

# **SELECT COMMITTEE ON THE CORONIAL JURISDICTION IN NEW SOUTH WALES**

## **INQUIRY INTO THE CORONIAL JURISDICTION IN NEW SOUTH WALES**

<b>POLICE</b>
---------------

Hearing: Tuesday, 30 November 2021

**Answers due by: 29 December 2021**

## POLICE

Questions from the Hon. Adam Searle (Chair)
---

### Page 43 of transcript

**The CHAIR:** Mr Doherty, is there an MOU between the NSW Police Force and the Coroner as to how the Coroner can access the services of the police for investigative—

**Mr DOHERTY:** There is an MOU with DCJ, in my understanding.

**The CHAIR:** Okay. Can any other DCJ representatives address that MOU? How does it work?

**Mr McLENNAN:** I am not aware of the MOU with DCJ, but the Coroners Act provides that the Coroner can direct police to investigate deaths on behalf of the Coroner, but—

**The CHAIR:** I understand that. How does that work in practice?

**Mr DAVID SHOEBRIDGE:** Sorry, before we go on, are you saying there is not an MOU?

**Mr McLENNAN:** I am not aware of the MOU with police, no.

**Mr DOHERTY:** I will take that question on notice and I can confirm it then.

**Mr DAVID SHOEBRIDGE:** It is a pretty fundamental question. If there is a document

### Answer:

There is no current MoU between the NSW Police Force and Department of Communities and Justice in relation to the Coroner. The NSW Police Force carry out investigations and conduct inquiries in relation to deceased persons on behalf of the Coroner as outlined on the *Coroner's Act*.

## POLICE

### Questions from the Hon. Adam Searle (Chair)

#### Page 56 and 57 of transcript

**The Hon. CATHERINE CUSACK:** For the purposes of our inquiry, would you be able to provide us with a snapshot of your activities and what the backlogs are for each of them? Is that something that you could provide to us? Do you do DNA testing, as well, for the police?

**Dr BROUWER:** No. That is done within—we are part of the Forensic and Analytical Science Service, but that is a different division within New South Wales.

**The Hon. CATHERINE CUSACK:** Okay, put that to one side. Just for the list of activities that you undertake, could you provide us with a snapshot of those activities and what the time frames are? Factual information would help us. In relation to the police, I would find it very valuable to have a mud map or a flowchart of, when a matter is likely to be subject to a coronial inquiry, how that case is handled by the police according to the type of death. For example, in relation to a motor vehicle accident, you would not have homicide involved in that; that would be, I assume, managed by a different branch of the police. If you could, talk about the initial investigation and then where that case goes.

The reason I ask for that flowchart is harking back to an earlier question by Penny Sharpe where there had been negative feedback from the family. I think the initial liaison was regarded highly by the family; it was when the case transitioned to homicide. The reason it went to homicide was because the police were involved in the death of the person, so this is a very special subset of matters that police are dealing with, with the Coroner. I hope you comprehend my question. You could find remains in a national park. You could have a drug overdose. I assume there is some sort of different flowchart as to where those deaths go in relation to management by the police and which police end up liaising with the Coroner.

**Mr DOHERTY:** That is a pretty big scope for a question in relation to providing a flowchart for each matter.

**The Hon. CATHERINE CUSACK:** You must have some sort of a protocol.

**Mr DOHERTY:** Yes.

**The Hon. CATHERINE CUSACK:** When the body of somebody is found and it is believed that they had a drug overdose, the police on the scene must know where that case is headed to.

**The CHAIR:** I guess this must be getting to the standard operating procedures to different death types.

**The Hon. CATHERINE CUSACK:** Yes.

**Mr DOHERTY:** That's right, and there is a police handbook.

**The Hon. CATHERINE CUSACK:** Thank you, Mr Chair.

**Mr DOHERTY:** There is a police handbook, and there is obviously different training, depending on the type of death.

**The CHAIR:** To the extent that you can, provide us with that.

**The Hon. CATHERINE CUSACK:** Can you give us a flowchart of it? That would really help us to know. How the counselling services are travelling as the case is handed off inside the police service—the counsellors who were initially there with the family when they got the terrible news seem to vanish midstream because a different branch of the police takes it over. Do you see what I am saying? I am trying to crack the protocol.

Anyway, I am just asking as a question of fact. I am not trying to argue it. I am trying to work out how the counselling services, which seem to be good—it just seems that the way the police investigative process operates does not seem to be a good match for the way the counsellors are allocated.

**The CHAIR:** All right. To the extent that the police can do that, they will provide us their standard operating procedures relating to different death types, as you have asked for.

**The Hon. CATHERINE CUSACK:** Thank you.

**Answer:**

The NSW Police Force have a Police Handbook which relates to the investigations of deaths on behalf of the Coroner and outlines the various protocols of management of various types of death.

NSW Police Force Handbook for Deceased Persons is attached.

**Please note that the NSWPF Handbook is not for public distribution.**