Death in Custody

Death in Custody: Inquests, Family Participation and State Accountability

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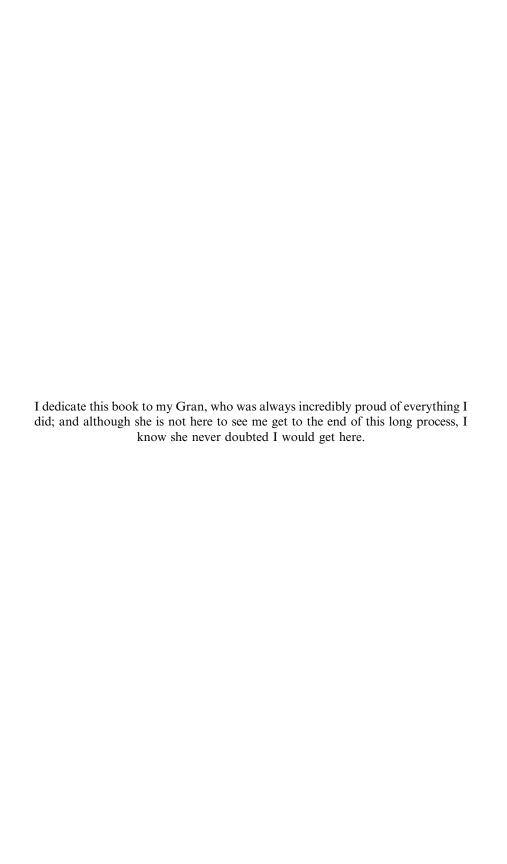


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Preface

This book considers the participation of bereaved families following a death in custody in the inquest system, which is often the only independent and open process which looks into the causes and wider circumstances of a death. It looks at the legal frameworks in place governing participation, which is set out in the first main part of this book. Relevant theories of justice, participation, procedural fairness and grief theory are all referenced throughout this book. Interviews were carried out with people with personal experience of complex inquests, grouped as coroners, State officials, representatives of the two relevant investigative bodies, bereaved family members and lawyers who represent families. Analysis of the interviews has been used to create a narrative covering three main parts of this book: firstly, how participation benefits families themselves, secondly, how participation of families benefits the wider system and, thirdly, what important aspects are required to achieve effective participation for families, Each part brings together the evidence collected from the interviews and links them to the legal and theoretical frameworks; identifying key benefits of effective family participation and recommendations on how to achieve said benefits.

Family participation can provide families with redress, allows them to represent the deceased as well as being an important part of their grief process. But it is also important in relation to ensuring a fair process, which subsequently impacts positively on accountability and legitimacy. Family participation can improve accountability by maximising the right outcome (via scrutiny) which identifies any failures, they can bring balance and information to the process and they can assist in dissemination of outcomes (preventing future deaths) via media as well as bring Judicial Reviews which reform custodial institutions in terms of preventing deaths in custody and the inquest system itself. Fair and effective participation can impact on perceptions of how transparent, independent and fair the process is – increasing trust, confidence and therefore legitimacy of the system (and sometimes State parties). Fair participation depends upon families being provided with advice and support about the investigation process and their rights, as well as funding for specialist legal representation. Decision-makers who can influence a families' participation should understand the importance of treating families with respect, and openly guaranteeing their rights.

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On a personal level, I am most in debt to Sara and Daragh; who have provided me with endless food and shelter, as well as love and support, over the last few years.

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To my mum, thank you for everything but especially for reading an early draft and telling me it was perfect, when it was far from it!