

WHAT TO DO IF SOMEONE YOU KNOW DIES IN PRISON

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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 prison custody. Prison custody includes privately run prisons, deaths in immigration detention centres, approved premises such as hostels and deaths in young offender institutions and secure training centres.

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 custody deaths.

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

INQUEST:

- provides advice, support and information to bereaved friends and families following a death in prison;
- helps families find experienced and specialist lawyers to represent them through the investigation and inquest process and provides advice about what public funding is available;
- monitors prison deaths, their investigation and subsequent trends and patterns;
- researches, publishes and makes available information on prison 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 prison service and the state;
- aims to reduce the number of prison deaths and ensure better treatment for those in prison.

Issues arising from a death in prison

Issues raised following a death in prison can 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 prison officers, e.g. use of restraint;
- misconduct, abuse of power or racism which may have caused or contributed to death.



Thanks very much for your support throughout our harrowing experience following the death of our cousin. We would have been lost without the support of INQUEST.”

**FAMILY OF MAN WHO DIED
IN HMP WANDSWORTH**

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**
89-93 Fonthill Road,
London
N4 3JH

What to expect from INQUEST

After a death in prison 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 prison. It is an enquiry 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. It cannot apportion blame but can look at whether individual or systemic failings contributed to the death. This is your opportunity as a family to find out what happened to your relative and hear directly from those involved in their care. 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 prison. After the death, the Prisons and Probation Ombudsman will carry out an independent investigation and the Coroner will then hold the inquest.

• What is a post-mortem?

After any death in prison a post-mortem examination 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 this 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 this takes place. You are entitled to a second post mortem examination 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 additional medical tests and this may delay the release of the body. **INQUEST** can advise you more about this area.

• How will the death be investigated?

There may be more than one investigation carried out after the death. The police may conduct a criminal investigation into the death. If so they will appoint a family liaison officer.

The Prisons and Probation Ombudsman for England and Wales investigates all deaths in prisons, approved premises, and immigration detention. The Ombudsman and his / her team are independent of the Prison Service, the Probation Service and the Immigration Service. Once the Ombudsman has been told of the death, she/he appoints one of his / her team to lead an investigation, helped by other staff if required and you will have an opportunity to meet with them and tell them of any concerns you have about what happened. You will have a family liaison officer who will be your link throughout the process. At the end of the investigation, the Ombudsman produces a report. You are entitled to a copy. It will also be forwarded to the Coroner and the Prison Service.

INQUEST can help you raise any concerns or issues you have regarding the death with the Ombudsman's investigation team and we and/or your lawyer can attend any meeting with you.

If you have concerns about the medical treatment and care of your relative you can also raise these with the Health Service Ombudsman. **INQUEST** can advise you more on this.

• **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 Prison should release any cash or property not needed as evidence when the Coroner authorises them to do so. Most items can be released at an early stage and the prison should contact you to let you know when you can recover the deceased's belongings. Unfortunately personal items such as letters are usually amongst those needed as evidence and this sometimes means the people who the letters were for may not be able to see them until quite some time after the death. The Coroner does however have to pass on a copy of any "suicide notes" to the person they are addressed to (the original will be released after the inquest).

• **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. The Prison Service may be able to provide some financial help towards the cost.

• **Do I need a solicitor?**

Yes. After a death in prison you should consider seeing a solicitor with experience of inquests into prison deaths as soon as possible. You may have been advised that this

is not necessary. The prison service and prison staff involved are always legally represented at the inquest and it helps to have your own lawyer 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 police, the Ombudsman and the prison service. They will also take a detailed statement from you to make sure that the Coroner is aware of your concerns. They will try and ensure that all information is disclosed to you and that relevant witnesses are called to give evidence at the inquest.

INQUEST can advise you on getting specialist legal representation and how to fund it. In certain circumstances public funding is available and we have lawyers willing to represent families for free or for a reduced fee.

• **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 long delay before the full inquest resumes 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. In returning a verdict they are entitled to comment on any individual or systemic failings they find contributed to the death. The Coroner can also raise any matters she/he thinks could prevent similar deaths occurring in the future.

INQUEST can advise on verdicts and inquest procedure.

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 importantly, your rights.

INQUEST provides:

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

INQUEST has extensive experience of providing support and help around prison 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 prison 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** – a national group of lawyers providing legal representation and expertise in cases involving prison deaths. This is a specialist area of the law and the **Lawyers Group** members have unique experience of dealing with Coroners courts, prison service 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 prison deaths and their investigation to try and ensure that lessons are learned to prevent other deaths occurring.

- **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/expert report.

Complaints

If you have a complaint about our service please ask for a copy of the complaints procedure from our main office . 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
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
- 89-93 Fonthill Road, London N4 3JH
- Tel: 020 7263 1111
- Fax: 020 7561 0799
- Email: inquest@inquest.org.uk
- Website: www.inquest.org.uk



We thought we were going insane and couldn't understand what was happening to us and what had happened to Joseph. You have supported, enabled, educated, empowered and restored our faith in justice. We were given back our voice. 

YVONNE SCHOLES