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# Sudden death

## Policy statement and principles

### What

This chapter details key provisions in the [Coroners Act 2006](#), Police responsibilities as agents of the Coroner, and the Police practices for responding to deaths. It is designed as a base chapter for sudden death procedures to be read in conjunction with other chapters for specialist groups who also have a role with sudden deaths, i.e. National Crime Group (Homicide and Serious Crime Investigations), Dive Squad and Search and Rescue.

A coroner will decide whether to direct a post mortem and who should attend, authorise the release of the body and decide whether to open an inquiry and hold an inquest. The coroner is also responsible for ensuring members of the person's immediate whanau and certain others, receive notice of significant matters and processes required by law to be performed in relation to that death.

Police act on behalf of the coroner to investigate sudden or unexplained deaths, or deaths in special circumstances and to ensure the family and other entitled persons, such as diplomatic representatives in the case of deaths of foreign nationals, are informed of the matters they should be.

Police also have a role in respect to supporting and guiding whanau and friends during an emotional time. Police recognise this dual role (investigation and support) and the requirement to provide assistance and advice on the different ways in which they can receive help. All interactions should be undertaken in line with [Our Values](#) and the [Victims Code](#).

### Why

The purpose of the Coroners Act 2006 is to help to prevent deaths and to promote justice through:

- investigations, and the identification of the causes and circumstances, of sudden or unexplained deaths, or deaths in special circumstances; and
- the making of recommendations or comments that, if drawn to public attention, may reduce the chances of further deaths occurring in circumstances similar to those in which the deaths occurred.

The Act also recognises the cultural and spiritual needs of whanau, and of others who were in a close relationship to a person who has died.

Following the procedures detailed in this chapter and in other chapters for specialist groups dealing with sudden deaths will ensure the requirements of the Act are met and that the purpose of the Act can be achieved. Further, that through applying the procedures of this chapter, that Police can maintain national consistency and a high quality of their investigations.

## How

Police will ensure that:

- as agents of the Coroner, staff understand and apply the requirements under the Act
- staff attending deaths are trained, and aware of their responsibilities within that role
- staff consider the circumstances of every death objectively
- they maintain a victim focus and recognise the cultural and spiritual needs of those affected by the death
- provide appropriate notifications as timely as possible
- staff understand their responsibilities in accordance with the [Health and Safety at Work Act 2015](#) and Police [safety policies](#).

## Overview

### Introduction

Police must consider the circumstances of every death objectively by gathering evidence, speaking to witnesses and assessing all factors relevant to that death. Many aspects of this chapter apply to **all** sudden deaths regardless of how they appear to have occurred.

If the death is suspicious, see also the [Homicide and Serious Crime Investigations](#) chapters.

### Purpose of this chapter

This chapter details procedures for:

- [attending a death](#)
- [reporting a death to a duty coroner](#)
- [examining the body and scene](#)
- [removing and securing the body](#)
- [identifying a body](#)
- notifying the [immediate family](#) and certain others of the death and significant matters associated with the death
- [handling and preparing a body at the mortuary](#).

- handling the deceased's property.
- releasing bodies
- supporting post-mortems, coronial inquiries and inquests
- completing the file
- Mortality Review Committees (MRC).

The chapter also includes guidance on cultural matters that should be considered when responding to sudden deaths. See in this chapter:

- Cultural and religious considerations
- Sudden Death: Māori
- Discovery of skeletal remains: bones (outlines what to do in cases of accidental discovery of historical human remains).

## Section references

All section references in this chapter are to the Coroners Act 2006 unless otherwise stated.

## Definitions

This table outlines the meanings of some of the terms used in this chapter.

Term	Meaning
<b>Autopsy</b>	A term sometimes used instead of post-mortem.
<b>Immediate family</b>	<p>'Immediate family' in relation to a dead person is defined in section 9 as:</p> <ul style="list-style-type: none"> <li>• members of the dead person's family, whānau or other culturally recognised family group, who:</li> <li>• were in a close relationship with the person, or</li> <li>• had, in accordance with customs or traditions of the community of which the person was part of, responsibility for, or had an interest in, the person's welfare and best interests, <b>and</b></li> <li>• to avoid any doubt, includes persons whose relationship to the dead person is, or is through one or more relationships that are, that or those of: <ul style="list-style-type: none"> <li>• spouse, civil union partner, or de facto partner of the dead person</li> <li>• child, parent, guardian, grandparent, brother or sister of the dead person</li> <li>• stepchild, stepparent, stepbrother, or stepsister of the dead person.</li> </ul> </li> </ul>

<p><b>Interested party</b></p>	<p>In relation to the death or suspected death of a person means:</p> <ul style="list-style-type: none"> <li>• a person who is recognised under section <u>22</u> as a representative of the immediate family of the person who is, or is suspected to be, dead; and</li> <li>• a member of the immediate family of the person who is, or is suspected to be, dead who has asked to be notified of matters, because they consider that their interests are not represented by a representative recognised under section <u>22</u>; and</li> <li>• a person whose conduct is, in the view of the responsible coroner, likely to be called into question during the course of any inquiry in relation to the death or suspected death; and</li> <li>• any other person or organisation that the responsible coroner considers has an interest in the death or suspected death (apart from any interest in common with the public).</li> </ul>
<p><b>Inquiry</b></p>	<p>‘Inquiry’ means an inquiry into a death opened and conducted by a coroner under <u>Part 3</u>, and includes any related inquest held by the coroner. (s9)</p> <p>An inquiry is an investigation by the coroner into the facts, causes and circumstances of the death.</p> <p>(See also: <u>When are inquiries and inquests held</u> and the <u>purpose of a coroner’s inquiry</u>, and “<u>When Someone Dies: A guide to the Coronial Services of New Zealand</u>”).</p>
<p><b>Inquest</b></p>	<p>‘Inquest’ means a hearing held by a coroner in connection with an inquiry opened and conducted by a coroner under <u>Part 3</u>. (s9)</p> <p>An inquest is a judicial hearing convened by a coroner and is more informal than some court hearings. It is an inquisitorial process to discover what happened rather than to hold a trial to apportion blame. (See ‘<u>When are inquiries and inquests held</u>’ below and ‘<u>When Someone Dies: A guide to the Coronial Services of New Zealand</u>’).</p>

<b>Post-mortem</b>	<p>An examination made after death, especially to determine its cause (Concise Oxford Dictionary (8th Ed). (Sometimes called an autopsy).</p> <p>It is a thorough internal and external medical examination by a specialist medical practitioner, known as a pathologist, and is usually conducted at a hospital mortuary. (See '<a href="#">When Someone Dies: A guide to the Coronial Services of New Zealand</a>').</p>
<b>Property</b>	<p>Property is the term used for personal effects belonging to the deceased. For recording purposes on a Pol 268, this includes the deceased.</p>
<b>Supplier</b>	<p>Supplier is the term used for the Ministry of Justice (MoJ) contracted transport provider for deceased body movements; the holding facility provider; and mortuary provider.</p>

## When are inquiries and inquests held?

Coroner's inquiries do not necessarily lead to an inquest, and an inquest will not be held until after the Police investigation has been completed.

An inquiry will always be held before any inquest in order to identify appropriate evidence to be put forward.

See also the [purpose of a coroner's inquiry](#), [Police role in post-mortems and inquiries](#) and [Police role in inquests](#) for more information for related information.

## Reporting of deaths and the coroner's role

### Coroner's role in relation to a death

A coroner's role in relation to a death is to:

- receive a report of the death from Police
- decide whether to direct a post mortem and, if one is directed, whether to authorise certain people (other than the pathologist) to attend
- authorise the release of the body
- decide whether to open an [inquiry](#), and if one is to be conducted, whether an [inquest](#) should be held.  
(s4(1))

## Purpose of a coroner's inquiry

The purpose of a coroner's inquiry is to:

- establish:
  - that a person has died
  - the person's identity
  - when and where the person died
  - the causes of the death
  - the circumstances of the death
- make specified recommendations or comments under the Act
- determine whether the public interest would be served by the death being investigated by other investigating authorities.  
(s4(2))

## Types of coronal findings (COR findings) a Coroner will undertake

- **COR 2** - when an inquiry is not opened, i.e. usually for natural causes death.
- **COR 7 and Written Findings** - when an inquiry is completed either in Chambers 'Hearing on Papers' or 'Inquest'. Coroners can hold a hearing in court or 'on the papers'. If the coroner hears from witnesses in person, this is called an inquest.
- **COR 8** – this is an **Interim finding** issued by the Coroner to assist parties who require an interim report, e.g. estate, ACC, bank, insurance, etc.
- **COR 9** – when an inquiry will not be opened/resumed because person has been charged with an offence relating to the death or its circumstances.
- **COR 10** – when an inquiry will not be opened/resumed because some other agency is investigating, i.e. the Health and Disability Commissioner, TAIC.

## Deaths that must be reported

These deaths **must** be reported to Police and in turn by Police to a coroner, if they occur in New Zealand or on specified aircraft or ships:

- a death that appears to have been without known cause, or suicide, or unnatural or violent
- a death for which no doctor has given a doctor's certificate (defined in s2(1) Burial and Cremation Act 1964)
- a death that occurred during medical, surgical or dental treatment
- any death while the woman concerned was giving birth, or that appears to have been a result of that woman being pregnant or giving birth
- a death in official custody or care.  
(s13)

The requirements above apply to deaths on or from:

- an aircraft registered in New Zealand under the Civil Aviation Act 1990, or
- a New Zealand ship (s2(1) Maritime Transport Act 1994), or
- an aircraft or ship of the Armed Forces (as defined in s2(1) Armed Forces Discipline Act 1971).

## Reporting of deaths to Police

A person who **finds a body** in New Zealand must report that finding to Police as soon as practicable unless they believe the death:

- is already known to Police, or
- will be reported to Police.

Any person may report to Police the death outside of New Zealand of a person whose body is in New Zealand.

(s14)

## Police reporting of deaths to a duty coroner

A Police officer who finds a body in New Zealand or receives a report of a death under section 14, must report that death immediately to the duty coroner.

(s15)

## Contacting a coroner

Police report a death to a duty coroner via a centralised office, known as the National Initial Investigation Office (NIIO). NIIO operates on a 24 hour, 7 day a week basis.

All reports of a death to a duty coroner must be made on **0800 266 800**. Should the 0800 number fail, the caller will be automatically redirected to another recipient within NIIO.

## NIIO's role

NIIO's role is to:

- manage the cases from the time the death is reported to the duty coroner until the deceased is released to family
- keep the families informed as to what is happening throughout the coronial process
- be the conduit and contact centre for the next of kin at the conclusion of Police attendance.

All electronic business documents/correspondence should be directed to the email address [NIIO@justice.govt.nz](mailto:NIIO@justice.govt.nz). This is the generic NIIO office email address and is monitored by NIIO staff. Any problems experienced with the 0800 number can be conveyed to the Ministry of Justice (which operates NIIO) via that email.

## Investigations by Police

If a death has been reported to a coroner by Police, the Commissioner of Police must cause all investigations to be made:

- necessary to help to achieve the purpose of the Act in relation to the death, or
- as directed by the designated coroner.  
(s17)

## Elevation process

The Commissioner of Police has an elevation Memorandum of Understanding (MOU) with the Chief Coroner. In the event that an unreasonable request from a Coroner cannot be resolved within District, the District Commander can elevate the matter through to the National Manager: Response and Operations who will facilitate an agreement outcome as per the MOU.

## Attending a sudden death

### Use appropriate language when talking to families

This chapter refers to a dead person as 'the deceased' or 'the body'.

Never use these terms when talking to immediate family members. Show empathy by referring to a dead person as the immediate family refers to that person – their father, mother, sister, aunt, etc., or by the person's first name.

### Initial procedure when attending a sudden death

Step	Action
1	Ensure safety to the public, responding staff, emergency services and contractors.
2	Use Personal Protective Equipment (PPE) and refer to ' <u>hygiene precautions when handling bodies</u> ' in this chapter and the ' <u>Hazardous substances management</u> ' chapter. If you need additional equipment, i.e. gowns, obtain before attending to the deceased and scene.



3	<p>Check for signs of life and depending on the circumstances consider whether to attempt resuscitation. If alive, give emergency medical assistance and call an ambulance. If it is clear that medical treatment or resuscitation is not feasible or appropriate, call a duly qualified person to complete verification of death.</p> <p><b>Note:</b> Only a <u>duly qualified person</u> can verify that a person is deceased.</p>
4	<p>Inform your supervisor at the earliest opportunity, that you are attending a sudden death.</p>
5	<p>If the death appears suspicious, contact the duty/on call CIB member and your supervisor.</p> <p>Freeze, guard and preserve the scene until CIB arrive. In other circumstances, start an investigation into the cause of death.</p>
6	<p>A <u>duly qualified person</u> completes a 'Verification of Death' (VOD) declaration (Cor 31 Verification of Death) available in Police Forms&gt; Sudden death or provide an equivalent according to the wording.</p> <p>A duly qualified person should verify that life is extinct recorded on a VOD form before the body is moved. When this is not possible, Police must maintain control of the body until this VOD is obtained.</p>
7	<p>When the deceased has been under treatment for an illness that has caused the death, the doctor who was attending the deceased before the death will generally issue a Medical Certificate of Causes of Death (HP4720).</p> <p><b>Note:</b> If the death <u>must be reported</u> to the coroner, the doctor can only give a doctor's certificate for the death if the coroner has decided not to open an inquiry into the death.</p>

8	If the doctor issues a HP4720, the coroner does not have to be advised of the death. Instead you must advise <u>immediate family</u> and, if necessary, ensure the deceased's property is secure. If attending Police still have concerns, contact the coroner to discuss.
9	Determine if the death is <u>one that must be reported</u> to the coroner and if so, immediately notify the duty coroner on <b>0800 266 800</b> . (See <u>Reporting the death to the coroner</u> below).  As a general guide, do not move the body before notifying the coroner.
10	Complete the Deceased person notification (DED) in Microsoft Outlook <u>Notifications</u> so that Police can update any NIA/Licensing data held about that person. This ensures that in the future no one can take on the deceased person's identity for illegal purposes.
11	It is important to consider your own wellbeing after attending sudden deaths. You can either speak to your supervisor or Welfare Officer about how you are feeling. Support is available to you under the ' <u>Trauma policy</u> '.

## Who is qualified to verify death?

The following people are duly qualified to verify death and can sign a Verification of Death (VOD) declaration (Cor 31) (available in Police Forms> Sudden death) that a person is deceased:

- Registered Medical Practitioner
- Nurse – Practitioner, Registered, or Enrolled
- Registered Midwife
- Intensive Care Paramedic
- Paramedic
- Emergency Medical Technician.

The deceased cannot leave Police control until a Verification of Death (VOD) has been completed. This may require Police accompanying the supplier to another location to secure the document. The completed Sudden Death file cannot be submitted without the VOD.

## Reporting the death to the coroner

Initial reporting of a death to a duty coroner **must** be done immediately after Police attend the scene and confirm that a death requiring reporting has occurred. Do this through the National Initial Investigation Office (NIIO) call centre (see 'Contacting a coroner' for details). Greater detail can be given to the duty coroner later as it emerges in a Report for Coroner (POL 47). See advice below on completing reports for coroners.

A duty coroner may wish to visit the scene if they think it would provide an advantage in later determinations.

## Completing the report for coroner (POL 47)

Follow these steps when the death is deemed one for the coroner.

Step	Action
1	<p>The attending Police officer or their supervisor must:</p> <ul style="list-style-type: none"> <li>• complete the Report for Coroner (<u>POL 47</u>) including the Sudden Unexplained Death infant (SUDI) under two years of age if relevant).</li> <li>• Send an electronic copy of the report to: <ul style="list-style-type: none"> <li>◦ NIIO: <a href="mailto:NIIO@justice.govt.nz">NIIO@justice.govt.nz</a> who disseminates to the Duty Coroner, and</li> <li>◦ District Inquest Office via their centralised email address (<b>Note:</b> This email will automatically distribute to the IO and the DCC) for the area of death.</li> </ul> </li> </ul>
2	<p>Set the report's summary out in chronological order, in a similar way to a Summary of Facts on a prosecution file.</p> <p>Refer to the report's prompts and aides and cover the circumstances of the death and events leading up to it in a way that will allow the coroner to have a clear understanding of events.</p>

3	<p>Ensure formal written statements (FWS) are obtained from:</p> <ul style="list-style-type: none"> <li>• the last person who saw the deceased</li> <li>• person who located the deceased</li> <li>• any relevant witnesses regarding general background from NOK and close friends</li> </ul>
4	<p>Provide the immediate family representative with the Ministry of Justice Coronial booklet '<u>When someone dies suddenly</u>'.</p>
5	<p>In a fatal crash, note the Serious Crash Unit and the name of the investigator on the report.</p>

## Repatriated bodies where a coroner has accepted jurisdiction under the Act

Where a body has been repatriated and a coroner has accepted jurisdiction under the Act, police must complete a [POL47](#) to ensure that a consistent file management approach is maintained.

The Duty Coroner **may** also require a 'Verification of Death' and a 'Statement of Identification' to be completed. Police **must** discuss with the duty coroner their requirements.

The Chief Coroner has acknowledged that in these circumstances, information contained in the associated [POL47](#) may be qualified in the following ways:

- The document may contain information made available to Police by an international source.
- The information may be partial and therefore the [POL47](#) may not be complete and the accuracy of the information may be unsubstantiated.

## Examining the body and scene

### Procedure when examining the body and scene

**Important: Always preserve evidence until the cause of death has been established.**

Follow these steps when examining the body and scene.

Step	Action
1	<p>Consider factors that may cause you to suspect a criminal act. See <a href="#">things to look for</a> below. If the death is suspicious, violent or criminal or if you have any doubt about the cause of death, notify CIB and take appropriate action to secure the scene. (See Part 1- <a href="#">Initial response to homicide or serious crime</a> in the Homicide and Serious Crime Investigations chapters).</p> <p><b>Note:</b> Homicide investigations must be reported by the O/C case to the National Manager: Criminal Investigations, via the District Manager, Criminal Investigations.</p>
2	<p>Note the position of the body. Photograph the body - this is useful information for a coroner.</p>
3	<p>Note all factors that may explain the death, e.g. the body's condition, medicine bottles and items in the immediate vicinity of the body. Ensure you seize all medicines as some mask the presence of others. (See <a href="#">Exhibits and property</a> in this chapter).</p>
4	<p>Obtain full particulars from witnesses, exploring any likelihood of anyone else being involved, either maliciously or innocently.</p>
5	<p>If the death is not suspicious, obtain statements as soon as practicable (notebook statements are not acceptable). Early statements may negate the need to re-interview later, and will provide the basis for evidence produced at a coroner's inquest.</p>

## Things to look for when you suspect a criminal act

Some factors that may indicate a criminal act are:

- a death with no apparent cause
- poisoning, but no known motive for suicide
- a body in a burned building
- signs of injury inconsistent with an accident
- an apparent suicide in an unusual position.

If there is...	Look for / note
Body with cuts or bruises	<ul style="list-style-type: none"> <li>• a cut throat and cuts on arms, hands, or fingers below the tips</li> <li>• chop wounds</li> <li>• bruises around the neck</li> </ul>
Firearms involved or gunshot wounds	<ul style="list-style-type: none"> <li>• a body with a firearm alongside but no powder stains or burn marks on clothes or body</li> <li>• a body with a firearm a distance away</li> <li>• more than one shot in a body</li> <li>• a body with a gunshot entrance wound in an awkward position for self-infliction</li> </ul>
Body suspended	<ul style="list-style-type: none"> <li>• a body suspended off the floor but no box, chair, or other jumping-off place nearby</li> <li>• a body suspended from a beam where the fibres on the rope lie in one direction</li> <li>• a body hanging by the neck but no marks under the rope</li> </ul>
Missing possessions	<ul style="list-style-type: none"> <li>• a body found with some article of clothing missing - for example, a shoe</li> <li>• money or wallet missing from a body.</li> </ul>

## When suicide is suspected

Follow these steps if you suspect a suicide.

Step	Action

1	Search for and take possession of any note left by the deceased. (Treat as an exhibit and maintain its integrity).
2	Obtain a statement identifying the writing in any note left as the deceased's writing and locate other documents known to have been written by the deceased during normal course of business. These will be subsequently examined by the ' <u>Document examination</u> ' chapter.
3	Take possession of exhibits, for example, razor, tablets, cord, knife, firearms, medications and other items. Maintain their integrity as exhibits – see the relevant ' <u>Forensic evidence</u> ' chapter depending on the nature of the evidence.
4	If the suicide is by hanging, cut the cord rather than untie it. The <u>knot should be preserved</u> for possible forensic examination. The ligature is to accompany the body to the mortuary together with a POL 268 and if loose in an exhibit bag clearly labelled.

5	<p>Identification of relevant electronic items like mobile devices, computers, smart watches etc.</p> <p><b>Mobile phones</b></p> <p>Isolate devices from networks by placing the device in flight mode. This ensures that incoming communications or commands are blocked and preserves the data on the device. If the mobile device is off, leave it off, if the mobile device is on, leave it on. The first contact is the Digital First Responder (DFR) then the Digital Forensics Unit (DFU) located in Dunedin, Wellington or Auckland for advice.</p> <p><b>Computer systems</b></p> <p>If computers are on, your first contact is the DFU then the DFR. If computers are off leave them off.</p> <p><b>Cloud data (i.e. social media/e-mail accounts)</b></p> <p>Contact the High Tech Crime Group before searching, they can advise on capturing relevant cloud data.</p>
6	<p><u>Preserve fingerprints.</u></p>
7	<p>Note the <u>restrictions on making public details of self-inflicted deaths.</u></p>

## Death by firearm

Follow these steps if the death is associated with a firearm.

Step	Action
1	Consider CIB attendance at an early stage.



2	<p>Carefully examine the body and scene. Ensure:</p> <ul style="list-style-type: none"> <li>• the firearm is safe</li> <li>• the scene is photographed before moving any evidence.</li> </ul>
3	<p>Note and make a notebook sketch with measurements for each:</p> <ul style="list-style-type: none"> <li>• location and position of the body</li> <li>• location of the firearm in relation to the body</li> <li>• exact location and extent of the wound(s)</li> <li>• whether powder stains and burn marks are present on the body or clothing.</li> </ul> <p>(See the '<u>Crime scene examination</u>' chapter for more information about recording crime scenes).</p>
4	<p>Establish:</p> <ul style="list-style-type: none"> <li>• What the deceased was doing at the time?</li> <li>• Who was handling the firearm?</li> <li>• How the firearm was being handled?</li> <li>• The position of the safety catch?</li> <li>• Who owned the firearm?</li> <li>• If another person handled the firearm before the deceased: <ul style="list-style-type: none"> <li>◦ had that person noticed anything faulty?</li> <li>◦ was the firearm left loaded?</li> </ul> </li> <li>• Whether the deceased was licensed to own firearms?</li> <li>• Whether the deceased was right or left-handed?</li> <li>• What experience the deceased had with firearms generally and with the firearm concerned?</li> <li>• What experience any other person involved had with firearms and with this particular firearm?</li> </ul>
5	<p>Carefully note and record the condition in which the firearm was found, especially the state of the action, if this can be done safely. Check the firearm and make it safe – remove the magazine, and any live or spent ammunition from the breech. Check the scene for other spent cartridges.</p>

6	Take possession of the firearm and cartridge cases and preserve them as exhibits. Pack them carefully. (See the 'Forensic evidence - <a href="#">Firearms evidence</a> ' chapter for guidance on preservation, recovery and packaging).
7	Seek advice from the <a href="#">Police Armourer</a> by telephone, or e- mail outlining the circumstances of the death. If required, forward the firearm with a Property Record Sheet (POL 268) or a Receipt and Delivery Voucher (POL 32).

## Firearm safety

Before moving or touching the firearm, assess whether you are qualified to deal with it (some firearms require specialist knowledge to make safe).

If...	then...
you are not qualified	secure the firearm and seek assistance.
you are qualified	<ul style="list-style-type: none"> <li>• assume the firearm is loaded</li> <li>• with your finger off the trigger, uplift the firearm and ensure it is always pointed in a safe direction</li> <li>• empty the magazine and action to make the firearm safe</li> <li>• label the firearm, ammunition and other exhibits</li> <li>• secure the firearm and exhibits in an appropriate exhibit store.</li> </ul>

## Underwater diving fatality

There are important aspects of a diving death that need to be considered.

See '[Diver death inquiries](#)' in the 'Police National Dive Squad (PNDS)' chapter for details of the initial action at the scene and the information to collect.

**Remember:** The Police National Dive Squad are available to aid inquiries into diving fatalities.

## Exhibits and property

Staff should be cautious when handling exhibits and property to guard against the risk of contaminates. Refer to Hygiene precautions in this chapter.

Attending staff need to differentiate which items will be returned to the family as deceased property and which items are to be treated as exhibits. Those deemed to be exhibits may either be retained with the deceased for the benefit of a post mortem, i.e. the rope in a death by hanging, or be secured as a Police exhibit for later consideration i.e. medication.

### Deceased’s property

Police have the responsibility to remove non-essential property from the deceased other than:

- all items if the body is deemed to have died under suspicious circumstances
- clothing used to ensure the deceased’s dignity, i.e. if the location of death is in a public place, or
- personal items which cannot be removed irrespective of value, i.e. rings.

**Note: Police determine what property remains on the deceased. All property, including the deceased themselves, is to be recorded on a POL268 and signed for by the supplier.**

### Handling and packaging exhibits and fingerprints

For details on handling and packaging exhibits and fingerprints, see the ‘Crime scene examination’ and ‘Forensic evidence’ chapters in the Police Manual.

When Police are handing the control of the deceased to the supplier, the POL268 is to be endorsed by both parties. **The deceased details and the property / exhibits that remain with the deceased, must be recorded on a Property Record Sheet POL268.** The property / exhibit and the deceased now becomes the responsibility of Justice. A copy of the POL268 is retained for the Police file.

Property not required can be left with the next of kin.

**For exhibits taken from the deceased, follow this procedure.**

Step	Action
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1	<p>Complete the Property Record Sheet POL 268 - required for any items taken into Police possession.</p> <p>Itemise the items, giving sufficient details to ensure identification. Serial numbers of bank notes are not required.</p> <p>For Medications, full details should be recorded on the <a href="#">POL47</a> medication section for the benefit of the forensic pathologist</p> <p>Suicide notes should be attached to the file (with their forensic integrity maintained in case forensic examination is later required) - This may be sent to the Coroner as part of the Coronial file. (The Coroner is responsible for the release of any evidence).</p> <p>Sign the POL 268 and have this witnessed (by another constable or a mortuary attendant) to verify accuracy.</p>
2	<p>Parcel up clean clothing and other personal possessions, wrapping valuables separately. Put soiled clothing into another appropriate package.</p>
3	<p>Clearly label parcels and attach a copy of the POL 268. If there is more than one parcel, each parcel should be numbered, and the numbers written on the form. If possible, attach parcels to one another.</p>
4	<p>Follow station practices for securing property</p>
5	<p>Distribute the three copies of the POL 268 as follows:</p> <ul style="list-style-type: none"> <li>• give the original as a receipt to the personal representative of the deceased</li> <li>• attach the duplicate to the case file</li> <li>• mark the triplicate with the file number and put it with the property until the property is returned to the deceased's immediate family.</li> </ul>

## If there is no property

If there is no property, endorse the Report for Coroner ([POL 47](#)) accordingly.

## Returning property to immediate family

Property not required for evidential purposes should be handed over to the immediate family or person handling the deceased estate. If unsure, check with the coroner before returning property.

For all returned property, you must obtain a receipt and ensure that this property is provided in an appropriate package.

## Soiled clothing

Immediate family must be asked whether they wish soiled clothing to be returned to them or destroyed. Be aware that cultural beliefs may impact on immediate family decisions about soiled clothing. For instance, some cultures want all bodily fluids and soiled materials to be reunited with the deceased, and you should take great care to ensure these cultural beliefs are respected. Seek advice from your district Iwi / Pacific/ Ethnic Liaison Officer when necessary.

If the immediate family want soiled clothing to be returned, in most cases this will be the supplier's responsibility. Advise them accordingly.

## Disputes over deceased's property

If there is any dispute about who should get the property, seek a court order under section 40 of the Policing Act 2008.

## Securing deceased's property

Where possible, you should not take possession of property other than exhibits and items which are accompanying the body. It may be necessary to ensure the security of a premises while relatives, a solicitor or trustees are being traced, e.g. if the deceased lived alone and had no local relatives.

**In such a case, thoroughly search the premises. Itemise valuables on a witnessed inventory and keep them in Police custody until they can be claimed. Leave other property on the premises, which should be locked. The key should be kept by police until it can be handed over to relatives under the directions of the O/C Station.**

## Cultural considerations associated with property

Seek advice from your district Iwi / Pacific/ Ethnic Liaison Officer if you think there may be strong cultural issues and considerations associated with returning the property.

## Hygiene precautions

## Minimum hygiene precautions when handling bodies

Follow standard health and safety and hygiene practices as taught through Police first aid training when required to handle bodies that are mutilated, decomposing or otherwise contaminated.

The minimum protection is rubber surgical gloves. This would be sufficient for handling most bodies provided you take reasonable care to avoid unnecessary contact with the body. When evaluating each situation, exercise your discretion and judgment to determine the type of protection you require.

## Protecting yourself in the field and in the mortuary

To protect yourself:

- wear protective clothing. In situations where the clothing will have prolonged use, such as in homicides, disposable overalls are more suitable. In situations requiring short-term use, e.g. accidents, disposable pants are suitable
- wear rubber gloves as issued
- use a body bag to transport the body
- wash hands and exposed flesh immediately after handling the body.

See the 'Hazardous substances management' and 'Blood and body fluid exposure' chapters for further advice.

## Protection in the mortuary

If hospital clothing is not available, wear disposable clothing as issued, and wash hands immediately after handling the body.

## Dealing with the smell of decomposing bodies

Decomposing bodies will sometimes have an unpleasant smell. Consider wearing a protective mask.

## Protection against infectious diseases

When attending a death, check for a Medic Alert bracelet. It may indicate that the wearer has a particular disease and you can then take the appropriate action.

Follow standard health and safety and hygiene practices as taught through Police first aid training to protect yourself against infectious diseases such as hepatitis B or C.

**If in doubt** have the Communications Centre contact the District Duty Search and Rescue 'on call' member and discuss the circumstances with regards to the use of specialist skills.

# Removing and securing the body

## Custody of the body

When a death is one that Police must report to the coroner under section 13, the Coroner then has exclusive right to custody of the body.

Once reported, NIIO will direct a contracted supplier to remove the body to a designated facility (mortuary or other justice facility) for a post-mortem or post-mortem decision. (s19 & 20).

See 'Exhibits and property' for exhibit and property management and the recording process for both the deceased body and property using the Property Record Sheet POL268.

## Labelling the deceased

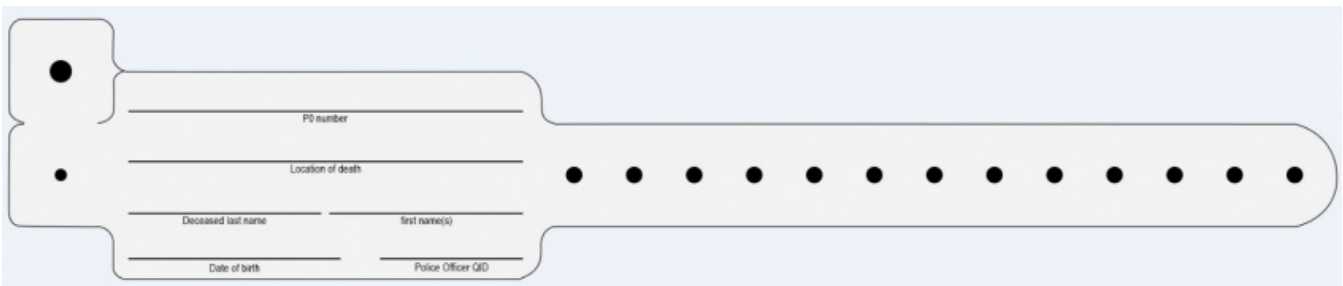
Police are responsible for the completion and attachment of the body label prior to removing the body from the scene. The body label will be provided by the supplier.

The following details **must** be recorded on the body label:

- event number (PO number)
- location of death
- deceased surname / first names (complete only if formally identified) otherwise:
  - believed to be (BTB), unknown male/unknown female and DVI number if recovered by DVI
- date of birth
- QID of member completing the labelling.

**Important:** If the deceased person was a suspected disease carrier or drug user, inform NIIO and the supplier and record it in the sudden death documents.

## Body label



Wrap the label around the deceased’s ankle **loosely**, making sure the information is **facing outwards** and snap the latch. Cut the strap at the loose end if needed (the labels are designed so that two can clip together should one on its own not be big enough to fit).

## Note for potential homicide or suspicious deaths

In response to potential homicide or suspicious deaths and where the body is prepared for the forensic post mortem, the body label **must go on the outside of the body bag**.

**A body label must be attached to the body after the post mortem to ensure a continuous chain in the evidential identification.**

**It is good practice to take a photograph of the completed body label. When doing so, follow the guidance for Taking and storing images for evidential purposes using iPhones / mobility devices to ensure they will be fit for evidential purposes when required.**

## If immediate family does not allow body or evidence to be removed

If the immediate family does not allow you to remove the body or allow you to seize evidence relevant to the death, you have a power to:

- remove the body (with warrant), and
- seize evidence (without warrant).

**Note:** You must consult the duty coroner and use all other means of negotiation first before invoking these powers, e.g. call Maori Pacific Ethnic Service Officer MPES or Victim Support to help work through the issues and requirements with the immediate family. The warrant must be executed in a sensitive manner.

## Applications for warrants to remove a body

You can apply to a District Court judge for a warrant to remove a body from a specified place if:

- a coroner has given directions about the removal of the body under section 20, and
- you have reasonable grounds to believe the body is being held in that place contrary to the directions, and
- you have used negotiation and all other reasonable means to have the body released in accordance with the directions.

(s128)

When executing the warrant you may use reasonable force if necessary to enter the place and to search for and remove the body or prevent its removal.

(s129)

## Warrantless power to seize evidence relevant to a post-mortem

You can, without warrant, seize evidence using reasonable force if necessary, if you are:



- complying with a direction to remove a body under section 20, or
- executing a warrant for the removal of a body under section 128.

The evidence must be:

- on or in the immediate vicinity of the body **and** relevant to the post-mortem of the body
- be delivered to the coroner.

You must take all reasonable steps, within five working days of the seizure, to inform either the owner or occupier of the place from which the body was removed, or the person from whose possession or control the thing was seized, of the fact that the thing was seized and from where it was seized. This may be done in person or by written notice.

(s131)

## Removing and transporting the body

NIIO will co-ordinate the attendance of the contracted supplier and will notify Police of the details. This process will require purposeful conversation between Police and NIIO. The contracted supplier will likely only be aware of the tasking and location where they will be transporting the deceased to.

Under the Coroners Act, the Coroner may give any directions they think fit regarding the removal of the body (e.g. directions about removal to a mortuary, the undertaking of a post mortem or other designated place). This will be communicated by NIIO.

If immediate family members are present, advise that NIIO is the coordinating centre who will provide details of transportation and post mortem where applicable.

When transferring custody of the deceased to the contracted supplier, you **must obtain a signature on the Property Record Sheet POL268** transferring custody of the deceased and any personal effects.

**Note:** A duly qualified person must have completed the VOD prior to Police transferring control of the deceased.

If the body is unidentified, take care when moving it that no possible evidence of identity is lost. **Remember:** As outlined earlier above, the deceased cannot leave Police control until a Verification of Death (VOD) has been completed. This may require Police accompanying the supplier to another location to secure the document. The completed Sudden Death file cannot be submitted without the VOD.

## No suspicious circumstances about a death

If the person has died and there are no suspicious circumstances, the immediate family can make arrangements for the body to be removed from the place of death to their preferred funeral home provided:

- the deceased's doctor is located and a certificate as to cause of death is issued, and
- it is not a coroner's matter.

If the deceased's doctor cannot be located or contacted, do not leave the body with the immediate family on the expectation that the doctor, when located, will issue a certificate as to the cause of death. Consult the coroner immediately as to the appropriate course of action.

## Costs for removal

See [Body transportation costs](#) in this chapter.

## Transporting deceased babies

Download the [Guidelines on transporting deceased babies](#) for Police, ambulance and emergency personnel.

## Handling bodies at the mortuary

If in the event that Police are required to attend the mortuary, mortuary procedures must be undertaken by Police and cannot be deferred to a supplier. In these cases, follow procedures as for an 'OC Body' detailed in '[Responsibilities of the OC Body](#)' in the '[Part 5 Homicides and serious crime victims](#)' chapter.

## Body transportation costs

### If the Coroners Act applies

The Ministry of Justice is responsible for costs associated with body transportation where the Coroners Act 2006 applies to that death. (See '[Deaths that must be reported](#)').

If the body is still at a local mortuary when released by the duty coroner, the immediate family can engage their own funeral director to uplift the body and take it to another funeral home. The immediate family is responsible for this cost.

If the duty coroner has directed a post-mortem under section [31](#) or [37](#) or directs that the body be removed to another location, the Ministry of Justice is responsible for all transportation costs. For instance, if the body has been taken to another town (for a post mortem), the National Initial Investigation Office (NIIO) will engage the contracted funeral director for that purpose. The Ministry of Justice incurs this cost.

In circumstances where a contracted supplier cannot reasonably get to the deceased, such as death in a remote, (non-accessible by road) location, then Police will conduct a body recovery task. This will entail Police getting the body to a 'road end' where it will be uplifted by the contracted supplier. Police will pay for the recovery up and to the 'road end'.

## If the Coroners Act does not apply

The contract relating to transportation costs between the Ministry of Justice and the supplier **does not apply** when Police attend the death, and:

- it is confirmed that a general practitioner will sign a cause of death certificate, or
- Police cannot locate the deceased's immediate family and it is confirmed that a general practitioner will sign a cause of death certificate, or
- Police cannot contact a general practitioner to ascertain whether or not a general practitioner will issue a cause of death certificate.

In all these circumstances, Police still contact NIIO to have deceased transported but the following principles apply as to how transportation costs will be met:

1. If a coroner does not take jurisdiction and the initial supplier who took the deceased to a mortuary or other place becomes the family selected funeral director, then that transport provider charges the deceased's family for the initial transport.
2. If a coroner does not take jurisdiction and the initial supplier does not become the funeral director selected by the family, the initial supplier enters discussion with MoJ for payment.

WINZ is responsible for costs associated with the body transportation, burial and cremation of a deceased who has insufficient estate to cover costs.

## Identifying the body

The duty Coroner and Inquest Office will require surety of identification prior to the release of the body to next of kin. Consider developing a clear summary of such evidence for the duty Coroner's consideration at the front of the initial file.

## Methods of identification

The most common method of formal identification is visual. This is when a close relative or other acquaintance views the body and confirms the identity.

There are times when the deceased is unable to be visually identified so the identity is considered to be unknown until sufficient evidence has been obtained to allow a circumstantial identification to be made by the Coroner. Evidence other than visual identification is considered in this order:

- fingerprint

- circumstantial (medical, physical, property)
- DNA or dental if there are existing records for comparison.

## Multiple fatalities

If there are multiple fatalities, take great care when identifying the bodies. Due to the possibility of misidentification, consider using more than one means of identification.

In cases of multiple bodies and body parts, employ disaster victim identification (DVI) principles to establish identification.

## Arranging a visual identification

Usually an immediate family member identifies the body. However, if immediate family are not available, a person who knows the deceased (e.g. an employer, workmate, friend or landlord) may make the identification.

If the person died at home, arrange the formal identification before the body is removed, if possible. Otherwise, arrange for identification at the mortuary or other place as soon as possible after the body has been prepared.

Attending staff need to be conscious that there may be competing requests or demands from NOK regarding who may undertake an identification. This may raise tensions and risks to both Police staff and the suppliers. While considering cultural aspects, and the situational needs, the security of staff, suppliers and the securing of an accurate ID are critical.

## Conducting a visual identification

Follow this procedure to conduct a visual identification. (If making an identification in a place other than a mortuary, ignore steps 1 and 2)

Step	Action
1	<p>Discuss facility and deceased preparation requirements with the supplier prior to the viewing (this includes the occasional time when the viewing is to establish ID). Check that:</p> <ul style="list-style-type: none"> <li>• the identification does not clash with a post-mortem examination</li> <li>• you have the correct body</li> <li>• the body is presentable and in a suitable location.</li> </ul>

2	Complete the Deceased Person Identification Form (POL 265A).
3	<p>Take the witness to the body and expose the face. Let the witness have an unhurried look.</p> <p><b>Note:</b> If a person outside the immediate family is identifying the deceased, there is a danger that they will make an over-hasty identification. Reinforce that they should take their time to be sure of the identification.</p>
4	<p>Ask the questions:</p> <ul style="list-style-type: none"> <li>• “Do you identify this person?”</li> <li>• “Have you any doubt?”</li> <li>• “What was his or her address?”</li> <li>• How long have they known the deceased”</li> </ul>
5	Cover the body.
6	If the witness identifies the body, ask them to sign the POL 265A. Witness their signature and sign the form.

## When the person’s identity is not known

When the identity of a deceased person is not known, follow this procedure.

Step	Action
1	Arrange for the body to be photographed and fingerprinted.

2	<p>Consider building an evidential case for a circumstantial identification to the satisfaction of the Coroner.</p> <p>These methods may be used to identify the body:</p> <ul style="list-style-type: none"> <li>• fingerprints from the deceased are compared against existing police records or fingerprints taken from objects known to have been handled by the person when alive</li> <li>• photographs are published in the news media and through the Police network (identification by this means is usually formally confirmed using one of the other methods)</li> <li>• medical examination, including scars, birth marks, prostheses, X-rays, surgical wounds, amputations, tattoos, implants etc.</li> <li>• personal effects from a full scene examination, bills, phone details, letters, passport, drivers licence, denture records, evidence that the deceased resided at the address. All information is to be detailed in formal written statement, producing copy of the said documentation that was obtained.</li> </ul> <p><b>Note:</b> The O/C or O/C Identification <b>must</b> discuss and update the duty coroner as to the progress of the identification on a regular basis.</p>
3	<p>On collating the evidence to support the non-visual identification:</p> <ul style="list-style-type: none"> <li>• Complete the “Recovery / Identification of Bodies That Are Not Visually Identifiable” section of the Report to Coroner <a href="#">POL47</a>. Follow the prompts to ensure all aspects are considered.</li> <li>• Include a summary of the non-visual identification in your covering report.</li> <li>• Consult your local inquest office.</li> <li>• If required develop an additional file for the incoming shift to complete additional enquiries.</li> <li>• <b>Remember:</b> The body cannot be released to the NOK until a formal identification has been confirmed by the Coroner. Liaison with the Coroner and the next of kin is critical.</li> </ul>
4	<p>Prepare a full description of the body, clothing, and other effects for publication and for comparison with the known identity of any person subsequently nominated through enquiries, if required.</p>

5	<p>Ensure that clothing and effects taken from the body are not allowed to deteriorate to the extent that their evidential value will be impaired.</p> <p>If the body is unidentified, take care when moving it that no possible evidence of identity is lost.</p>
6	<p>Consider DNA comparison or if there is existing dental records arrange for a dental examination to be done.</p>

## Additional viewings

Police are often asked to assist with additional viewings outside those needed for the purpose of identification, ie. additional family arriving. This is not a Police function. NOK should be provided with the NIIO phone number.

The authority for additional viewings and its coordination is between the NOK and the Coroner, coordinated through NIIO. The information provided on the POL47 will assist the Coroner in making the determination.

In some cases there may be friction between families, relatives and friends of the deceased. In these circumstances Police must conduct a normal police risk assessment of the situation which should be recorded in their notebooks and communicated to Comms and NIIO. Police will need to facilitate the safe departure of the deceased by the supplier.

## Further information

For further information on identifying bodies, see the '[Disaster victim identification](#)' chapter.

## Advising immediate family of death and significant matters

### Police responsibility to inform immediate family of death

If a death is subject to the Coroners Act 2006 and must be reported, Police assist the coroner by informing immediate family as soon as possible of that death.

If the deceased is a foreign national refer to [Death of foreign nationals in New Zealand](#) section.

When reporting to the coroner is not required, Police must inform the deceased's immediate family as soon as the deceased's identity is confirmed.

In the case of estrangement within the immediate family, Police should consider informing all parties and not rely on family members to inform other immediate family of the deceased.

## **Coroner to notify persons of post-mortem, inquiry and inquest**

The coroner to whom a death has been reported must give notice of significant matters to representatives and members of the dead person's immediate family and other people or organisations the coroner considers have an interest in the death. Police at the scene may be called on to assist the coroner give notice to the immediate family.

(s23)

### **Significant matters include:**

- the coroner's direction that a post-mortem be performed
- the opening of an inquiry
- the date, time and place for an inquest
- when an inquiry has been completed.

(s24)

## **Informing other relatives**

It is not the responsibility of police to tell other relatives, but it is important you check this has been done before the death is announced by the media. Tell the immediate family to inform the other relatives as quickly as possible so that the news can be made public. Informing them promptly will also prevent them from hearing about the death from other sources.

Occasionally circumstances are such that it is appropriate for police to inform other relatives if asked to do so. Ensure Victim Support assists you in this task.

## **Organ donors**

If a person is a potential organ donor, police can assist the medical profession by:

- making inquiries to locate immediate family
- providing contact between immediate family and the medical profession.

**Note:** Obtaining approval from immediate family for organ removal is the responsibility of the medical profession.

However, if the death occurs in suspicious circumstances and results in a Police inquiry, the O/C Investigation must carefully evaluate the situation in consultation with relevant medical professionals, Police pathologist and the coroner (where the Coroners Act 2006



applies to the death).

## Locating immediate family

The usual lines of inquiry are:

- friends, bystanders
- business associates
- examination of address book and personal papers
- birth certificate, marriage certificate and so on
- bank, hospital or government records
- publishing the photo
- missing person reports
- public trustee.

## Deaths of military personnel

In Defence establishments	Outside Defence establishments
<p>If the death is:</p> <ul style="list-style-type: none"> <li>• accidental - Defence Force staff inform immediate family</li> <li>• non-accidental - Police inform immediate family.</li> </ul>	<p>Police inform the immediate family and the Defence Force.</p>

## Procedure for advising immediate family located in your district

Follow these steps when advising immediate family located in your district of a death.

Step	Action
1	Before informing an immediate family member of a death, establish their identity and relationship with the deceased.

2	<p>Inform the immediate family of the death in person if possible. Do so in a tactful and sympathetic manner, and extend your condolences to them. See the guidance on <a href="#">multiple fatalities</a> and coordinating advice when relevant.</p> <p>Use the services of Victim Support as soon as possible and consider taking a Victim Support worker with you when informing the immediate family.</p>
3	<p>Take whatever time is required to break the news sympathetically, and supply information about the death, including the circumstances of the death if possible.</p>
4	<p>Explain about the coroner where applicable and that Police act as the coroner's agent. Also explain that:</p> <ul style="list-style-type: none"> <li>• Police involvement does not mean that the death is suspicious</li> <li>• the law requires the cause of death to be established and that there may need to be a post-mortem.</li> </ul> <p><b>Note:</b> The post mortem requirement decision is made by the coroner. This decision will be advised to the family by NIIO. In the event that the family raise an objection to a post mortem, you should direct them to NIIO.</p>
5	<p>Explain that evidence must be preserved at the scene of the death until the cause of death is established.</p>
6	<p>Ask for contact details of immediate family members and their representatives who wish to be kept informed by the coroner of the processes to be performed. Put this information on the Report for coroner (<a href="#">POL47</a>).</p>
7	<p>Ensure any relevant information concerning ethic needs or religious requirements are communicate to NIIO.</p>

8	<p>Leave copies of either or both of the following for the immediate family:</p> <ul style="list-style-type: none"> <li>• "The First 48 Hours: What to expect after a sudden death"</li> <li>• "<u>When Someone Dies Suddenly: A guide to the Coronial Services of New Zealand</u>"</li> </ul> <p>Complete the 'brochure' boxes on the <a href="#">POL 47</a> to confirm you have given the immediate family the coroner's booklet ("When Someone Dies").</p>
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## Advising immediate family located outside your district

If the immediate family are not in your district, enter an event into the CARD system, providing sufficient information for police to give relatives the details of the death.

The event should be actioned as soon as practicable.

Once the immediate family have been informed, the Communication Centre must advise the originating police officer that it has been completed.

## Immediate family outside New Zealand

This table summarises what you should do if the immediate family are overseas.

Deceased New Zealand national	Deceased foreign national with diplomatic rep in NZ	Deceased foreign national with no diplomatic rep in NZ
<ul style="list-style-type: none"> <li>• Find out whether there are any relatives in New Zealand who can contact immediate family.</li> <li>• If there are no relatives or the relatives have had no success in contacting immediate family, contact Interpol.</li> </ul>	<ul style="list-style-type: none"> <li>• Contact the embassy.</li> <li>• Ask them to advise the next of kin.</li> </ul>	<p><u>Contact Interpol.</u></p>

See also '[Death of foreign nationals in New Zealand](#)'.

## Contacting Interpol

When contacting Interpol:

- complete the Notification of Death for NOK Outside NZ form with as much detail as possible, and
- email to Interpol Wellington.

## Interim or unconfirmed identification

If an interim or unconfirmed identification is made, Police must make enquiries to confirm the deceased's identification with relevant people and agencies.

Where evidence gathered from these enquiries points to a preliminary identification of the deceased, advise the presumed immediate family that while no formal identification has been made, there is a probability that a family member has died.

In such circumstances, ensure:

- Victim Support places a volunteer with the immediate family
- the deceased is formally identified as soon as possible.

## Multiple fatalities

If there are multiple fatalities, an immediate family liaison officer should be appointed to co-ordinate the communication with immediate family and deal with requests for information from them.

The local Victim Support will appoint a liaison person to work with the Police immediate family liaison officer.

**Note:** You must accurately identify the genuineness of people claiming to be immediate family members. If there is any doubt, ask the inquirers to go to the nearest Police station, identify themselves, and ask to speak to the immediate family liaison officer.

## Issues involving notifications

Advise the coroner of any issues involving notifications of the immediate family.

## Notifying other parties of death and significant matters

In addition to informing the immediate family after a sudden death, Police have obligations to inform other parties in certain circumstances. Some of these are outlined below.

## Death of foreign nationals in New Zealand

This guidance does not apply to foreign nationals who are also dual New Zealand nationals.

When a foreign national dies in New Zealand that country's diplomatic representatives have a variety of obligations to fulfil under the 'Vienna Convention on Consular Relations 1963' which is enforced in New Zealand through the Consular Privileges and Immunities Act 1971. These include but are not limited to providing advice and assistance to next of kin, providing guidance re repatriation of the body and liaising with Coroners in the deceased's home country. Article 37(a) requires police to inform the nearest embassy/consulate of the death of a national of that country without delay.

The New Zealand Government has an obligation under the Convention to advise the diplomatic representatives of a foreign national's death in New Zealand to enable the diplomatic representatives to complete their obligations. **Note:** the Privacy Act does not apply to dead people.

The officer in charge of the case shall as soon as possible provide the diplomatic representatives of the relevant country with the full details of the deceased, (including their passport number if available) and of any next of kin known and if they have already been advised.

Be aware that a number of countries have embassies/consulates in Canberra that are accredited to New Zealand (e.g. there is no actual embassy/consulate based in New Zealand). All embassy/consulate information can be located on the [Ministry of Foreign Affairs and Trade](#) website.

For further information, refer to the '[Humanitarian assistance](#)' section in the 'Interpol' chapter.

## Deaths of prisoners in Police custody

Follow these steps if a prisoner dies in Police custody, whether in the cells or not.

Step	Action
1	Immediately freeze the scene and ensure evidence including any arrest, offence or custody records including video recordings is preserved.

2	<p>Advise a supervisor who will:</p> <ul style="list-style-type: none"> <li>• notify and arrange for CIB to attend, and: <ul style="list-style-type: none"> <li>◦ establish the nature of the inquiry required</li> <li>◦ initiate any enquiry (<b>Note:</b> if force has been used upon the prisoner prior to, during or after arrest, a homicide inquiry must be commenced)</li> </ul> </li> <li>• ensure the District Commander is informed immediately.</li> </ul>
3	<p>The District Commander informs the National Manager: Police Professional Conduct of the circumstances surrounding the death.</p>

## Notifications to other agencies in some circumstances

If the death is one that must be reported to a duty coroner, you must do that immediately.

This table outlines other notifications that should be made by the O/C of the station handling the death in certain circumstances, **once the immediate family have been advised.**

Situation	Action
Recorded person	<p>If the deceased's details are recorded in the NIA Person Alerts, notify the Commissioner of Police using the DED form, accessed through the Create Notification feature in the Microsoft Outlook Bulletin Board. Include the deceased's M-PRN and state how the identity of the deceased was established.</p> <p>Only make this notification if the identity is known by a Police employee or can be established using Police records such as fingerprints. Do not make inquiries with immediate family members or acquaintances to establish the identity of a deceased person who has a criminal history.</p>

Accident involving aircraft	Notify the <u>Civil Aviation Authority</u> .
Accident involving railways	Notify the <u>New Zealand Transport Agency</u> .
Boating or shipping accident	Notify <u>Maritime New Zealand</u> .
Industrial accident	Contact <u>Worksafe New Zealand</u> for all work place deaths.  Refer to the <u>MOU and schedules</u> with WorkSafe New Zealand for what must be reported to the Commercial Vehicle Safety Team and Worksafe New Zealand and each agencies roles and responsibilities.
Hazardous substances or explosives	Notify the <u>Environmental Protection Authority</u> of incidents involving hazardous substances, explosives or dangerous goods, and where emergencies have been declared under section 136 Hazardous Substances and New Organisms Act 1996.
Drug abuse	If drug abuse was the cause of death, the coroner will notify the appropriate agencies.
Death of child or young person in care	If the deceased was under the care of the Chief Executive of Oranga Tamariki - Ministry for Children, pursuant to the Oranga Tamariki Act 1989, notify their foster parent or other caregiver and the nearest Regional Director for Oranga Tamariki - Ministry for Children.

Death of diplomat	If the deceased was an officer or diplomatic staff member of a Diplomatic Mission or Consular Post, notify the National Manager: Response and Operations. The National Manager will give details of the death and surrounding circumstances to the Secretary of Foreign Affairs (Protocol Division).
Death of foreign national	See ' <a href="#">Immediate family outside New Zealand</a> ' in this chapter.

See the [Releasing information to the media after a sudden death](#) chapter for guidance on what to say and what not to say, after a death has occurred to ensure you do not contravene the Act.

## Releasing deceased identity following a sudden death

Police will publicly release the name of the deceased following a sudden death as soon as practicable once the following steps have been taken:

- formal identification has been completed
- next of kin have been advised
- the relevant Coroner has been consulted and advised of the impending name release
- there is no other impediment to release, e.g. it could prejudice the early stages of an investigation.

It is accepted that undue delay in release can cause unnecessary concern and rumour in the community, as well as the potential for inaccurate information about the deceased's identity to be disseminated through non official channels. It is also recognised that the notification to next of kin can be a lengthy process, particularly when dealing with a complex family situation or when next-of-kin are overseas.

Requests from next-of-kin to permanently withhold the name of a deceased cannot be granted by Police and the next-of-kin should be advised of this. Police can however, exercise judgement about the timing of release if there is a legitimate belief that release will have an undue impact on the next-of-kin at a particular point. The Official Information Act applies to requests for information about a deceased's identity, and there should be no expectation that there will be a lengthy delay in its release.



If there is a legitimate reason why Police cannot provide the name of a deceased to the media at a particular point, the reason for this should be provided where appropriate. For example, it may be that formal identification has not been completed or next of kin are still being advised.

Family can apply to the Coroner for a non-publication order regarding witness names and evidence under section 74 of the Coroners Act 2006. If Police are aware that a family wishes to pursue this option, the identity must not be released until the Coroner has made their determination on any application. It should be noted, however, that a Coroner will not make such an order unless they are satisfied it is in the interests of justice, decency, public order, or personal privacy to do so. It is an exception for such an order to be made.

## **Restrictions on release of information when suicide is suspected**

No person, including police, may without a coroner's authority, make public any detail relating to the manner in which a death occurred if there are reasonable grounds to believe the death was self-inflicted.

Similarly, once a coroner has found a death to be self-inflicted, no person may without a coroner's authority or permission under section 72, make public a particular of the death other than:

- the name, address, and occupation of the person concerned, and
- the fact that the coroner has found the death to be self-inflicted.  
(s71(1) and (2))

## **Homicide/suicide**

Where a homicide/suicide has occurred, section 71 still applies in respect of the suicide. Contact your District Communications Manager to assist you in managing the sometimes competing demands of the public media and our obligations under the Coroners Act.

## **Offence to publish information in contravention of section 71 or 74**

It is an offence to publish or permit to be published any information in contravention of:

- section 71 (relates to restrictions on making public details of self-inflicted deaths), or
- a prohibition under section 74 (where the coroner has prohibited the making public of evidence at any part of inquiry proceedings).

The penalty on conviction for an offence is a fine not exceeding \$5000 in the case of a body corporate, or \$1000 in any other case. (s139)

## **Coroner's release of bodies**

### **Release of bodies generally**

When a death has been reported to a coroner under sections 15(2)(a) or 16(2)(b), a coroner must, if not prohibited from doing so by sections 43 and 44, authorise the release of the body concerned as soon as they are satisfied it is no longer necessary to withhold it from family members.

(s42)

## Restriction on release if no post-mortem directed

If a coroner decides not to direct a post mortem to be conducted, they must give Police at least 24 hours' notice of their decision, before releasing the body. The body can be released earlier than 24 hours, only if a constable of or above the position level of senior sergeant authorises the release.

(s43)

## Process for authorising release of bodies earlier than 24 hours

On the direction of the duty coroner, the National Initial Investigation Office (NIIO) will send a COR 30 form to a senior sergeant or officer above that rank, at the District Coordination Command (DCC) for the area of the death.

That senior sergeant (or higher) must satisfy themselves whether or not the body should be released earlier than 24 hours, and if so, sign the COR 30 and return it to NIIO.

## Police role in post-mortems and inquiries

### How Police can assist post-mortems and inquiries

This table outlines what police should do to aid a post-mortem and inquiry.

Step	Action
1	<p>Collect contact information of immediate family members who wish to be informed of the coroner's processes, and ensure it is provided to the coroner on the Report for coroner (<a href="#">POL47</a> or <a href="#">47A</a>).</p> <p>If the coroner directs a post-mortem, they will use this contact information to notify the immediate family or their representative. Only if they are unable to be contacted, will the coroner seek Police assistance to notify the immediate family of the decision to direct a post-mortem.</p>

2	Seize any evidence relevant to post-mortem. (See ' <a href="#">Power to seize evidence relevant to a post-mortem</a> ').
3	<p>Inform the coroner of any evidential matters.</p> <p><b>(Note:</b> If the coroner decides to require a post-mortem that is less than a full internal and external examination of the body, the coroner must consult Police and the pathologist about any evidential matters that may make a full examination necessary or desirable (<a href="#">s36</a>).</p>
4	If a person has been charged with homicide (including motor accidents), notify that person or their counsel that they may contact the coroner to request representation at the post-mortem.
5	If the death is the result of a road accident and a medical practitioner (not a pathologist) is making an external post-mortem examination, remind them that specimens are necessary to establish contributing factors, such as substances ingested or medical conditions. However, any internal post mortem can only be carried out by a pathologist by the coroner.
6	Attend the post-mortem as part of the investigation and to ensure the chain of evidence is maintained ( <a href="#">s38</a> ).
7	<p>The immediate family has the right to request through the coroner, a copy of the pathologist's report.</p> <p>If necessary, request the coroner to withhold parts of the pathologist's report to avoid prejudice to the investigation. If police do ask for information to be withheld, it must be redacted on the report given to the immediate family.</p>

8	<p>Inform the coroner if you believe a coroner's inquiry might prejudice a person who has been or may be charged with a criminal offence relating to the death or its circumstances.</p> <p>The coroner can decide whether to open an inquiry, postpone opening an inquiry, or adjourn an inquiry already opened. In practice this does not mean that an inquiry will not proceed just that it will be delayed until the criminal matters are finalised (s68).</p>
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## When no inquest is to be held

If the coroner decides that there will be no inquiry, the only further action required of you is to return property.

## Disclosure of legal opinions to coroners

Legal advice and legal opinions are subject to legal professional privilege and must not be disclosed to a coroner or outside of Police without first consulting a Police legal adviser.

As part of a coronial investigation, a coroner may request a copy of any legal opinion that has been prepared in relation to the death at issue. A formal written notice for this information can be made by a coroner under section [120](#) of the Act. Under section [121](#), a person to whom a notice is served under section 120 has 5 working days to advise the coroner that the information is subject to legal professional privilege and cannot be disclosed (see also section [54](#) of the Evidence Act 2006). If the coroner dismisses the claim of privilege, Police have 5 working days from the date of the dismissal to apply to a High Court Judge for a review.

Due to the timeframes involved, any notice served under section 120 must be dealt with as a matter of urgency and a Police legal adviser should be contacted on the day the notice is received.

Notwithstanding the fact that Police do not disclose legal opinions, there may be information of relevance/interest to the coroner that can be disclosed. The coroner should be consulted about the type of information they are seeking and police should consider, in consultation with a legal adviser, whether the request can be met without compromising legal professional privilege.

## Etiquette when speaking to a coroner

A coroner is a judicial official at the same level as a District Court Judge. When addressing a coroner use “Sir” or “Ma’am” as appropriate.

## Police role in inquests

### Preparing for the inquest

After receiving notification of the time, date and place of the inquest, and instructions for further inquiries from the coroner:

- closely inspect the file and carry out any inquiries requested
- carry out any other investigative matters required in consultation with the coroner and the Coronial Services Unit
- ensure any outstanding matters or issues have been dealt with.

Summonses and travel reimbursement will be prepared by the Coronial Services Unit.

Note the [restrictions on disclosing legal opinions to coroners](#) if they request them.

### Obtaining statements

Contact the coroner or Coronial Services Unit for guidance on what evidence you need to establish, and the manner in which evidence can be presented.

Note that the coroner can accept evidence in original statement form or they may require more formal depositions. If witnesses will be required to give their evidence by deposition, have their statements begin:

*This deponent being duly sworn saith:*

*“My name is ...”*

### Witnesses summonsed to court

If witnesses are to be summonsed to appear in court, the Coronial Services Unit will issue a witness summons under the Coroners Act 2006. The Coronial Services Unit prepares witness summonses and serves them by registered post. However, in some circumstances Police may be asked by the Unit for service assistance.

### Witnesses' depositions

The deposition for each witness can be read to that witness at the inquest. The witness is then asked to state whether the contents are true. If the witness agrees, and there is nothing more to add as a result of questioning by the coroner, solicitors or other interested persons, the witness signs the deposition. Additional oral evidence is recorded by coroner's staff.

## Witnesses not summonsed to court

If witnesses are not to be called, their evidence can usually be given in statement form:

*My name is ...*

*The deceased was John Andrew BROWN. He lived at ... He was employed as ... and was born on ...*

*(Include a summary of the facts.)*

*I now produce as exhibits:*

*A Statement of Identification witnessed by Constable ...*

*(Include also a list of the items to be produced, such as plans, photos, and statements).*

*Taken and sworn before me at ... on ...*

*(Signed) coroner*

*Deponent*

## Informing interested persons of the inquest

Coronial Services Unit staff representing the coroner generally advise all interested parties of the inquest. However, in some situations Police may be asked to assist the Unit by notifying people on their behalf.

## The inquest

At the inquest, produce the evidence requested by the coroner in a manner approved by the coroner.

The usual rules of evidence do not apply, i.e. hearsay evidence is admissible in some circumstances (s79(1)).

Note the restrictions on disclosing legal opinions.

## After the inquest

The coroner makes a finding and issues a report, in which the findings are detailed.

The Coronial Services Unit (CSU) sends a letter enclosing a copy of the findings to the immediate family and the relevant Inquest Office.

## Cultural and religious considerations on post-mortems

This section:

- explains the cultural and religious attitudes to post-mortems you might encounter when advising immediate family of the need for a post-mortem
- provides advice about how to deal with concerns and convince the immediate family to accept the need for the post-mortem.

**Reminder:** If appropriate, call on Iwi, Asian, or Pacific Liaison Officers to help you.

## Ethnic groups

This table outlines customs/considerations/beliefs of some ethnic groups to post mortems.

Ethnic group	Customs/considerations/beliefs
Māori	Māori custom dictates that the deceased must be accompanied all the time, to be kept spiritually 'warm' until the burial. Therefore, a post-mortem and keeping a body for an extended period of time in the hospital mortuary is extremely upsetting. In most cases, Police are expected to contact the coroner and pass on the wishes of the immediate family for a speedy release of the body.
Cook Islands	Cook Islanders reluctantly accept the need for post-mortems, after discussion.
Niue	Attitudes vary but, generally, the immediate family (including extended) will discuss the matter and then agree to it when absolutely necessary.
Samoa and Tonga	Samoans and Tongans regard a post-mortem as an indignity to the body of the deceased and tact is required to explain the legal requirements.

Vietnam	When a person dies, the body is placed on the ground for a short time so that the air of the ground can be 'absorbed'. The body is then placed back on the bed with a piece of white paper placed over the face, so that the deceased cannot see grieving immediate family members. It is important that you don't remove this paper in the presence of the immediate family, as this would insult them.
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## Religious groups

This table outlines customs/considerations/beliefs of some religious groups to post mortems.

<b>Religious group</b>	<b>Customs/considerations/practices</b>
Buddhism	<p>Buddhist customs are very similar to Vietnamese ones (see above section), except that you may well find a coin in the mouth or clenched in a hand.</p> <p>Post mortems are extremely objectionable and deeply disrespectful to the dead and the surviving family. This issue must be handled with sensitivity and explained carefully to the family.</p>
Greek Orthodox	In the Greek Orthodox Church, post-mortems are allowed only in cases of suspicious sudden deaths. Otherwise, the body must be intact so that it can rise in the 'second coming of the Lord'.



Hinduism	<p>Hindu custom dictates that, as soon as the person dies, the body is washed and dressed. This could well destroy evidence at a home death when Police involvement is required.</p> <p>Most Hindus believe that the dead person will be united with their body, in its best form, after death, and that a post-mortem prevents this.</p> <p>Post mortems are extremely objectionable and deeply disrespectful to the dead and the surviving family. This issue must be handled with sensitivity and explained carefully to the family. A persuasive argument is needed regarding medical necessity before the immediate family will release the body.</p>
Islam	<p>Generally, a post-mortem is not allowed unless a specific medical study has to be made. In the case of sudden deaths, you need to stress the medical necessity to establish a cause of death.</p> <p>The deceased must be buried as soon as possible following death.</p>
Jewish faith	<p>Jewish faith forbids mutilating the body, and most religious leaders will allow post-mortems only in cases where there is suspicion of homicide or where the health of others may be at stake.</p> <p>Jewish tradition requires the body be watched at all times as the soul, it is believed, does not leave until the burial. Once the Jewish Burial Society becomes involved, arrangements will be made to have it accompanied at all times. Often well-respected community members take this role on voluntarily.</p> <p>In Jewish practice, the funeral is usually held within 24 hours of the death. Because the mourning rituals will be disrupted by delay of the funeral, the bereaved will be anxious for speedy release of the body.</p>

Sikh faith	There are no prohibitions regarding autopsies in the Sikh faith. However, the hair must not be removed from the body to perform the autopsy.
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## Advise coroner of family's concerns about post mortems

In cases where the immediate family hold strong cultural or religious beliefs that are “at odds” with a post mortem being held, advise the coroner of this as soon as possible, so that an early release of the body can be considered.

## Sudden death: Māori

This section profiles important 'Tikanga Māori' (Cultural Values) that should be considered when dealing with Tūpāpaku (Deceased Person) in the context of a sudden death investigation.

Key generic principles when dealing with Māori death or Tangihanga are:

- joint collaboration / decision making
- information sharing
- early identification of immediate family spokesperson/s
- ongoing adherence / acknowledgement of the tapu (sanctity) of the Tūpāpaku.

## Tangihanga: The grieving process

Tangihanga begins at the time of death. Whanau will immediately begin to mobilise and communicate with one another. The deceased becomes tapu, everything associated with the deceased included their whanau also become tapu. There is also a range of logistical, administrative and cultural activity that is commenced in preparation for the return of the Tūpāpaku to the Marae or wherever the Tūpāpaku may lay in state for a period of three to four days.

Employees investigating deaths involving Māori whanau should clearly explain the role and function of police.

## Ko te whanau / whānui: The immediate family

It is important to identify (early) who the spokesperson of the whanau is, and explain carefully to that person what the role of police is and that you need their assistance to explain to the wider whānau why police are present. Do not leave any details out or make any promises that cannot be kept.

The spokesperson could also be an extended whānau member who is not readily available. You should make every attempt to liaise and update them whenever possible. Above all else, exercise extreme patience when dealing with all whānau members.

## **Ko te Tūpāpaku: The deceased**

The body is 'tapu' and should be treated with dignity and respect at all times. Whānau members will be extremely vigilant when police are viewing and handling the body. Some whānau members will not hesitate to assist police in preparing the body for removal. You should not decline the assistance offered unless there are strong investigative / criminal related issues that dictate otherwise.

## **Ko te Tangotango o te Tūpāpaku: The examination of the deceased person**

The body is 'tapu' and where possible, should not be exposed (naked) in front of whānau members when doing an external body examination. Whānau members should be consulted regarding this and politely asked to leave. This should not be a long process, unless otherwise dictated by suspicious circumstances or un-natural markings on the body.

## **Ko ngā taonga o ngā Tūpāpaku: The deceased's property**

All property and personal belongings of the deceased are considered 'tapu', and in most cases whānau will want to be consulted as to how and when these items will be returned. Early contact with whānau will provide guidance and direction on this. Seek advice from your local ILO or District Kaumatua if the whānau do not make their wishes about the return of property clear.

If whānau are present and there is no investigative need for the property to be removed, it should be handed to the immediate family. Property should be clearly itemised in detail and immediate family should sign for the property.

## **Ko te wāhi Aituä: The scene**

The whānau will usually want to bless (Karakia) the scene to lift the 'tapu' in the immediate area of where the deceased was found or died. Police should not be alarmed and should participate by being patient and standing with their heads lowered in respect. The blessing may also include a mihimihi (speech of acknowledgement of the deceased) and a hīmene (hymn).

## **Ko te whakahoki o te Tūpāpaku: The early release of the deceased**

Where possible, police should explore the early release of the deceased with the whānau and on-call coroner. This will assist in gaining the support and cooperation of the whānau and allow them time to prepare for the return of the deceased and advise other whānau.

Police are responsible for ensuring the whānau are kept informed at all times regarding the possibility of an early release and where possible should advise the whānau that the coroner has authorised / declined an early release prior to leaving the whānau or finishing duty.

## **He Kaituku whēkau: Organ donors**

The body is 'tapu'. The journey of the deceased back to the spirit world includes the body being 'intact' with all its body organs inside the body. Most Māori will not donate organs, but some Māori do and have indicated such on their driver licenses. If they have neglected / failed to advise extended whānau of their wishes, this can cause issues in terms of removing the body and associated post mortem. Police should take their time to negotiate this issue further with whānau, as they will have the last say.

## **Nga Tikanga: Cultural values**

Karakia (Prayer), Waiata / Hīmene (Songs / Hymns), Mihimihi / Whai Kōrero (Speeches of acknowledgement), Tapu (Sanctity), Tangi (Wailing), Hongi (Rubbing of noses), Karanga (Call of the Women), Haka (War dance of respect) are all cultural values / concepts that will sometimes be conducted in an impromptu manner as a sign of respect to the deceased. Do not be alarmed or fazed and if possible respectfully allow the process to take place. Remain patient.

Whānau will acknowledge and respect Police for their sensitivity, reverence and respect for the deceased and the whānau pani (immediate family of the deceased).

## **Ko ngā mahi o ngā Kaumatua / Kuia: The role of elders and kuia**

Elders and kuia usually, if present and available, take a lead role in facilitating and coordinating 'Tikanga Māori' and any related formalities associated with the deceased person (immediately after death through to burial). However, in some cases they may choose to delegate this responsibility to another member of the whānau. In these cases they will advise you of the nominated person and you should make yourself known to them.

## **Ko ngā mahi o ngā Kaitakawaenga: The role of the Iwi Liaison Officer**

District ILO should only be contacted to attend sudden deaths in exceptional circumstances and should not be called just because the deceased is Māori. When ILO do attend they can provide ongoing liaison between whānau and Police in English and Te Reo Māori and can provide advice and guidance to investigators on matters of 'Tikanga'.

ILO must not be used as scene guards or left to complete the 1S file. They have a specialist role and a specific function. Where necessary to ensure the effective and efficient conclusion of the investigation, ILO may take a lead role in the overall IS investigation (continual updating of whānau, liaising between Police and whanau / coroner's office)

Exceptional circumstances include:

- when whānau will not release the body and the matter is likely to become protracted and involves matters of 'Tikanga'
- when whānau prefer to speak in Te Reo Māori only.

For further information about deploying ILO refer to 'Deploying Liaison Officers for sudden deaths' and 'Disputes over burial arrangements' in the '[Deploying Iwi, Pacific and Ethnic Liaison Officers](#)' chapter.

## **Discovery of skeletal remains: bones**

### **Kōiwi: Historical significance**

Throughout the country, Iwi have clearly identified and marked areas that are tapu (sacred) - areas containing the remains of tupuna (ancestors) who died of natural causes or as a result of inter-tribal warfare that occurred many years ago. These areas are known as wāhi tapu (burial sites).

However some of these areas have not been marked and from time to time kōiwi have been 'accidentally' unearthed as a result of urban development / new building sites or even through innocent recreational activity.

Locations and deposits of kōiwi align to local Iwi whakapapa (genealogy), protocols and traditions. Local kaumātua will also be able to recount specific sites and locations where historical battles may have taken place and may also be able to provide dates and specific detail regarding each deposit.

It should be assumed that any historical finds will be of Māori descent. If they are not, there is no known non-Māori services that will provide kaitiaki (guardianship) for these bones. Māori (Iwi) take this responsibility very seriously and will accord respect and dignity to all kōiwi found in its Iwi boundaries.

Whatever the case may be, kōiwi within Iwi boundaries are tapu and police should proceed with caution and sensitivity.

When Police are called to the discovery of skeletal remains, consideration must be made as to the determination and category of the bones. The bones may be identified as one of the following:

1. historical human skeletal remains - Kōiwi bones.
2. human skeletal remains undetermined
3. human remains in circumstances that indicates a suspicious death.

Consider the use of external agencies at the time of discovery to assist with historical determination:

1. CIB
2. Heritage New Zealand
3. Forensic Pathologists
4. Anthropologists

## **He mana o te Kaiwhakamātautau Tūpāpaku: The direction of the coroner**

The initial discovery of kōiwi should be treated as a criminal investigation and if the findings are likely to be related to recent death, this must be notified to the coroner. Such findings may include bones:

- associated with clothing
- which are anatomically arranged rather than scattered and loose
- found above the ground
- with tissue remnants attached.

There is no age determinant for this and advice supported by the scene evidence will assist in the step process

Forensic pathologist advice should be sought when findings fall into the above category.

Findings which are likely to be remnants of previously normally interred bodies need not be notified. Such findings may include bones:

- which are dry (often coloured yellow)
- which are scattered
- exposed by erosion
- found in or near urupā / wāhi tapu (sacred sites) or cemeteries
- associated with casket or tomb remnants.

## **Ko te mahi o te Pirihimana: The role of Police**

When a determination is made that the kōiwi is recent and requires further investigation, normal serious crime scene action should be initiated.

When it is determined that the kōiwi is historical, contact the local Council Iwi Unit and Heritage New Zealand / Pouhere Taonga (previously known as Historical Places Trust) and provide them with all available detail regarding the location and circumstances of the find. (See 'When kōiwi (bones) are discovered' in the 'Deploying Iwi Liaison officers (ILO)' chapter for how to contact Heritage New Zealand).

Council Iwi Unit and Heritage New Zealand / Pouhere Taonga will then attend the scene and also liaise with the local Iwi / Hapū. Police are no longer required to remain at the scene nor would Police be involved in the transportation of the remains

If it is determined that the kōiwi are not to be treated in an historical context, then if irrespective of suspicion, normal coronial procedures will occur, i.e. coronial notification, POL47 completion and the transport of the remains will be through a contracted service provider.

## **Ko ngä mahi o te Kaunihera: The role of the Council**

Members of the Iwi Unit (Council ILO) will collect as much information as possible, attend the scene, and chart the location of the find which will be added to the local council database.

They will also liaise with and coordinate activities with the local Heritage New Zealand / Pouhere Taonga office and the local Iwi / Hapū.

## **Ko ngä mahi o te Heritage New Zealand: The role of Heritage New Zealand**

Heritage New Zealand / Pouhere Taonga will ensure the ongoing liaison between local Iwi and Hapū and will also provide Police with updated mapping systems and processes (Communications Centres) as to the locations of all recent finds.

## **Ko te mahi o ngü Kaitakawaenga: The role of the ILO**

The Council Iwi Unit and Heritage New Zealand / Pouhere Taonga networks assume the role of the ILO and have extensive Maori networks and support services to ensure Iwi and Hapū are continually consulted over the repatriation of kōiwi in their rohe.

District ILO do not need to be involved in this process.

## **Organising and completing the file**

### **File contents**

Subject to individual Inquest Offices formatting, the following documents should be included on the Police file.

Documents	Comments
Report for coroner (POL 47)	See <a href="#">Completing the report for coroner (POL 47)</a> for further information. If you have notified the coroner of the death and been informed that there will be no inquest because a medical certificate is available, only a file copy is required.
Deceased Property Report (POL 268)	Top copy
Witnesses' statements	
Deceased Person Identification Form (POL 265A)	
COR 31 verification of death form	
Pathologist's report	This may go direct to the Coronial Support Unit. If available to Police, add to the file.



Covering report	<p>The report should include where relevant:</p> <ul style="list-style-type: none"> <li>• the circumstances surrounding the notification of the death to Police</li> <li>• a description of the scene, and the approximate time of death</li> <li>• the appearance of the body - clothing, position, injuries, scars</li> <li>• if the body is unidentified, the details gained from the steps taken to identify the body</li> <li>• whether any weapons such as firearms were seized, and any items related to suicide or drug overdose</li> <li>• full names, addresses and occupations of witnesses</li> <li>• any suspicious circumstances</li> <li>• whether donor material has been obtained from the deceased person.</li> </ul>
A NIA Person Dossier print-out	
Deceased person notification	<p>If the deceased has a:</p> <ul style="list-style-type: none"> <li>• Police PRN</li> <li>• driver licence</li> <li>• firearms licence (place the details in the 'Any Other Information' area),or:</li> <li>• is a drowning victim,</li> </ul> <p>complete a Deceased Person Notification, accessed through Police Ten One <u>Notifications</u>. This will inform the Central Register of Driver Licences and the Licensing, Vetting Service Section PNHQ and Water Safety NZ as applicable</p>
POL 258	<p>Include this if there is something extra that needs to be brought to the attention of your supervisor. This does not include the cover sheet, which must be put on every file for recording purposes.</p>

Inquest depositions	Include these if an inquest is to be held. The file may be returned to you to prepare the witness statements.
Computer-generated documents	Attach all computer-generated documentation to the file.

## Original or copies

Where the matter is purely coronial and there are no prosecution matters outstanding or contemplated, the originals of statements, certificates and reports must be sent to the coroner for attaching to the coronial file. Copies of such documents must be retained on the Police file.

In cases where a prosecution is anticipated, originals stay with Police as part of the prosecution file. Copies can be provided to the coroner where required.

## Checks when completing the file

When completing the file, ensure:

- the verdict and the names of the coroner and of counsel appearing at the inquest are recorded
- Coronial Services Unit has advised the immediate family
- Query Person Alert checks have been carried out and, if the QP is positive, the Deceased Person notification form (Police Ten One Notifications) has been sent
- you check with the Coronial Services Unit regarding return of property
- all correspondence has been answered (note that on completion of the file all enquiries should be forwarded to the Coronial Services Unit for a response)
- the ACC, Water Safety New Zealand or the National Intelligence Centre have been notified, where appropriate.

## Update NIA

Ensure that the NIA occurrence is updated, especially if the coroner's findings include a restriction on making public details of a self-inflicted death (s71) or witness or evidence details (s74). By reading the information in a NIA occurrence, employees should become aware of the restriction. (They may not become aware of it if it is only noted on the Coroner's Findings (Cor 7)).

Note the following in NIA with regard to the occurrence:

*“Coroner’s direction - section 71 Coroners act 2006 - no person without Coroner’s authority can make public any particulars of the death other than the name and occupation of the person concerned and the fact that I have found his death to be self-inflicted”.*

## Exhibits

Coroners Services Unit will contact ESR to destroy or return exhibits.

## Offence table

This table lists the offences under the Coroners Act 2006.

Offences	Section	Offence Category
Failing to supply information or documents required by coroner’s notice	<u>134</u>	Category 1
Making false or misleading statements, or omissions, in certain documents	<u>135</u>	Category 1
Failing or refusing to comply with a direction about the removal of a body	<u>136(a)</u>	Category 1
Hindering or preventing a person from complying with a direction about the removal of a body	<u>136(b)</u>	Category 1
Failing or refusing to give the coroner a required report	<u>137</u>	Category 1
Making false or misleading written statement about the identity of a person	<u>138</u>	Category 3

Publishing information in contravention of section 71 (restrictions on making public details of self-inflicted deaths) or prohibition under section 74 (coroner empowered to prohibit making public evidence given in inquiry proceedings)	<u>139</u>	Category 1
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## Mortality review committees

### Health Quality and Safety Commission

The Health Quality and Safety Commission is established under section 59A of the NZ [Public Health and Disability Act 2000](#) to lead and co-ordinate work across the health and disability sector for the purpose of:

- monitoring and improving the quality and safety of health and disability support services, and
- helping providers across the health and disability sector to improve the quality and safety of health and disability support services.

### Appointment of mortality review committees

The Health Quality and Safety Commission may appoint mortality review committees under section 59E of the Act to:

- review and report to them on specified classes of deaths of persons, or deaths of persons of specified classes, with a view to reducing the numbers of deaths of those classes or persons, and to continuous quality improvement through the promotion of ongoing quality assurance programmes
- advise on any other matters related to mortality specified by the Commission.

From this information, a mortality review committee is required to develop strategies designed to reduce morbidity and mortality.

The Health Quality and Safety Commission must provide a report on the progress of mortality review committees to the Minister of Health.

### Police representation on mortality review committees

There are a number of mortality review committees across New Zealand. Of particular note are those with a focus on child, youth and suicide deaths. These committees are attended by a range of stakeholders, including a senior Police employee from the respective policing area and / or district.

Police representation on mortality review committees is consistent with the NZ Police 'Our Business' strategy; and 'Prevention First' – our national operating model, which supports staff in their day to day activities by **taking every opportunity to prevent harm**.

## **Information to be provided to mortality review committees**

Schedule 5 of the NZ Public Health and Disability Act 2000 details the provisions applying to mortality review committees.

Under clause 2, a chairperson of a mortality review committee may, by notice in writing, require any person to give the committee information in the person's possession or under their control that is relevant to the committee performing its functions. This may include:

- patient records, clinical advice, and related information
- answers to questions posed by the chairperson in the notice, and that the person is able to answer.

The person must take all reasonable steps to comply with the notice.

## **Agreed disclosure process**

The agreed disclosure process when mortality review committees require information is that they must each engage directly with, and obtain relevant information from, the respective coroner (not from police) via the Ministry of Justice website. This approach will not interfere with the legislative requirements of the Health Quality and Safety Commission provided for under the Act.

The decision to disclose or not disclose information contained on an open coronial file is a decision for a respective coroner, **not** an employee of Police.

The agreed disclosure process was approved by Commissioner Peter Marshall effective from 4 October 2012.

