

WHAT TO DO IF SOMEONE YOU KNOW DIES IN POLICE CUSTODY

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What is INQUEST?

INQUEST was set up in 1981 following a number of controversial deaths in police and prison custody and such deaths remain the main focus of our work. We are the only **independent, advice and campaigning organisation** that works directly with bereaved families and friends following a death in police custody.

INQUEST provides **free confidential advice and information** for the families and friends of those facing an inquest in England and Wales and has unique and extensive **experience** and knowledge of the investigation and inquest process in relation to police custody deaths.

INQUEST helps families discover the truth and full circumstances surrounding the death of their loved one, encouraging them to take an active part in a complicated legal process, and empowering them to raise any issues of concern arising from the death.

INQUEST:

- provides advice, support and information to bereaved friends and families following a death involving the police
- helps families find experienced and specialist legal representation
- monitors police custody deaths, their investigation and subsequent trends and patterns
- researches, publishes and makes available information on police custody deaths
- ensures the experiences of families arising from casework directly influences policy work, campaigning and lobbying
- campaigns for more rights for bereaved people facing an inquest
- aims to reform the inquest system and the process by which deaths are investigated
- aims to ensure greater accountability of the police
- aims to reduce the number of police custody deaths and ensure better treatment for those detained by the police

What is a death in police custody?

When someone dies because of contact with the police, it is called a death in police custody. This covers any death that occurs during the course of an arrest, on the street, in a police van, by police shooting, during police pursuit, in the police station, and deaths in hospital of those who had previously been in police custody.

Issues raised following a death in police custody may involve:

- concerns regarding the care and treatment of the deceased
- inadequate or inappropriate care and supervision of those with mental health, drug and alcohol problems and those at risk of suicide or self-harm
- inappropriate use of force by police officers, e.g. use of restraint and firearms
- misconduct, abuse of power or racism which may have caused or contributed to death



INQUEST was excellent, providing invaluable information that helped enormously. ”

GRAHAM PIPER, FATHER OF YOUNG MAN WHO DIED AFTER A POLICE PURSUIT

Getting in touch

You can contact **INQUEST** by:
phone: 020 7263 1111
fax: 020 7561 0799
email: inquest@inquest.org.uk
web: www.inquest.org.uk
write: **INQUEST**
Unit F10,
89-93 Fonthill Road,
London
N4 3JH

What to expect from INQUEST

After a death in police custody it can be difficult to ensure that you get all the relevant information you need and are entitled to. An inquest is unfamiliar to most people. The following information outlines some of the most commonly asked questions – BUT – for more detailed information it is important that you contact **INQUEST** personally. We will help you to find out what support is available and what you can and need to do next. This can be a very difficult time and our independent expert advice, practical assistance and emotional support can make a difference.

Frequently asked questions

• What is an inquest?

An inquest is carried out by a coroner following a death in police custody. It is an investigation carried out in public to establish who the person was and how, when and where they died. It will always be held with a jury. This is your only opportunity as a family to find out what happened to your relative. We strongly recommend you get advice to make sure the circumstances of the death and your concerns are properly looked into.

• What does the coroner do?

The coroner is an independent judicial officer who is responsible for holding the inquest into a death in police custody. After the death, the coroner will be informed.

• What is a post-mortem?

After any death in police custody a post-mortem is carried out. (It is sometimes called an autopsy.) It is a medical procedure where a body is examined in order to find out the medical cause of death. This usually happens very soon after the death. You are entitled to have your own representative present at the post-mortem and you should be informed in advance when and where this is taking place. You may also be able to arrange to see the deceased before the post-mortem takes place. You are entitled to a second post-mortem and this can be very important when the cause of death is not obvious or there is a suggestion of misconduct or violence. The post-mortem findings will be presented at the inquest and you are entitled to a copy of the report in

advance. Where the cause of death is not immediately apparent, there may be a number of post-mortems and this will delay the release of the body. **INQUEST** can advise you more about this issue.

• When can I claim personal belongings?

The coroner or the police will take the decision about what property needs to be kept as evidence for the inquest. The police should release any cash or property not needed as evidence when the coroner authorises them to do so.

• What about funeral arrangements?

The coroner will release the body to the family when all the required medical tests have been completed. You should contact a funeral director of your choice and he / she will be able to help guide you through what's involved. Funerals are expensive, but if you are in receipt of benefits you should contact your local Benefits Agency to find out if you can claim any financial help with the costs.

• Do I need a solicitor?

Yes. After a death in police custody you should consider seeing a solicitor with experience of inquests into police custody deaths as soon as possible. You may have been advised that this is not necessary. This is not true as the police force and police officers involved are always legally represented at the inquest and it helps to have your own legal representation to make sure that matters of concern to you about the treatment and care of the deceased are raised on your behalf. Your solicitor will help you in preparing for

the inquest and liaise on your behalf with the coroner's office, the Independent Police Complaints Commission (see below) and police force. They will take a detailed statement from you to make sure that the coroner is aware of your concerns. Please contact **INQUEST**. We can advise you on getting legal representation and how to fund it. In certain circumstances public funding is available.

• What happens at the inquest?

The coroner will open the inquest soon after the death for the formal business of recording the deceased's identity. This is usually a very short procedure taking only a few minutes. You have the right to attend this. The hearing will then be adjourned to a later date, during which time there will be an investigation into the circumstances leading up to the death. An interim death certificate will be issued to allow the body to be released and to enable the funeral to take place. On occasions there may be a delay. When the inquest resumes it will take place with a jury. The coroner can ask for evidence from anyone who can help find out how the death occurred and look at any other information that may be relevant. After all the evidence has been heard the jury will be asked to give a verdict. The inquest will look into the circumstances of the death and should highlight police failings or misconduct which contributed to the death. **INQUEST** can advise on verdicts and inquest procedure.

• What about the police investigation?

The Independent Police Complaints Commission (IPCC) oversees the system of police complaints in England and Wales.

Any death in police custody, or other death following contact with the police, must be referred to the IPCC. The IPCC will decide how the death should be investigated. There are four options:

- The IPCC can leave the investigation with the local police force. If you are unhappy about the outcome of a police investigation, you have the right to appeal to the IPCC

- The IPCC can supervise an investigation carried out either by the local police force or can supervise an investigation by a different police force. Again, you have the right of appeal to the IPCC
- The IPCC can manage an investigation carried out either by the local police force or can manage an investigation by a different police force
- The IPCC can investigate the death itself using its own investigators

The IPCC is only able to investigate the most serious cases itself. These could include cases involving shootings by the police and those raising serious public and community concern.

In every case there will be a Senior Investigator who will lead the investigation. In cases that are investigated by the IPCC itself, managed or supervised, there will be an IPCC Commissioner who will oversee the investigation.

Whether the police or the IPCC runs an investigation, you have the right to be kept informed about its progress and outcomes. At the start of an investigation, the Investigator or Commissioner will agree with you how often and by which method you wish to be kept informed of the progress of the investigation. If you prefer, you can also agree for communication to be through a third party such as your solicitor, who can attend any meetings with you.



The efforts made by INQUEST on behalf of and with the families they get involved with go beyond the call of duty. Without them whole death in custody process would be insurmountable. With INQUEST there is at least a chink of light. Thank you. ”

BRENDA WEINBERG, SISTER OF BRIAN DOUGLAS WHO DIED WHILST BEING DETAINED

What can INQUEST do to help?

INQUEST has unique experience of working with families before, during and after the inquest. We work with you and your lawyer to ensure the death is adequately investigated and subject to proper scrutiny.

The role of the coroner and the way in which an inquest is carried out is not something most of us have any experience of. It is not until someone dies that we find ourselves needing to know how the system works. The rules by which the coroner carries out the investigation are complicated, and without legal advice you may be unsure of your role and more importantly, **your rights**.

INQUEST provides:

- **a free independent and confidential advice service –**

INQUEST has extensive experience of providing support and help around police custody deaths and is non-judgemental regarding the background and actions of any individual that has died

- **a family support network –**

INQUEST can put you in touch with other families who have been through a similar ordeal and who can offer emotional and practical support

• **legal advice –** **INQUEST** strongly advises you to seek legal advice when dealing with a police custody death

and can help find specialist lawyers. We can also advise on any action you can take after an inquest has been held. This may be legal action or raising your concerns with MPs, relevant public bodies or with human rights organisations

- **INQUEST Lawyers Group** is a national group of lawyers providing legal representation and expertise in cases involving police custody deaths. This is a specialist area of the law and the **Lawyers Group** members have unique experience of dealing with coroners courts, police representatives and the inquest system

- **expertise –** **INQUEST's**

knowledge and expertise is helped by having access to experts in the field of post-mortems, psychiatry etc

- **media** – if families want publicity, **INQUEST** can help by contacting the media and providing comment and analysis

- **information –** **INQUEST** carries out research and policy work on the inquest system and issues arising out of police custody deaths and their investigation

- **financial aid** – in some circumstances, **INQUEST** may be able to help you get practical help and support, such as funding for a second post-mortem

Complaints

If you have a complaint about our service please ask for a copy of the complaints procedure from our office manager. We try to learn from any complaints and want to hear from you if there is anything you are unhappy about.

INQUEST is the commonly used name of the organisation **Inquest Charitable Trust** Registered Charity No 1046650 and is a Company Registered in England and Wales, No 03054853



Community
Legal Service



INQUEST

Working for truth, justice and accountability

- **Advice • Support • Information • Policy • Research • Campaigning**
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- Email: inquest@inquest.org.uk • Website: www.inquest.org.uk



INQUEST was absolutely wonderful. As soon as I spoke to them they arranged for me to see a solicitor who was wonderful as well. For the first time since my son died I felt someone was there for us and was listening and felt a whole weight lifted from my shoulders. ”

FRANCES JACKSON
MOTHER OF JOEY JACKSON
WHO DIED WHILST BEING DETAINED



We view your organisation, your work and dedication with respect and immense admiration. We hope that by working with you... we can bring about meaningful change. ”

PARENTS OF ROGER SYLVESTER
WHO DIED AFTER BEING RESTRAINED