

When someone dies

A GUIDE TO THE CORONIAL SERVICES
OF NEW ZEALAND



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For more information, visit our
website www.justice.govt.nz/coroners

COVER: To Māori, Cape Reinga is known as Te Rerenga Wairua, Spirits' Bay. Here, Māori believe the spirit of the dead departs the island to return to Hawaiki.




Introduction

The Coronial Services of New Zealand serves the community through investigating circumstances and causes of death in a respectful and professional manner. The findings of these investigations will be used to make recommendations for the improvement of public safety and to prevent deaths in similar circumstances.

We will all experience the death of a loved one during our lives. Many of us fear death, and avoid it where we can; for some of us the subject is taboo. When someone we love dies in a sudden, unexplained or violent way, the surviving family and friends are often in shock, angry and bitter. In addition, there may be the added struggle of how to deal with the legal processes as well as the natural grief. If there is a Police or Coroner's inquiry, then the grieving can be prolonged as the evidence is reviewed and possible witnesses testify.

On top of the grief, deep sadness, and, in some cases, anger around the death, can be the concern of whether a loved one can be mourned and prepared for burial according to their cultural and spiritual beliefs. New Zealand is home to many different faiths and cultures, and the Coronial Services of New Zealand strives to recognise this cultural diversity and to work with families to ensure that the coronial process imposes as little as possible on moral, cultural or spiritual beliefs.



Grief is a journey,
often perilous and without clear direction,
that must be taken.

The experience of grieving cannot be
ordered or categorized,
hurried or controlled,
pushed aside or ignored indefinitely.

It is inevitable as breathing,
as change,
as love.

It may be postponed,
but it will not be denied.

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The first 24 hours

The Police will report all sudden, unexplained or violent deaths to the Coroner. From there, many things may happen:

- The deceased will be in the care of the Coroner until such time as the Coroner authorises the release of the deceased;
- The deceased will be taken to a place of safety (i.e. hospital mortuary or funeral home) until the Coroner makes a decision if a post-mortem is required;
- You may be asked to make formal identification;
- A Coroner's representative, who may be a police officer, may contact you to get more information about the circumstances surrounding the death;
- The Coroner will decide whether to open an inquiry into the death; and/or
- Medical information may be required.

Your cultural needs will be recognised, and you should communicate these clearly to the Coroner's representative as soon as possible.

Anyone who has information they believe may be relevant to the death should contact the Coronial Services of New Zealand as soon as possible.

Each and every death is different, and the investigation may take some time. A Coroner's representative, who may be a police officer, will be in contact with you to inform you of what will happen. If you have any queries, please contact the Coronial Services of New Zealand or the inquest officer from the Police.

People involved

A number of people may be involved in ascertaining the cause of death and understanding what has happened. The following gives a brief overview of some of the people you may be dealing with.

CORONER

The Coroner will carry out an inquisitorial process to ensure that the identity of the deceased and the cause of death are known, to establish when and where the person died and to understand the causes and circumstances of the death. At the end of this process the Coroner may make recommendations or comments that, if drawn to public attention, may reduce the chances of the occurrence of deaths in similar circumstances.

CORONIAL SERVICES CO-ORDINATOR

Each death reported to a Coroner will be supported and managed by a Coronial Services Co-ordinator. The Coronial Services Co-ordinator will manage all matters referred to the Coroner including scheduling, court taking, circuit support, assembling all inquiry information and notifications to the immediate family.

NEW ZEALAND POLICE

The Police will be called immediately to every sudden, unexplained or violent death. This is a legal requirement, as the cause of death will need to be investigated. A police officer will attend the incident and will obtain sufficient details to advise the Coroner of the facts of the matter. The more information Police can initially obtain will assist the Coroner and other staff in making decisions as part of the coronial process.

An inquest officer will receive a report of the death and, in consultation with the Coroner, will determine if further enquiries are needed. A police officer may follow up with the family to obtain statements and undertake investigations, either on behalf of the Coroner or for any possible Police investigation into the circumstances surrounding the death.

If for any reason you cannot contact the Coroner or the Coronial Services Co-ordinator, you should attempt to contact the inquest officer or the attending police officer.

PATHOLOGIST

If the Coroner decides that a post-mortem is necessary to determine the cause of death, a pathologist will carry this out at a hospital mortuary. A pathologist is a specialist medical practitioner.

Once a post-mortem has been directed the deceased will be transported by a duty funeral director from the place of death to the nearest hospital mortuary or other place of safety.

FUNERAL DIRECTOR

After a Coroner has been notified of the death, a duty funeral director will be directed by the Police to transport the deceased from the place of death to a hospital mortuary or other place of safety. This is done at no cost to the family, and the family is under no obligation to use the same funeral director for any ongoing funeral arrangements.

VICTIM SUPPORT

Victim Support is a community-based organisation available to help victims of crime and trauma. The police officer who attends or advises you of the death will offer to contact Victim Support on your behalf, or you may choose to contact them yourself through your local police station. They know a lot about their community and can also refer you to other groups or agencies that can assist you, your family and friends at this time.

Interests of the family

HOW INVOLVED CAN THE FAMILY BE?

The Coronial Services of New Zealand wants to ensure that the immediate family is involved in the process as much as they wish, or need, to be. There will be certain matters that the family needs to be advised of, and perhaps information will be requested from the family during the process of investigating the death.

Any member of the immediate family who wishes to be kept informed of any inquiry should contact the appointed Coronial Services Co-ordinator and provide contact details. The immediate family can choose to elect a family representative to act on their behalf.

WHAT ABOUT OUR CULTURAL NEEDS?

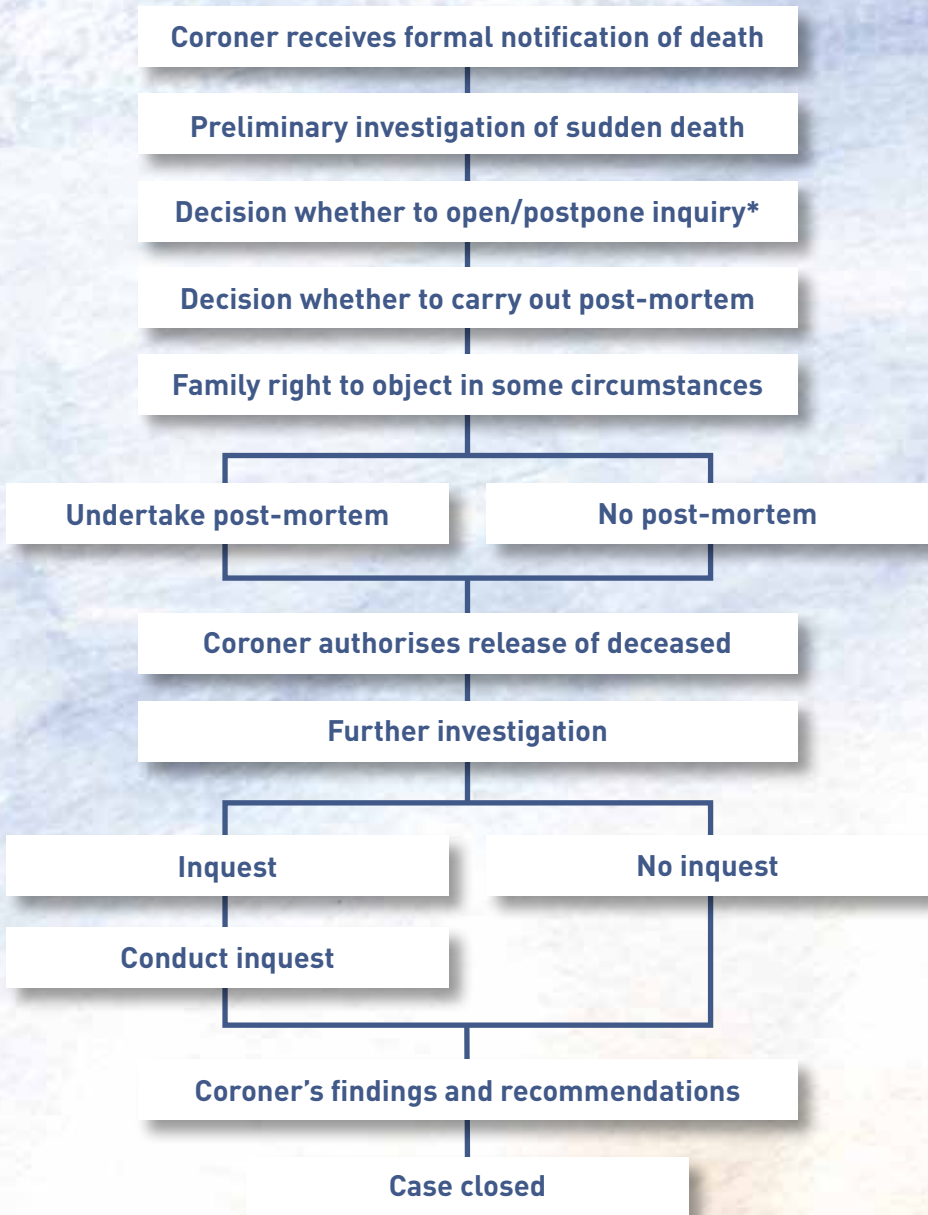
Every effort will be made to recognise the spiritual and cultural beliefs surrounding the death of your loved one. The Coroner will be aware during the decision-making process of the need to minimise distress to the family who, by reason of these spiritual and cultural beliefs, finds a post-mortem offensive and who requires the deceased to be available to the family as soon as possible after death. Where circumstances and the Coroner allow, the immediate family may be able to remain with, or within a reasonable distance of, the deceased while they are in the care of the Coroner.

If the family so desires, and if authorised by the Coroner, a doctor, nurse, funeral director or any other person may be able to attend a post-mortem as a representative of the family.

HOW LONG WILL THE PROCESS TAKE?

Each death is different and unique, so there is no set timetable as to when and how things will happen. The immediate family will be kept informed of progress as much as possible throughout any inquiry or inquest that may be opened by the Coroner.

THE PROCESS



* An inquiry may be opened at any point of the process prior to inquest, and may vary from case to case.

Why Police become involved in a death

The reporting of a death to the Police does not necessarily mean that a crime has been committed. By law, anyone who finds a body in New Zealand must report the death to the Police, who then establish whether the death needs to be reported to a Coroner.

For most deaths, a doctor is able to sign a medical certificate stating cause of death. This is usually done if the deceased was a recent patient and the doctor can be certain of the cause of death.

The Police must by law report the following deaths to a Coroner:

- without known cause, suicide, unnatural or violent;
- where a doctor cannot give a certificate as to cause of death;
- that occurred during, or as a result of, a medical, surgical or dental procedure;
- that occurred while, or as a result of, a woman giving birth; and
- while the deceased was in official custody or care.

Role of the Coroner

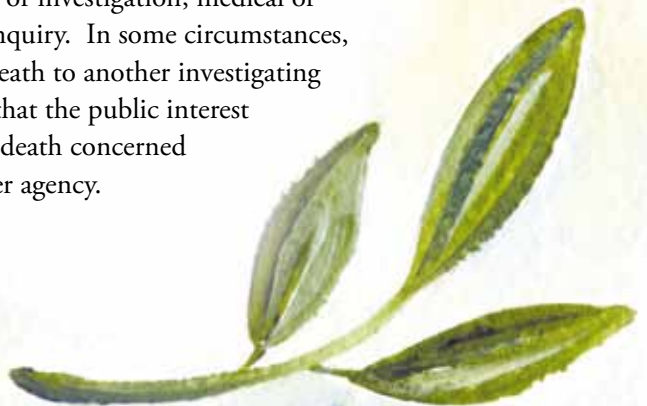
A Coroner is appointed by the Governor-General under the Coroners Act 2006 to investigate certain types of death. A Coroner is a warranted judicial officer, and while they have a legal background, they undertake an inquisitorial process to discover what happened rather than hold a trial to apportion blame.

It is the Coroner's role to:

- receive notification of a death from the Police;
- decide whether to direct a post-mortem;
- authorise the release of the deceased;
- establish that a person has died, their identity, when and where the person died, the causes of death, and the circumstances of death; and
- give members and representatives of the immediate family notification of matters required by law.

WHAT IS INVOLVED IN AN INVESTIGATION?

Coroners have wide powers to help them carry out their duties, including the power to summons a witness or to commission an examination or investigation, medical or otherwise, to help with an inquiry. In some circumstances, the Coroner may refer the death to another investigating authority if it is considered that the public interest would be best served by the death concerned being investigated by another agency.



THE END OF THE INVESTIGATION

Once the Coroner has reviewed all the evidence surrounding the death they will announce any findings and recommendations. This is an inquisitorial process, not a trial, so no blame will be apportioned. The recommendations, if any, may draw public attention to the circumstances surrounding the death that may prevent any future deaths in similar circumstances.

The Chief Coroner is required by law to set up and maintain a register of Coroners' summary recommendations. This register of summary recommendations can be found on the Coronial Services of New Zealand website at www.justice.govt.nz/coroners

Post-mortem

WHAT IS A POST-MORTEM?

A post-mortem is sometimes called an autopsy. 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. At times, the Coroner may require a lesser examination. Not all hospitals have a mortuary where a post-mortem can be conducted, so the deceased may be transported to a larger town nearby.

The family will not incur any costs for transporting the deceased to the mortuary and back to the original location for the purposes of undertaking a post-mortem.

WHAT ABOUT OUR CULTURAL BELIEFS?

Some cultures and faiths do not approve of a post-mortem being carried out on their loved one. If a Coroner directs a post-mortem it is to ensure that the cause of death is fully understood. The concerns of the family are respected, and the deceased is treated with the utmost respect and dignity throughout the whole coronial process.

If the family so desires, and if authorised by the Coroner, a doctor, nurse, funeral director or any other person may be able to attend a post-mortem as a representative of the family. Any costs associated with attendance at a post-mortem are the responsibility of the family.

WHY IS A POST-MORTEM DONE?

There are many factors that influence the Coroner when deciding whether a post-mortem should be performed. Some of the most important of these decisions are:

- the need for more details to establish the cause of death;
- whether there are any suspicious circumstances surrounding the death; and
- the desirability to minimise distress to the family due to their cultural or spiritual beliefs.

If the Coroner decides to direct a post-mortem, the immediate family or their representative will be notified immediately and, in most cases, given an opportunity to advise the Coroner of any objections.

HOW LONG WILL A POST-MORTEM TAKE?

Every effort is made to conduct a post-mortem quickly so that the Coroner can authorise the release of the deceased. This usually means examination on the next working day with release of the deceased that same day. Coroners can authorise a 'forthwith' examination for certain cases, or on public holidays and weekends. Sometimes there is a requirement for a more detailed or specialist analysis to help establish the cause of death, particularly in suspicious deaths, and this may result in a delay of one to three days before release. Although many ancillary tests may be made later on minute samples taken even in routine examinations, this does not mean the deceased cannot be released.

RETAINING BODY PARTS

Before releasing the deceased to the family, the Coroner will advise the family of any request from the pathologist to retain any organs or body samples for further analysis. The family has the right to request any body parts be returned to them, where safe to do so, once the pathologist has finished any further analysis. Minute samples that are taken for analysis are often used up during the testing process.



THE POST-MORTEM REPORT

The results from the post-mortem are very important to the Coroner's investigation into the death. Once the pathologist determines the exact cause of death, a report will be provided to the Coroner who will then decide whether an inquest is necessary. The immediate family will be notified once the post-mortem report is available and may request a copy free of charge. This will be given providing that release of the report will not prejudice any ongoing Police investigation. Due to the possible graphic content and the complex medical language in the report, it is recommended that the report be released to the family doctor who can discuss it with you.

RIGHT TO OBJECT TO A POST-MORTEM

The Coroner is required by law to notify the immediate family or the family representative of the decision to direct a post-mortem. The immediate family has a right to object to the post-mortem EXCEPT:

- where the death is a result of conduct that constitutes a criminal offence; OR
- where any other New Zealand or international law requires a post-mortem to be carried out; OR
- if the Coroner has directed a post-mortem be performed immediately because any delay would or may limit the pathologist's ability to determine cause of death.

Any objection must be lodged with the Coroner within **24 hours** of receiving notification of the Coroner's decision. The family should advise the Coroner of the reasons for any objection by phoning the number provided by the Coroner when first advised of the decision. If you have any concerns, please contact the Police or Victim Support.

If the family raises an objection, the Coroner must review the decision on whether to continue with a post-mortem. If the Coroner is satisfied that a post-mortem is still necessary, the immediate family has **48 hours** to lodge an objection with the High Court under section 34(3) of the Coroners Act 2006. The objection will be dealt with by the High Court as a matter of priority and urgency and allocated a hearing date on the next working day.

To lodge an objection with the High Court, please contact your local Coronial Services Co-ordinator who will advise you who to contact to proceed with an objection in the High Court.

If you wish to object to a post mortem, do not set a date for the funeral as the objection process may take some time.

RELEASE OF THE DECEASED

Once the legal and medical requirements are complete the Coroner will authorise the release of the deceased.



Inquiry

WHAT IS AN INQUIRY?

An inquiry is an investigation by the Coroner into the facts, cause(s) and circumstances of the death.

Not all deaths reported to the Coroner will lead to an inquiry. Sometimes the Coroner may order investigations or examinations, medical or otherwise, to help decide whether to open an inquiry.

WHY DOES A CORONER OPEN AN INQUIRY?

A Coroner will open and conduct an inquiry for three purposes:

1. TO ESTABLISH:
 - that a person has died;
 - the person's identity;
 - when and where the person died;
 - the cause of death; and
 - the circumstances of the death;
2. TO MAKE SPECIFIC RECOMMENDATIONS that, in the Coroner's opinion, may, if drawn to public attention, reduce the chances of other deaths occurring in similar circumstances; and
3. TO DETERMINE whether public interest will be served by the death being investigated by another investigating authority, such as Land Transport New Zealand etc.

An inquiry **MUST** be opened into all deaths that occur in official custody or care or which are self-inflicted (apparent suicide).

An inquiry may be opened shortly after the death has occurred, but it may be some weeks before the Coroner makes a decision on whether to hold an inquest, which is a public hearing to examine all the evidence. Not all inquiries will lead to an inquest.

OTHER INVESTIGATIONS

There may be some situations in which another investigation is being conducted into the cause and circumstances of death, for example OSH (Occupational Safety & Health) may undertake an investigation into a workplace death. In this case, the Coroner may decide to adjourn an open inquiry until the conclusion of any external investigation or criminal proceedings.

An inquiry will be resumed as long as it will not prejudice any person being charged with criminal acts. If the results of any criminal proceeding or other investigation establish the purposes of the inquiry as listed above, then the Coroner may choose not to proceed with the inquiry.

Inquest

WHAT IS AN INQUEST?

An inquest is a judicial hearing convened by a Coroner and can be more informal than some court hearings. It is an inquisitorial process to discover what happened rather than to apportion blame.

WHY IS AN INQUEST HELD?

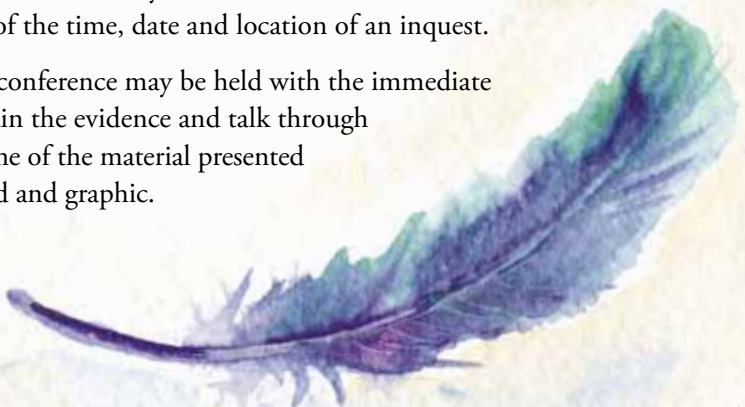
The inquest is held so the Coroner can review all the evidence relating to the death and discover what lessons can be learnt from it. The Coroner will hear evidence from anyone who has information relating to the death. The inquest also enables the Coroner to make recommendations or comments on the avoidance of circumstances similar to those in which the death occurred, or to comment on how other people should act in such circumstances, so as to reduce the chances of other similar deaths occurring.

WHEN IS AN INQUEST HELD?

The inquest will not be held until all investigations into the death have been completed. This may be an investigation by the Police, the pathologist or any other external investigation that the Coroner has requested or that an outside agency is undertaking.

The family will be advised by the Coronial Services of New Zealand of the time, date and location of an inquest.

A pre-hearing conference may be held with the immediate family to explain the evidence and talk through any issues. Some of the material presented may be detailed and graphic.



HOW LONG DOES AN INQUEST TAKE?

An inquest can take anything from less than one hour to a few weeks, depending on the complexity of the circumstances surrounding the death.

WHAT HAPPENS AT THE INQUEST?

The inquest is usually open to the public. Any person may attend and listen to the proceedings. This may include the media. There are times, however, when a Coroner may exclude people from all or part of an inquest.

The Coroner conducts the inquest, witnesses and experts may be called upon to give evidence or witness statements may be read, and the pathologist's report, papers and any other findings may be presented. The immediate family can, either personally or through legal counsel, question witnesses.

The Coroner may make comments on the circumstances surrounding the death and is able to make recommendations, for example, about faulty products or unsafe work practices. If the Coroner intends to make any criticism of the deceased or any other person or body corporate, the Coroner will inform the family or people concerned prior to the release of the findings. This is to ensure they have an opportunity to be heard in relation to the matter, either personally or through legal counsel.

THE END OF AN INQUEST

At the end of an inquest, after hearing all the evidence, a Coroner may give either the final findings into the death, or may just announce interim findings. In the latter case, the final findings will be provided in writing at a later date.

Once the inquiry is closed, the Coroner will publish their recommendations. A copy of these will be made available to the family.

Suicide

WILL AN INQUIRY BE OPENED?

An inquiry will always be opened when a death is considered to be self-inflicted (suicide) so the Coroner can ascertain the cause of death and confirm that there are no suspicious circumstances surrounding the death.

WILL AN INQUEST BE HELD?

After considering the views of the family, the Coroner will decide whether an inquest will be held.

This is a change from previous legislation, which required an inquest to be opened for every suicide. The new legislation was introduced with the Coroners Act 2006 on 1 July 2007.

WILL IT BE A PUBLIC HEARING?

The inquest is generally open to the public. Any person may attend and listen to the proceedings. This may include the media. In some circumstances, the Coroner may decide to restrict access to a hearing. The Coroner may choose to hold chambers findings.

RESTRICTIONS ON MAKING PUBLIC DETAILS OF A SUICIDE

The law restricts details relating to a suicide from being made public, e.g. broadcasting or publishing (including Internet) without a Coroner's permission. Prior to a Coroner's findings, only the name and age of the deceased may be made public. After a Coroner's findings (if any) have been released, only the name, address and occupation of the person concerned and the fact that the Coroner found the death to be a suicide can be made public without a Coroner's permission.

The family should take particular care what information they make public about the suicide. Any person making public any other information without a Coroner's permission is committing an offence and could be fined in accordance with section 139(a) of the Coroners Act 2006.



Practical issues

IDENTIFYING THE DECEASED

Formal identification will need to be made of the deceased so the identity is confirmed. Medical personnel may do this if present at the time of death or if the deceased is known to them. Personal items/dental records/DNA may be used to assist in the identification if needed. A witnessed statement will need to be signed by the person doing the identification.

It is important that the identification is done as quickly as possible so next of kin can be advised of the death.

Once next of kin are advised, details (name and age) may be released to the media. This will not be done until immediate next of kin have been advised.

VIEWING THE DECEASED

Most people want to see the deceased as soon as possible after death. The Coroner will make every effort to release the deceased as soon as possible. You should make arrangements to view the deceased with the funeral director.

In certain circumstances, the Coroner may allow the deceased to be viewed before release. Please contact the Coronial Services Co-ordinator if you have a special request.

Viewing the deceased should not be confused with formal identification.

PERSONAL BELONGINGS

Police or medical personnel may return personal items (i.e. jewellery, wallet or clothing) at the time of death. Alternatively, the Police or funeral director may return these items to the family in the following days.

Some items may need to be retained for a forensic investigation or for any ongoing Police inquiry, and will be returned to the family at a later date.

REGISTERING A DEATH

Notification of the death will be sent to Births, Deaths and Marriages by the Coronial Services of New Zealand once the Coroner authorises the release of the deceased.

If an inquiry is to be held, this initial notification will give an *interim* cause of death, which will state 'Subject To Coroner's Findings'. In these circumstances, the final cause of death will not be confirmed until the Coroner announces the findings at the end of an inquiry. Final notification of death will be forwarded to Births, Deaths and Marriages by the Coronial Services of New Zealand.

OBTAINING A DEATH CERTIFICATE

Once a death is notified to Births, Deaths and Marriages, it is possible to request a death certificate. If an inquiry is to be held, this may only be an interim certificate, which states 'Subject To Coroner's Findings' in the cause or causes of death field. There is no fee payable to Births, Deaths and Marriages for notification of a death for registration, but a fee applies when you request a death certificate.

Births, Deaths and Marriages will update the cause of death with the Coroner's findings, and if an interim death certificate is returned then a replacement death certificate, including the full cause of death, will be available at no additional cost.

Contact details for Births, Deaths and Marriages can be found in the Government section of the White Pages phone book.



FUNERAL ARRANGEMENTS

It is recommended that you contact a funeral director as soon as possible after the death. Once you have engaged a funeral director, they will be able to guide you through the Coroner's process and seek release of the deceased.

The family is not obliged to use the same funeral director who was contracted by the Police to transport the deceased to the mortuary or other place of safety after the death.

Funeral directors can be found by looking in the telephone book, the Yellow Pages or a local newspaper.



Support for bereaved families

VICTIM SUPPORT: Provides 24-hr practical and emotional support, personal advocacy and information to all people affected by crime and trauma throughout New Zealand. *Contact your local police station and ask for Victim Support, phone 0800 VICTIM (0800 842 846) or visit www.victimsupport.org.nz*

ACC: If you have lost a family member as a result of an injury, ACC may be able to provide help. Examples of ACC support include a funeral grant, a survivor's grant, childcare payments and weekly compensation. The ACC booklet '*Getting help after someone dies from an injury*' provides further information and is available at your nearest ACC office. *Contact your nearest ACC office, which will be listed in the government listings in your phone book's blue pages or visit www.acc.co.nz*

WORK AND INCOME NEW ZEALAND: After an accidental death families can be very pressured financially. Work and Income may be able to provide income support to people who need it. In addition, a Funeral Grant may be available to the partner, child, parent or guardian of someone who has died, to help towards the cost of the funeral. This grant is income and asset tested. *For more information regarding your entitlements, contact Work and Income on 0800 559 009 or visit www.workandincome.govt.nz*

SANDS – STILLBIRTH AND NEWBORN DEATH SUPPORT: Sands groups around New Zealand are made up of parents helping to care for other bereaved parents, whānau and friends. They promote awareness, understanding and support for those dealing with the death of a baby during pregnancy, at or soon after birth, or due to medical termination and other forms of reproductive loss. *Find out your local contact by visiting www.sands.org.nz or email contact@sands.org.nz for further information.*

FUNERAL DIRECTORS ASSOCIATION OF NEW ZEALAND (FDANZ): FDANZ is an association representing the majority of the funeral directing companies in New Zealand – a group of caring professionals who are committed to ensuring that the families they serve are receiving high-quality service. Its members arrange and direct over 80 percent of all funerals in New Zealand. *Visit www.funeralsnewzealand.co.nz to find out contact details for your local funeral director.*



SKYLIGHT: SKYLIGHT specialises in helping children, young people and their families/whānau through tough times of change, loss, trauma and grief – whatever the cause and wherever they live in New Zealand. It also assists individuals and professionals supporting them. Skylight offers helpful information, specialist resources and training, and in the Wellington region it offers child and teen support groups, and counselling. *Visit www.skylight.org.nz for information, resources and support – or phone 0800 299 100.*

DEPARTMENT OF INTERNAL AFFAIRS: Anyone – not just a funeral director – can organise the burial or cremation of the deceased. If you want to find out more information, there is a brochure available on the Department of Internal Affairs website which informs the reader about what must be done before a deceased is buried or cremated in New Zealand or transported to another country.

For more information visit www.dia.govt.nz

MĀORI SIDS (SUDDEN INFANT DEATH SYNDROME): Māori SIDS is dedicated to assisting whānau, health professionals and communities to reduce the incidence of SIDS and SUDI (Sudden Unexpected Deaths in Infancy). We offer up to date SIDS/SUDI information, undertake pertinent research and deliver specialised training programmes. As a resource hub, we are able to assist services who provide support and advice to SIDS/SUDI whānau. *For more information visit www.maorisids.org.nz or email maorisids@auckland.ac.nz*

SIDS NEW ZEALAND INCORPORATED: SIDS New Zealand is a national organisation established to provide services for families and communities who have had children die suddenly and/or unexpectedly of any cause including SIDS (Sudden Infant Death Syndrome).

For more information visit www.sidsnewzealand.org.nz or email info@sids.org.nz, Helpline number (24 Hours) 0800 164 455

If you have any questions that have not been answered by this brochure, the Coronial Services of New Zealand has more information on its website, including a section of frequently asked questions.

Visit www.justice.govt.nz/coroners





www.justice.govt.nz/coroners



CORONIAL SERVICES
OF NEW ZEALAND

Purongo O te Ao Kakarauri

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