

Inquest into the death of Lawrence McCarty

Mr McCarty took his own life between 29 and 30 April 2011 while in custody on remand at the Arthur Gorrie Correctional Centre. He died from exsanguination due to an incised wound on his neck. The injuries were caused using a dismantled razor.

The then State Coroner, Michael Barnes, delivered his findings of inquest on 18 April 2013.

The Queensland Government responds to recommendations directed to government agencies at inquests by informing the community if a recommendation will be implemented or the reason why a recommendation is not supported. Further information relating the implementation of recommendations can be obtained from the responsible agency named in the response.

Recommendation 1

I recommend Queensland Health amend the health management plan and any associated form to encourage further information to be sought from a prisoner who discloses they have or are seeing a psychologist or psychiatrist.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Health.

The Minister for Health and Minister for Ambulance Services responded:

The Department of Health notes that this inquest relates to a death in custody at a privately managed and operated correctional centre.

The health management plan referred to in this recommendation is a form that was developed and implemented by the private operator. The company revised the form in November 2013 in line with the coroner's recommendation and has provided the Department of Health with a copy of the updated form.

Recommendation 2

In view of the valuable evidence forensic pathologists are likely to be able to gather at many death scenes, I recommend the chief forensic pathologist liaise with an officer appointed by the commissioner of the Queensland Police Service to develop a protocol for determining which cases the on-call forensic pathologist will usually attend and mechanisms for facilitating this attendance.

Response and action: the recommendation was not implemented.

Responsible agency: Queensland Health.

The Minister for Health and Minister for Ambulance Services responded:

The chief forensic pathologist does not consider that the complexity of determining which cases an on-call pathologist will attend can be appropriately reduced to a protocol.

By way of background, Brisbane forensic pathologists have operated an on-call service for over 25 years on the following basis.

- Calls are received about suspicious deaths (e.g. deaths in custody) 24 hours a day seven days a week from police.

- The on call forensic pathologist provides advice about a range of issues, including whether the pathologist should attend. For example, in some circumstances the pathologist may need to take observations of body temperature and other parameters. This may be also be done by police scientific officers under the pathologist's direction. However, estimating the time of death is notoriously inexact and the value of such observations is highly dependent on the individual circumstances of each case. Pathologists aim to attend death scenes where their presence will provide the most benefit.

To reinforce the intent of this recommendation, the chief forensic pathologist encourages police to ensure the on-call forensic pathologist is consulted about death scene attendance in appropriate cases.

Recommendation 3

I recommend that the officer in charge of the Queensland Corrective Services Investigation Unit review the unit's procedures to ensure appropriate investigation planning is mandated in all cases.

Response and action: the recommendation is implemented.

Responsible agency: Queensland Police Service.

The Detective Inspector in charge of the Corrective Services Investigation Unit reviewed and updated the current instruction regarding questioning of inmates.

Corrective Services Investigation Unit staff are instructed how to plan an investigation. This includes warnings to adhere to guidance provided by court rulings on prisoner interviews. The instructions include a generic questionnaire to assist staff conducting interviews with prisoners.