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Sense-making and secondary victimization among unsolved homicide co-victims ☆

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ABSTRACT

Sense-making is a form of meaning-making that focuses on understanding loss which then contributes to identity reconstruction. This qualitative study examines how perceived communication with the criminal justice system can inhibit sense-making among unsolved homicide co-victims. One-time intensive interviews were conducted with 37 co-victims about their interactions with police and prosecutors. A grounded theory approach suggest that co-victims held negative views of the police and prosecutors because they perceived them as inhibiting their ability to adequately locate information needed to understand the crime and achieve justice. Results also suggest that race and ethnicity play a role in reducing sense-making because constructions of meaning were based on perceptions of discrimination. In the end, the intense desire for information, resolution, and justice led several co-victims to investigate their loved one's murder. Policies that law enforcement should adopt to promote better communication with co-victims and facilitate sense-making are examined.

Introduction

Sense-making and secondary victimization among unsolved homicide co-victims

A considerable amount of research has focused on the concept of 'sense-making,' or the notion that victims create meaning to understand their loss which aids in post loss identity reconstruction (Armour, 2006; Currier, Holland, & Neimeyer, 2006, 2008; Pakenham, 2008; Updegraff, Silver, & Holman 2008). Sense-making is believed to be restorative and play a central role in the bereavement process. While the study of sense-making has expanded to include many types of trauma (cancer, suicide, accidents, homicide), the concept has not been studied in the context of unsolved homicide co-victims. Sense-making among these particular co-victims is an important subject of study because it is likely to be extremely difficult to construct any type of post-loss meaning when the circumstances surrounding a murder are unknown, uncertain, and ongoing (Armour, 2006; Bucholz, 2002). More importantly, unsolved homicide co-victims often turn to the criminal justice system for answers to aid them in the bereavement process (Bucholz, 2002, pp. 60-61). Unfortunately research in the area of victimology suggests that interactions with the criminal justice system can intensify victimization (see Bucholz, 2002, pp. 60-61 for homicide co-victims; see Karmen, 2007 for review). For this reason, it is important to examine the perceptions that unsolved homicide co-victims have about their interactions with the police and prosecutors concerning their loved ones' unsolved murders. Because this research focuses on sense-making, the co-victims' point of view is adopted to determine how they see the police and prosecutor as influencing their grief. This study utilizes Hertz, Prothrow-Stith, and Chery's (2005, p. 289) definition of unsolved homicide co-victims as "the surviving family, friends, and loved ones" of homicide victims whose cases remain unsolved.

Literature review

Bereavement, grief, and traumatic loss

The idea that grief progresses through "normal" stages is widely accepted in the bereavement literature and recent empirical evidence suggests a sequence through the following stages: disbelief, separation distress, depression-mourning and recovery (Maciejewski, Zhang, Block, & Prigerson, 2007). One deficiency associated with traditional grief stage theory is that it overlooks complicated grief that can result from traumatic loss (Maciejewski et al., 2007). Traumatic loss is typically defined in terms of a sudden violent death characterized by fatal accident, suicide or homicide (Norris, 1990). Malone (2007, p. 384) also notes that when a loved one is murdered the emotional and psychological processes of grieving may not follow the "traditional stages of grief." In addition, Weiner (2007, pp.2962) has recently argued

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that it may be counterproductive and dangerous to apply normal patterns of grief to traumatic loss (see also Silver & Wortman, 2007). As a result, researchers have developed the notion of complicated grief (or 'traumatic grief' see Prigerson et al., 1999) to better characterize the typical bereavement associated with horrific events such as murder (Armour 2007; Bucholz, 2002). Complicated grief is thought to be a reaction to "stress response syndrome" and associated with long lasting painful emotions that are severe (Prigerson et al., 1995). Individuals suffering from complicated grief have trouble accepting death and resuming life. Prigerson et al. (1995, p. 22), for example, report that symptoms of traumatic grief include "searching, yearning, preoccupation with thoughts of the deceased, crying, disbelief regarding the death, feeling stunned by the death, and lack of acceptance of the death."

In addition to complicated grief, homicide co-victims may also suffer from another reaction to stress response syndrome known as post-traumatic stress disorder (PTSD). Amick-McMullan, Kilpatrick, and Resnick (1991, p. 545) discovered that 23.3 percent of homicide co-victims developed PTSD. The American Psychiatric Association (2000) also reports that homicide co-victims exhibit clinical symptoms that include acute post traumatic stress and PTSD. PTSD is thought to be associated with feelings of "disbelief, anger, shock, avoidance, numbness, a sense of futility about the future, a fragmented sense of security, trust, and control" (Prigerson et al., 1999, p. 67). Stress among homicide co-victims may also be related to physical illness (see Baliko & Tuck, 2008). In short, individual grief as a response to stress is often complicated and can vary tremendously in "duration, intensity, and complexity" (Malone, 2007, p. 384).

Sense-making and criminal justice

When people suffer from a loss they use different mechanisms to help adjust to their new life. One mechanism that has attracted a good deal of attention is sense-making (see Armour, 2006; Currier, Holland, Coleman, & Neimeyer, 2008; Currier, Holland, & Neimeyer, 2008; see also Frankl, 1963). For the purposes of this research we define sense-making as a form of meaning-making that focuses on understanding the murder which then, contributes to post loss identity reconstruction. According to Armour (2006, p.102) the "search for meaning after stressful events is a common and essential task." Currier et al. (2006, p. 407) define sense-making as the "capacity to develop a subjective sense of understanding of the loss." Research suggests that sense-making may alleviate some of the anguish associated with death of a loved one (Park & Folkman, 1997). Currier et al. (2008, p.122) argue that sense-making is focused on combining one's pre-loss identity with a post-loss world. This process is important in bereavement as it is thought to reduce symptoms associated with complicated grief (see Currier et al., 2008). Unfortunately, individuals who report a violent loss such as murder are also likely to be the least successful at making sense of that loss (Armour, 2006). Recently, Updegraff et al. (2008) have suggested that in the case of severe trauma people are less likely to find meaning but also more likely to search for meaning. Thus, it is critically important that criminal justice actors are aware of this issue among the population of unsolved homicide co-victims with which they interact. The study of the role that others, such as criminal justice actors, can have on the process of sense-making among unsolved homicide covictims is largely neglected. For example, researchers such Bucholz (2002) have suggested that others can influence the degree of sense-making among homicide covictims to the extent that those groups can be supportive or unsupportive. Thus, she suggests that the ability to engage in sense-making can be positively or negatively impacted by family members, friends and society. As noted, sense-making is a form of meaning-making. The process of sense-making is shaped by the nature of the tragic event and subsequent social interaction that helps an individual to relearn the self and the world (Goffman, 1963; Nadeau, 1998). It would follow that having an explanation of the tragic events should lessen the emotional impact and facilitate long-term adaptation.

It is reasonable to believe that some types of social interactions may impede sense-making. In this research we focus on covictims' communication and dealings with actors in the criminal justice system as impacting sense-making (see also Armour, 2006; Bucholz, 2002). By showing disapproval and distancing themselves from victims and co-victims, criminal justice personnel can cause additional harm (Ryan, 1971). This occurs because interactions (or a lack of interactions) between police, prosecutors, and co-victims can be traumatic and therefore complicate grief by causing additional stress among co-victims (Bucholz, 2002). This phenomenon, known as secondary victimization in the criminal justice literature, is often reported by homicide co-victims (Rock, 1998). Unfortunately few studies have linked sense-making to secondary victimization by examining co-victims' perceptions of their interactions with law enforcement.

Co-victims report facing many challenges with respect to the criminal justice system and often describe their interactions with the system as extremely frustrating (Baliko & Tuck, 2008; Bucholz, 2002). Bucholz (2002) argues that for these co-victims justice can be perceived as being "minimized, delayed, or denied," leading to feelings of outrage and powerlessness. Rock (1998, p.76) argues that a co-victim's alienation from the justice process "constitutes one of the most potent symbolic assaults suffered by families in the wake of murder."

Recently, Baliko and Tuck (2008) reported that homicide co-victims reported feelings of anger and dissatisfaction due to the criminal justice process. These feelings may also impede sense-making by co-victims—especially unsolved homicide co-victims. Updegraff et al. (2008, p.710) suggest that "in the context of negative events, having an explanation [of the event] should lessen the emotional impact and facilitate long-term adaptation." In the case of unsolved homicides, then, there is considerable reason to suspect that sense-making is especially difficult because many aspects of the crime are not known, because the offender is still at large, and because law enforcement may not pay sufficient attention to justice. Thus, interactions with criminal justice officials about the murder and possible events leading up to the crime may be critical to the sense-making process because these agencies have access to information and are responsible for gaining information about their loved one's murder. It is for this reason that it is important to examine unsolved homicide co-victims' experiences with the criminal justice system as it relates to their perceptions of sense-making.

Research methodology

This study relies on information obtained from in-depth face-to-face interviews because little is known about cold case co-victims' perceptions of law enforcement. These qualitative interviews allowed co-victims to elaborate upon issues they perceived as important. Thus, researchers gained insight and detailed information that could not be provided by a standardized survey instrument. Importantly, the richness of these interview data aid in understanding how the criminal justice system may impact sense-making among cold case co-victims.

Sample characteristics

The thirty-seven co-victims interviewed for this study represent twenty-nine separate cold case murders that occurred in ten different law enforcement jurisdictions. Sixty percent of the co-victims in this study were White and seventy six percent were female. The mean age of co-victims was fifty-seven. The cold case murders covered by this research occurred, on average, fifteen years prior to the study. The oldest murder took place forty years prior to the subject-researcher interview and the most recent murder occurred one year prior to the subject-researcher interview. Twenty co-victims were the parents of the murder victim and nine co-victims were the siblings of the murder victim. The remaining co-victims represent spouses, children, aunts, uncles, grandparents and friends of murder victim.

Sampling procedure, subject recruitment, and interview setting

No systematic list of all cold case co-victims existed at the time this study took place. The lack of a sampling frame made it difficult, if not impossible, to employ traditional random sampling methodology. Thus, researchers had to rely on a non-probability purposive sample. Such a sample is not uncommon when studying difficult populations (Warren & Karner, 2010). To help provide variation in the sample, snowball techniques were also employed and after each interview co-victims were asked (or sometimes offered) to recommend other study participants.

Cold case co-victims were recruited into the study through seven statewide forums that focused on solutions for reducing the percentage of unsolved homicides. These forums were organized by a non-profit victims' rights organization, held in a variety of locations across the state, and attended by cold case co-victims, state government representatives, the media, law enforcement, researchers, and the public. The executive director of the non-profit organization that coordinated the forums read a subject recruitment statement approved by human subjects asking for study participants. The researcher then contacted a random sample of those individuals who expressed an interest in participating in the study so that interview arrangements could be made.

All thirty-nine co-victims asked to participate, agreed to an interview and final arrangements were made to conduct thirty-seven interviews. One co-victim could not be contacted given information provided to researchers and perceived distress identified by the interviewer prevented two co-victims from participating. All but three interviews were conducted face-to-face. Interviews lasted between one and four hours and took place at the co-victim's home, office, or other private location. Parents of murdered children were often interviewed together.

Strong emotions can be part of the qualitative interview process (see Dickson-Swift et al., 2007; Lazarus & Lazarus, 1994). Cold case interviews were clearly emotional but provided co-victims with an opportunity to explain their interactions with law enforcement in an atmosphere where their accounts were received by the interviewer.

Interview schedule

A researcher with an advanced degree in forensics psychology created the preliminary interview schedule. Questions in the schedule were open-ended and intended to measure satisfaction with law enforcement and victim's advocates. Some questions were modified and others added to the interview schedule based on discussions with (1) cold-case co-victims and (2) a bereavement therapist who specialized in cold cases. The internal review board at the principal investigator's university approved the final interview schedule to ensure protection of human subjects. Survey questions were designed to better understand the nature, extent, and frequency of co-victims' contact with various actors in the criminal justice system as well as their perceptions about the nature and extent of their loved one's murder investigation. Importantly, questions were sufficiently broad to allow co-victims to elaborate on issues they believed were important for the researcher to understand.

Approach

Schatzman and Strauss (1973, 110) note, "the most fundamental operation in the analysis of qualitative data is that of discovering significant classes of things, persons, and events and the properties which characterize them." In the current study all interviews were recorded and the interview files were transcribed for qualitative data analysis, which, in this case, involves scanning and identifying general statements about relationships among categories of observations (Warren & Karner, 2010). Thus, transcripts were studied for general themes concerning co-victims perceptions about their interactions and communication with law enforcement. The concept of sense-making, though previously developed, emerged from the interviews as an important aspect of that communication. As indicated in the findings, four additional themes emerge as universal and specifically related to the concept of sense-making. Thus, this research relies on an inductive-methods approach, where the co-victims ' responses directed empirical generalizations and conclusions.

Findings

Findings are organized according to four major themes that emerged from the interviews and relate to sense-making. These themes focused on: (1) perceptions about the lack of communication in the investigation; (2) perceptions about law enforcement's reaction to the victim's status; (3) perceptions about prosecutors' unwillingness to charge the suspect with murder, and (4) co-victims' responses to perceptions of police inactivity. These themes are related to sense-making because co-victims are unable to reconcile a sense of justice in the world when the case is not being actively investigated and because they believe that information that may help them understand the murder is not being shared by law enforcement. The first three themes demonstrate how law enforcement inhibits sense-making among unsolved homicide co-victims and the last theme addresses the victim's response to this perceived inactivity. Pseudo names are used throughout this study to protect the identity of the research subjects.

Lack of communication

All but one co-victims reported that they were dis-satisfied with the current level of communication with law enforcement. Thirty-four of those co-victims believed that the police were no longer actively investigating their unsolved homicide. Over time all co-victims reported a decrease in communication. This decrease is symbolic to co-victims and suggests that their loved ones' murders, and their lives by extension, are not important. Thus, co-victims negative perceptions about police communication and competence increase over time. Once communication with law enforcement stopped most co-victims lost hope in the criminal justice system, which impacted sense-making by (1) complicating their post-loss understanding of justice and (2) limiting information about the case. This lack of communication, then, appears to prevent sense-making and may lead to secondary victimization through the promotion of complicated grief.

Hallie, whose son was murdered approximately one year prior to the interview, emphasizes the importance of police communication with her family. She believes that the police were taking the murder seriously because they kept in constant contact and had a favorable impression of the detective assigned to her son's case.

> Hallie: *He was a very good investigator. He kept in communication very well. [Detective] would return my phone call, if not the same day, the next day or so.*
> Interviewer: *So when you called, he called back and gave you an update?*
> Hallie: *Yeah, I think he did a good job, actually, knowing and finding out things. I have no problem with [Detective]. He's really good. He communicated with me and he's working hard.*

Hallie underscores the importance between communication and information. She held out hope that her son's murder could be solved because the detective was still responsive to her requests for information. She also emphasized that finding out what happened and who killed her son will help with post-loss resolution:

> *Every day I do hurt. I hurt every day. Every day I do. My whole life has changed. I'm just existing. I am not living. I think once they find*

out who hurt my son, maybe I can start living again. I just get up and I just go. I'm not living right now. I'm just goin' through the motions, really, to be honest with you. You know, once they find who hurt my son, maybe I can start living again.

For Hallie, and many other co-victims, catching the killer should aid in sense-making because it implies that justice does exist and that information about the case will help with resolution. Unlike nearly all other homicide co-victims, however, Hallie felt that the detective was forthcoming about the murder and potential killer. Thus, the attention to communication by law enforcement appears to send a critical and symbolic signal to Hallie that she may eventually be able to "live again" because the murder is important and information is forthcoming.

Mark and Molly's comments are more reflective of co-victims whose cases remain unsolved. Their teenage daughter was murdered nearly 20 years prior to the interview and, like Hallie, they agree the police did a good job communicating during the initial investigative stages. Mark and Molly both felt that subsequent communication with the police dropped off significantly. Thus, they suggest they will never make sense of the murder or receive justice. They suggest that police no longer communicate or worry about solving their daughter's murder:

Interviewer: *How often did they follow up with your daughter's case?*
Mark: *At first it was pretty often.*
Molly: *Probably at least once a week.*
Mark: *Maybe even twice, but as time went by, they just didn't have any information, the clues dried up or whatever. It just started to get cold, so they didn't—they used to call us up, but now, they don't seem to have anything new.*
Interviewer: *But in the beginning they did a pretty good job?*
Molly: *I thought so.*
Interviewer: *But as it gets colder it's been dropped?*
Mark: *That's true....there's no updates. It's kind of like the same thing over and over: no money, no time.*

These feelings of despair about the lack of information led Mark and Molly to the police department to examine their daughter's case file. Both Mark and Molly indicated that it was important for them to look at the file, but without any additional information their ability to discover why this happened is clearly diminished. The couple continues to ask the same questions they did a right after the murder.

Mark: *Now, after all these years, I've mellowed out a lot and I don't feel that much hate. It's still there. I don't think I'll ever lose it...I don't know, it's like that until you find the person who did it. Maybe you'll have some closure after that, but until then, everybody you look at, the same thing crosses your mind. Is that the person? ... Who would want her dead?*

Thus, for Mark, the uncertainty about the murder was clearly associated with a lack of information about who may be responsible. It could be anybody. Mark and Molly also believe that law enforcement has given up on the case and views the family's inquiries concerning the status of the murder investigation as bothersome. This perception of law enforcement has intensified Mark's sense of injustice and his feelings of hate and fear.

Co-victims report that the lack of communication by the police department was especially apparent and harmful when detective reassignments occurred without notification. Seventeen co-victims told the interviewer that a change in the primary detective assigned to their murder case signaled that the case was no longer a police priority. Thus, reassignments were painful because they signaled that law enforcement had given up the quest for justice. These co-victims believed they would never have the important details they needed to understand the world post-loss. Seventeen homicide co-victims reported that they had endured several of these "reassignments." Most co-victims could not identify the detective currently assigned to their cold case. Such admissions to the interviewer were emotionally distressful to the co-victim and signaled potential secondary victimization. This was clearly the case with Quinton, who was a teenager at the time his father was murdered.

Quinton: *The families are not notified when the detective changes. I mean, I even asked [the Department] "Is he [the detective who initially investigated my father's murder] still here?" "Yeah, he still works here." So that part I think is more hurtful than anything else, to feel like, OK, this person has literally taken control of a murder investigation that has impacted our family in more ways than most people can ever comprehend, and then for us to just kind of become a project that goes by the wayside.*

The fact that the detective was reassigned led Quinton to question the veracity of the detective's commitment. For Quinton, the detectives assigned to the case played a central role in helping the family make sense of the crime. In short, most co-victims believed that a change in the primary detective assigned to the case signaled a decrease in departmental commitment to their investigation because, they argued, the detectives probably believed that the cases were not solvable. This left co-victims with a feeling of hopelessness that they would never discover what had actually happened.

While perceptions about changes in detectives were common, they were not universal. Two co-victims noted that the initial interactions with the primary detective in charge of their cases were so negative and the detectives so unresponsive that they welcomed the change. In both cases the new detectives assigned to the case appeared more willing to share more information, which appeared to be associated with sense-making and notions of justice. Gwen, whose son was murdered twelve years prior to the study interview, notes that information increased with the reassignment of the first lead detective:

About three years after my son was murdered [detective] started workin' on the case. And he gave me more information than I've ever had in the years that it happened. He brought other people in and started interviewing them again. He talked to both my twin boys and myself, and he was trying to get in touch with the girl that he was livin' with at the time, but she would never go down there. And the person that was with him when he got shot, he would never go. It's just like, I think they know who did it, but they won't tell who did it, it's a situation like that. All the years that this case has been here, [detective] was the one that gave me more information than anybody.

Notions of post loss sense of justice also emerged alongside the lack of information. For example, eleven co-victims believed that the police perceived their calls as bothersome and problematic. In these eleven instances, co-victims reported that the police were trying to cover up the fact that they had no leads or did not (at the time) believe the case was a murder. For example, Winnie's daughter was murdered nearly fifteen years ago and she still calls the police department every year for an update. Winnie reports that the police are not willing to talk to her because they believe the case is unsolvable. Winnie notes that she may never get resolution and justice:

Interviewer: *So you've had no update over the past few years?*
Winnie: *None. Because whenever you call, you get the same thing. "We just had a forest fire or whatever, don't you know? And you're worried about your dead daughter? We've got a forest fire." So unless I have the mental fortitude to deal with it, it just backlashes too much into my current existence now, just tryin' to meet everyday needs and stuff like that. So I try not to deal with that too much for right now.*

Winnie was able to get some information about her daughter's from another source and noted the importance of that information to the interviewer. She clearly believes that God played a role in bringing her the information about her daughter so she could make sense of life post-loss and become a better Christian. The feeling that co-victims were bothering law enforcement when they asked for information to help make sense of the unsolved crime, then, is not uncommon. Many co-victims called the police to find out that even the detective assigned to their unsolved homicide reported that they had very little (if any) knowledge about the circumstances of the murder. These feelings about law enforcement leave co-victims angry and pessimistic about coming to resolution about the case. Most co-victims reported that these experiences left them feeling like they had been victimized a second time and they reported that this intensified their struggle to make sense of justice and the police role in that process during pre- and post-loss while at the same time dealing with their stress of their traumatic and ongoing loss (e.g., the unsolved murder of their loved one).

Victim characteristics

Sixteen co-victims reported that they believed the murder of their loved one was not being adequately investigated because the police believed the case was less worthy of investigative resources because the victim was somehow "unconventional" (i.e., the victim was Black, Hispanic, poor, and/or was involved in drugs or prostitution). These co-victims appear to have made sense of the fact that the case was unsolved by drawing on larger prejudices in society to help explain the perceived police response. Several co-victims even argued that the case was solvable and information about the murderer and murder exists.

A total of four homicide co-victims in this sample perceived that their family member's case was not adequately investigated because of their race. Unlike Black co-victims, Hispanic co-victims argued that factors such as drug use, domestic violence, or gang membership also affected the investigation into their family member's murder because it is the perception of most police that Hispanics engaged in these illegal activities.

Orlando emphasizes that his murdered brother was not in a gang, but that the police treated the case as a gangland murder. Orlando's mother Olivia also believed that the detectives assigned to the case did not investigate the case vigorously because they believed her son was in a gang. Orlando and Olivia report that the police told them that the victim's gang activity and membership caused his death. Thus, Orlando and Olivia became extremely angry at the police when they were told that the victim caused his murder because he associated with bad people. In short, they believed that their son and brother was not a gang member but also believed that the case would not be solved because the police believed the victim was a gang member because he was Hispanic. Thus, justice was denied by the criminal justice system that mistakenly interpreted the murder as a gangland homicide:

> Orlando: *There's nobody working on the case right now. We know they're very, very busy. It's not like my brother is the only murder case. There are a lot of other cases. It's not like somebody else's case is more important or my brother's case is more important than somebody else's. It doesn't matter who the person is or what they've done, they've still been murdered. It's not like, "This person's a very bad guy so we're just gonna push his case over here." That should be a priority, but not put anybody's case to the side just because they feel that it's gang-related or this person's a drug dealer or anything like that. Anybody should have the right for their case to be solved and worked on.*

Victor also talks about the importance of race in his daughter's three-year old unsolved murder investigation. He argues that race is the reason his daughter's murderer was still at-large and fears that the murder will never be solved. Victor had no information about the current status of the case and reported feeling both helpless and depressed. His lack of agency caused him to view the police as an obstacle to catching his daughter's killer(s).

> *Here's a Black child...probably used drugs. You know she did some prostitution. And that's just the way it is. I don't think that's gonna change for a while. I do not believe the police department's gonna change. Why won't the police department change? Because the power that be is not gonna do anything to institute change within the police department. They will always be able to tell me, 'Well, we just don't know,' and there won't be a thing that I can do about it. I really can't put pressure on these people.*

Victimologist Karmen (2007) argues that "society unfortunately believes high-risk lifestyles may be viewed in a "less than sympathetic light [and that] victims may be viewed as fair game or easy prey" because they allowed their victimization. Police and prosecutors may unintentionally send signals to co-victims that their deceased loved one was at least partially responsible for being murdered and may suggest to co-victims that some cases may be more deserving of investigation than others (see Karmen, 2007). It is not possible to know what signals law enforcement sent Victor in this case, but it is clear that he believes that racism has played a direct role in the way his case was handled by law enforcement, and that has prevented him from ever seeing the killer brought to justice or gaining some insight into the mysterious circumstances surrounding the murder of his daughter.

Past deviant or illegal behavior on the part of the murder victim can also impact a co-victim's ability to make sense of the murder and feel as though the criminal justice system is concerned with justice. Sometimes co-victims report that feelings of senselessness are perpetuated by the media, who spread what co-victims consider to be lies about the murder victim (see also Armour, 2002). These media accounts can intensify and complicates grief. Thus, at the same time that co-victims seek to convey a conventional image of the murder victim to the public, and to stop any negative public judgments, they also worry about the impact such perceptions may have on the murder investigation and their notion of what happened in the case. Karla, for instance, felt that her husband's murder was not being investigated because his bad reputation was emphasized in local newspapers when describing his death. As Karla was fighting the newspaper, law enforcement began asking questions about her husband's untoward past. Even though the information about Karla's husband later turned out to be false, and the newspaper retracted the story, she continues to believe that the police are still influenced by those reports and her husband's delinquent past. Thus, even when she was in the initial stages of making some sense of the unsolved murder she perceived the police were undermining her belief in her husband as a good person:

> *I believe that they aren't doing anything. I feel that my husband had a lot of run-ins as a juvenile, as a young adult, with law enforcement, a lot of city police knew him and his brother by name. And I believe that it's felt there's one less troublemaker on the streets. If I looked at his past, he was still human. He still deserves the same effort that they would put into anyone else's murder. He's got family. He had two kids. They ask me all the time, "How come So-and-so's in jail for this murder, but nobody's in jail for killing my dad?" He's human. He does have family regardless of what kind of past he had. No one deserves to be shot and killed.*

Paula's perceptions are similar to Karla's. While Paula explains that her brother was an alcoholic and needed help, she also argues that he often went out drinking late at night and was known to carry around a

large sum of money. She believes that the police did not take her brother's case seriously because of his risky behavior. She could not make sense of her brother's murder with the accounts that the police had given and was still trying to identify the killer, get justice, and come to some resolution about the murder. The inability of the police to accept or even acknowledge, her account of her brother's murder caused Paula great anger and distress:

> Paula: *In fact, when my son and sister-in-law and I went and kind of walked that whole area after [my brother's] death, I found some items that might have been kicked out of a car that was parked there, and that's where those people said that car was parked. I picked those items up, and I've still got them. It's like, packets of crackers and stuff like that. But the [department] didn't want to hear anything like that. It was like, "No, this was a drunk [that] got hit, and that's the end of the story."*

Moreover, Paula, like other co-victims in this study, is upset that the police refuse to take seriously the evidence she has collected. Such reports appear to be consistent with yet an additional secondary victimization on the part of unsolved homicide co-victims who reported high levels of stress over their perceptions of the type of evidence that may be important to the case.

No prosecution

In a few cases co-victims believed that they could identify the killer. This knowledge appeared to help them understand and make some sense of what happened, but also increased levels of anger about the lack of justice. These co-victims were largely confronted with the situation that their understanding of the events was not shared by the criminal justice system. Thus, while police may move cases forward to law enforcement for prosecution, prosecutors do not always prosecute. Eight co-victims who claimed that police told them they could identify the murderer reported feelings of alienation and a denial of justice. These co-vitims also report high levels of stress. Most of these co-victims responded by stating that they had learned that "criminals have all the rights and victims have no rights." However, each of these co-victims suggested that the officials felt that there was not enough evidence to prosecute. Without a prosecution co-victims were left with a sense of needing justice and wanting the account of the murder to be communicated to the public to aid in the process of building meaning. Unfortunately, while information about the case helped co-victims make some sense of the murder, the lack of prosecution left them with a feeling of intense anger because the lack of action was completely incompatible with their sense of the murder. In short, these decisions challenged co-victims' sense-making and appeared unfair, unjust, and hypocritical. Moreover, the way co-victims reported that law enforcement communicated these conclusions caused them high levels of anger, grief, and despair. Most families whose murderer was identified by police wanted and received a meeting where the prosecutor would explain the evidence and the exact reason for not filing murder charges. Reactions to these meetings were mixed, but several co-victims did report that the meeting helped them come to some resolution about their case. Alison explains her anger with the prosecutor:

> Interviewer: *Did you ever talk to the DA?*
> Allison: *The district attorney, at the time, I went over to talk to him and he told me, "I'll tell you how to shoot somebody and get away with it." That's what the district attorney told me. I didn't like him. We went round and round over it because he wouldn't do nothin' about it. He didn't want to talk with me. But I went over there.*
> Interviewer: *To convince him to file the charges?*
> Allison: *Yeah. I wanted to know why they let him [the man who murdered my husband] go.*

Allison was unable to make sense of the prosecutor's version of the murder. Moreover, the murderer was still living in the town where Allison and her daughter lived. Thus the perceived murderer's version of the crime was the publicly accepted version. This clearly complicated Allison's grief and she was still struggling to make sense of her husband's death given the prosecutor's comments in private as contrasted with the public version of events.

Men who killed their wives or girlfriends were the most commonly identified murderer by co-victims. Thus, victim status also appears to be important to co-victim sense-making. Bill notes that he believed that his daughter's murderer was not going to be prosecuted because there was too much uncertainty about the outcome. At the same time, the police were simultaneously telling Bill that evidence did not exist to help strengthen the case. Bill suggests that his brief meeting with the district attorney signaled that the police were giving up on the case and that he was stuck in a position where he had made sense of the murder but it was not being accepted by prosecutors and by extension the public.

> *And one of the references that they kept throwing in our face was the O.J. Simpson case, because they had just completed that case. Everything we talked to them about was, "We don't want this to be like the O.J. Simpson case." I mean, it was ridiculous. It was to the point where it was childish. This was not O.J. Simpson. This was [my family]...well, there wasn't anything more they could come up with at that point. It had been almost four years. And where do you go from there? He had everything that he could possibly come up with, and the [District Attorney] would never take it without a confession, and weapon, and a witness. And that's what [District Attorney] wanted. He wanted that. And there was no way he was gonna get that. My point was, "Well, at least if you took it to the grand jury and made a big stink about it, you've ruined his life, if nothin' else." And they wouldn't do that. "No, no, no, no, because it might end up like O.J. Simpson."*

Thus, for Bill it was important for his to have the case prosecuted, which would also allow him to communicate to the public what had happened. Instead, Bill was faced with an account of the case that favored the rights of the killer and the politics of the DA over the life of his daughter. Again, this may impede sense-making because notions of justice were distorted and hard for Bill to understand. While Bill was clearly angry that the killer could not be brought to justice, he was also distressed that police and prosecutors were distancing themselves from his daughter's murder. Thus, while Bill was able to make some sense of his life without his daughter and was not left with the continued uncertainty about who committed the murder or how and why the murder took place, he still struggled with the fact that his daughter's murderer was considered innocent and was no longer being actively pursued by prosecutors. Thus, the failure of the system along with Bill's fear that the murderer might harm his grandchildren left him constantly struggling with notions of justice.

Self-investigation

An inability to make sense of the murder and to bring the killer to justice appears to inhibit sense-making and complicate co-victims' grief. Most families hoped for communication from law enforcement that indicated that the case was still active and that new information about the case would be forthcoming as their questions about the case developed through the process of trying to make sense of their life post-loss. Co-victims' perceptions that police were not investigating the case and providing appropriate levels of information, however, delayed the restorative process. This lack of information pushed several co-victims into action. Sixteen co-victims indicated some sort of self-initiated effort in trying to solve their loved one's murder. Thus, they tried to make sense of the case by solving it themselves. Molly

explained that she often wanted to investigate her own case given the response she sometimes gets from law enforcement when she asks if they have any leads on her daughter's killer.

> *That's another thing I pick up on when we go over there, they say, "Do you have anything new for us?" It's like—Are we doing the investigating now? I know some people do if they have something like this in their family. They go out and investigate. But that's a special kind of person, I think. Not everybody can do that. You have to give up your life. Follow all the leads you can, whatever. Not everybody can do that. But I kind of feel like they throw it back on us, like they feel like we're accusing them of not doing anything. "Do you have anything for us?"*

This reported reaction is similar to Goffman's (1952) notion of betrayal in 'cooling out the mark' where co-victims report that they have come to realize that that police who are supposed to be on their side throughout the process have really been trying to distance themselves from the murder case because (co-victims believe) it cannot be solved. Co-victims report that these feelings challenged their sense of justice and caused them additional anger and stress, which are counter-productive to the notion of sense-making and represent yet another victimization by the criminal justice system.

In other instances, co-victims actually conducted their own investigations to make sense of the case. Debra, for example, reports that she consulted with her detective prior to conducting an interview for fear of jeopardizing her daughter's case. However, she wanted to know why and how her daughter was murdered. She believed that she could gain information about the reason for her daughter's murder and that would ultimately help the prosecutors gain a conviction:

> *Let me tell you right now, I went out on my own and interviewed people I thought I wanted to talk to. I always told [detective] "I'm going to do this." And he would say, "Back off," or like he did with [witness] he'd say, "Wait till after the trial because I don't think he should talk to you before the trial."*

Several co-victims were working vigorously, at the time of the interview, to solve their loved one's murders. However, these co-victims perceived that the detectives working their cases thought that their investigation was unnecessary and potentially harmful. Self-investigation caused a number of hardships for co-victims that ranged from financial strain to mental instability to threats of harm and violence. However, co-victims persisted in these investigative efforts in order to gain information that would help them identify the murderer and make sense of the murder. For example, Xandria, who believed she had identified her daughter's killer, reports that the police initially did not take her investigation seriously. She was convinced, despite all the resistance from the police, that her daughter's boyfriend had killed her. In the end, and only after the suspect was convicted of another murder, Xandria reports that the police did use the evidence she collected to build a case against her daughter's murderer. Xandria's investigation consisted of video tapes obtained from the convenience store where her daughter was last seen and interviews of potential witnesses and informants. She spent a large portion of her time searching for her daughter's body and looking for physical evidence. She believed that she had made sense of the case through her investigation of events. In a matter of a few years, her intense investigation into her daughter's case interfered with nearly every aspect of her life, caused her to lose her business, and she nearly died from poor health, exacerbated by extreme stress.

> Xandria: *If you look in the police evidence box, 98 percent of the evidence is from [me]. And they are lucky they even have a case. And you know, people just—I still have family members that I—it's very strained because they say, "You should let the police do their job." And [my ex- husband] and I say, you know, we hope they never know. We hope they never have our experience—they never need to know, if you don't do it, nothing happens.*

In the end Xandria's ability to make sense of the case helped her to find resolution despite the fact that the killer had not yet been brought to justice. The fact that the murderer was still free did present Xandria with some anxiety, but she was again healthy, working, and going about her life.

Caroline also spent years collecting evidence resulting in extreme financial hardship and periods of homelessness. She invested considerable time reconstructing her mother's murder and interviewing people involved in the case and its investigation in order to make sense of her mother's murder and see resolution in her case. Thus, Caroline invested an immense amount of time and money into her investigation:

> Caroline: *I had to pay. I've got thousands of dollars, which is horrible, because I don't make thousands of dollars, in paperwork. But I had to have it in order to first understand and second of all, to make anybody else listen. I had to bring their own paper to them and prove it.*
> Interviewer: *So once you got [the paperwork], you went back and started reading through it?*
> Caroline: *I went and I read page for page for page. And then I broke it down into investigators, witnesses, and I got online and I started finding people and people would give me numbers to people and I would contact them and—it wasn't like it was an all-day, every-day thing, but it was consuming, and I wanted to know what happened. And the more questions I had, the more I would get a run-around or the more answers I got, it would lead me to different branches. Some people would open the door and welcome me, and some people [told me to leave].*

After years of investigation Caroline was able to provide evidence of the murder, and her mother's killer was eventually convicted of the crime. Caroline reported that her investigation provided her with a sense of what happened to her mother and the prosecution provided her with affirmation of that sense-making in a public forum. Importantly she notes that when she talked with the judge she received affirmation:

> *He [the judge] apologized to me because he was on bench when it originally happened. He said, "We let you down, we let your mother down, we let your folks down, and I feel terrible about that. I am very proud of you for all that you've accomplished." It is what it is. I went for the truth and not out here for brownie buttons or anything other than to keep it out there, to get the law enacted, and to hopefully prevent somebody else. I don't think it would prevent somebody else from doing it, although it makes people aware of ___, who he is, he can't fly through life any more.*

Thus, Caroline was able to make sense of her mother's murder and have that resolution affirmed in a public forum. While she reports that she is still suffering because of her mother's murder, she is in the unique position of finding resolution in her case.

Unfortunately most family members did not get as much information about their case as Caroline and Xandria. While most unsolved homicide co-victims worked their loved one's cases with determination, they often report having little understanding of investigative techniques and lacked adequate resources, protection, and support. Paula worked on her brother's unsolved murder case for several years before coming to the conclusion that it would remain unsolved.

> Paula: *Like I said, after working so hard all those years, I just decided, okay, patience. Let [my brother's case] cool down. Let it take its own course and maybe something will come out of it.*

Interviewer: *That must have been hard, to just let it die down. It sounds like those first two years you were working and trying to work on your brother's case. I assume when you say "kids"...*
Paula: *I have one, but I had just hurt myself, and I was working in pain every day and trying to work on my brother's case, and everything, and I wasn't getting much rest and everything between the nightmares and pain and everything else, just after a few years, I couldn't do it any more. So I thought, "OK, this is it. I'm not getting anywhere. I'm just going around in circles and pounding my head against the wall. Let it cool down and have patience. Get back into it later.*

Paula was unable to come to any resolution about her brother's murder and, after years of self-investigation she had to step back because of the toll it was taking on her family and her health. She was forced to choose between trying to make sense of her traumatic loss and losing her husband, job and health.

In the end, many co-victims' inability to get information about their unsolved murder led them to see the criminal justice system as an under-resourced bureaucratic organization incapable of solving many crimes. As noted, this realization intensified co-victims' feelings of despair and suspicion and inhibited sense-making.

Implications for bereavement and criminal justice

Sense-making is a form of meaning-making that focuses on understanding loss which can aid in post-loss identity reconstruction. This research draws upon qualitative interviews of cold case co-victims to examine how criminal justice responses impact sense-making. Results suggest that sense-making can be inhibited by the criminal justice system through: (1) a lack of information about the murder and (2) because perceptions of justice are fundamentally altered post-loss. These findings are unique in that they have yet to be examined in the literature, which largely focuses cancer, suicides, and accidents.

With respect to a lack of information, crime victims often turn to the criminal justice system to get information about the murder (Bucholz, 2002). This research finds that cold case co-victims are no different than most crime victims. Specifically, co-victims clearly asserted that they wanted more information about the murder to help them understand what happened. This notion is compatible with the process of sense-making and suggests that it may be hard to construct post-loss meaning when circumstances surrounding the death are unknown and uncertain. Consistent with the notion of sense-making, co-victims reported that information about the case would help them formulate some type of resolution. Thus, many co-victims became extremely frustrated when the system served to limit the information they obtained about the murder. Co-victims reported that this lack of information extended their bereavement and many were still grieving despite the passage of time. The co-victims interviewed for this study were nearly universal in their belief that police stopped actively instigating their case when it turned cold (i.e., after one year). These perceptions are based on co-victims observations that law enforcement failed to provide regular case updates, return phone calls, or notify co-victims of personnel changes. Co-victims believed that better communication by law enforcement would lead to additional information to help them understand what happened and give them hope that the case was still being investigated. Instead, they lived with large amounts of uncertainty about the facts of the case and what, if anything, the police were doing to catch the killer. The lack of information implied to co-victims that the criminal justice system did not take the murder seriously. Researchers also discovered that several co-victims believed that the lack of contact that signaled the end of the investigation was the result of race, ethnicity, economic status or deviant behavior. In short, the co-victims interviewed for this study indicate that the lack of communication made grieving more difficult because it increased uncertainly about what was being done in the case and because it signaled that victim characteristics might prevent the case from being solved.

A post-loss understanding of criminal justice may also be problematic because several co-victims could not understand why their case was not prosecuted when the system could identify the murderer. As noted, co-victims reported that law enforcement told them they "know who did it" but could not "prove it." It is clear that these co-victims have little faith in notions of justice and fairness. Again, these co-victims report that they are frustrated by the system and believe that criminal have more rights than the victims. The sense-making literature indicates that it is difficult to construct a post-loss identity under such conditions (Armour, 2006). Frustration with the criminal justice system and a need to find the murderer lead several co-victims to investigate their own cases. These investigations were usually not successful and sometimes dangerous.

Co-victims continually report that above all, and as one would expect, they would like their cases resolved. For example, a co-victim in Baliko & Tuck's (2008, p.31) study of the interaction between co-victims and homicide offenders points out "I don't hold it as a grudge...no need to live bitter.... as long as you got him in custody, and he's going to be somewhere." While solving cases is clearly the priority, there are policies that police and prosecutors can adopt to reduce uncertainty and facilitate notions of justice. These policies should aid in the promotion of sense-making among co-victims.

First, this research clearly suggests that police departments should adopt a policy to contact co-victims when the detectives investigating the cold case change. While two co-victims in this study reported that the police did contact them when a change in the lead detective occurred, such reports of these types of contacts among co-victims were rare. Currently most departments do not notify co-victims when the lead detective changes. A department policy to notify co-victims of detective changes could be easily implemented within jurisdictions. An alternative could be to amend a state's victims' rights act to include such contact as mandatory. As with other mandatory victims' rights notifications, co-victims who wished to be notified could simply ask the department to alert them of a change. For example, in some states victims can provide a written request under victims' rights acts if they would like to be notified of cold case updates. Ideally, detectives handling the cases would make the contact with the co-victims. Co-victims suggest that updates about who is working on the case would signal that the case is active and important. The policy of notifying cold case co-victims of detective changes may also reduce the belief by many co-victims that cases are not pursued because of victim characteristics (i.e., race, ethnicity, or deviance). This is because co-victims appear to be likely to draw upon notions of race, ethnicity and victim status when there is a lack of communication between co-victims and law enforcement. As noted, many cold case co-victims did not know who was working the case and, by extension, believed that nothing was being done because the victim was Black, Hispanic, or lived an unconventional lifestyle.

Second, this research suggests that departments should adopt a policy of allowing co-victims to examine their cold case files when possible. Dannemiller's (2002, p. 7) suggests, "deaths are upsetting in proportion to uncertainty that surrounds them. Thus, law enforcement agencies can also adopt policies that reduce case uncertainty by promoting better communication about the investigation. This is because co-victims of unsolved homicides report that they are in a position where they are unable to find meaning or to make sense of the murder because of the enormous amount of uncertainty that surrounds the unsolved homicide. Co-victims in this study suggested that sharing information, and when possible case files, is helpful. If co-victim's perceptions about communication with law enforcement were more positive than negative, (see for example, follow up with bereaved next of kin of critical care patients; Cuthbertson, Margetts, & Street, 2000) this may help attenuate this potential form of secondary victimization by removing impediments to sense-making. Despite law enforcement

arguments to the contrary, the few co-victims interviewed in this research that were allowed to look over police and prosecutor case files report that the information they gained from the process was helpful in bereavement. Thus, this strategy should become standard, when feasible, among law enforcement agencies when charges cannot be filed as it may provide a sense of understanding about what information the police and prosecutors have regarding the murder. This proposed policy is likely to be controversial because law enforcement culture is not one where information is readily shared with outsiders and because sharing some types of information may jeopardize a case. However, it is important to note here that several co-victims did believe that looking over evidence might also benefit the case because it may help co-victims provide information that is useful to law enforcement by focusing on evidence that may seem unimportant to police and prosecutors. Thus, some co-victims asserted that if they were more involved in the investigation, for example, that might improve the likelihood that a case would be solved. Such a policy of sharing information might also reduce the motivation for some co-victims to engage in their own murder investigations because they perceived that nothing was being done by police.

Despite the unique information and insight into co-victims perceptions of law enforcment provided by this research, the results must be viewed with some caution. The biggest methodological drawback of the current study is the potential lack of generalizability of the co-victim sample. The co-victims interviewed for this study probably held more negative views of law enforcement than cold case co-victims of unsolved homicides in general. This is the case because at least a portion of the co-victims interviewed for the study were recruited from state-wide forums that they attended to voice their negative concerns about law enforcement. Nevertheless, interviews with subjects attending those forums did not appear to be greatly different than those interviews with co-victims that did not attend those forums. Thus, the co-victims interviewed for this research are likely to have the most to offer in terms of their experiences regarding their communication with law enforcement and their stories are likely to be useful in thinking about policy-related issues surrounding cold case co-victims and sense-making.

In additional to the issue of generalizability, researchers were also faced the potential psychological harm to subjects who are in a fragile emotional state. In short, it is important to understand that many co-victims are still grieving despite the passage of time. In anticipation of such harm researchers arranged for a therapist trained in bereavement and grief to refer co-victims to appropriate victim services or therapy. The interviewer made several referrals to that therapist with permission of the co-victim. In addition, researchers arranged (with permission of the co-victim) for a local victims' advocacy group to contact the co-victims and help them gain information from law enforcement about their loved one's unsolved murder. Thus, the interviewer experienced role conflict produced by the clash between expectations of detachment versus empathy and understanding necessary in identification of trauma and depression and the subsequent brokering of basic victim services. Despite threats to generalizability and human subject concerns this research is critical as it provides a voice to cold case co-victims of unsolved homicides that can inform public policy and therefore promote justice. Moreover, the information obtained from this study is useful in that it encourages future research on sense-making among cold case co-victims as it provides a starting point for examining unique concerns among this growing population of co-victims. Especially important in terms of future research are issues of race, ethnicity, and class as indicators of secondary victimization among cold case co-victims. The finding that victim status may inhibit sense-making for co-victims, though unanticipated, has important consequences for social inequality. Thus, any additional research in this area should focus some attention to what can be done to better promote sense-making among vulnerable populations.

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