



BC Coroners Service

INQUEST INTO THE DEATH OF SC

MEDIA INFORMATION PACKAGE

February 2006

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

Prepared by
BC Coroners Service
604-660-7745

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INTRODUCTION

This information package is designed for members of the media who are attending the Coroner's Inquest into the death of SC. The British Columbia Coroners Service has requested the use of courtrooms at the Port Alberni Courthouse for the purposes of holding the Inquest. Although the Coroners Service is independent and not part of the Ministry of Attorney General, the Court Services Branch will be assisting the presiding Coroner with the conduct of the proceeding.

The Inquest is scheduled to begin in February 6, 2006 in the Port Alberni Courthouse, located at 2999 4th Ave Port Alberni, BC

The intent of this information package is to outline:

- Information regarding Inquests in general
- Various arrangements, guidelines and requirements for the media
- To allow for the regular, daily work of the Port Alberni Courthouse to continue without disruption

Members of the media who have questions regarding media arrangements should contact Tom Collins, Media Facilitator 604 315-7749.

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.

INQUEST FACT SHEET

Presiding Coroner

Ms. Liana Wright

Courtroom

Courtroom 1, and overflow Courtroom 3 at the Port Alberni Courthouse, located at 2999 4th Ave Port Alberni, BC

Coroner's Counsel

Mr. John Orr

Counsel for Parties With Standing

Mr. Richard Meyer	Ministry of Children and Family Development
Ms. Angela Westmacott	Usma Family and Child Services
Mr. Lex Reynolds	Family
Eamon Murphy	Nuu-Chah-Nulth Tribal Council

OVERVIEW OF A CORONER'S INQUEST

A Coroners 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, and 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.

A five-person 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. Nothing is admissible in evidence that would be inadmissible in a court because of any privilege under the law of evidence.

The jury can make recommendations to prevent a similar death in the future or any other recommendation in connection with the death. These are included in a public document, the *Verdict at Coroner's Inquest*. The verdict must include a classification of death; there are five classifications: natural, accidental, suicide, homicide and undetermined.

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 five-person jury is selected from the voters list in BC 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 reasonable and practical recommendations aimed at preventing a similar death in the future or any other recommendation in connection with the death.

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 court. 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. An Inquest cannot serve its purpose without witnesses providing evidence for the jury to consider. People 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.

Victim Services

Victim Service caseworkers may attend the proceedings. The role of the Victim Service workers is to provide support, information and assistance to family members of the deceased.

THE INQUEST PROCESS

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

- Witnesses may remain outside or inside the courtroom prior to testifying
- 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
- Coroner's counsel will question the witness and will inform the court when done
- 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

ACCREDITATION

BC Supreme Court Accreditation is required for all journalists intending to take recording devices into the SC Inquest. Accreditation with the BC Supreme Court provides ID for journalists covering the Inquest and permits the use of audio recording devices in the Courtrooms solely for verification of notes.

Accreditation forms are available by contacting either:

Jill Leacock
Law Officer – BC Supreme Court
604-660-2720

Krystal Mason
Assistant
604-660-3022

Kelli Svendsen
Media Facilitator
250-340-3138

Please be advised that the process may take a few weeks. Lack of accreditation will prohibit any audio recording in the courtroom during the Inquest proceedings.

MEDIA COVERAGE -GENERAL GUIDELINES/REQUIREMENTS

All of the items listed below are subject to modification by the presiding Coroner at any time.

1. All members of the media should familiarize themselves with the relevant sections of the *Coroners Act* pertaining to Inquests and witnesses.
2. Fourteen seats in the main Courtroom (Courtroom 1) have been allocated for the media. Eleven seats will be allocated to the media in the Overflow Courtroom (Courtroom 3). Live video and audio feed will be available in the Overflow Courtroom. Media facilitators will hand out passes each morning at 8:30 a.m.
3. Members of the media can follow the procedures established for the general public to sit in Courtroom 1 and 3 if they are not assigned seats reserved for the media.
4. Media are subject to the same conditions of entry as members of the public. No large bags or packages are permitted inside the courtroom.
5. Passes will be distributed prior to court opening each morning; these passes are only good for the day. There will be a sheriff who will check your accreditation and seating pass. Please ensure that your cards are visible when entering and leaving the courtroom area.
6. Lap top computers, cameras, blackberries and cell phones with cameras are not permitted in Courtroom 1 or 3. Cellular phones and pagers must be turned off. Accredited media are permitted to use audio recording devices solely for the accuracy of their notes as outlined in the undertakings. Conversations with colleagues should be kept to a minimum.
7. The court prohibits live feeds without the approval of the presiding Coroner.
8. All Inquest accreditation cards and media seating passes are subject to revocation at any time should the media organization's representative compromise courtroom security, disrupt the Inquest proceedings or disobey a directive from the presiding Coroner, sheriffs or media facilitators.
9. Generally, Inquests in B.C. 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; **however, the first day of the Inquest will commence at 9:30.** There is usually a 15-minute recess approximately halfway through each morning and afternoon session.
10. Everyone is required to leave the public gallery after each session and during the recesses. 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.

TRANSCRIPTS

Verbatim Words West Ltd. has been contracted to provide transcript services for the Inquest. Transcripts are available by faxing Verbatim's Order Desk at **604-591-1567**. All orders are accompanied by an electronic version, and can be provided on disk or by email. Please provide:

- The date and a description of the order i.e. name of witness
- Name/company name/contact number/address/email address

Transcripts are delivered in fourteen business days at \$6.00/page for first party orders, and \$2.00/page for second party orders. Transcripts may be expedited (available in 4 business days) at an additional charge of \$1.00/page (\$7.00/page or \$3.00/page for subsequent orders).

If you have any questions, please contact **Sandra Van Horne** at *Verbatim Words West* – **604-591-6677**.

GENERAL PARKING & TV SATELLITE/MICROWAVE TRUCKS

There is ample parking near the courtroom.

There will be provisions made for Satellite/Microwave Trucks. Please contact Tom Collins at 604-315-7749 for parking arrangements for Satellite/Microwave Trucks only.