

25 November 2020

Our Reference: IR-01-20-28454

Olivia Dennis
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Dear Olivia

I am writing in response to the email you submitted 24 September 2020. Your request has been considered pursuant to the Official Information Act 1982. Specifically your request stated:

I am making a request for the relevant chapters of the police manual that outlines the policy around deaths in police custody. I think the specific chapter of the police manual I am after is called 'people in police detention', but if there are any other chapters related to deaths in police custody then I am interested in those too.

As requested, please see below for the relevant information from our policy 'People in Police Detention'.

This policy is subject to the following legislation:

- The Independent Police Conduct Authority (IPCA) Act 1988. The relevant section can be viewed here: [IPCA Act 1988, Section 13](#)
- The Coroners Act 2006. The relevant section can be viewed here: [Coroners Act 2006, Section 15](#)

Below is a relevant excerpt from the People in Police Detention chapter, which is the policy for reporting deaths in custody.


People in Police Detention

Deaths in custody

These steps apply to all deaths in custody, whether in the cells or not and regardless of the cause.

Police National Headquarters

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1. *Immediately freeze the scene and ensure all evidence is preserved including CCTV camera footage and custody documentation.*
 2. *Advise a supervisor who will:*
 - *notify and arrange for CIB to attend*
 - *ensure the District Commander is informed*
 - *immediately notify the PNHQ Duty Officer in accordance with the 'No surprises policy'. The PNHQ Duty Officer notifies the Commissioner*
 - *notify the District Health and Safety Advisor.*
 3. *The District Commander informs the National Manager: Police Professional Conduct and the National Manager: Safer People of the circumstances surrounding the death. The National Manager: Police Professional Conduct will inform the Independent Police Conduct Authority of the death. The National Manager: Safer People will ensure WorkSafe NZ is notified. All deaths in Police custody must be notified to WorkSafe NZ.*
 4. *Apply the Police 'Trauma support policy' to all employees involved in the incident.*

The Sudden Death chapter is also relevant following a death in Police custody:

Sudden Death chapter

Deaths of prisoners in Police custody

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

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

Advise a supervisor who will:

- *notify and arrange for CIB to attend, and:*
 - *establish the nature of the inquiry required*
 - *initiate any enquiry (Note: if force has been used upon the prisoner prior to, during or after arrest, a homicide inquiry must be commenced)*
- *ensure the District Commander is informed immediately.*

The District Commander informs the National Manager: Police Professional Conduct of the circumstances surrounding the death.

Notifications to other agencies in some circumstances

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

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

Situation	Action
<i>Recorded person</i>	<i>If the deceased's details are recorded in the NIA Person Alerts, notify the Commissioner of Police using the DED form, accessed through the Create Notification feature in the Microsoft Outlook Bulletin Board. Include the deceased's M-PRN and state how the identity of the deceased was established.</i> <i>Only make this notification if the identity is known by a Police employee or can be established using Police records such as fingerprints. Do not make inquiries with immediate family members or acquaintances to establish the identity of a deceased person who has a criminal history.</i>
<i>Hazardous substances or explosives</i>	<i>Notify the Environmental Protection Authority of incidents involving hazardous substances, explosives or dangerous goods, and where emergencies have been declared under section 136 Hazardous Substances and New Organisms Act 1996.</i>
<i>Drug abuse</i>	<i>If drug abuse was the cause of death, the coroner will notify the appropriate agencies.</i>
<i>Death of child or young person in care</i>	<i>If the deceased was under the care of the Chief Executive of Oranga Tamariki - Ministry for Children, pursuant to the Oranga Tamariki Act 1989, notify their foster parent or other caregiver and the nearest Regional Director for Oranga Tamariki - Ministry for Children.</i>
<i>Death of diplomat</i>	<i>If the deceased was an officer or diplomatic staff member of a Diplomatic Mission or Consular Post, notify the National Manager: Response and Operations. The National Manager will give details of the death and surrounding circumstances to the Secretary of Foreign Affairs (Protocol Division).</i>
<i>Death of foreign national</i>	<i>See 'Immediate family outside New Zealand' in this chapter.</i>

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

I trust you are satisfied with my response to your request. If not, you have a right under section 28(3) of the Official Information Act 1982 to ask the Office of the Ombudsman to seek an investigation and review of my decision.

Yours sincerely



Inspector Nic Brown
Acting National Manager: Response & Operations

