



## 2016 CHAPTER 21

### PART 2

#### The Prison Ombudsman For Northern Ireland

##### *Deaths in custody*

PROSPECTIVE

#### **Investigations into deaths in custody**

**37.—**(1) The Ombudsman shall carry out an investigation into the death of a person—

- (a) at any prison while the person is being held there;
  - (b) while that person is in the custody of a prison officer at a place outside a prison; or
  - (c) which the Ombudsman is satisfied should be investigated because it is or may be linked to events which have occurred—
    - (i) at any prison while that person was being held there; or
    - (ii) while that person was in the custody of a prison officer at a place outside a prison.
- (2) In carrying out the investigation, the Ombudsman must aim—
- (a) to establish the circumstances surrounding the death;
  - (b) to address any concerns of the family of the deceased;

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 37. (See end of Document for details)*

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- (c) to determine whether any changes in operational arrangements at a prison would prevent or reduce the risk of deaths occurring under the same or similar circumstances; and
  - (d) to discover any facts likely to assist a coroner's inquest into the death.
- (3) Subject to subsection (2), it is for the Ombudsman to determine the scope of, and the procedure to be applied to, an investigation under this section.
- (4) The Ombudsman may defer an investigation under this section at any time if it appears to the Ombudsman that—
- (a) a criminal investigation might be adversely affected by the Ombudsman's investigation;
  - (b) the exercise of functions under the Health and Safety at Work (Northern Ireland) Order 1978 might be adversely affected by the Ombudsman's investigation;
  - (c) it is appropriate to do so because of any proceedings for judicial review; or
  - (d) it is appropriate to do so for any other reason.
- (5) The Ombudsman may at any time re-open a deferred investigation.
- (6) At any time in the course of an investigation under this section the Ombudsman shall—
- (a) draw to the attention of the police any matter which in the Ombudsman's opinion is relevant to any criminal investigation into the death;
  - (b) draw to the attention of any body or person any matter which in the Ombudsman's opinion calls for action to be taken by that body or person.

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 37.