

This leaflet is for the family of someone who has died in or following police custody. Depending on the circumstances, it may also be helpful for those whose family member has died following other contact with the police.

It sets out the initial information you need to know about your rights and what happens next. The content has been shaped by the experiences of other bereaved families.

## What happens next?

The law says that a thorough, independent investigation should be carried out whenever a death occurs in police custody.

The police should already have been in contact with you or another family member to inform you of the death and possibly to ask for assistance with identifying your family member.

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*“We the family of Seni Lewis, know that immediate information on your rights to secure legal help and regarding post mortems are key to understanding the reasons behind a death. This is an important leaflet for any family affected by a police death.”*

**Ajibola Lewis, mother of Seni Lewis who died following police contact, 2010**

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The police must refer the death without delay to the **Independent Office for Police Conduct (IOPC)**. The IOPC oversees the police complaints system in England and Wales. It investigates the most serious matters and is independent of the police. The IOPC will be responsible for the investigation in almost all cases. The investigation will look at what happened to your family member and the role and actions of the police. You will be provided with a named contact at the IOPC who will help you understand all aspects of the IOPC’s investigation and decision making.

The **coroner** responsible for the area in which your family member died will also have been informed. A coroner is an independent judicial office holder (a judge) and is independent of the police and the IOPC. Separately from the IOPC, the coroner is responsible for conducting a fact finding investigation to determine when, where and how your family member died. The coroner’s investigation begins shortly after the death of your family member and will conclude some time later with a court hearing called an **inquest**. The inquest is likely to be heard in front of a jury and, depending on the complexity of the issues, can last a number of days or weeks.

It is important to note that inquests are not criminal trials. The purpose of an inquest is to establish the circumstances of a person’s death. The purpose of a criminal trial, on the other hand, is to determine a person’s innocence or guilt after they have been charged with a crime.

## Your rights and the body of your family member

As part of the investigation, the coroner is given temporary legal control of your family member’s body. This is a safeguard to protect the independence of the investigation.

One of the coroner’s duties is to determine the cause of death and to do this they will instruct a **pathologist** (a doctor who specialises in understanding how someone has died) to carry out a medical examination called a **post-mortem**. The pathologist works at the direction of the coroner and no one else. The pathologist will usually carry out the post-mortem within 24 to 48 hours, although it may take them weeks or months to produce their final report. The coroner does not have to wait for the pathologist’s report before releasing your family member’s body to you and should do so as soon as possible after the post-mortem. The body, however, may be retained by the coroner to allow for further investigation. Their body will be kept at the mortuary during this time. Samples may need to be retained from your family member’s body, but you should be told if this happens and the reasons for it.

As a family member, you have rights at every stage. You should be kept informed and any delay should be explained. Questions you may have can be directed to the coroner’s officer. Information about viewing the body of your family member is available here:

**[www.judiciary.uk/guidance-to-coroners-viewing/](http://www.judiciary.uk/guidance-to-coroners-viewing/)**

The coroner should tell you when and where the post-mortem is taking place and when the body of your family member will be released. You have the right to be represented by a medical practitioner at the post-mortem. If you, a family member or your lawyer wish to be present, you will need to ask the coroner's officer. Guidance for coroners about second-post mortems is available here:

[www.judiciary.uk/guidance-to-coroners-second-post-mortem-examinations/](http://www.judiciary.uk/guidance-to-coroners-second-post-mortem-examinations/)

Your family member's death cannot be registered until after the inquest, but the coroner can give you an **interim death certificate**. You can use this to let organisations know of the death and apply for probate. More information is available here:

[www.gov.uk/after-a-death/when-a-death-is-reported-to-a-coroner](http://www.gov.uk/after-a-death/when-a-death-is-reported-to-a-coroner)

## Legal advice and representation

The police and possibly other organisations will have lawyers to represent them. You can seek legal advice from the point of your family member's death. A lawyer can help you understand the processes in this leaflet and can represent you at the inquest hearing. State funding, known as **legal aid**, is usually available following a death in police custody.

## Specialist help and advice

**INQUEST** is an independent charity providing a free, confidential service to bereaved people following a police related death. Their caseworkers can advise and work with you, helping if you wish to explore options around legal representation. They can also put you in touch with other bereaved families who have been through a similar experience.

Further information is available here:

[www.inquest.org.uk](http://www.inquest.org.uk) or **020 7263 1111**

**Cruse Bereavement Care** offer free and confidential support and information when someone dies. Cruse offers face-to-face, telephone, email and website support.

Further information is available here:

[www.cruse.org.uk](http://www.cruse.org.uk) or **0808 808 1677**

**The Coroner's Court Support Service** offer free and confidential emotional support and practical help to bereaved families, witnesses and others attending an inquest at a Coroner's Court. Further information is available here:

[www.coronerscourtsupportservice.org.uk](http://www.coronerscourtsupportservice.org.uk) or **0300 111 2141**

Other organisations may be able to give you advice and support. Your contact at the IOPC will be able to direct you to them.

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*"When we lost our son James in police custody, we felt paralysed with grief and had no idea of what lay ahead. This leaflet will help families understand the investigation processes that immediately follow a police death and may help you get the answers you need and deserve to know."*

**Tony Herbert, father of James Herbert who died in police custody, 2010**

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HM Government

# Deaths in police custody: a leaflet for family members

*"I cannot express enough how vitally important it is for families to be informed immediately of their legal rights and the investigation that will follow, after their loved one's death in state custody. This leaflet provides critical early guidance on how to access that support and specialist advice."*

**Marcia Rigg, sister of Sean Rigg, who died in police custody, 2008**



CHIEF CORONER



Independent Office for Police Conduct



TRUTH, JUSTICE & ACCOUNTABILITY