

Victoria Police Manual

The Victoria Police Manual is issued under the authority of the Chief Commissioner of Police in s.60, Victoria Police Act 2013. Non-compliance with or a departure from the Victoria Police Manual may be subject to management or disciplinary action. Employees must use VPM Professional and ethical standards to inform the decisions they make to support compliance.

Inquests and coronial briefs

Context

Police officers have specific functions under the *Coroners Act 2008*, and an obligation to exercise these functions in a fair and efficient manner as part of the broader coronial system.

Police officers play a number of roles in relation to deceased persons, including the investigation of a death on behalf of the coroner to assist in determining how and why a person died. This includes the preparation of a coronial brief.

Policy at a glance

This policy includes:

- guidance regarding duties following a direction from a coroner nominating them as a coronial investigator in relation to an investigation into a reportable death
- an explanation of the role of the coronial investigator
- what should be included in a coronial brief including instructions for submission and timelines for compiling it
- the requirements where there are criminal proceedings connected with a Coroner's Court matter including notifications throughout the process
- the requirements where a death results from contact with police including which work unit must compile the coronial brief and details on Professional Standards Command (PSC) oversight
- information on the management of coronial briefs.

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Scope and application

This policy applies to all police officers.

Responsibilities and procedures

1. Role of the coronial investigator

1.1 Overview

- In accordance with the *Coroners Act*, a coronial investigator is a police officer who is nominated by the Chief Commissioner of Police (CCP) to assist a coroner in relation to an investigation into a reportable death.
- Section 15A, *Coroners Act* provides for a coroner to issue directions by written notice to a coronial investigator in relation to an investigation into a reportable death.
- The power to direct is retrospective, and a direction can be made under s.15A, *Coroners Act* for a reportable death investigation that was initiated prior to 11 October 2023 (the commencement date of s.15A).
- A coronial investigator must comply with a direction made under s.15A, unless the direction is considered by the CCP to be unreasonable, or would likely compromise a criminal investigation.
- The CCP has 14 days to write to the Coroner's Court of Victoria (CCoV) should the direction be considered unreasonable or likely to compromise a criminal investigation. This authority is delegated to the relevant superintendent by way of **Instrument of Delegation COR 2**.

1.2 Responsibilities upon receipt of written notice from a coroner

- Upon receipt of a written notice under s.15A, *Coroner's Act* police officers should seek advice from any of the following:
 - a supervisor
 - Coronial Support Unit (CSU)
 - Victorian Government Solicitor's Office
- Police officers must then do either of the following:
 - comply with any reasonable and lawful direction or
 - ensure that within 14 days, the relevant superintendent gives a Notice to the Coroner (s.15A, *Coroners Act* 2008) [Form 1523] stating that the direction is unreasonable or that complying with the direction would be likely to compromise a criminal investigation.

1.3 Notifications to the Coroners Court of Victoria

- As stated in **VPM Deceased persons**, in relation to a reportable death, the original reporting police officer (should be a first constable as a minimum) must submit a Death Report. Refer to **VPM Deceased persons** for clarification of instances that constitute a reportable death.
- The police officer completing the Death Report Form 83 will be recorded as the assigned coronial investigator by the CCoV. This police officer will receive future notifications and requests from the court including the requirement to prepare and submit a coronial brief and any chasers for non-submission of the brief.

- Reportable deaths involving an event or incident that took place outside of the reporting police officer's police service area (PSA) should be investigated by a member from the area where the event or incident took place.
- If for any reason the assigned coronial investigator differs from the police officer submitting the Death Report, such as a death outside the reporting police officer's PSA, written notification must be given to the CCoV detailing the name, registered number and work location of the newly assigned police officer.
- If an assigned coronial investigator transfers from their work location and they have outstanding matters at the CCoV, they must notify the court in writing of the details of their new work location.
- In the event a coroner identifies a need for a coronial brief to be managed by the original police officer, that coroner will make a direction requiring that to occur. In these instances, contact the CSU for advice.
- It is the transferring police officer's responsibility to liaise with their supervisor and ensure that either they are to remain as the coronial investigator or that another police officer is assigned to be the coronial investigator. The CCoV must be notified in writing if there is any change of investigator or work unit.

1.4 **Compilation of a coronial brief**

- A coroner will determine if further investigation is required in relation to a reportable death and the coronial investigator will be notified in writing by the CCoV of the requirement to prepare and submit a coronial brief.
- Alternatively, a coroner may determine that a reportable death requires no further investigation as it has been classified as a "natural causes death". In such cases the coronial investigator will be notified in writing by the court that no further police action is required.
- If a coronial investigator has not received written notification from the CCoV within six months of a death, they should contact the CCoV Registry to determine if further action is required.
- Two types of coronial briefs can be requested by the coroner:
 - full brief
 - directed brief.

Instructions regarding the preparation of both types of coronial briefs can be found on the CSU Intranet page.

- Specific circumstances require certain police officers to be responsible for compiling a coronial brief which include:
 - general – a police officer who attended the death (as a minimum a first constable)
 - drug overdose – member of the relevant Crime Investigation Unit (CIU)
 - workplace death – member of the relevant CIU
 - workplace death involving a vehicle – Major Collision Investigation Unit (MCIU) or an appropriately qualified police officer
 - fatal collision involving police – MCIU overseen by PSC
 - marine accidents – Water Police Squad. Note: Diving related fatalities are investigated by the Search and Rescue Squad

- aviation incidents – a police officer who attended the death (as a minimum a first constable) or a member of the relevant CIU.

See **VPM Deceased persons** for investigative requirements relating to specific deaths.

2. Content of a coronial brief

2.1 General

- A coroner is not bound by the normal rules of evidence and is interested in all information, including information that may lead to the prevention of future deaths.
- When compiling a coronial brief, the following documents must be included:
 - Coronial Brief Coversheet [Form 1050] - including details of the investigating police officer, the deceased and the Coroner's Case Number
 - Coronial Brief Head [Form 1051]
 - Table of Contents [Form 1049] with page numbers, commencing with the first statement
 - Summary of Circumstances [Form 1052]
 - Witness List [Form 1053]. Note: a coroner may specify particular witnesses
 - Exhibit List [Form 1054]
 - witness statements (typed and signed)
 - sworn statement from coronial investigator
 - Autopsy Report and Toxicology Report - Autopsy Reports are not available until 12 weeks after a death. To avoid delay in submitting the coronial brief, seek advice from the CCoV Registrar on the cause of death and toxicology results
 - photographs - including an explanation of the photographs.
- A Coronial Brief (Appendices) [Form 1055] may be included if required and placed at the rear of the coronial brief.
- Unless specifically requested by the CCoV, patient/client medical and/or psychiatric records should not form part of the coronial brief. The CCoV will arrange for collection of records should they be required for case assessment or inquest.
- Unless relevant to the investigation or specifically requested by the coroner, criminal records should not be included as part of the coronial brief.
- The following should not be included on the coronial brief:
 - the request for a coronial brief is to be attached (but does not form part of the coronial brief)
 - witness contact details
 - Form 83.

As per **VPM Deceased persons**, the coronial investigator must not attach any documents to the coronial brief which may be the subject of a legal professional privilege or public interest immunity claim without first consulting the Civil Litigation Unit. Police officers should refer to **VPM Deceased persons** for further information.

2.2 Presentation and submission of a coronial brief

- Coronial briefs must be prepared and provided to the CCoV in the manner detailed in the coronial brief request letter. Briefs provided on a USB or other electronic means must be encrypted with a Bitlocker password which must be provided to the CCoV separate to the brief. Any video files must be submitted in MP4 format. For

guidance on how to prepare an electronic copy of a coronial brief, refer to the CSU intranet page.

- A coroner will set the submission date for a coronial brief which will be included in the written notification sent to the coronial investigator. The coronial brief must be delivered to the CCoV 12 weeks from the date of the written notification to prepare the brief. It is the coronial investigator's responsibility to comply with this, and any other due dates set by the court.
- A coronial investigator who receives a coronial brief request letter from CCoV must advise their supervisor for recording and oversight.
- A supervisor must assess the progress of the preparation of the coronial brief every 28 days. If a coronial investigator is unable to comply with the due date for submission of the coronial brief, they should discuss the possibility of an extension with a supervisor in accordance with section 2.3 of this policy.
- Work unit managers are responsible for forwarding coronial briefs to CCoV.

2.3 *Extensions of time for filing a coronial brief*

- All requests for an extension of time for filing the coronial brief beyond the initial due date, or an approved extension date must be approved by a supervisor and emailed to the CSU PBEA: POLICE CORONIAL SUPPORT UNIT-MGR outlining the reason for the extension within five working days of the due date.
- CSU will advise the coronial investigator by email as soon as reasonably practicable, whether the investigating coroner has granted the extension.

2.4 *Overdue coronial brief*

- If a coronial brief is not received by the due date, or approved extension date, the court will deem it overdue and list the matter for a mention hearing.
- The court will request the coronial investigator and/or their work unit manager to attend the mention hearing to explain why the coronial brief has not been filed, or an extension of time not sought.

3. Criminal proceedings connected with a Coroners' Court of Victoria matter

If there are criminal charges arising out of the same circumstances as the reportable death, the coronial investigator must advise the CCoV in writing and provide written updates in respect to any court dates set, including the finalised result. The coronial investigation will progress after the criminal process has concluded.

3.1 *Notification required after the conclusion of criminal proceedings*

After the completion of any trial or criminal proceeding, the coronial investigator must forward a report to the CCoV Registrar detailing:

- a brief outline of the facts of the case
- the result of the criminal hearing
- any health and public safety issues.

3.2 *Coronial brief following compilation of a criminal brief of evidence*

Where a brief of evidence has been compiled for the criminal matter, the contents can be used to compile the coronial brief.

In addition to the content from the criminal brief, the coronial investigator must include a report and attachments detailing:

- any relevant statements and hearsay evidence not used in the criminal proceedings
- any health and public safety issues.

4. Coronial briefs where there has been police contact in the death

Where there has been police involvement in the death (i.e., a police shooting, police pursuit, death in police presence or custody), the Homicide Squad or MCIU must prepare the coronial brief oversighted by PSC. Refer to **VPMG Oversight of death or serious injury/illness incidents involving police** for further information.

5. Management of coronial briefs

- Original coronial briefs/files will be archived by the CCoV.
- If police officers receive a request for copies of the coronial brief, such requests must be re-directed to the CCoV.
- A coronial investigator must not release copies of the coronial brief to other parties.
- All material and/or briefs distributed must be via the CCoV.

Related documents

- VPM Deceased persons
- VPMP Briefs of evidence
- *Coroners Act 2008*

Further advice and information

For further advice and assistance regarding this policy, contact the CSU.

Update history

DATE UPDATED	SUMMARY OF CHANGE	FORCE FILE NUMBER
25/01/21	Converted into new VPM format, updated to cross reference VPM Deceased persons	FF-133624 FF-157579
24/12/24	Amendments to reflect the roll out of the Death Reports Application, introduction of s.15A, <i>Coroners Act 2008</i> and other minor updates.	FF - 145078