



DEPARTMENT OF  
**CORRECTIONS**  
ARA POUTAMA AOTEAROA

## **DEATH IN CUSTODY**

*Matenga rawa i roto i nga Whare herehere*

**Information for the Bereaved**

*Kōrero mō te Whānau pani*

**‘When tears and mucus fall, death has been  
acknowledged’**

*Ka heke te roimata me te hūpē, ka ea te mate*

## PURPOSE

This brochure is provided by the Department of Corrections to give information on the processes and procedures following a death in custody, which may be helpful to friends and family of the deceased.

If at any time you have questions relating to a death in custody, please feel free to contact the prison concerned, the Coroner or the local Department of Corrections prison site for assistance.

We hope the information will be useful at this time and help remove some of the grief, stress and anxiety you may feel.

Ko ngā kōrero e tuhituhi i roto i tēnei pukapuka kia whaka mōhiohia nga huarahi me nga tikanga e pa ana ki nga matenga o tetahi tangata i roto i nga whare herehere.

i te wā ka pirangi te whānau pani ki te pātai atu etahi pātai e pa ana kia rātou i te matenga, kōrero atu ki Te Whare herehere, Te Kaitirotiro matewhawhati tēnā pea Te Tari Whakatikatika

### He Poroporoaki (A farewell)

Tēnā koe me nga ahuatanga o te wā, o tātou mate nohomai i roto i te ao wairua. Tātou o te ao ora, kia ora huihui mai tātou.

*(Greetings to you and your many dead who dwell in the spirit world. We of the world of the living, greetings to us all)*

## **WHAT HAPPENS AFTER A DEATH IN CUSTODY**

When a death occurs in a prison it is known as 'death in custody'. There are prescribed procedures that must be taken immediately and soon afterwards.

The prison doctor is notified and prison management inform the Police, Coroner and Head Office management. Next of Kin are notified by the Police of the death in custody.

The Police provide support services to family should they be required, and are also responsible for removing the body from the prison for the autopsy. Once this is done the area where the death occurred is secured.

Regional Advisers (Maori Service Development) will be involved in assuring (Tikanga i runga te matenga o te tangata) protocols are observed at the appropriate times and in a manner that is appropriate and culturally sensitive.

## **INVESTIGATION**

An investigation is carried out into the circumstances surrounding all cases of death in custody. According to the formal Protocol that has been established between the Department of Corrections and the Office of the Ombudsmen, the principal investigation will be carried out by an Inspector of Prisons.

The conduct and outcome of the Inspector's investigation is closely monitored by the Office of the Ombudsmen. The prison also carries out an internal investigation into the circumstances surrounding the death.

These investigation teams will generally make contact with the families of the deceased to ensure that any issues the family has are included in the scope of the investigation. This can vary between cases. The Department is committed to ensuring that all investigations are carried out with integrity and respect to all involved. You can be assured that the investigations follow set procedures and are carried out in a professional manner.

Inspectors of Prisons are located in Auckland, Wellington and Christchurch, and can be contacted on free phone 0800-225-697 at any time.

The Department understands your need to have as much information as possible. Reports of the investigations into all deaths in custody are made available to the Coroner. If the family, or the legal counsel acting for the family, wish to obtain copies of the reports, they should make their request directly to the Chief Executive of the Department of Corrections, Private Box 1206, Wellington.

The reports will be released subject to any restrictions imposed by the Official Information Act, or by the Coroner.

## **WHAT HAPPENS NEXT?**

It will be necessary to arrange and attend the funeral or tangi of the deceased. Because an autopsy is held the Police remove the body so this can be carried out. It is then released to the family. The Department will meet the cost of transporting the body directly to the place of burial within New Zealand.

Transporting means only the physical moving of the body. The prison will however need a written quotation, provided by the next of kin or their agent, as the quote will need to be approved. Work and Income New Zealand (Te Hiranga Tangata) may be able to assist with any further costs. In some cases ACC may also be of assistance.

Collection of the deceased's property will also be discussed with the family. This can be stored at the prison for up to three months, and needs to be collected during that time.

Prison staff will be able to help with any further questions the family may have.

## **OTHER INFORMATION**

In some cases a memorial service for the deceased is held in the Chapel, and this will be organised by the Chaplain and Regional Adviser (Maori Service Development). Part of their role will be to arrange with the appropriate people, to have the cell blessed.

If you feel that such a service would assist you and others in the grieving process please feel free to contact the Prison Manager at the prison or discuss it with the Chaplain and the Regional Adviser (Maori Service Development).

Under the Official Information Act the family has a right to see some documents relating to the completed enquiry. You may wish to discuss this with the prison or the Ombudsmen's Office.

It may be helpful in the grieving process to see the place of death. Where possible the Prison Manager will make such a visit possible.

## **THE INQUEST**

You will be contacted by the Coroner's Office notifying you of the time and place of the inquest, which is normally held at the local court. This will usually be some time after the funeral.

The Coroner runs the inquest hearing, law sets its procedures and the hearing is open to the public. Friends and family will be free to ask questions of witnesses and the Coroner, and make statements, subject to the direction of the Coroner.

The Coroner will take into account the cultural needs of the family.

## ROLE OF THE CORONER

The Coroner is an independent judicial officer whose role is to enquire into the facts of a death.

Attendance at the Coroner's inquest can be an important part of the grieving process. This could be the first time that all the details and circumstances of the death are presented. Friends and family of the deceased are free to write to the Coroner at the Department for Courts with any concerns they may have, preferably prior to the inquest hearing.

After hearing all the evidence at the hearing the Coroner will make a finding as to the:

- 1 Cause of death.
- 2 The circumstances of death.
- 3 Recommendations.

The finding will be given verbally to all present and recorded. In some cases an expanded written finding will be given. A copy of this will be forwarded to the family. The finding will eventually be lodged with the Department for Courts in Wellington. Copies of the findings are available free of charge by writing to the Department for Courts at Private Bag 2750, Wellington.

Remember that it may be several months before the inquest hearing takes place. During this time investigations are continuing into the death and into the issues surrounding it.

*"I and other Coroners understand the grief and concern of family and friends as a result of an untimely death. I endeavour to ensure that positive and constructive lessons are drawn from the circumstance of any death".*

— Richard McElrea, District Coroner, Christchurch.

## **ROLE OF THE OMBUDSMEN**

Staff from the Office of the Ombudsmen make regular visits to prisons and provide an independent check on incidents and complaints. The Ombudsmen also monitor the conduct and outcome of the Inspector's investigations of all death in custody.

After the Department's investigation has been completed, the Ombudsmen will examine the Inspector's report. They will either confirm that the Inspector's investigation was carried out thoroughly and fairly, or they make any additional recommendations they consider are necessary. They may conduct their own independent investigation if they consider this is necessary.

Families can contact the Ombudsmen with any concerns they have. The Ombudsmen will then ensure that those concerns are investigated, and advise the family of the outcome. Offices of the Ombudsmen are located in Auckland, Wellington and Christchurch, and can be contacted on free phone 0800-802-602 at any time.