



Coronial process

Information for families and friends



Government of South Australia

Victims of Crime SA

Introduction

This is a guide for people who are coping with the unexpected death of a friend or family member.

If someone you love or care about has died, you may be experiencing intense grief. You may also have to cope with a coroner's investigation.

This booklet has information about the coronial process, what happens after someone dies, and coronial inquests.

Contents

What happens now?	1
Next of kin	4
Coronial process	6
Post-mortems	8
Arranging the funeral	12
Coronial inquests	14
Where can I get help?	17

What happens now?

Losing someone unexpectedly is an incredibly difficult experience. There are some things you will need to think about soon after.

What happens after someone dies?

Generally, a person's body will be taken to Forensic Science SA if they died in Adelaide. This will usually happen within the first 24 hours after they have died.

In regional areas they may be taken to a local hospital or funeral home but may be taken to Forensic Science SA. This could be to collect evidence, to have other medical examinations, or for a post-mortem.

Identifying the person

In all cases where somebody has died, the police must confirm the identify of the person. This needs to happen, even if everyone knows who has died.

Their identity could be confirmed by visual identification or through other evidence or information collected by police.

If the police need to visually identify the person who has died, they will arrange for an appropriate person - normally a family member or someone who has known the deceased for a period of time - to do this.

If you have been asked to identify the person, you can take a suitable support person with you. You may be asked several questions about the deceased at this time.

Identifying a body can be very confronting. People will often react differently, and you might feel scared or anxious beforehand

The police officer can support you and will help you prepare for the experience.

In some cases, police may need other proof of identity of the deceased, such as access to medical information and dental records.

What happens to personal property?

When a person dies, police will usually remove their valuables and store them at a police site.

If a death occurs in a hospital, the valuables are stored there. The senior next of kin, the executor of the estate, or any person authorised by them may collect the valuables. They will need to show identification.

If a person dies at home, personal items will either be handed over to relatives by the police or taken for safe keeping.

Sometimes police may need to keep a personal possession as evidence in an investigation. Once the legal process is completed these items may be returned.

The person's clothing or other personal items might not be able to be returned to you because they have been badly damaged. In these cases, they will be destroyed.



Next of kin

Who is the next of kin?

01

Spouse or domestic partner
if more than one – the most recent spouse or domestic partner

02

Any adult child of the person

03

A parent of the person

04

Any adult brother or sister of the person

05

Executor of the person's will or legal representative before the person's death

The law has a very specific definition of who is considered to be the next of kin for proceedings before the Coroners Court and releasing records.

This is set out in the *Coroners Act 2003*.

While this definition is used as a guide in deciding who is the next of kin to accept a body for burial or cremation, the coroner has discretion in this area and can go outside the bounds of this definition if it is warranted.

Coronial process

After a friend or loved one has died unexpectedly, you might find it hard to understand why the police are involved – especially if it seems obvious what happened.

The police are legally required to investigate what happened and report it to the coroner. This is called a 'coronial investigation'.

The State Coroner investigates unusual, unexpected or violent deaths – they work out what happened, how it happened and why it happened to determine if the person's death was preventable.

It does not mean they suspect a crime.

In the case of some sudden deaths, a Police Victim Contact Officer may contact you and provide you with information about organisations to help you and your family.

Looking for information

The coroner will want to know about the cause and circumstances of the death.

The police will gather this information which could include:

- > examining the place where the death occurred
- > taking photographs
- > asking questions
- > arranging reports from experts such as doctors, fire investigators, engineers, road crash experts, etc.

They have to rule out the possibility that the death was a crime.

They will ask who found the person, what they saw and what they did.

Taking statements

In some cases, they will need to take detailed statements from people who knew the person. That can involve asking a lot of questions such as:

- > “Who last saw the person alive?”
- > “How did they seem when you last spoke?”

You might find these questions intrusive or distressing but they are not meant that way.

The law does not force you to answer the questions, apart from telling the police your name and address if they ask. However, you are encouraged to assist in a coronial investigation.

If you are not sure whether to answer a police question, you can get legal advice.

Post-mortems

A post-mortem (also known as an autopsy) is a step-by-step examination on the body by a specialist doctor, known as a pathologist.

This examination is very thorough and helps determine the cause of death.

Post-mortems are conducted as soon as possible.

If you have concerns or questions about the post-mortem, you should talk to a social worker at the Coroners Court or the police investigator as soon as you can.

Sometimes it might be necessary for a post-mortem, even if the cause of death seems obvious to you. The coroner decides whether a post-mortem is required.

Where do post-mortems take place?

In Adelaide, a forensic pathologist performs most post-mortems at Forensic Science SA.

Some post-mortems are also performed at the Royal Adelaide Hospital and the Women's and Children's Hospital.

If a death occurs in regional South Australia, and the coroner determines a need for a post-mortem, your loved one will be taken to Adelaide where a post-mortem will be conducted at Forensic Science SA.

What is involved in a post-mortem?

A post-mortem will be conducted by a forensic pathologist. They will carefully examine the body, including body tissue and organs. They may also test for:

- > infections (microbiology)
- > changes in body tissue and organs (anatomical histology)
- > chemicals, medications, drugs or poisons (toxicology and pharmacology).

This examination will provide information about a person's medical condition before their death and can help to identify and explain what may have led to their death.

Additional examinations

In some cases the pathologist may need to keep some organs for more detailed examination. This can only be done with consent from the coroner and is **only** done where necessary to confirm the cause of death.

The organs will be kept until all necessary tests have been completed. If an organ is kept, the Social Worker in the Coroners Court will contact the senior next of kin to discuss what will happen to the organs when the examinations are complete.

There are options available to you - but the choices you make here may impact the length of time before your loved one's body can be released into the care of a funeral director.

Can I get a copy of the post-mortem report?

You can only ask for a copy of the report if you are the senior next of kin. Check the diagram on p. 4.

The post-mortem report is a document that uses medical terms which you might not understand. To help with this, a copy will be sent to your medical practitioner (GP) as well. The GP can then meet with you and explain the report. If other reports are done – like toxicology – these can also be made available.

You can request a copy of the report in writing. Make sure to include the following:

- > your name and address
- > the deceased person's full name and date of death
- > your relationship to the deceased
- > the name and business address of your doctor.

See the 'Where can I get help?' section on p. 17 for contact details.

Can a post-mortem be stopped?

In some circumstances, you may be able to delay or stop a post-mortem. A social worker from the Coroners Court will phone you to advise whether there will be a post-mortem, and what type of examination this will be.

If you want to object to this, you can tell the social worker and they will consult with the coroner. The coroner will consider your objections, but they will ultimately decide whether a post-mortem is conducted or not.

You can do this by:

Phone: 8204 0600

Email: coroner@courts.sa.gov.au

Can other family members view the body?

Some people want to see the body of a loved one after they have died.

Usually, this happens at the funeral home after the body has been released to the funeral director. Sometimes family members find it difficult to wait for this and want to see the body sooner.

In some cases, the coroner can allow family members to view the body before it is released. If you have a request, contact the social worker by telephone on (08) 8204 0600.

This type of viewing is different to a formal identification of the body arranged by the police and is only done by prior arrangement.

Will the police keep me informed of the coronial investigations?

Police will not keep in touch with you after their initial investigation.

Information release is generally restricted to the senior next of kin, unless that person consents to certain other people accessing information.

In some circumstances, the coroner will authorise information be released to other family members.

You can contact the Coroners Court on (08) 8204 0600.

Arranging the funeral

Arranging a funeral can mean making a lot of decisions at a very difficult and emotional time.

Funeral directors are there to help and guide you through this process.

You should contact a funeral director as soon as possible and give them authority to collect your loved one's body.

The funeral director will speak with the Coroners Court about releasing your loved one's body. This cannot happen until the post-mortem is finished and the body has been formally identified.

This is usually within 72 hours but it can be longer sometimes. If there has been a need for any organs to be kept for further examination, release of your loved one's body may take longer.

You can still make funeral arrangements during this time, and you can hold a service if you would like to, but a burial or cremation cannot happen until the coroner has released the body.

In some cultures, burying a body as soon as possible is very important. Make sure you speak with the coroner's social workers – they will help you through this process.

The Coroners Court will attempt to work within cultural requirements, however this depends on the circumstances of the death and the level of post-mortem examination required.

Coronial inquests

An inquest is a court case to work out the cause and circumstances of death.

Most deaths reported to the Coroner do not lead to inquests. An inquest is not usually necessary if the post-mortem and police investigation are clear on the cause of death.

When is an inquest held?

An inquest must be held if the person died in police custody, in prison or while legally detained (for example, in a mental health facility).

An inquest is likely if the coroner believes the cause or circumstances of death are a matter of substantial public importance - especially if they relate to public health or safety.

What happens at the Coroners Court?

The Coroners Court is less formal and technical than other courts but there are still witnesses and evidence. These hearings are open to the public and can be reported in the media.

The coroner is focused on finding the facts about how the death occurred – they will not look into whether any crime has been committed.

Sometimes, they will make recommendations to help prevent similar deaths in the future.

An inquest is not a trial. Nobody is accused of anything.

If police believe there is evidence of a crime, there may be a prosecution in another court.

If a criminal prosecution has already started, the inquest may be delayed until the prosecution is finished.

There may also be civil action in another court if anyone claims compensation in connection with the death. You should seek legal advice if you think that might apply to you.

Who can attend an inquest?

Normally an inquest is open to anyone, but the coroner has power to close the court.

You do not have to attend the inquest unless you are being called as a witness.

Attending an inquest can be upsetting.
The proceedings can be very graphic and distressing.

If a lawyer represents you, you should ask them whether you need to attend.

If you are not represented, you can contact the social worker in the Coroners Court for guidance.

What if I am being called as a witness?

If you are asked to give evidence at an inquest, contact the Coroners Court to find out what you need to do.

You do not have to have a lawyer but if you want legal advice, a lawyer can provide this.

You may also find it useful to attend another inquest beforehand to see what happens. You can bring friends to court for support.

Access to court and other records

The coroner will not usually give their findings at the end of the inquest but will publish them later. The findings will be available on the Courts SA website so you won't need to be present at the inquest to get them. Visit www.courts.sa.gov.au.

The Coroners Court will also provide the senior next of kin with a copy of the inquest finding when it is published.

The evidence taken and any documents submitted in the inquest are available to the public afterwards on request.

You can make an appointment to read the records at the court or can arrange for copies to be made (at a fee). Other records can be made available at the coroner's discretion.

Where can I get help?

Coroners Court

An information and support service is provided by experienced social workers, usually by telephone.

This includes:

- > initial grief and crisis counselling
- > counselling at key points
- > information about the coronial process
- > information about bereavement support groups
- > information on helping children understand death.

Inquest Support Officers can also provide information to the next of kin about an inquest.

Phone: 8204 0600

Email: coroner@courts.sa.gov.au

Address: 302 King William Street, Adelaide SA 5000

Victims of Crime SA

Victims of Crime SA is led by the Commissioner for Victims' Rights and supports victims of crime in South Australia. Our office can:

- > provide information, advice and support
- > help to deal with the physical, emotional and financial impact of crime
- > help victims in their dealings with prosecution authorities and government agencies

The Commissioner for Victims' Rights is an independent statutory officer appointed to help victims of crime, advocate on their behalf and ensure their rights are upheld. The Commissioner also monitors and reviews laws and court practice on victims.

Phone: 08 7322 7007

Email: victimsofcrime@sa.gov.au

Web: www.voc.sa.gov.au

Our office embraces diversity and welcomes all people, irrespective of culture, faith, sexual orientation and gender identity





Government of South Australia

Victims of Crime SA