

Media Information Guide to a Coroner's Inquest

ALL CONDITIONS, PROCEDURES AND REQUIREMENTS OUTLINED IN THIS DOCUMENT
ARE SUBJECT TO CHANGE AT ANY TIME

The intent of this information is to:

- Provide an overview of the inquest process in general
- Provide guidelines and requirements for the media
- Allow for the regular, daily work of the local courthouse, or other venue, to continue without disruption whilst an inquest is occurring.

The contents of this guide cannot be relied on for legal advice. The original versions of any documents excerpted, transcribed or referred to in this guide should be referenced prior to publication or broadcast. All members of the media covering the inquest should familiarize themselves with relevant sections of the Coroners Act, and consult with their legal counsel as necessary.

OVERVIEW OF A CORONER'S INQUEST

The BC Coroners Service is an independent service charged by law with investigating all unnatural, unexpected, unexplained or unwitnessed deaths in British Columbia. It functions independently of the police, the health care authorities, and other ministries of government.

A coroner's inquest in British Columbia is a public inquiry designed to serve three primary functions:

1. To ascertain publicly the facts relating to a death, specifically;
 - the identity of the deceased and,
 - how, when, where and by what means the deceased came to his/her death.
2. To make recommendations about any matter arising out the inquest with the aim of preventing future loss of life in similar circumstances.
3. To satisfy the community that the circumstances surrounding the death of not one of its members will be overlooked, concealed or ignored.

An inquest is usually required when a death occurs in police custody, although there may be exceptions. In all other deaths, the decision to hold an inquest is at the discretion of the chief coroner.

A jury of between five and seven people hears evidence from witnesses under subpoena in order to determine the facts of the death. By law, the jury is restricted to finding the facts of the case. It may not make any finding that implies legal responsibility. The presiding coroner is responsible for ensuring that the jury maintains the goal of fact-finding, not fault finding.

The strict rules of evidence do not apply at a coroner's inquest, as no one is on trial. The coroner, who either has legal training or will be assisted by Inquest Counsel, is responsible for determining the evidence that is relevant and admissible for the purposes of the inquest.

The jury may make recommendations to prevent a death from occurring under similar circumstances in the future. These are included in a public document, the *Verdict at Coroner's Inquest (Verdict)*. The *Verdict* will also include a classification of death; there are five classifications: Natural, Accidental, Suicide, Homicide and Undetermined. A copy of the jury's findings and any recommendations is publicly available upon completion of the inquest. The full Verdict, which will include the presiding coroner's summary of the evidence presented, will usually also be prepared and will be publicly available, generally within 30 days of the conclusion of the inquest.

The family of the deceased is not required to attend the inquest unless family members are under subpoena to be witnesses. The family may apply for participant status at the inquest, and may be represented by legal counselor, with the approval of the presiding coroner, by an agent.. Any other person or agency who believes they could be affected by a jury's findings may also apply for participant status at the inquest. The decision to permit someone to be a participant is at the discretion of the presiding coroner.

An inquest does not have a set length and will vary in length depending upon the number of witnesses and the complexity of the issues to be explored. Most inquests last between three and 10 sitting days.

INQUEST PARTICIPANTS

Presiding Coroner

At an inquest, the presiding coroner is referred to as "Madame/Mr. Coroner".

The presiding coroner has the same power and authority to preserve order at an inquest as a judge of the Supreme Court during the sitting of that court. The presiding coroner may question witnesses and may assist the jury members by suggesting recommendations for their consideration.

Inquest Counsel

The presiding coroner will appoint counsel to assist him or her by providing legal advice, leading evidence, entering exhibits and liaising with participants. If the presiding coroner is him or herself a lawyer, he/she may act as his/her own inquest counsel.

Counsel for Participants

The *Coroners Act* allows a person whose interest may be affected by evidence likely to be adduced at an inquest to appear personally or by counsel, tender evidence and call witnesses, and examine, cross examine, and re-examine witnesses.

In order to preserve the fact-finding nature of the inquest, there are no submissions to the jury.

Jury

A jury of between five and seven people is selected by the Sheriff and will remain anonymous throughout and following the inquest. They hear evidence from witnesses under oath in order to determine the facts of the death. The jury may ask relevant questions of the witnesses. Once all witnesses have been called and any final instructions given by the presiding coroner, the jury is sequestered to deliberate and consider their verdict, including what recommendations they might propose.

Jury members are not permitted, at any time in the future, to discuss or reveal to anyone their deliberations, or the manner in which they reached their verdict.

Sheriff

The sheriff assists the presiding coroner by preserving order in the courtroom, swearing in the witnesses, and by executing the directions of the presiding coroner. The sheriff maintains security of all exhibits entered and is responsible for maintaining the security of the jury.

Witnesses

Witnesses make a necessary and valuable contribution to an inquest by providing material evidence concerning the circumstances of the death. Individuals are called (subpoenaed) to attend the inquest and testify under oath because it has been determined that they may have direct knowledge that could help the jury arrive at a verdict. Witnesses may or may not be excluded from the hearing room before they give their evidence, depending on the circumstances.

An inquest often also hear from expert witnesses who are subpoenaed to testify because they have specialized knowledge in the field which with the inquest is dealing e.g. pathology and toxicology, workplace safety, police use of force.

A subpoena is the equivalent of a court order; a person who receives a subpoena does not have the right to decline to attend or decline to testify.

Witnesses have protection against self-incrimination enshrined in the *Coroners Act*.

A list of witnesses, participants and counsel will be available on the day the inquest commences.

THE INQUEST PROCESS

The inquest is a formal proceeding that allows for the public presentation of evidence relating to a death.

- At the opening of the inquest, the presiding coroner will outline the process and what is expected to happen over the next several days.
- The witnesses will then be called. Each witness will swear an oath or give a solemn affirmation to tell the truth. The sheriff will ask the witness his/her name and to spell the surname it so that it is correctly reflected in the court record.
- Inquest counsel will question the witness in the first instance.
- Counsel for the participants then have an opportunity to ask questions of the witness.
- The presiding coroner will then ascertain if members of the jury have any questions.
- The presiding coroner may also ask questions to clarify evidence.
- Testimony continues in this manner until all witnesses have been questioned
- In most cases, after giving evidence, the witness is excused by the court and is free to leave, or stay in the courtroom as they wish.

Verdict at Inquest

The jury's findings and any recommendations are included in a public document, together with comments of the Presiding Coroner, the *Verdict at Coroner's Inquest*. A copy of the jury's findings and any recommendations is available upon request once the inquest is closed. The verdict is also posted on the Coroners Service website: www.pssg.gov.bc.ca/coroners.

MEDIA COVERAGE - GENERAL GUIDELINES/REQUIREMENTS

The presiding coroner will not speak to media about the particulars of a case while presiding at the inquest. Neither the coroner nor jury members will comment on how the jury arrived at their verdict or recommendations. Media should not approach either the Presiding Coroner or the jury members and should not film members of the jury.

1. All members of the public gallery should be respectful of the fact that a death has occurred in the community. It is also important to respect the inquest process. Please refrain from talking while in the gallery, follow the sheriff's directions regarding conduct in the courtroom, and dress appropriately while attending an inquest.
2. All members of the media should familiarize themselves with the relevant sections of the *Coroners Act* pertaining to inquests and witnesses.
3. Media are subject to the same conditions of entry as members of the public. No large bags or packages are permitted inside the courtroom.
4. Cameras are not permitted in the courtroom. Cellular phones, blackberries, pagers and other mobile communication devices must be turned off or on silent mode. These devices are not to be used for talking, texting, emailing or any type of transmission while in the coroner's courtroom. Cellular phones capable of taking photographs or video are not to be used for these purposes while in the courtroom. These devices and computers may be permitted for note taking at the discretion of the court. Media who wish to use audio recording devices must be Supreme Court accredited and may do so solely for the accuracy of their notes; the recording is not to be broadcast in any form. For more information on Supreme Court accreditation, contact Jill Leacock at 604 660-2720.

5. Live feeds are prohibited without the approval of the presiding coroner.
6. Generally, inquests in BC are in session Monday to Friday. Sessions are generally structured in the following manner: 9:00 am to 12:00 pm, 1:00 pm to 4:00 pm. There is usually a 15-minute recess approximately halfway through each morning and afternoon session. However, these hours are subject to change to meet the needs of the inquest.
7. Unless otherwise directed, everyone is required to leave the public gallery after each session and during the recesses. No scrums or interviews are permitted in the courtroom. For security reasons, no one is permitted to leave items in the courtroom.

EXHIBITS

Under the *Coroners Act*, it is at the discretion of the presiding coroner whether or not to provide access to exhibits during the inquest process. Items must be entered as exhibits for access to be considered.

TRANSCRIPTS

Transcripts may be obtained from the court recorder for a fee. Should you require contact information for a court recorder for a particular inquest, please contact the Office of the Chief Coroner at 604 660-7745.

ADDITIONAL INFORMATION

For further information regarding media coverage of inquests, please contact:

Barb McLintock
Coroner, Strategic Programs
250-356-9253 or 250-213-5020.
Or e-mail: Barbara.McLintock@gov.bc.ca

Additional information about the BC Coroners Service is available online:

www.pssg.gov.bc.ca/coroners.