1. Introduction

The death of a prisoner will be managed in accordance with regulations 74 and 75 of the Prisons Regulations 1982, PD 30 – Death of a Prisoner and these Procedures.

The purpose of these procedures is to provide staff with:

- procedural information as to the process by which to manage a death in custody and
- the principles from which local emergency management processes are developed.
2. Definitions

Assistant Superintendent Operations (HO) The position in Head Office reportable to the Assistant Commissioner Custodial Operations.

ARMS At Risk Management System

Communications Agreement The ‘Arrangements for Communications and Dealings between Staff of the Office of the Minister for Corrective Services and Staff of the Department of Corrective Services’, otherwise referred to as the Communications Agreement.

Consular Officer Any person including the head of a consular post entrusted in that capacity with the exercise of consular functions. As defined in the DFAT Agreement on Consular Relations between Australia and the People’s Republic of China, 2000.

Contract Manager (DCS) The relevant Contract Manager appointed to manage the Court Security and Custodial Services Contract, or the Contract for a privately operated prison under Part IIIA of the Prisons Act 1981.

Contractor Any group, company or organisation that provides services as part of the Court Security and Custodial Services Contract and/or the management of a private prison under Part IIIA of the Prisons Act 1981.

CPR Cardio-pulmonary Resuscitation. Also referred to in this document as ‘resuscitation’.

Crime scene The area associated with a suspected crime from/in which physical evidence may be obtained. This can include structures, rooms, open areas, vehicles and cells.

Designated Superintendent The Superintendent as defined in s36 of the Prisons Act 1981 and includes any reference to the position responsible for the management of a private prison under Part 111A of the Prisons Act 1981. In the instance of the death of persons not yet in the custody of a Superintendent as defined in s36, this term shall apply to the Assistant Superintendent Operations.

Evidence Items or things which may be used to determine the facts associated with a particular incident or to prove or disprove a fact in a court of law. Physical evidence need not be visible to the naked eye and may include fingerprints, footprints, footwear impressions or items from which a person’s DNA may be established, that may need to be recorded, compared and analysed.

Foreign national A prisoner who is a citizen of a country other than Australia.

Officer in Charge The Officer in Charge of the prison in the absence of the designated Superintendent. See also ‘superintendent’.

PRAG Prisoner Risk Assessment Group
Prisoner
Any person in lawful custody and referred to as a prisoner in s3 of the Prisons Act 1981; also includes a person not yet in the custody of a prison, but in the custody of a Contractor under the Court Security and Custodial Services Contract.

Resuscitation
Cardio-pulmonary Resuscitation. Also referred to in this document as ‘CPR’.

SAMS
Support and Monitoring System

Serious Medical Emergency
Where referenced throughout this document, a serious medical emergency will refer to instances where a person is observed by an Officer to be:
- apparently unconscious; or
- non-responsive to verbal command; or
- non-responsive to the usual physical checks relating to suspected casualty.

Signs of Life
Signs a person is alive, such as breathing, pulse, heartbeat, pupil contraction upon exposure to light, or movement.

superintendent
As defined in the Prisons Act 1981 and refers to either a designated Superintendent or the Officer in Charge of a prison at a particular time. In the instance of the death of persons not yet in the custody of a superintendent of a prison, this term shall apply to the Assistant Superintendent Operations (HO).

TOMS
Total Offender Management Solution offender database

3. Procedure

3.1 Discovering Officer(s)

In summary, the essential actions of any Officer discovering any serious medical emergency, including an apparent death (where there are no signs of life), include the responsibility to:
- Immediately initiate a Code Red Medical Emergency call for assistance via the radio.
- Check for signs of life.
- Notify key staff (eg Senior Officer/Unit Manager).
- Unless it is not safe to do so, stay with the casualty, and constantly monitor, administer first aid and commence resuscitation.

3.1.1 The Officer(s) discovering the apparent death shall immediately check for signs of life. In instances where signs of life are detected, the discovering Officers must constantly monitor the prisoner and stay in direct attendance until medical assistance arrives, or refer to sections 3.1.2 and 3.1.3 below should signs of life become absent.

3.1.2 The absence of signs of life does not necessarily mean that the person has died - it may be that the body is at a very low level of functioning and medical instruments may be necessary to detect such signs.
3.1.3 The discovering Officer(s) must commence resuscitation and where qualified, administer first aid as necessary. Resuscitation and/or first aid should be the standard practice in all cases.

3.1.4 Other attending Officer(s) shall assist with resuscitation and where qualified, administer first aid as necessary.

3.1.5 In exceptional circumstances where the discovering Officer(s) and attending Officer(s) do not commence resuscitation and/or first aid (such as where it is evident due to the nature of the injuries or the condition of the body that the prisoner is deceased), the Officers must outline their reasons in their written report on the death (refer to Section 5 - Reporting process).

3.1.6 Should the person be discovered hanging, the Officer shall immediately cut the body down, protecting the head and neck as much as possible. (If another Officer is present, one Officer supports the body whilst the other Officer cuts the suspending item.) The Officer(s) should:

- lower the body to the ground
- remove or cut the noose whilst leaving the knot intact (observe the location of the knot on the neck)
- check for signs of life
- commence resuscitation (CPR) (refer also to section 3.1.5 above) and/or first aid until a medically qualified person (such as a paramedic, doctor or nurse) takes over.

3.1.7 Officers should not put themselves and/or others at risk in an attempt to save a life.

3.2 Prisoners involved in the provision of CPR/First Aid, or other assistance

Situations may arise where it is a prisoner that first discovers an apparent death rather than an Officer, and there is a requirement to outline the management of such situations. Situations such as these may occur more readily at smaller sites and Work Camps or on section 95 activities. The Department also acknowledges that there are prisoners who possess current qualifications in CPR and/or First Aid.

3.2.1 The prisoner on discovering an apparent death shall immediately summon the assistance of an Officer.

3.2.2 No prisoner shall be held responsible if they either feel unable to administer CPR, or if the CPR/First Aid that they applied was unsuccessful and resuscitation was not achieved.

3.2.3 Once Officers are in attendance, the prisoner should be removed from the scene. However, in the instance where there is only one Officer in attendance, the ongoing assistance of the prisoner may be requested until such time as a medically qualified person (such as a paramedic, doctor or nurse) arrives.

3.2.4 If any prisoner has provided assistance at the death of another prisoner, then Section 9 - Prisoners as suspects/witnesses, is to be observed.

3.2.5 Any prisoner who has provided assistance shall be provided with formal support as outlined in Section 20 - Support services. A medical review of the prisoner who has provided assistance should also be considered, depending on the circumstances of the incident.
3.2.6 If a death occurred in a shared cell, the cell shall not be re-allocated to the prisoner that previously shared the cell with the deceased prisoner or the prisoner who assisted with the incident, once control of the cell is handed back to the prison after Police attendance.

3.3 Officer in Charge
The Officer in Charge shall:

3.3.1 Immediately upon receiving advice that a prisoner has been found without apparent signs of life, ensure an ambulance is called.
3.3.2 Immediately attend the scene.
3.3.3 Ensure that the discovering Officers have taken appropriate action in accordance with section 3.1 above.
3.3.4 Ensure that a medical officer has been summoned.
3.3.5 Briefly inquire as to the circumstances.
3.3.6 Contact the designated Superintendent.
3.3.7 Secure and preserve the scene as if it were a crime scene.
3.3.8 Remove persons away from the scene who are not immediately required to assist.
3.3.9 Once it is ascertained that the prisoner is deceased, the area shall be screened from public view. This screening is in addition to cordoning off the area to preserve the scene.
3.3.10 Ensure that the Police Officer in Charge at the nearest Police Station has been notified.

4. Scene management and security

4.1 The Officer in Charge shall nominate an Officer who was not directly involved with the incident to manage the scene of the death until the location is taken over by the (investigating) Police. Where this is not possible the Officer in Charge will outline the reasons and subsequent action taken.

4.2 Officers shall make every effort to save life irrespective of any other consideration including the preservation of the scene of the death and evidence. The scene of the death and evidence must be preserved within the limits of the efforts being made to save life.

4.3 No person shall move or remove the body or interfere with the place in which the death occurred except:
   - where necessary for medical reasons; or
   - to make an assessment of the extinction of life or certify the death; or
   - to ensure the safety of employees and other persons; or
   - in extreme circumstances and as ordered by the designated Superintendent.
4.4 If the scene is a cell or a vehicle, Officers shall secure the cell/vehicle and only grant access for urgent/critical reasons upon the authority of the designated Superintendent.

4.5 The Officer in Charge shall delegate to an Officer the compilation of a crime scene log to chronologically record any persons entering or leaving the area (names and times) in line with section 4.4 above. The Officer is to use the same clock to record the times of events throughout the record. The delegated Officer, after receiving advice from Officer in Charge to conclude the record, shall conduct a time check on any other clocks used to record events by other Officers and note on the record any differences in time.

4.6 If the scene of the death is an open space, the area shall be cordoned off by Officers and screened from view and only grant access for urgent/critical reasons upon the authority of the designated Superintendent. If the area is not amenable to the use of screens, Officers should use an alternative means as far as practicable, to screen the body from view. The designated Superintendent is to ensure that Officers are aware of the location of the screens within the prison and that they are housed in a manner that allows easy access and mobility.

4.7 In the event of the death of a prisoner, the prison shall immediately disable the Prisoner Telephone System (PTS). Where there is no installation of a PTS, prisons shall restrict access to telephones by prisoners. In addition, the inter prison video link used for visits must cease. The shutdown (or restricted access) must remain in place until confirmation that the deceased prisoner’s next of kin have received notification or until determined otherwise by the designated Superintendent. Refer also to Policy Directive 36 – Communications - Appendix 2 - Telephone Procedures.

4.8 Until handing over the scene to the Police, the unit occurrence book or any other written record of the event is to be held by responsible Officers.

4.9 Upon the arrival of the Police, Officers shall hand over control and access to the scene to the Police who shall manage any subsequent access.

4.10 Restrictions on the scene shall apply until such time as the Police investigating the death authorise removal of the body, and control of the place of death reverts back to the designated Superintendent.

4.11 Where the deceased is of Aboriginal descent, and the family has requested the intervention of the Aboriginal Legal Service to action the protocol for Aboriginal deaths in custody, there may be a requirement to seal the cell for up to two days. This is to allow time to gather the necessary persons required to enact the protocol (refer also Section 18 - Contact with the Aboriginal Legal Service).

4.12 To enable religious ministrations to deceased prisoners, chaplains are to be allowed access to the deceased prisoner, prior to his/her removal from the prison, subject to the approval of the Senior Investigating Police Officer.

4.13 Any prisoners seeking to recover property from the incident scene must make application to the designated Superintendent.
4.14 Refer to **PD 42 – Property – Procedures** for information as to the cell clearance and storage/release of property after the death of a prisoner.

5. **Reporting process**

5.1 This section is to be read in conjunction with **PD 41 – Reporting of Incidents and Additional Notifications**.

5.2 The Officer(s) discovering the death, and any other Officers involved shall provide a written report on the death (including relevant details concerning the death) to the designated Superintendent before ceasing duty. Before writing the incident description Officers must select the ‘Death in Custody Incident Report’ template in TOMS (select the Text and Options button > Insert Text > Templates > Death in Custody). Officers must complete both Parts A and B.

5.3 Where the TOMS system has restricted access to the profile of the deceased, Officers are to submit their reports via e-mail to the Manager Justice Intelligence Services. A copy should be sent to the relevant Designated Superintendent.

5.4 All Officers with responsibility for managing or reporting any action following a death in custody shall access a copy of the **Prison Checklist - Death in Custody (Appendix 1)**, which is intended as a guide to ensure that all matters have been attended to.

5.5 Contractors are to provide a written report including all matters included in the TOMS ‘Death in Custody Incident Report’ template.

5.6 Part A of the 'Death in Custody Incident Report' template requires Officers to follow the normal incident report format and to provide a detailed description of events. Part B deals with supplementary information and TOMS prompts require Officers to answer a number of questions. If the answer to any of the prompts is 'yes', Officers shall provide the relevant details.

5.7 Officers are to answer questions in Part B as best as possible with information they are personally aware of, without searching documents or records (Police and/or Custodial Standards and Review shall do this).

5.8 Officers shall prepare incident reports following a death in custody independent of each other and an Officer nominated by the superintendent shall monitor the process. The monitoring officer must be, where practicable, someone who was not involved with discovering the deceased prisoner or the events that immediately followed.

5.9 The Manager Custodial Standards and Review, Professional Standards Division shall expeditiously review all the circumstances of the death in custody, including all operational decisions, actions and related considerations, and report in writing to the Assistant Commissioner, Professional Standards.
6. **Collation of records and exhibits**

6.1 The designated Superintendent shall ensure, upon the death of a prisoner, all records relating to that prisoner including the warrants (where applicable), copies of all reports, occurrence books, photographs, medical/medication issue records and blister packs and any other relevant items such as personal correspondence etc from outside the incident scene are seized retained at the prison pending seizure by Police in accordance with this section.

6.2 Prior to releasing relevant documentation to the Police, the designated Superintendent shall inform the Police if the deceased was a foreign national, in order that Consular requirements can be met (see also [Section 11 - Death of a foreign national](#)).

6.3 Police shall seize all relevant documentation in relation to the investigation in accordance with guidelines issued by the coroner. Prior to releasing relevant documentation to the Police, the designated Superintendent shall, where practicable, arrange for copies of the documents (other than those accessible on TOMS) to be made and provided to the Manager Custodial Standards and Review, Professional Standards Division. If copies can not be made, a request should be made to the Police to forward copies of the documents after seizure.

6.4 **Documents which Police may require include:**

- Offender in Custody File
- Unit File
- Gate Occurrence Book
- Unit Occurrence Book
- Cell Call Records
- Handover and De-Brief Book
- ARMS Form and PRAG Minutes
- SAMS Form and SAMS Case Conference Minutes
- Medical File (print out from Central Medical Records)
- Nurses / Medical Officers De-Brief Book
- Prisoner Movement Records
- Aboriginal Visitors Scheme Contact Forms and ‘Confidential’
- Relevant records held by ACCESS.

6.4.1 Officers should label (name of prison, name of unit, type of document) all seized documents and exhibits and obtain receipts for any documents or exhibits taken by the Police.

6.4.2 A Receipt Book (C103) shall be held at each prison and should be used in all cases where documents (including those printed from TOMS) are removed from a prison as a result of an investigation.

6.4.3 The designated Superintendent shall arrange for a copy of the receipt slip identifying what documents (including copies of records held on TOMS) were provided to the Police to be sent to the Manager, Custodial Standards and Review, Professional Standards Division.
6.5 The designated Superintendent shall not permit any person to make any manner of written entry upon any document, file, record or other correspondence relating to a prisoner once that prisoner is examined by a medical officer and life is pronounced extinct and duly recorded on the prisoner’s medical file. Articles referred to in Sections 6.1 and 6.4 above are to be carefully listed showing where they were seized from and the identity of the Officer(s) who did so. Officers shall place all such items in plastic bags and label appropriately and secure items until handed over to the Senior Investigating Police Officer conducting enquiries into the death.

7. Notification

7.1 Upon the death of a prisoner in custody, whether in prison or elsewhere, the superintendent of the prison responsible for the custody of that prisoner at that time shall immediately notify the designated Superintendent.

7.2 The designated Superintendent shall immediately notify:

- Assistant Superintendent Operations in line with reporting requirements in Policy Directive 41 – Reporting of Incidents and Additional Notifications.
- The Director Health Services and on-call doctor for that site.
- The Suicide Prevention and Clinical Governance Manager, Clinical Governance Unit.
- The Manager, Aboriginal Visitors Scheme, if the prisoner was Aboriginal.
- The Welfare and Counselling Team, Employee Welfare.
- The relevant prison chaplain (where indicated on the reception history sheet, if the prisoner was of a particular religion).
- The Director, Assessment Counselling and Support.
- The relevant Prison Counselling Service (PCS) Manager (or Program Delivery Manager for regional prisons) for the prison where the death occurred.
- In the case of a death occurring in a privately operated prison or during escort with a contractor appointed under the Court Security and Custodial Services contract, the relevant Contract Manager for the Department.

Note: Depending on the prisoner’s circumstances, other notifications may be required (eg refer Section 10 - State prisoners subject to parole and federal prisoners, Section 11 - Death of a foreign national and Section 12 - Fatality as a result of an industrial accident. Notifications in accordance with Section 18 - Contact with next of kin and booked visitors shall also be made).

Note: If the superintendent delegates any of the above notifications to other officers, the person delegated shall confirm to the superintendent that they made contact.

7.2.1 As soon as practicable after immediate notifications have been attended to, the superintendent shall ensure that superintendents of all other prisons, and the Officers in Charge of privately operated prisons, are informed of the name of the deceased prisoner. This is to enable the identification where possible, of any
family members or significant others also imprisoned or who are employed in a prison, who may be informed of the death (see Section 20 - Support services)

7.2.2 Where a death occurs within a prison, the designated Superintendent shall attend the location and remain there until all relevant duties and actions are complete.

7.2.3 Where a death occurs at a hospital, hospice, work camp, or during escort, the designated Superintendent is not required to attend the location. However, if the prisoner was under officer escort at the time of death (whether in a hospital or hospice, or during escort), the designated Superintendent shall ensure that the staff in attendance are provided with appropriate guidance and support. A copy of Policy Directive 30 – Death of a Prisoner and this Procedures document shall be included in the Hospital Escort Bag to assist with events such as these.

7.2.4 In the event that the death occurs prior to a prisoner’s arrival at a prison but after that person has been collected by a representative of the Department (ie prison staff or Contractor), a reception intake must be completed on TOMS to enable necessary reporting to occur. The Assistant Superintendent Operations (HO) shall ensure that this task is carried out as per his delegation as superintendent of the situation.

7.3 The Assistant Superintendent Operations (HO) shall immediately notify the:

- Office of the State Coroner (as a matter of priority)
- The Police Regional Investigations Unit (as a matter of priority)
- Commissioner
- Deputy Commissioner Adult Custodial
- Assistant Commissioner Custodial Operations
- Director Security Services
- Manager, Custodial Standards and Review
- Office of the Inspector of Custodial Services
- Media Coordinator, Media and Public Affairs
- Director, Knowledge Management (to lock down the TOMS record)
- Director, Policy and Aboriginal Services Directorate, Department of Attorney General (if the deceased is Aboriginal).

7.3.1 The Assistant Superintendent Operations (HO) shall comply with Communications Agreement to facilitate the prompt notification of the Minister (refer also to Policy Directive 41 – Reporting of Incidents and Additional Notifications).

7.4 The Director Health Services shall:

- Provide a report to the Commissioner of Corrective Services (r 74 of Prisons Regulations 1982) within 72 hours.
- Facilitate a Health Review Report in line with Health Services Procedure PM05 – Death in Custody.
- In the case of a death apparently caused by suicide, forward the deceased’s medical records and other information to the Office of the Chief Psychiatrist requesting an independent psychiatric assessment, in line with Health Services Procedure PM05 – Death in Custody.
Forward the above reports to the Critical Review Branch.

7.5 The Deputy Commissioner Adult Custodial shall within one working day provide written notification of the death to each of the following:

- The State Solicitor’s Office
- The Coroner’s Office (with advice that further information will follow)
- Office of the Inspector for Custodial Services
- The Ombudsman’s Office
- The National Deaths in Custody Program (with completed reporting template).

Attached to each of these letters shall be a copy of the Briefing Note earlier supplied to the Minister.

8. Notification of next of kin

8.1 Police shall notify the next of kin of the death. The designated Superintendent shall provide the name and address of the next of kin to facilitate their notification without delay. The prison shall provide details as shown on the deceased prisoner’s file.

8.2 In the event that the next of kin can not be located or contact made, the superintendent shall provide details of any alternative contact persons registered at the time of the prisoner’s reception.

8.3 The designated Superintendent shall verify that the Police have notified the next of kin. Should the Police not have notified the next of kin, prior to the submission of the designated Superintendent’s report, the reason for non-notification should be given. Police shall provide the name of the designated Superintendent as a contact for members of the deceased prisoner’s family seeking further information.

8.4 State and Federal Police should assist with the notification process if the next of kin is located in another country.

9. Prisoners as suspects/witnesses

The designated Superintendent must ensure:

9.1 that the Senior Investigating Police Officer is provided with the names of all prisoners known to have been in the vicinity of the scene of death and who may have witnessed the incident.

9.2 that those prisoners identified as either suspects or witnesses are placed in a cell and kept under strict observation, and are to ensure that they do not remove or wash evidence (such as blood, semen etc) from their person until such time as they can be interviewed by the Senior Investigating Police Officer.

9.3 that any such item of potential evidence (including clothing, weapons, and other such object) is managed in accordance with the Department’s Procedures for the Preservation of Evidence, Continuity of Exhibits, Drug Movements and Inventory
Control until such time as the item can be handed to the Senior Investigating Police Officer.

9.4 that those prisoners identified as either suspects or witnesses that have been secured in cells cannot converse with each other until after they have been interviewed by the Senior Investigating Police Officer.

10. **State prisoners subject to parole, federal prisoners and mentally impaired accused**

10.1 If the prisoner was a State prisoner (or joint state/federal prisoner), who has parole eligibility, or was a person detained on a custody order issued under the *Criminal Law (Mentally Impaired Accused) Act 1996*, the designated Superintendent shall advise, in writing:

Registrar, State Review Boards Secretariat
Telephone: +61 8 9423 8700
Fax: +61 8 9388 6208
Email: PrisonersReviewBoardRegistrar@justice.wa.gov.au

10.2 If the prisoner was a Federal prisoner (or joint state/federal prisoner), the designated Superintendent shall advise:

Principal Government Lawyer
Federal Offenders Unit
Criminal Justice Branch, ACT:
Telephone: +61 2 6250 6127
Fax: +61 2 6250 5920.

11. **Death of a foreign national**

11.1 If the prisoner was a foreign national, other than from China, Hong Kong, Vietnam or Indonesia, the Senior Investigating Police Officer is to be advised of the prisoner’s status and will make arrangements for the appropriate Consulate to be notified (refer also Section 6.2).

11.2 If the prisoner was a foreign national from China, Hong Kong, Vietnam or Indonesia, then the designated Superintendent shall inform the appropriate Consulate in writing at their earliest convenience, of the death of the prisoner.

11.2.1 For Chinese and Hong Kong Nationals:

Consulate-General of the People’s Republic of China
45 Brown Street
EAST PERTH WA 6004
(Postal Address: PO Box 6831, EAST PERTH WA 6892)
Telephone: +61 8 9222 0333
Fax: +61 8 9221 6144

11.2.2 For Vietnamese Nationals:

Consulate-General of the Socialist Republic of Vietnam
Level 8, 16 St Georges Terrace
Perth WA 6000
(Postal Address: PO Box 3122, EAST PERTH WA 6892)
11.2.3 For Indonesian Nationals:
Consulate–General of the Republic of Indonesia
134 Adelaide Terrace
Perth WA 6000
(Postal Address: PO Box 6683, EAST PERTH WA 6892)
Telephone: +61 8 9221 5858
Fax: +61 8 9221 5688

11.3 The designated Superintendent shall advise the relevant Consulate that an application for a copy of the death certificate must be lodged with the Registry of Births, Deaths and Marriages (Western Australia). The details are:
Registry of Births, Deaths and Marriages
Level 10, 141 St Georges Terrace
PERTH WA 6000
(Postal Address: PO BOX 7720, Cloisters Square, PERTH WA 6850)
Telephone: 1300 305 021
Fax: 08 9264 1599
Website: www.bdm.dotag.wa.gov.au

11.4 If the deceased is a Chinese (including Hong Kong), Vietnamese or Indonesian foreign national and has no relative or next of kin representative nominated in Australia, then a Consular Officer shall be entitled to take into provisional custody all documents, money and personal effects belonging to the prisoner in accordance with Policy Directive 42 - Prisoner Property.

11.5 Prior to the release of property to a Consular Officer under Section 11.4, the designated Superintendent shall obtain clearance from the Coroner’s Office for the release of personal effects.

12. Fatality as a result of an industrial accident
Where a fatal injury occurs as a result of an industrial accident the following procedures are to apply in addition to those already stated:

12.1 The superintendent will ensure that all vehicles, plant and machinery involved in the incident are left as they are, unless it is dangerous to do so, in which case the superintendent must note the position and condition of all items and provide the details to the Senior Investigating Police Officer and WorkSafe Inspector by measurement, sketch and/or photograph, including details of any plant, equipment or vehicles which have been moved to facilitate the attempted rescue of the deceased.

12.2 The superintendent will notify the local occupational safety and health (OSH) representative, and should include them in the Departmental accident investigation.

12.3 In relation to the reporting of serious/fatal accidents or incidents:
12.3.1 The Department’s Accident/Incident Report: C561 (HRD0076) must be completed in full as soon as possible. This must include clear documentation of the investigation and any follow up undertaken by the superintendent (or other person delegated as responsible for OSH in the prison).

12.3.2 The completed form must be sent directly to the DCS Safety and Health Coordinator as soon as it is completed.

12.3.3 The designated Superintendent will notify WorkSafe by completing a Notification of Injury Form and forwarding the completed form to WorkSafe at safety@commerce.wa.gov.au and the Department OSH Section at OS&H@justice.wa.gov.au within 24 hours of the incident.

The acknowledgement number provided by WorkSafe WA following the submission of the Notification of Injury Form must be included on the Department’s Accident/Incident Report: C561 (HRD0076).

12.3.4 If there is any doubt concerning whether to report the circumstances of a prisoner’s death to WorkSafe, contact the DCS Safety and Health Coordinator.

13. Death of a prisoner with a terminal illness

In the event that a terminally ill prisoner identified under PD 8 - Prisoners with a Terminal Illness dies in custody, these procedures will apply.

14. Death of a resident child or child participating in an extended visit

In the event that a resident child or child participating in an extended visit dies while in prison, the requirements of PD 10 – Prisoner Mothers/Primary Carers and their Children, in regards to managing the death, apply.

15. Confidentiality

Officers are not to disclose any information concerning the circumstances surrounding the prisoner’s death to anyone not acting in an official capacity.

16. Report to the media

The Senior Investigating Police Officer is the only person authorised to make comment to the media. No member of prison staff is authorised to make any comment to the media, other person or agencies. All media enquires are to be directed to DCS Media and Public Affairs.

17. Contact with next of kin and booked visitors

17.1 Refer Section 8 – Notification of next of kin

17.2 After the Police have verified contact with the next of kin, the designated Superintendent shall make contact (or arrange for contact to be made) expeditiously (but at a reasonable hour) to offer condolences and a face to face
17.3 During the initial contact the notifying officer shall inform the next of kin of the Bereavement Assistance Program offered by the Department of Child Protection and Family Support. Some urgency exists as financial assistance to meet funeral costs cannot be provided retrospectively.

17.4 If the next of kin does not require an immediate meeting, the prison should provide the opportunity for contact at a later time. If the person does request a meeting, the notifying officer should ask if they wish to have a Coronial Counsellor attend. The Coronial Counselling Service within the Office of the State Coroner has been established to facilitate communication between the next of kin and all other parties and provide counselling and support.

17.5 The meeting venue may be the prison, a neutral venue or, if appropriate, the home of the next of kin. The Coronial Counsellor, if invited, may provide transport. If transport assistance is required for the next of kin, the designated Superintendent will offer to defray costs of attendance, including transport from a remote location, at the prison’s expense.

17.6 The purpose of the meeting is to:

17.6.1 Offer condolences in person.

17.6.2 Provide factual information (only) about the death and the respective roles of the Police and coroner.

17.6.3 Arrange transport and access to the body of the deceased.

17.6.4 Provide an introduction (or referral to) the Coronial Counselling Service.

17.6.5 Advise the next of kin that the Department will pay reasonable costs for the return of the body to an agreed location within Western Australia, if the prisoner has died in a prison remote from the place of their arrest.

17.6.6 Provide advice that the property of the deceased held at the prison or by a Contractor requires the approval of the coroner and Senior Investigating Police Officer before release. Subject to such approval, the next of kin can collect the property or, alternatively the property can be returned to the next of kin at the Department’s expense by arrangement. Where practicable and appropriate, the Coronial Counselling Service may carry out this role. See also Policy Directive 42 – Property – Procedures.

17.6.7 Provide a written list of all property held at the prison as well as written advice that, subject to section 17.6.6 above, the Police may approve certain items not required for investigation purposes, to be released to the next of kin (ie clothes or personal items for the deceased's burial). Any request identifying such items will be passed on to the Police by the superintendent and approved items will be released accordingly. In the event that the next of kin does not wish to meet in person, the superintendent shall ensure that the above information is provided in writing.

17.7 The designated Superintendent shall ensure that an Officer checks for any booked social and/or official visit and notifies all scheduled visitors of the death if
not already notified. Notifications shall take place expeditiously but not before the notification of the next of kin has been confirmed and documented. Every effort shall be made to contact booked visitors, with assistance sought from the Aboriginal Visitors Scheme, Outcare, and Prison Support Officers if necessary.

18. **Contact with the Aboriginal Legal Service**

If the prisoner was of Aboriginal descent, the next of kin shall be advised that the designated Superintendent can arrange for the Aboriginal Legal Service (ALS) to be informed. The purpose of informing ALS is to action the protocols developed to independently oversee an Aboriginal death in custody. In the event that the next of kin requests that ALS be advised, the following protocol is to be implemented:

18.1 Two officers of ALS (or other representative of the family of the deceased) may be allowed to inspect the scene of death (and any exhibits) in the company of the supervising officer of the State/local coroner or Senior Investigating Police Officer (or their nominee). The ALS officers may be accompanied by a direct member of the family and/or an independent forensic expert, unless the State/local coroner and the Senior Investigating Police Officer otherwise directs.

18.2 The independent forensic expert together with the legal representative of the family, and the State/local coroner or Senior Investigating Police Officer may inspect the cell or place of death before the family of the deceased. The family of the deceased and representatives of the ALS may then join these persons.

18.3 Access to the scene of the death and related exhibits are to be at a time suitable to the routine and security of the prison. During this inspection, no discussion is to take place between prisoners and members of the family or their legal representative.

18.4 Members of the family or their legal representative will only be permitted access to the scene of death after completion of the initial investigation and when the scene is no longer required to be kept secure for the State/local coroner or Senior Investigating Police Officer or for prison authorities for any other purpose.

18.5 The Officer in Charge shall ensure that in the event of the death occurring in a cell, the cell shall be sealed for 2 days (unless otherwise advised by the State/local coroner, or the Senior Investigating Police Officer). This is to allow the legal representatives of the family sufficient time to organise (through the State/local coroner or the Senior Investigating Police Officer) a supervised inspection of the cell by an independent forensic expert.

19. **Custody**

Police shall have custody of the body following the removal from the prison. Enquiries from the next of kin or relatives of the deceased seeking to claim the body shall be referred to the mortuary Duty Officers.

20. **Support services**

The services of the Aboriginal Visitors Scheme members and/or Outcare (where available) are to be called in at the designated Superintendent’s discretion to assist Officers on duty to deal with prisoner issues which may arise from a death in custody.
Consultation may be required with Prison Support Officers or others to assist in identifying, and where appropriate notifying, any family members or significant others who may be prisoners in or employees at any prison.

20.1 Prison Counselling Service (PCS) can also assist in providing support to prisoners upon a death in custody, if necessary.

20.2 The designated Superintendent should consult with appropriate persons to address any cultural considerations if the deceased is an Aboriginal prisoner or from a non Australian cultural background.

20.3 Assessment of the support needs of prison employees directly/indirectly dealing with a death in custody should be conducted in conjunction with the Staff Support Psychologist and the site based Staff Support Team, based upon the range of options outlined in the Department’s Critical Incident Response Procedures.

20.4 A formal operational de-brief is not to take place until all incident reports relating to the death are complete. Where necessary, practical and reasonable, staff members involved in managing the death of a prisoner will be provided the option to complete the remainder of their shift in a different location or unit as to where the incident occurred.

20.5 There should be a delay between the initial employee support option being actioned and the operational de-brief; they should not be convened directly adjacent to each other.

20.6 Those attending the Coroner’s Court to provide evidence shall be made aware of the range of support services available to them.

21. Coroner’s finding

Within six (6) calendar months of the publication of the findings of the coroner into the manner and cause of death of a prisoner to whom s17 of the Coroners Act 1996 applies, the Deputy Commissioner Adult Custodial shall provide a report to the Minister in response to the findings. The report shall include comment as to any action taken or proposed as a result of the finding.

22. Contact telephone numbers

Bereavement Assistance Program, Department for Child Protection and Family Support
Ph 1800 854 925
DCPFS Bereavement Assistance Program

Coronial Counselling Service
See ‘Office of the State Coroner’

Office of the Inspector of Custodial Services
Telephone: (08) 6551 4200
Facsimile: (08) 6551 4216

Office of the State Coroner
Coroner’s Office
501 Hay Street
PERTH WA 6000
Phone (08) 9425 2900
Fax (08) 9425 2901
23. **Approved**

Commissioner or delegated authority per PD 30: 

Heather Harker

Signature: 

Date: 10 September 2013

24. **Policy sponsor**

Assistant Commissioner Custodial Operations

25. **Contact person**

The following person may be approached on a routine basis in relation to this policy:

- Principal Operational Policy Officer

26. **Amendment history**

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