

Media Information Guide to a Coroner's Inquest

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

This information is for members of the media who are attending a coroner's inquest. Sheriffs will assist the presiding coroner with the conduct of the inquest.

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

Members of the media who have additional questions should contact:

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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

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

1. As a means for public ascertainment of 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 that may prevent 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 mandatory when a death occurs in police custody. In all other deaths, the decision to hold an inquest is at the discretion of the investigating coroner in consultation with the chief coroner.

A jury hears evidence from witnesses under subpoena in order to determine the facts of the death. The presiding coroner is responsible to ensure 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 is responsible for determining the evidence that is relevant to the purposes of the inquest. Certain evidence may be inadmissible because of privilege or other legislation.

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* must include a classification of death; there are five classifications: natural, accidental, suicide, homicide and undetermined. A copy of the *Verdict* with the jury's findings and any recommendations is available upon completion of the inquest.

The family of the deceased is not required to attend the inquest unless under subpoena. The family may apply for standing at the inquest, and may be represented by legal counsel or by an agent.

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 that a judge of the Supreme Court may exercise during the sitting of that court. The presiding coroner ensures that the focus of the inquest is on providing the jury with evidence as to the facts of the death. The presiding coroner may question the witnesses and may assist the jury members by suggesting recommendations for their consideration.

Coroner's Counsel

The presiding coroner will appoint counsel to assist him or her by providing legal advice, leading evidence, entering exhibits and liaising with parties with standing.

Counsel for Parties with Standing

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 non-adversarial nature of the inquest, parties with standing are *not permitted* to make submissions to the jury.

Jury

A jury is selected by Court Services and will remain anonymous throughout and following the inquest. They will 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, the jury is sequestered to deliberate and consider their verdict. The jury may make recommendations aimed at preventing a similar death in the future.

Verdict at Inquest

The jury's findings and any recommendations are included in a public document, the *Verdict at Coroner's Inquest*. A copy of the *Verdict* with the jury's findings and any recommendations is available upon request once the inquest is closed.

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.

Generally within thirty days of the inquest, the presiding coroner will prepare the final *Verdict at Coroner's Inquest*. This will include the presiding coroner's comments, which will be a brief overview of the circumstances of the death and the evidence and issues at inquest.

Sheriff

The sheriff assists the presiding coroner by preserving order in the courtroom, and by executing the directions of the presiding coroner. The sheriff will maintain 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 have protection against self-incrimination and may invoke the protections of the Canada and BC Evidence Acts in addition to those protections offered under the Canadian Charter of Rights.

A complete list of witnesses will be available on the day the inquest commences.

THE INQUEST PROCESS

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

- Witnesses swear an oath or affirm to tell the truth
- The clerk will ask the witness his/her name and spell it so that it is correctly reflected in the court record
- Coroners counsel will question the witness in the first instance
- Counsel for parties with standing 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

MEDIA COVERAGE - GENERAL GUIDELINES/REQUIREMENTS

The coroner will not speak to media about the particulars of a case while presiding at the inquest. The coroner also will not comment on how the jury arrived at their verdict or recommendations.

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. Lap top computers, cameras, blackberries/mobile devices and cell phones with cameras are not permitted in the courtroom. Cellular phones, pagers and other mobile devices without cameras 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. 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.
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 coroner's courtroom. There may be a security area designated. Given the time required for the security checks and searches, it may be advisable to remain in the security area during the recesses. For security reasons, no one is permitted to leave items in the courtroom.

EXHIBITS

As per Section 64 of 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 in order for access to be considered.

TRANSCRIPTS

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

PARKING

Please adhere to local parking bylaws. Contact the local district for further information or if you have special considerations, for example, satellite trucks.

ADDITIONAL INFORMATION

Additional information about the BC Coroners Service is available online:
www.pssg.gov.bc.ca/coroners.