carried out as soon as possible after death. If charges have been brought against somebody for causing the death, a second post-mortem or further investigations may be needed. This may delay the coroner releasing the body and the making of the funeral arrangements. The police family liaison officer will keep you informed of developments.

Preliminary result of the post-mortem

For all post-mortem examinations, the coroner's liaison officer receives the preliminary findings on the cause of death and notice of retained material on behalf of the coroner. The coroner's liaison officer passes this information to the coroner and to the family liaison officer who will let you know as soon and as sensitively as possible. More specifically, the coroner's liaison officer will let the family liaison officer know if any organs or tissue have been kept for the post-mortem examination. The family liaison officer can then let you know.

Making funeral arrangements

When deaths are suspicious, the coroner's liaison officer contacts the pathologist, police and coroner to confirm that the body can be released, before phoning the mortuary to confirm this.

The coroner will consider your wishes about whether to arrange a burial or cremation. However, when there is a possibility of a prosecution, it may only be possible to arrange for a burial.

What is an inquest?

An inquest is an inquiry into:

- who has died;
- how the person died;
- when the person died; and
- where the death happened.

An inquest is not a trial. The coroner will not decide, or appear to decide on, any question of blame. The coroner's liaison officer can give you more information on inquests if you would find that helpful.

What happens if criminal proceedings are going to happen?

If the coroner is told that a person or people have been charged or are likely to be charged with an offence directly leading to the death, they cannot hold an inquest until the criminal proceedings are over. The coroner will consider holding an inquest once the criminal proceedings are over, taking account of the evidence already heard in court and your wishes.

If the coroner decides not to hold an inquest, they will issue a certificate for the Registrar of Deaths. This will allow you to register the death.

Who goes to an inquest?

The coroner will arrange a date for the inquest after consulting you. Inquests are open to the public and the press.

Coroners decide who should give evidence as witnesses at an inquest. Anyone who believes they may help, or believes a particular witness should be called, should let the coroner know. Witnesses, with some exceptions, can be made to go to the inquest and give evidence.

What happens at an inquest?

After formally opening the inquest, the coroner will question the witnesses and there may be further questions by people with a 'proper interest' or their legal representatives (see below). Any questions must be relevant.

People with a 'proper interest' include:

- relatives of the person who has died;
- the executors of the person's will or people appointed as their personal representatives;
- solicitors acting for the next of kin;
- insurers with a relevant interest; and
- others who the coroner considers to have a proper interest.

Will the inquest be held with a jury?

A coroner may hold an inquest either with a jury or without one. In certain situations a jury will be required, for example if the death occurred in prison. In these cases, the Coroner decides matters of the law and the jury decides the findings.

What is the outcome of an inquest?

Inquests do not find blame or identify someone as being responsible. The findings of an inquest will record the essential facts about how the person died.

Is legal aid available?

The legal aid Green Form Scheme is available for legal advice and assistance, and the preparatory work undertaken by a solicitor before an inquest. Legal aid is not available for representation at an inquest. However, in exceptional circumstances, public funding may be made available from the Legal Services Commission. Their web address is **www.nilsc.org.uk** or they can be contacted at:

The Northern Ireland Legal Services Commission
2nd Floor
Waterfront Plaza
8 Laganbank Road
Mays Meadow
Belfast
BT1 3BN
Phone: 028 9040 8888

A close-up photograph of a flower, likely a lily or similar species, with a purple and white petal and a prominent yellow stamen. The background is softly blurred, showing more of the flower and some green foliage. The overall lighting is bright and natural.

Section 7

Support services

Section 7

Support services

Some people will not want or need to talk to anyone outside their family and friends, but for others it may be essential. Help is available.

Victim Support

We will help you cope with losing someone close through murder or manslaughter and with any part of dealings with the police, Public Prosecution Service or Courts, or making a claim for compensation. When you contact us, one of our fully trained volunteers will help you work out the type of support you need and make sure you receive that help for as long as you need it.

Contact us if you:

- want to talk, in confidence, to someone who understands;
- need information;
- need practical help;
- want to make a claim for criminal injuries compensation; or
- are going to court, either as an observer or as a witness.

We can also tell you about other support agencies and services which could help you, such as counselling.

You can contact Victim Support on **028 9024 3113**. The office is open between 9am and 5pm weekdays.

SAMM NI (Support After Murder and Manslaughter)

If you have been handed this information pack and have started to read it, you have found yourself in the same situation as members of our organisation, SAMM. At this time, we would like to say to you and your family how sorry we are and offer you our support after the terrible murder of your loved one.

SAMM is an independently registered charity, which offers help and support to families and friends who have lost someone through murder and manslaughter. There are local SAMM groups across England and Wales, such as SAMM Liverpool and SAMM South Wales. SAMM Abroad supports British families who have had someone murdered outside the United Kingdom. SAMM NI is the name of our local group.

Our main strength comes from the fact that all our members have been bereaved through murder or manslaughter and can understand the feelings and emotions you may be feeling at this time. We know it can be difficult to talk about these emotions to other family members because we may not want to upset or worry them. Our members have experienced the despair, anger, sorrow, numbness, loneliness and all the other emotions triggered by a violent death. We are willing to share with you our experiences of losing someone in this devastating way.

All our trained volunteers have also lost someone through murder or manslaughter. That's why the support we offer means so much. Our experiences have given us the words and experience to help people through this traumatic time.

We offer free and confidential support to family members and close friends through our local Supportline. We offer unlimited telephone support or one-to-one appointments with a trained volunteer.

If you feel that you would like to talk to one of our volunteers, please ring SAMM NI Supportline **028 9442 9009**, which is always available. We pick up answerphone messages and return them each day. If you feel you cannot contact us yourself, ask a friend, the family liaison officer or Victim Support to contact us for you.

How to contact us

Supportline: 028 9442 9009

Email: samm.ni@live.co.uk

Website: www.samm.org.uk

NSPCC Young Witness Service

The NSPCC operates the Young Witness Service which is a free, independent and confidential service provided to children and young people who are under 18 years old, their families, friends and supporters and have to attend court as witnesses.

The service, which is provided by social work staff and trained volunteers, aims to assist children and young people and their parents/carers before, during and after any trial so that they can give the best evidence to the court and prevent any further trauma caused by their experience. You can contact the NSPCC Young Witness Service by telephone on **028 9448 7533**.

ChildLine

The NSPCC's ChildLine Service is the UK's free, 24-hour helpline for children in distress or danger. Trained volunteer counsellors comfort, advise and protect children and young people who may feel they have nowhere else to turn. Over 1,000 volunteers provide a counselling service, supervised by a team of professional supervisors and managers.



Section 8

Financial issues

Section 8

Financial issues

Claiming criminal injuries compensation

If you are the relative or a dependant (someone who depends on them financially) of someone who has died as a result of a criminal injury, you may be able to get compensation under the Criminal Injuries Compensation Scheme. There are different types of payment for which you may qualify.

They are:

- bereavement support payment;
- financial dependency payment;
- loss of parental services payment; and
- witness to the crime payment.

If you suffer from trauma because a loved one received injuries that led to their death, or because you were closely involved in the immediate aftermath of the incident, you can apply for compensation. A diagnosis of a disabling mental illness has to be provided by either a consultant psychiatrist or a clinical psychologist.

The scheme may also refund the cost of reasonable funeral expenses to the person who paid for the funeral. Keep all the receipts for funeral expenses to include with your claim.

If you apply under the scheme, you must do so within two years of the incident. However, this time limit may be waived in certain circumstances. You can get more details, along with an application form and details of the documents you need, by contacting the Compensation Agency on

028 9024 9944. Or, you can write to The Compensation Agency, Royston House, 34 Upper Queen Street, Belfast, BT1 6FD. You can also get more information on their website at **www.compensationni.gov.uk**.

Your Victim Support office can provide you with help, information and ongoing support throughout the compensation claim process. Victim Support will assist you to complete the application form, help with any subsequent review application and, if an appeal is submitted, they are able to represent you at the appeal hearing. All of these services are provided FREE OF CHARGE and Victim Support does not take a percentage from any award made.

You can contact Victim Support on **028 9024 3113**. The office is open between 9am and 5pm weekdays.

Wills, probate and estates

You may now need to get either a grant of probate if your loved one left a will, or a grant of letters of administration if there is no will (a grant is an official document issued by the court).

If your loved one lived permanently in Northern Ireland for tax purposes and you are named as executor (or one of the executors) in their will, or if there is no will and you are the next of kin and living in the United Kingdom, you may apply for either of these.

If you decide to apply in person without using a solicitor, you must make an appointment at Probate Office, Royal Courts of Justice, Chichester Street, Belfast, BT1 3JF. Phone: 028 9072 4683.

You will need to ask for an appointment request form. You should return this to the office with copies of the following documents:

- proof of your identity;
- a copy of the death certificate (signed by the Registrar);
- the original will (if there is one);
- if applicable, a marriage certificate or decree absolute; and
- an HMRC IHT tax form (contact the Probate and IHT helpline on **0845 3020900**).

You should get an interview within three weeks of the office receiving your request. There may be a fee to pay at the time of the interview (up to £250).

After the interview, the probate office will issue the Grant of Probate or Grant of Letters within one week. Once you have received the grant, you are responsible for gathering together all your loved one's assets/ possessions and passing them on according to the terms of the will, or according to the rules of intestacy.

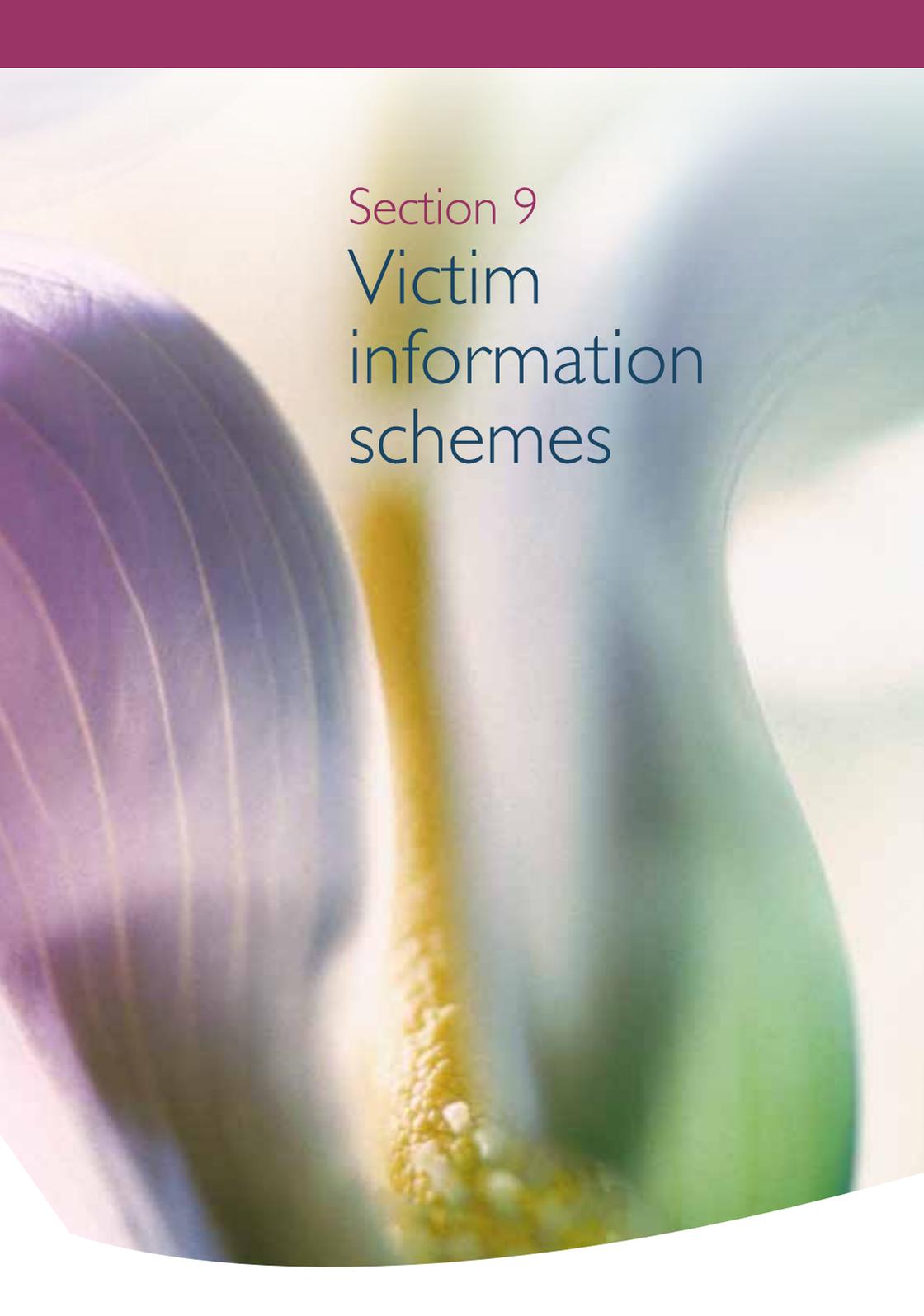
The leaflet "Dealing with a Deceased Person's Estate" may be of help to you. You can view this leaflet at **www.courtsni.gov.uk**.

Benefits

You may be entitled to Social Security bereavement benefits or financial help with the funeral expenses. You can find the A to Z of benefits on the following website **www.dsdni.gov.uk/index/ssa/benefit_information/a-z_of_benefits.htm**.

If you do not feel able to look through the list of information, you can contact Citizens Advice for help. For details of your local Citizens Advice office, contact the Citizens Advice Regional Office:

Phone: 028 9023 1120
Fax: 028 9023 6522
Email: info@citizensadvice.co.uk

A close-up photograph of a flower, likely a lily, with a purple and white petal and a prominent yellow stamen. The background is softly blurred, showing more of the flower and some green foliage. The overall lighting is bright and natural.

Section 9
Victim
information
schemes

Section 9

Victim Information Schemes

Once the trial is over, if you feel that you would like to know when the offender in your case is due to be released from prison (or, if they have been given a supervised sentence, the terms they have to keep to) you can contact the Northern Ireland Prison Service, the Probation Board for Northern Ireland or the Mentally Disordered Offenders' Unit, DOJ.

Prisoner Release Victim Information Scheme

This Scheme offers you the opportunity to give and receive information about the offender in your case if they have received a sentence of six months or more.

You can receive the following information:

- periods of temporary release granted to the offender;
- the month and year in which the offender is expected to be released;
- any conditions of release to be imposed; and
- any breaches of those conditions which will result in the prisoner's return to custody.

If you choose to receive information about temporary release you will be given the opportunity to write to the Scheme to give your views or to register any concerns that you may have. These will be used as part of the decision making process when temporary release is being considered.

This is a voluntary ‘OPT-IN’ scheme – information will not be provided if you do not register.

If you want to register, please contact us on **0845 247 0002**.

Website: **www.niprvis.gov.uk**.

Probation Board for Northern Ireland Victim Information Scheme

The Probation Board for Northern Ireland Victim Information Scheme (PBNI VIS) gives you the choice of having information about the probation sentence in your case. The information the scheme provides includes:

- the type of supervision the offender is subject to;
- the length of the supervision;
- information on any extra conditions to the sentence;
- information about any further court sentence under the order, if the offender breaks it;
- an explanation about how the Probation Board manages the case and the opportunity to include the victim’s concerns in this process;
- information on other criminal justice or victim organisations who can provide other support;
- information in writing, by phone or in a face-to-face meeting; and
- the opportunity to be involved, on a voluntary basis, in direct or indirect restorative contact with the offender if this would help you address issues resulting from the offence.

You can join the scheme in response to the PBNI VIS leaflet. You can ask for it by phoning **028 9032 1972** or you can see the PBNI VIS leaflet at **www.pbni.org.uk**. The Public Prosecution Service will also advise you about this service and send you a leaflet if there a relevant sentence imposed in the case.

You can contact the PBNI Victim Information Scheme at:

Phone: 028 9032 1972

Website: www.pbni.org.uk

Email: VictimsUnit@pbni.gsi.gov.uk

Mentally Disordered Offenders' Victim Information Scheme

This scheme applies in cases where the court dealing with the offender places them under a hospital order with a restriction order, or if an offender is given a transfer direction and a restriction direction while they are serving a prison sentence for an offence. The scheme will only apply to offenders in Northern Ireland who have a mental illness.

Once a sentence has been passed at court, the family liaison officer will give you an information leaflet which explains the scheme and which includes an application form. You should fill in the application form and post it to the Mentally Disordered Offenders' Unit.

You can choose a representative to receive information on your behalf. The application form will give you the option to fill in the details of a representative who will act or receive the information for you.

Under the scheme, you can receive information about:

- temporary leave of absence given to the offender e.g. compassionate release, or release for rehabilitation purposes;
- when the offender is discharged (with or without conditions); and
- any relevant conditions the offender has to keep to.

When an offender, who is mentally ill, is being considered for discharge, if you are registered, you will be told and given the chance to put your views in writing to the Mental Health Review Tribunal on the conditions the offender might have to keep to when they are released.

A leave of absence may be granted for a number of reasons. It may form part of a patient's rehabilitation or may be for compassionate reasons. If you choose to receive information, you will be told when a leave of absence is being considered. You can give your views in writing on whether any conditions should be placed on the person. And you can make comments on the effect that the offender's leave would have if it threatens your safety or affects your wellbeing in a negative way. Your comments will be considered along with the DOJ assessment when decisions are made on whether or not to grant leave of absence. The Mentally Disordered Offenders' Unit will let you know whether leave is given.

You can contact the Mentally Disordered Offenders Unit at:

Department of Justice

Criminal Law Branch

Massey House

Stormont Estate

Belfast

BT4 3SX

Phone: 028 9052 7612

We hope that this booklet has helped to explain to you the roles of the various criminal justice agencies during the investigation of a traumatic death, as well as telling you about some of the support groups who are available for you at this stressful time. However, please call your family liaison officer or one of the support groups if you would like any further information or advice.





Department of
Justice
www.dojni.gov.uk

