



Instruction 62

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# Coroners and inquests

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## Coroners Act

**62.01**

Become thoroughly conversant with the provisions of the Coroners Act, as amended.

Part III of the Act, requires that a coroner hold or dispense with an inquest or inquiry when informed of certain deaths or fires by a member of the Police Service or any other person.

A coroner oversees coronial matters generally and may give directions to police concerning investigations to be carried out for the purpose of an inquest or inquiry.

By arrangement, the Australian Federal Police (AFP) report deaths or fires occurring in places where the AFP exercise control, to the commander of the nearest NSW police station. This procedure applies only to those deaths or fires occurring in circumstances requiring a report to the coroner under the terms of the Act.

*Patrol  
commander*

On receiving such a report from a member of the AFP, arrange the necessary investigation and appropriate report to a coroner.

## Powers of Coroner

**62.02**

*Investigating  
officer*

The coroner relies on you to ensure that an investigation is properly and professionally conducted and may request that a particular aspect receive specific attention. If you receive such a request, accede to it in a proper and timely manner.

If you genuinely hold serious objections to the course of action requested by a coroner, promptly bring the matter to the attention of the Commander, Legal Services, in your region, and seek a direction.

# Reporting deaths to coroner **62.03**

*Investigating  
officer*

Promptly inform the coroner, who is the nearest Clerk of the Local Court, by submitting a P79A form in quadruplicate (a copy of which is immediately filed at your station), of the death of any person whose body is lying within NSW and who died:

- a violent or unnatural death
- a sudden death, the cause of which is unknown
- under suspicious or unusual circumstances
- and a medical practitioner has not given a certificate as to the cause of the death
- not having been attended by a medical practitioner within the period of three months immediately before death
- while under, or as a result of, or within a period of 24 hours after the administration to the deceased of an anaesthetic in the course of a medical, surgical or dental operation or procedure, except in the case of a local anaesthetic administered solely for the purpose of facilitating a procedure for resuscitation from apparent or impending death
- within a year and a day after the date of any accident where the cause of death is attributable to the accident
- died while in the custody of a member of the Police Service, or while in or temporarily absent from, an institution of a type listed below and of which the person was an inmate:
  - an admission centre or mental hospital, within the meaning of the Mental Health Act

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- a residential child care centre licensed under the Children (Care and Protection) Act, 1987
- a facility within the meaning of the Community Welfare Act, 1987
- a detention centre within the meaning of the Children (Detention Centres) Act, 1987
- a prison within the meaning of the Prisons Act, 1952, or a lockup.

## Further, S.12A (1):

- A person who has reasonable grounds to believe that a death or suspected death would be examinable by a coroner under S.13 (3) and
- has reasonable grounds to believe that the death or suspected death has not been reported to a coroner, must report the death or suspected death to a member of the Police Service, or to a Coroner, as soon as possible after becoming aware of those grounds.

## S.12A (2):

- a member of the Police Service to whom a death or suspected death is reported as provided by subsection (1), or by S.24(8) of the Registration of Births, Deaths and Marriages Act, is required to inform a coroner of the death or suspected death as soon as possible.

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## Report to coroner when person charged with an indictable offence

*Investigating officer*

Inform the coroner as soon as possible when a person is charged with an indictable offence, eg. murder or manslaughter, etc., in respect to a death, or a person is charged with an indictable offence, eg. arson, regarding a fire. Enter the details on the P79A and the Computerised Operational Policing System (COPS). Submit a hardcopy of the COPS event to the coroner.

## Coroner's responsibility regarding indictable offences

If, during an inquest or inquiry, the coroner forms the opinion that the evidence establishes a prima facie case against a known person for an indictable offence connected with the death or fire, the coroner terminates the hearing in accordance with S19(1) of the Coroners Act.

The coroner forwards the depositions, in confidence, to the Director of Public Prosecutions (DPP) with a signed statement specifying the name of the person, particulars of the offence, and recommends that the Director consider filing an ex-officio indictment against the person named.

## Person charged or information laid for summary offence

If a person is charged or an information laid for a summary offence, or such is proposed, in circumstances connected with a death or fire, those proceedings must be adjourned until after the coroner has held or dispensed with the holding of an inquest or inquiry.



*Coroners and inquests*

Observe the following procedure when related summary charges are preferred against a person, or such charges arise from the inquest or inquiry:

- immediately advise the sergeant assisting the coroner
- advise the police prosecutor at the local court each time the summary charges are mentioned so a further adjournment is sought until:
  - the coroner's inquiry is completed
  - the DPP advises it is not proposed to take action, ie., declines to file a bill
  - any indictable offence arising from a coroner's referral to the DPP is determined
  - any indictable charges brought by police are finalised.

These procedures are necessary to ensure that action on the more serious charges is not precluded by the fact the accused has already been dealt with on a summary offence arising from the same set of circumstances.

## **Police assisting coroners**

## **62.04**

Perform your duties in a completely impartial manner if detailed to assist a coroner during an inquest. Ensure all relevant material is placed before the coroner in the proper form.

*Patrol  
commander*

Do not appoint police who are, or have been, actively engaged in the investigation of the death or fire to assist the coroner.

*District training  
co-ordinator*

Ensure all police likely to assist the coroner during an inquest or inquiry, have a good understanding of their duties and responsibilities.

## Coronial Investigation Unit

**62.05***Investigating  
officer*

When a coroner requests the assistance of the Coronial Investigation Unit, you still remain in charge of the matter. However, facilitate inquiries by members of the Unit and heed any advice offered in relation to the investigation generally.



## Involvement of Police Internal Affairs

**62.06**

When during an investigation of a death, fire or crime it appears that a member of the Police Service may be implicated in the perpetration of the act, immediately report the matter, in writing, to the Commander, Police Internal Affairs Unit, in your region.

The Police Internal Affairs Unit is responsible for the proper investigation of the alleged breach of police discipline but shall not, unless otherwise directed, have carriage of the investigation into the death, fire or crime.

Facilitate inquiries by members of the Internal Affairs Unit and heed any advice offered in relation to the investigation generally.



## Monitoring investigations

**62.07***Patrol  
commander*

In cases of death by violence, or when foul play is suspected, take an active interest from the time the matter first comes to your notice until it is finalised.



## **Experienced police to conduct inquiries 62.08**

*Patrol commander*

When possible, nominate an experienced officer to investigate a death reported to you.

Do not appoint a probationary constable to be in charge of an investigation into the death of a person or a fire. Further, ensure P79A forms are submitted promptly to the coroner.

### **Advice to relatives**

*Investigating officer*

At the first available opportunity cause the relatives of the deceased to be personally informed. Do not inform relatives by phone, except in exceptional circumstances and with the approval of the senior police officer on duty.

*Police generally*

Be sensitive when informing a deceased's relatives of the death.

### **Homicide involving children where abuse is suspected**

Where it is suspected the death of a child is attributable to abuse, a member of the Child Protection and Investigation Team or in the case of the South West Region an officer who has specialised in the investigation and management of child abuse, is to be a member of the investigation team.

## **Preparing P79A form 62.09**

*Investigating officer*

Prepare the P79A form in quadruplicate. Deliver the original and two copies direct to the coroner and file the remaining copy at your station.

## *Coroners and inquests*

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### Manner of death

Thoroughly set out the circumstances of death in the P79A form. When possible provide the deceased's medical history, including illnesses, if treated by a doctor, when and by whom, name of hospital etc. Include a reference to any medication recently taken or prescribed. Obtain a note from any doctor who saw the deceased within a period of six months prior to death and attach the note to your report.

If the body is unidentified, include a full description in the appropriate spaces on the form and commence inquiries to identify the deceased.

### Spelling of deceased's name

It is essential that the deceased's names are fully and correctly stated. Pay attention to the correct spelling of names, and closely question persons identifying bodies or supplying names, regarding the correctness of the names given.

*Investigating  
officer*

If possible, refer to official documents to establish the deceased's correct name. If known, include the deceased's date and place of birth.

### Obtaining statements regarding deaths

When you officially report a death to a coroner by preparing and signing the P79A form, you are subject to the directions of the coroner and are responsible for collecting evidence, obtaining statements, warning nominated witnesses to attend the inquest, and attending the inquest yourself. When the coroner directs you to supply the statements of all witnesses, comply as soon as possible and in any case, within 28 days of the request.

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When you make initial inquiry into a death, the cause of which arose outside your patrol, obtain statements to establish the identity of the deceased and the place and date of death. If requested, obtain statements from relatives regarding their requirements and the deceased's medical history.

The patrol commander for the locality in which the cause of death arose ensures that other necessary statements are obtained for the information of the coroner there.

## Death occurring after transfer to another centre

When an injured person is transferred to another city or centre for treatment and subsequently dies there as a result of the injuries received, the death is reported to the nearest coroner.

The papers are then referred to the coroner for the area in which the incident causing death occurred, who has jurisdiction.

## Consent of coroner required for release of information

*Investigating officer*

Do not reveal to any person the contents of witnesses' statements, suicide notes, or reports containing the outcome of inquiries, without the consent of the coroner. Do not release the identity of a deceased until relatives have been notified. However, a copy of a witness's own statement may be given to that witness at the time it is made. See also Instruction 52, Media policy, regarding information relating to deaths, etc.

## Delays in submitting reports, etc

Submit P79A forms without delay and in any case within 24 hours, so funeral arrangements can be completed as soon as possible. Do not withhold or delay submission of the P79A for unidentified bodies. Submit a further P79A when the deceased is identified.

## Body found in suspicious circumstances by police 62.10

### *Police generally*

When you find the body of a deceased person or a death is reported to you and it appears that an inquest is necessary, particularly when foul play is suspected or suspicious circumstances are present, carefully note in writing the position and appearance of the body. Preserve the scene until the body and area have been examined by physical evidence personnel

Exercise great care before removing dead bodies found in public parks, dwelling-houses, etc. Consult your patrol commander and local Crime Scene Examiner if you have any doubt or suspicion. See also Death when foul play suspected, and Search body and premises for exhibits, this instruction.

## Body not recovered

When evidence suggests a death has occurred and the body is not recovered, make a careful investigation and furnish a detailed P79A report to the coroner within 14 days.

## Death when foul play suspected 62.11

### *Investigating officer*

Immediately inform your patrol commander, by the quickest means, when you suspect foul play. In such circumstances ensure the Crime Scene Examiner is

promptly informed. The body should only be moved or disturbed after release by the Crime Scene Examiner, who will liaise with the Government Medical Officer (GMO) or if unavailable a medical practitioner.

## **Search body and premises for exhibits**

## **62.12**

Make a careful and thorough search of the body and the place where found for any article likely to have been connected with the death. If a medical practitioner is not present, note particularly the size, description, and position of any wounds, and do not allow the body, or any articles which could be connected with the death, to be removed or altered until a full investigation is completed.

When a post mortem examination is held, produce for the information of the medical officer conducting the examination, any weapons, bottles, packets or other things suspected of being connected with the cause of death, together with any clothing worn by the deceased showing bullet or knife holes.

## **Safe-keeping of money and other valuables found in the vicinity of a deceased**

If you find a wallet or article containing money, jewellery or other valuable property in the vicinity of a body and you believe the property belongs to the deceased and it is not safe to leave it, take possession of the property. If not evident, do not undertake a search for such valuables.

Record a detailed description of the property in your notebook. If possible, have the entry verified by an independent member of the community or another member of the service. Take the property to your

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station and have particulars entered in the miscellaneous property and receipt book. Inform a relative of the deceased, or appropriate person, to collect the property.

When considering taking possession of property at the scene, have regard to the preservation of evidence particularly when you suspect a felony or the identity of the deceased is an issue.

In disasters, secure the scene and leave property in position until processed by disaster victim identification personnel.

If in doubt about the action to take, consult your patrol commander or shift supervisor.

## **Coroner's exhibits generally 62.13**

Retain exhibits seized during a coronial investigation and record them in accordance with Instruction 78, Exhibits. When you believe the exhibit is the instrument which caused death or is otherwise relevant to the death, present it to the GMO performing the autopsy. Thereafter, retain the exhibit and, if required, produce it to the coroner.

Have physical exhibits photographed and attach copies of the photographs to the coroners brief. See Instruction 78, Exhibits, for detailed procedures.

Dispose of exhibits in accordance with Instruction 78, Exhibits, after the inquest or when the inquest is dispensed with.

## **Forwarding exhibits for analysis**

*Investigating officer*

In country areas, prepare an additional copy of each of the following forms when you report a death to the coroner and the death is not of a routine nature:

- report of death to the coroner, P79A



- specimen/exhibit examination form,P377
- post mortem report of medical officer
- specimens for toxicological analysis
- reports containing results of any other test or examination performed.

As soon as practicable after death, and without waiting for the inquest, send the copies under personal and confidential cover to the Senior Specialist, Country Forensic Services, Department of Health.

For procedures in submitting post mortem exhibits for examination or analysis, see Instruction 78, Exhibits.

## Bullets and other items removed from the body

Bullets or items removed during an autopsy are obtained from the Government Medical Officer with that person's permission, and retained by Physical Evidence personnel for examination and later production to the coroner.

Exhibit items removed during autopsy, excluding specimens and items for analysis, are not left at the morgue.

After the inquest, or where such is dispensed with, dispose of the exhibit in accordance with Instruction 78, Exhibits.

## Recording property found on deceased 62.14

*Investigating  
officer*

Refer to Instruction 81, Miscellaneous property.

**Fatalities in mines****62.15**

If a fatality occurs in a coal mine, promptly inform the District Inspector of collieries, and in other mines, the District Inspector, appointed under the Mines Inspection Act. Notify these officers of the date and time of the inquest. ○

Mines include quarries, dredges and other places referred to in the Mines Inspection Act. The Coal Mines Regulation Act also defines a mine.

**Suicides - collecting evidence****62.16**

You are responsible for collecting evidence for the coroner. Accordingly, do not presume suicide and bear in mind the evidence adduced before the coroner must be sufficient to conclusively prove suicide.

To establish suicide you must produce evidence which shows conclusively that the deceased intended to take his or her own life. This can be done in a number of ways. ○

When investigating on behalf of the coroner, seek to establish definite evidence which either proves or disproves suicide.

Investigate carefully the place where the death occurred and the immediate area for the purposes of gathering evidence.

*Investigating  
officer*

Inquire from relatives and friends of the deceased to ascertain the deceased's mental condition prior to death.

Search for a suicide note or correspondence from the deceased which may indicate an intention of the deceased. Remember, this may or may not be at the scene of the death. ○

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If you locate a suicide note or correspondence, have the writing, including any signature, verified as being that of the deceased by some person competent to do so. Family members or close acquaintances are appropriate.

Inquire at hospitals and mental institutions. Consult any medical practitioner to ascertain if the deceased had any treatment, psychiatric or otherwise, and general state of health prior to death.

Inquire from the deceased's employer and associates at work about the deceased's general outlook.

Make any other enquiries that could be beneficial in bringing evidence before the coroner to assist the latter in determining the reason for death, having regard to the circumstances existing at the time.

Obtain a statement from any person you consider is able to give relevant evidence and forward the statement to the coroner for possible use at any inquest.

Cause any document which may be of assistance to the coroner but is not in your possession to be produced at the inquest by having process issued upon the custodian.

Use the utmost tact and discretion so as not to cause undue distress to the deceased's family when making inquiries of this nature.

**Overdoses****62.17***Patrol  
commander*

Nominate a detective, or member performing full time criminal investigation duties, to attend the scene of a death when evidence indicates that it may be the result of a drug related death.

*Investigating  
detective*

Arrange for a thorough forensic examination to be carried out. This will include the attendance of a Crime Scene Examiner. The examination is to clearly determine that either death was caused by an unintentional drug overdose or by the administration, accidentally or otherwise, of a substance, or a combination of substances and other drugs, which may also have directly contributed to the death.

You are responsible for determining whether the death is suspicious. If after investigation you are satisfied there are no suspicious circumstances endorse the relevant occurrence pad entry accordingly and provide a statement for inclusion in the brief to the coroner.

*Patrol  
commander*

If there is no additional evidence to question the detective's determination, have inquiries completed by an experienced general duty patrol officer.

*Officer continuing  
investigation*

Gather relevant intelligence including:

- circumstances leading to the death
- circumstances under which the body was found
- associates of the deceased
- places frequented by deceased, and
- any other matters of consequence arising during your inquiries.

*Officer continuing  
investigation*

Interview the deceased's parents, spouse, defacto, friends and witnesses. Examine available personal documents and records which belonged to the deceased in an attempt to establish the source of the drug,

identity of the supplier and perhaps providing a link to another death elsewhere. Endorse back of P79A.

Forward a copy of the above information to the prosecutor assisting the Coroner.

Ensure also that the deceased's criminal history, pertaining to drug matters is attached to the P79A at the time of the original report to the coroner.

## **Drownings**

## **62.18**

*Investigating  
officer*

At the conclusion of an inquest into the death of a person by drowning, furnish a report, in duplicate, direct to your patrol commander setting out:

- the locality of the drowning
- brief facts of the incident
- cause of the drowning, if known
- if the drowning occurred in a swimming pool, include whether the pool is above or below ground level, surrounded by a fence or only fenced off from the street, and whether the deceased was a resident or visitor
- in the case of a person fishing from rocks drowning, whether the person was alone
- if the drowning occurred in a private dam, include the type and depth of the dam
- the coroner's finding
- if a member of the service attempted resuscitation, the type of resuscitation used, the length of time carried out and whether the deceased, at any time, showed any signs of recovery.

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Reports are not required in a suicide by drowning, but are required in a case of drowning in a submerged vehicle.

*Patrol  
commander*

Forward reports to:

Original            The Co-ordinator, Water Safety  
Resource Centre, Department of  
Sport and Recreation.

Duplicate            The Director, Resuscitation Unit  
Medical Services Branch, Avery  
Building

## Deceased wearing diving equipment

*Investigating  
officer*

When inquiring into the death of a person who at the time was wearing a compressed air apparatus and weight belt, the Police Diving Section can assist you. In such cases, take possession of the complete apparatus and belt as an exhibit. At the same time, seal and conserve any compressed gas within the apparatus. Take particular notice of the condition of the apparatus and the method of attachment to the deceased. Have photographs taken of the apparatus in its original condition, if possible.

Forward the diving apparatus and weight belt, together with a covering report, to the Commander, Police Diving Section.

*Commander,  
Police Diving  
Section*

Arrange for the Government Analyst to test a sample of the gas and for a qualified member of the Police Diving Section to carry out a physical test. Have the belt weighed by the Department of Weights and Measures and obtain a certificate.

Ensure statements, certificates and photographs are prepared and forwarded to the investigating officer for presentation to the coroner.

## Suspected poisoning

**62.19***Investigating officer*

When giving evidence at an inquest into a death by poisoning, state whether you ascertained the source of supply of the poison and whether the package, bottle, etc., bore the label of the manufacturer and distributor. Also, whether it was labelled in accordance with the regulations under the Poisons Act.

*Prosecutor*

Ascertain the source of supply of the poison from any witness, if possible.

## Fatalities, serious accidents, electrocutions or gassings in the workplace

**62.20***Investigating officer*

When a fatality or serious accident occurs in the workplace, or while a person is engaged in pursuing an occupation, contact the local WorkCover Authority office or use the 24-hour emergency number (02) 260 0450.

When a fatality or serious accident involves electricity, gas or water, notify the supplying authority.

Afford the WorkCover Authority representative reasonable opportunity to inspect the scene and evidence. For this purpose, preserve the scene for a reasonable time. In fatalities, it is not necessary for the body to remain at the scene.

Security of equipment and exhibits seized in the course of the investigation is your responsibility. WorkCover is permitted to have access to the exhibits. Irrespective of whether police examine the equipment, WorkCover's report will be sought by the Coroner.

Advise the Coroner of WorkCover's involvement and of any difficulties which may arise.

## **Skeletal material of suspected human origin**

### **62.21**

Submit a P79A for the information of the coroner when skeletal material, suspected of being of human origin, is brought to your attention. Conduct the investigation in respect of skeletal remains in the same manner as for a deceased person.

### **Skeletal remains of unsuspecting nature**

When nothing of a suspicious nature is evident and you believe the material is of ancient Aboriginal origin, endeavour to ensure the site and immediate area is not disturbed further until experts attend.

If you doubt the Aboriginality of the remains, contact your nearest Physical Evidence Section.

Contact the Regional Office of the National Parks and Wildlife Service and advise:

- the location of the discovery
- features of the site
- police in charge and contact telephone number
- any other relevant information.

Inform your regional Police Aborigine Liaison Unit.

Refer to Instruction 120, Aborigines, for detailed procedures.



## **Mass fatalities**

**62.22**

### **Aircraft incidents – post mortem examinations**

Immediately notify the coroner when an aircraft crash results in a fatality and inform the Department of Transport of the incident. The coroner directs where the post mortem examination is to be performed.

### **Aircraft or public transport incident**

*Investigating  
officer*

Immediately inform, the Sergeant in Charge, State Coroners Court, Glebe, by telephone, when mass fatalities result from an aircraft or regular public transport accident. The Division of Forensic Medicine, Sydney, undertakes post mortem examinations and pathology services in these circumstances. The area pathologist is not involved.

### **Forwarding bio-chemical and histopathological material for analysis**

The pathologist forwards bio-chemical and histopathological material to the Division of Forensic Medicine, Sydney, for analysis.

Arrange transportation of the material. The Australian Department of Transport supplies packaging material for this purpose.

## **Boating fatalities**

**62.23**

Refer to Instruction 47, Water craft.

## **Fatal or serious accidents on SRA trains** **62.24**

*First police officer on scene*

Refer to Instruction 40, Accidents (Excluding traffic accidents), Fatal or serious accidents on SRA trains - breath testing drivers.

## **Deaths in police custody and deaths arising from police shootings or pursuits** **62.25**

*Patrol commander*

Immediately report a death in custody to the Coronial Investigation Unit in addition to the usual procedures.

*Senior investigating officer*

Such deaths are to be investigated in accordance with the guidelines of Commissioner's Instruction 155.18.

## **Deaths of pensioners** **62.26**

*Police generally*

For procedure regarding deaths of pensioners or other social security beneficiaries, see Instruction 136, Australian government matters affecting police, under the heading "Social Security, etc."

## **Photographing unidentified bodies prior to burial** **62.27**

*Investigating officer*

If a body is unidentified when the order for burial is given, arrange for photographs to be taken as directed below and if considered necessary, obtain assistance from specialist branches of the Service.

## Consult Missing Persons Unit (MPU) regarding unidentified bodies

Information concerning unidentified bodies is recorded at the MPU for checking against missing persons' record cards to assist in possible identification.

When finger prints fail to identify a body and there are no other means of identification, disseminate the Computerised Operational Policing System (COPS) event to the MPU setting out:

- full description of the body, including apparent age
- length of time dead
- particulars of clothing and jewellery found on body.

Also, submit a report to the coroner setting out all facts known about the deceased to assist in possible identification on the balance of probability.

## Dental chart and photographs of unidentified bodies

*Investigating officer*

Attach a dental chart to the report as well as a full length photograph of the body. Have the deceased's head photographed, one taken directly above head (full face) and one taken side on to head (profile). Attach copies of each photograph to the P79A form filed at your station and also supply copies to the coroner for filing.

*Police photographer*

Ensure if possible, that you take the photographs before the post mortem examination. Before taking the photographs, ensure the deceased's face is cleaned, hair tidied and eyes opened, to facilitate identification by

members of the public. Enlarge the photographs to a reasonable size.

## **Notifying defence force of deceased member** **62.28**

If the deceased is a member of the defence forces, inform the appropriate authority of the circumstances without delay.

## **Transporting deceased persons by ambulance** **62.29**

The Department of Health, Ambulance Service, has adopted the following policy concerning the removal of deceased persons by ambulance:

- transport is effected when ambulance officers believe that resuscitation procedures should continue
- transport should be effected when the attending ambulance officers become aware that the deceased has agreed to donate organs or other body tissues
- transport is effected, when sudden death has occurred and the body is in public view
- when police insist the body remain where it is for investigatory reasons, the government contractor is called and the ambulance released from the scene.

*Investigating officer*

Unless there are special circumstances, ambulance officers are not required to transport a person who has been deceased for more than 24 hours.

While preserving the scene, do not prevent the removal of an apparently dead body by ambulance personnel, unless you have doubt regarding the manner of death or vital evidence would be lost by removal of the body. When there is a necessity to record the position of the

body on the roadway, "chalk" its position before removal.

## **Removal of bodies by contract undertakers 62.30**

*Investigating officer*

When an ambulance officer does not remove a deceased person, seek the services of a contractor for the removal, in accordance with the provisions of the contract arranged by the Government Supply Office for "Coffins and Internments (Section A - Removal of bodies...)"

Do not call a contractor to the scene if you establish the person is an organ donor or there are other reasons for using the Ambulance Service.

Where possible ascertain the identity of the deceased person's medical practitioner and have that person attend the scene to issue a certificate of death.

Where the medical practitioner is unknown or unavailable contact the government contractor and have the body removed to the nearest hospital or Government Medical Officer to have life pronounced extinct. Then have the body conveyed to the morgue.

If a certificate as to the cause of death is issued and the body is not otherwise required to be conveyed to the morgue, relatives or friends should arrange for the body to be transported by a funeral director of their choice. The cost of this is to be borne by the relatives or friends.

Remember, police officers of or above the rank of sergeant or any member of the Police Service in charge of the scene have authority to direct that a body be removed by a government contractor (funeral director) to the nearest hospital or GMO to have life pronounced extinct.

## Nature of service under contracts

Services provided by funeral directors under contract are specific, but the conditions of the contracts impose no obligation on any private person to use the contractor for private funerals. As the choice of a funeral director for privately arranged interments is entirely at the discretion of the relatives, do not make any recommendation to influence this decision.

## Unsatisfactory service by contractor

*District  
commander*

If the services of a funeral director, under government contract, are unsatisfactory, immediately advise the State Contracts Control Board, Government Supply Office, of the deficiency.

## **Assistance to Human Organ Donor Co-ordinators (HODC's) 62.31**

*Investigating  
officer*

Attend a hospital promptly to effect identification of a deceased person in cases involving proposed organ retrieval surgery and make speedy inquiries to ascertain the circumstances surrounding the death.

If approached by a Human Organ Donor Co-ordinator (HODC) for information regarding the donor, inspect the person's photographic identification card and if satisfied of the person's bona fides contact the senior Duty Operations Inspector by telephone. This officer is responsible for supplying the HODC with the required information. Co-operate with the Transplant Co-ordinator and assist the next of kin as appropriate. After organ retrieval surgery, follow the usual Coroner's case procedures.

## **Admitting body to morgue 62.32**

Under no circumstances must a body be admitted to a morgue without police present.

Ensure a contractor is not called to an accident or other site, when a person has just died and you establish that the person is an organ donor, or there are other reasons for using the Ambulance Service.

## **Death certificate issued before admission of body to morgue 62.33**

*Investigating  
officer*

Before a body is admitted to a morgue, obtain a certificate from a medical practitioner that life is extinct and attach the certificate to the P79A report to the coroner. After a medical officer has certified that life is extinct, act under the coroner's instructions as far as practicable.

## Identifying deceased person to GMO

62.34

*Investigating officer*

When a body is identified to you, personally identify the body to the GMO.

## Post mortem examinations

62.35

### Police duties at post mortem examinations

*Officer in charge*

Prior to attending the mortuary supply to the Coroner or Coroner's Sergeant, the P79A form and any other relevant documentation. Then attend on the Forensic Pathologist (G.M.O.) for the purpose of identifying the deceased. Confer with the G.M.O. who can indicate whether the death is routine.

In respect of routine cases you are not obliged to remain at the post mortem. It is a matter of discretion as to whether you elect to remain to further your coronial/investigatory knowledge.

In relation to other deaths (homicide, manslaughter, culpable driving, criminal negligence, in police custody, due to a police pursuit or a police operation, or suspicious deaths) you and other designated officers (eg. P.E.U., Ballistics, Internal Affairs, Fingerprints) are to be present at the post mortem if directed by the Coroner.

*Police generally*

You are not to participate in the conduct of a post mortem examination.

### Police duties regarding post mortem specimens

*Police generally*

Upon receipt of sealed post mortem specimens and required documentation from the doctor performing the examination arrange for transportation to the Division of Analytical Laboratories, Lidcombe or such other



laboratory as is appropriate under Instructions 62.13 and 78.23.

## Post mortem conducted at hospital

When the coroner approves a post mortem examination to be conducted at a teaching hospital, immediately have the deceased's body identified to you at the hospital by a relative or other acceptable person. Doctors or hospital staff are not acceptable persons in these circumstances.

Identify the body to the hospital pathologist authorised to conduct the post mortem examination. If this is not practicable, you may identify the body to some other person in authority at the hospital, preferably a medical officer, but certainly not nursing staff. Such person can later identify the body to the pathologist.

In these cases, clearly set out the method of identification in your statement of evidence, for the coroner's information.

## Post mortem requirements when murder charge likely

See Instruction 78, Exhibits, for requirements when a post mortem examination is scheduled in the country in a case in which a person has been charged or is likely to be charged with murder.

## Reimbursing witnesses for identifying deceased persons

*Police generally*

When a death is reported to the coroner, but the body is not identified, a person requested by you to travel a long distance to identify the deceased, may be entitled

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to the reimbursement of reasonable expenses by the Attorney General's Department.

## Approval required for witness to travel

Before requesting a person to travel a long distance to identify a deceased person, confer with your patrol commander.

*Patrol  
commander*

Ensure the most economical means is used to effect the identification. Satisfy yourself that no other means of identification are available locally, before giving approval for a person to be requested to travel a long distance for this purpose.

Take care that the person is not undertaking the journey for another purpose, that is, funeral or collecting property.

*Investigating  
officer*

When the death is the subject of an inquest and the person making the identification is called as a witness, any claim for reimbursement of expenses incurred in connection with the identification is made when claiming expenses for attending the Coroner's Court.

Should a person, who is requested to make an identification, require the Police Service to pay the fare to the place where the identification is to be made, arrange this in accordance with the procedures laid down for Crown Witnesses. Any order or requisition issued for this purpose is endorsed "recoverable from the Attorney General's Department".

*Investigating  
officer*

When the coroner dispenses with an inquest, or where the claimant is not called as a witness, or desires payment prior to the inquest, any claim for reimbursement of expenses incurred by the person making the identification is the subject of a report. Set out in detail all expenses claimed and forward the report through your patrol commander to the district commander.

*District  
commander*

Consider the matter and make a recommendation for consideration by the Attorney General's Department.

## **Police prosecutors assisting coroners at inquests 62.36**

*Investigating  
officer*

At larger centres, police prosecutors assist coroners in conducting their courts. If outside those centres, apply to the Commander, Legal Services, in your region when you are involved in a complex inquiry and consider the services of a police prosecutor should be obtained. Ensure the application, together with copies of relevant statements, reaches the commander's office at least seven days before the hearing.

*Commander,  
Region Legal  
Services*

Decide, in consultation with the coroner, whether such assistance is warranted.

### **Advising next-of-kin and witnesses in ample time**

*Investigating  
officer*

Advise the next-of-kin and witnesses required by the coroner to give evidence, of the time and the date of the hearing of the inquest and of any subsequent adjournment. Have the next-of-kin personally informed and in ample time before the inquest.

## Exhibits relevant to inquest

**62.37***Investigating  
officer*

In all cases, whether or not criminal proceedings are pending, when an exhibit in your possession relates materially to the cause of the death of a person or the cause of a fire, retain the exhibit pending a discussion with the coroner. Do not dispose of the exhibit until the coroner directs accordingly.

If the exhibit is a motor vehicle, have it mechanically examined to ascertain whether a defect may have contributed to the fatality. Have firearms expertly tested at the Ballistics Unit and obtain a certificate for presentation to the court

These instructions do not apply when an indictable charge, has been preferred against a person relating to the cause of the death being investigated. In such cases, the coroner merely hears evidence to establish the identity of the deceased and the place and date of death. The coroner then terminates the inquest and the indictable charge or charges are then the subject of proceedings in a local court. Deal with exhibits in accordance with Instruction 78, Exhibits.

### Production of articles

At the inquest, produce any papers or other property found on the body of the deceased, and any weapon or instrument that may have been the means of death, or any bottle or papers containing, or thought to have contained, poison.

## Removal of clothing from bodies

### 62.38

### City Morgue, Glebe

*Investigating  
officer*

Clothing is removed on instruction by the Medical Officer and is cut only in extreme circumstances. Clothing is kept at all times and stored with the body or handed to police if required for evidentiary purposes. If not required by police, the clothing is released with the body to the undertaker and specifically signed for.

If you require clothing for evidentiary purposes, deal with it as an exhibit and in accordance with, Exhibits relevant to inquest, this instruction.

### Country area

*Patrol  
commander*

Make local arrangements. When practicable, adopt the procedure laid down for the City Morgue, Glebe. Confer with your local coroner and issue additional instructions as required.

## Procedures for property at the City Morgue, Glebe

### 62.39

Refer to Instruction 81, Miscellaneous property.

## Retention of police records

### 62.40

*Patrol  
commander*

Ordinarily, diaries, duty books and notebooks are retained for five years before they are destroyed. However, when so directed by a coroner or magistrate, such records are retained until released by order of the State Coroner, Chief Magistrate or a Judge.

When police records are retained in these circumstances, make an appropriate notation on the relevant record card.

## **Next of kin making funeral arrangements** **62.41**

*Investigating officer*

If the deceased's next-of-kin or legal representative seeks your permission for a particular funeral director to remove the body to the morgue or such other place you direct, give approval unless you have a valid reason for refusing. Accordingly, do not obtain the services of the Government contractor until you visit the place where the body is lying.

When giving approval, advise the applicant that police supervise the removal of the body and the cost is not met by the Police Service or the Government.

## **Police not to become involved in cremations** **62.42**

When a death is not violent, unnatural or unexplained and there are no suspicious circumstances, and the next-of-kin wants the body cremated but the medical referee, under the Public Health Act, refuses permission because the two medical certificates do not comply with Regulation 78 and you are requested to have the body conveyed to a morgue, do not intervene.

Allow the deceased's representatives to make appropriate arrangements for disposing of the body either by cremation or burial.

Draw the attention of the person making the representations to the provisions of Part X of the above Regulation.

## Certificate issued for destitute deaths

**62.43**

*Investigating officer*

When a destitute person's body is transported to the City Morgue for storage, pending burial, submit a comprehensive report forthwith, for the information of the Sergeant at the Coroner's Court and the Coroner. Keep the Coroner's Office informed of the progress of your inquiries.

## Fires

**62.44**

As soon as possible, report direct to the coroner, who is the nearest Clerk of the Local Court, by forwarding a hardcopy of the Computerised Operational Policing (COPS) event, the required details of all fires coming to your notice when property of value is destroyed or damaged. This instruction applies not only to real property, but to all property of value, including motor vehicles and their loads, contents of buildings, crops, stock, fencing equipment, etc.

Ensure there is sufficient information on COPS event to inform the coroner of the cause and origin of the fire.

If requested by fire brigade authorities, provide information regarding the amount and particulars of insurance upon any premises where a fire occurred.

## **Sudden infant death syndrome (SIDS) - suspected cases**

**62.45**

*Patrol  
commander*

Suspected Sudden Infant Death Syndrome (S.I.D.S.) cases are examinable by a Coroner and must be attended to as a matter of urgency by an experienced investigator. Assign the investigator keeping in mind any directions given by the local Coroner. The investigator should become involved in the matter at an early point of time (i.e. with the body in situ) to exclude all other possible causes of death.

*Investigating  
officer*

Approach the matter with sensitivity. However, obtain detailed information for the Coroner and Forensic Pathologist.

Be aware of the requirements of the local Coroner.

*Police generally*

If you are attending a suspected S.I.D.S. case, make yourself familiar with the departmental instructional material e.g., OTJ lecture 90.

Treat the case with sensitivity. The parents and family will be under stress and emotionally upset and may have feelings of personal guilt or failure.

Minimise police presence at the scene. This also applies to other persons who do not have a relevant function to perform or an interest which requires them to be present.

Even though you may feel compelled to hasten the inquiry to remove yourself from the emotional circumstances, you must be patient when interviewing the parents, carers and witnesses.

Do not enter into a counselling session with the parents and relatives - expressing your sympathy and a considerate approach is sufficient.

Preface questioning of the parents and witnesses with a clear explanation that the information is required to



assist the authorities to ascertain the medical cause of death and to consider the surrounding circumstances.

## Common SIDS features

Common features of SIDS generally manifest themselves in infants aged between two weeks and two years and include:

- the infants were previously healthy
- the presence of a bloody froth may appear around the mouth and nose
- skin may be discoloured and resemble bruising due to lividity
- there could be excessive perspiration and death occurs during sleep.

In S.I.D.S cases the body is not to be undressed. It is not necessary for bedding, blankets or wrap the body was found in to accompany the body unless, in your opinion, the opinion of the Coroner or the pathologist, they are required to assist in the medical examination or investigation.

Afford the parents final contact with their infant under supervision after the initial investigation is completed.

## Transfer of country SIDS cases for specialist autopsy

SIDS cases in the country must be examined by a specialist forensic pathologist at the Institute of Forensic Medicine, Glebe. Those cases within the Westmead coronial jurisdiction must be examined by a specialist forensic pathologist at Westmead Hospital.

## Support organisations

The Grief Counselling Service (attached to the Institute of Forensic Medicine, Glebe and available to Westmead) and the Sudden Infant Death Association are available to assist parents and families in S.I.D.S cases. Contact these organisations through the Institute of Forensic Medicine, the Glebe/Westmead Coroner's Office and the Police Service Communications network.

## Counselling for police

If you experience emotional difficulties in the investigation of SIDS cases, seek assistance from the Police Welfare Unit.

*Patrol  
commander*

Look for signs of emotional upset or stress displayed by any officer involved with a death, particularly a SIDS case and promptly initiate counselling. Professional assistance is available from the Police Employee Assistance Branch (Medical, Occupational Health, Psychology, Welfare Officers).

Various publications are available from Sudden Infant Deaths Association organisations, which may assist you in understanding associated problems.

## SIDS death scene investigation checklist

**Note:** This is a guide to the information the Coroner requires and is not an exhaustive list. You are required to examine each case on its merits and undertake a thorough investigation. Print out a copy for use at the scene, but do not utilise it as a substitute for a thorough investigation.

(Important: When conducting an interview, refer to the dead infant by name)

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1.Surname..... Given names:.....

2.Date of birth:..... Male/Female

3.Place of birth:..... Hospital:.....

Town/City:.....Country:.....

4. Birth Weight:.....grams/lbs:.....

5. Was he/she born prematurely?            yes/no

6. Does he/she have any brothers/sisters?    yes/no

7. Has he/she been to an early childhood centre?  
yes/no

8. Has he/she received any vaccinations?    yes/no

If yes list types and dates (e.g. Triple antigen (or DPT),  
Polio (or Sabin).

Without limiting the areas of investigation ascertain the  
following information:

- the type of premises
- the condition of the premises, outside and inside
- the weather
- conditions within the premises (e.g., ventilation,  
stifling, draughty, warm, cold etc.)
- persons present, their relationship, appearance,  
demeanour.

In relation to the deceased infant:

- check for signs of life. If ambulance officers or  
medical personnel are present, ask them to check for  
signs of life or confirm that they have done so.
- ascertain where the infant was located (if the infant  
is being nursed or has been moved, request the

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infant be placed back in the position where found. Do not express urgency for compliance with this request).

- carefully examine the infant and the location where found
- do not disturb, interfere or move the infant unless satisfied that the circumstances are not suspicious and do not warrant the attendance of physical evidence investigators.

## Interviewing and questioning

Carefully explain to the parents, family or carer the need to fully explore the circumstances in an attempt to establish the cause of death. Do not hurry the interview.

Ascertain:

- when the infant was last fed before having been put to bed
- what the infant was last fed
- any difficulties during or after feeding when the infant was put to bed
- whether and when the infant was checked between being put to bed and being found. Anything done, i.e., nappy change, dummy, bottle, medicine, pat, re-adjust position.
- was anything unusual noticed during any visits to the infant
- whether the infant was settled or restless when put to bed, period of time unsettled
- any noises or sounds coming from the place where the infant was put to bed

- did the infant sleep alone or share the bedroom (and with whom)
- when was the infant found
- how did the infant come to be found (random check, noise, moaning, etc)
- what was seen when the infant was found, i.e., position, appearance, colour, clothes, bedding, etc
- was anything found in the cot or bed with the infant
- was the infant moved, picked up or otherwise interfered with when or after being found (bathed, groomed, shaken, cuddled etc.)
- was resuscitation attempted, if so how (do not ask this question in a manner which suggests a failure for not having done so)
- was the clothing, bedding or anything else changed after the infant was found
- when were the medical authorities/police called. How long was it before they arrived.
- was anything done between the time the authorities were contacted and their arrival.

## Medical and physical history

Obtain information in relation to:

- the infant's recent health, medical history, symptoms, treatment, falls, traumas and medication
- the health and medical background including any medications, of any other member of the family

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- any family history of unexplained sleep related deaths
- any previous instances of infant trauma or abuse
- name and location of the infant's doctor and the family doctor.

**Exhibits**

Seize and produce to the pathologist anything you consider significant to the cause of death, i.e., medications, food, etc.

Explain to the parents or carer that any items or articles seized are required by the medical officer to assist their inquiries with regard to the cause of death. Further explain that the items or articles will be returned after the Coroner has had the opportunity to consider the matter fully.

## **Medical certificates relating to deaths - procedure re 62.46**

**Cause of Death certificates**

*Investigating  
officer*

A "Cause of Death" certificate merely states the cause of death - do not confuse it with a "Life Pronounced Extinct" certificate.

A "Cause of Death" certificate is to be issued only by a medical practitioner who has seen the deceased within the last three months and where cause of death is a condition for which that practitioner had been treating the deceased.

A "Cause of Death" certificate cannot be issued where the death must be reported to a coroner, i.e. violent or

unnatural death, sudden death where cause is not known, etc.

Where a "Cause of Death" certificate is not issued immediately, the practitioner will sometimes issue a "Notice of Intention to Sign a Cause of Death" certificate. This does not constitute a certificate as to the cause of death.

Where the body is admitted to the City Morgue, you are to inform relatives and their representatives that if a "Cause of Death" certificate is not received by the coroner within 48 hours after the death has been reported to the coroner, a post mortem examination may be performed.

If a "Cause of Death" certificate is not issued, continue your inquiries in relation to the death until you see that certificate.

## Life pronounced extinct certificates

These certificates do not state the cause of death. They are issued by a medical practitioner to certify that life is extinct - do not confuse them with a "Cause of Death" certificate.

## **Bodies to be examined by forensic pathologist in situ** **62.47**

The State Coroner has directed the bodies of deceased who die under the following circumstances should not to be removed from the scene until a forensic pathologist or Government Medical Officer examines them in situ:

- aviation deaths
- deaths in custody (police or gaol)

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- decomposed bodies and skeletal remains
- homicides
- multiple deaths
- suspicious deaths
- unusual, controversial or high-profile cases.

In these cases seek advice from the Duty Forensic Pathologist, Glebe, Newcastle or Westmead.

In other situations where you consider an in situ examination of the body is desirable seek advice from the respective Coroners \Duty Pathologist.

As time is of the essence contact the State Coroner through the Duty Operations Inspector, Sydney, the Senior Deputy State Coroner or the Newcastle Coroner through Penrith or Newcastle Police Radio Operations, respectively.

Where a death occurs in a country location you must take action in consultation with the local Coroner.

## **Transfer of bodies to Glebe, Newcastle Westmead, for specialist autopsy 62.48**

The State Coroner requires the body of a person who dies under the following circumstances to undergo a post mortem at the Institute of Forensic Medicine, Glebe:

- aviation deaths
- homicides
- in custody
- under five years



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- women during pregnancy, while giving birth or within one year of having been pregnant
- suspicious circumstances
- underwater diving
- any other case where the State Coroner so directs, (e.g. conflict of interest regarding the local GMO and the deceased, unusual, controversial or high profile cases etc.).

Deaths under like circumstances occurring within the Newcastle or Westmead Coroners' jurisdiction are to undergo a specialist post mortem in those locations.

Costs for transportation of the body to the Glebe, Newcastle or Westmead mortuaries and return, either by road or plane are met by the Local Courts Administration.

*Investigating officer*

Deal with above deaths urgently, particularly if the body requires transportation from a country locations.

After life has been pronounced extinct by a registered medical practitioner, arrange for identification tags (hospital type wrist bands) to be attached to the body. The tags must show the full name and date of death of the deceased and bear the name, registered number and signature of the police officer who identified the body.

In the Sydney, Newcastle and Westmead areas, follow the procedures for the admission of a body to the respective mortuaries and for its transfer there by a government contractor.

If such deaths occur in country areas, you or the local Coroner are to notify the duty Pathologist at the Institute of Forensic Medicine, Glebe by telephone and advise him/her of the circumstances.

When investigating a country death involving homicide (or suspicious death) you are to accompany the body to

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the Glebe Mortuary. In all other cases you are not to accompany the body unless requested to do so by the duty Pathologist.

Submit a copy of the P79A form (Report of Death to the Coroner) promptly, for orders to be issued for the post mortem.

Endeavour to ensure that any medical reports or hospital notes pertaining to the medical history of the deceased are placed in a sealed envelope and accompany the body.

If medical institutions are reluctant to release such records, advise them the NSW Health Department has directed they are to forward medical records with a body being transported for post mortem.

Should you experience any difficulty in obtaining such records, obtain an order from the Coroner requiring their release, under Section 14(6) of the Coroner's Act, 1980.

In suspected SIDS cases it is vital that information in relation to the health and medical circumstances of the infant be provided to the pathologist conducting the post mortem.

The body of the deceased is to be returned to the area from which it came, or if requested by the next-of-kin, to the location where they reside. Inform the government contractor before the body is sent to the Mortuary of the location to which the body is to be sent, if known, after its release.

Deaths remain under the jurisdiction of the Coroner for the area where the death occurred. Direct all inquiries to that Coroner.

Take an active role to communicate with the parents/relatives of the deceased.

# Informing coroner of major incidents

## 62.49

Notify the State Coroner through the Duty Operations Inspector, Communications Section, of significant public interest incidents such as:

- major fires
- disasters involving multiple deaths
- deaths in custody.

