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Ministry of Justice  
102 Petty France  
London  
SW1H 9AJ

**missing  
people**

Registered Charity No. 1020419

1 July 2010

Dear Ms Kostiw,

### **Reform of the Coroner System consultation**

Please find attached Missing People's response to the government consultation on the reform of the coroner system.

The overarching focus of Missing People's response is that the impending reforms to the coroner system should incorporate specific guidance and standards on how to deal with cases in which the deceased is unidentified. This is critical as coroners play a key part in the identification process – alongside police forces and the Missing Persons Bureau<sup>1</sup> – but yet their specific role in doing so is not clearly defined in law or guidance.

### **Background**

Every year an estimated 250,000 people are reported missing to police forces across the United Kingdom.<sup>2</sup> It is estimated that in the region of 1,250 missing people are found dead each year<sup>3</sup>. A further 2,500 people remain missing for longer than one year<sup>4</sup>, some of whom are likely to have died.

The cross matching of missing person reports with unidentified bodies and body parts – a function undertaken by the Missing Persons Bureau – is therefore vital. Whilst the bodies of missing people remain unidentified, the police and other agencies are unable to halt their search for them and, in some cases, may be hindered in carrying out any criminal investigation which may relate to their deaths. In addition, their families are left living in limbo, facing a number of emotional and practical complications, whilst they wait for news of their missing loved one<sup>5</sup>.

It is imperative that the rules governing the coroner system therefore support cross-matching procedures so that as many cases are resolved as possible.

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<sup>1</sup> The Missing Persons Bureau is part of the National Policing Improvement Agency (NPIA), see <http://www.npia.police.uk/missingpersons>

<sup>2</sup> As stated in the final report of the Government's [Taskforce on Missing Persons](#)

<sup>3</sup> Newiss (2005) estimates that 0.6 per cent of missing incidents result in a fatal outcome. Newiss, G. (2005) 'Understanding the risk of going missing: estimating the risk of fatal outcomes in cancelled cases'. *Policing: An International Journal of Police Strategies and Management*, Vol. 29, No. 2, 246-260.

<sup>4</sup> Tarling, R. and Burrows, J. (2004) 'The nature and outcome of going missing: the challenge of developing effective risk assessment procedures'. *International Journal of Police Science and Management*, Vol. 6, No. 1, 16-26.

<sup>5</sup> Holmes, L (2008) *Living in Limbo: the experiences of, and impacts on, the families of missing people*. London: Missing People.

## Strengthening the role of coroners in the identification process

Our response highlights four ways in which the coroner system should be reformed to support the effective identification of deceased persons:

### 1. Coroners must inform their local police force of all unidentified cases.

Coroners should be required to inform the police force in which the body was found, regardless of whether they believe the police will have been notified already from another source. This is important as the police will then notify the Missing Persons Bureau (as required by the Code on the Collection of Missing Person Data<sup>6</sup>) so that cross-matching with missing persons records can begin.

At present there is no duty upon coroners to do this, and therefore there may be instances whereby details are not passed to the police. Introducing an obligation would create a solid line of communication between medical practitioners, coroners, the police, and finally, the Missing Persons Bureau. This in turn will ensure that no unidentified cases are omitted from the Missing Persons Bureau's central database for cross-matching, fewer unidentified cases remain outstanding and as few families as possible are left living in limbo.

### 2. Coroners should establish the identity of a deceased person to a standard 'beyond reasonable doubt'.

Missing People understands that the coroner system currently works to identify the deceased – where needed – on the balance of probability. We do not think that this is an adequate system for a decision of such magnitude. We want the threshold for establishing the identity of a deceased person to be increased to a standard 'beyond reasonable doubt'. Where necessary, this should be facilitated through the use of scientific testing (i.e. DNA profiling) when doubt exists.

Cases, such as that of John Delaney (see below) highlight the importance of reform here, as false positives can be made with the current system, which have significant and sometime irreparable consequences, especially for the families involved.

#### Case study of John Delaney

In January 2003 the body of an unidentified male was found in Manchester. An investigation concluded through medical similarities that was the body of a 67 year old male named John Delaney, who had gone missing from a nearby location in April 2000. No scientific testing was completed and the family, once informed, cremated the body

Five years later, Missing Live (a BBC television programme) featured the case of an elderly man who had been found in Oldham in the spring of 2000. Disorientated, the man was unable to identify himself and was living under the name David Harrison in a care home. This programme was seen by the son of Mr Delaney, who contacted the show's production team in the belief that the featured man was in fact his father.

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<sup>6</sup> National Policing Improvement Agency (2009) *Collection of Missing Persons Data. A code of practice for the Police Service on collecting and sharing data on missing persons with public authorities.*

DNA testing later confirmed that this was indeed the case, and that the man cremated was not Mr Delaney. To the knowledge of Missing People, the identity of the man who was cremated has not been established.

Owing to errors such as those highlighted above, Missing People additionally wants families to be able to appeal decisions in which scientific testing has not been used.

### 3. Coroners should retain biological samples in unidentified cases

When a deceased person remains unidentified – or their identity is in dispute – Missing People wants samples to be taken and profiled so that later matching opportunities are not missed. We additionally want samples to be taken in those instances whereby identification has been reached without the use of scientific testing. This will help to ensure that there is recourse should any questions later arise as to the deceased's identity, such as in the case of John Delaney.

### 4. Training of coroners and record keeping should be standardised

Missing People believes that the reforms should aim for national consistency in the coroner system where possible, as this will support identification procedures. We suggest that training be used to achieve this standardisation.

We want training to be given to all coroners – both existing and new recruits – which sets out standards which must be adhered to with respect to dealing with unidentified cases, and therefore we want this to be centrally administered by the Chief Coroner's office. This will help to ensure that records are kept and maintained in a standardised manner and can be referred to regularly and easily by all agencies involved in cross matching.

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Missing People would be pleased to discuss any of the content of this letter with you in greater detail; we hope that it adds context to our submission to the consultation.

Yours sincerely,



Holly Towell  
Senior Policy and Campaigns Officer