



VERDICT AT INQUEST

File No.: 2010-0228-0112

An Inquest was held at The Coroners Court, in the municipality of Burnaby

in the Province of British Columbia, on the following dates October 29 and 30th, 2012

before Mr. Vincent Stancato, Presiding Coroner,

into the death of PHILLIPS, Jeremy Michael, 33, Male Female (Last Name, First Name Middle Name) (Age)

and the following findings were made:

Date and Time of Death: November 21, 2010 at 22:25 hours

Place of Death: Mountain Institution, Agassiz, BC (Location) (Municipality/Province)

Medical Cause of Death

(1) Immediate Cause of Death: a) Asphyxia DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b) Smothering and strangling DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c)

(2) Other Significant Conditions Contributing to Death:

Classification of Death: Accidental Homicide Natural Suicide Undetermined

The above verdict certified by the Jury on the 30th day of October AD, 2012.

Vincent Stancato Presiding Coroner's Printed Name

Handwritten signature of Vincent Stancato over the line Presiding Coroner's Signature



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FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST INTO THE DEATH OF

FILE NO.: 2010:0228:0112

PHILLIPS

SURNAME

JEREMY MICHAEL

GIVEN NAMES

PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner: Mr. Vincent M. Stancato
Inquest Counsel: Mr. Rodrick MacKenzie
Counsel/Participants: Mr. Paul Singh, Department of Justice Canada/Correctional Service of Canada
Mr. Graham Stark, Department of Justice/Correctional Service of Canada
Mr. Myer Rabin, Counsel for Lela Phillips

Court Reporting/Recording Agency: Verbatim Words West Ltd.

The Sheriff took charge of the jury and recorded 4 exhibits as entered. Twelve witnesses were duly sworn and testified.

PRESIDING CORONER'S SUMMARY:

The following is a brief summary of the circumstances of the death as presented to the jury at the inquest. The summary and my comments respecting the recommendations, if any, are only provided to assist the reader to more fully understand the Verdict and Recommendations of the jury. This summary is not intended to be considered evidence nor is it intended in any way to replace the jury's verdict.

At 0958 hours on November 22, 2010, a call for assistance was made to the on-duty Correctional Officer from cell A1 at Mountain Institution in Agassiz, BC. Two Correctional Officers (CX1 Janzen and CX2 Woods) responded to the cell. They found inmate, Mr. Wayne McGray, standing at the cell door requesting that they check on the wellness of Mr. Jeremy Michael Phillips. Mr. McGray claimed that Mr. Phillips had not responded to his earlier attempts to wake him. The officers testified that they entered the cell, attempted to wake Mr. Phillips, and upon turning him, noted that he was "cold to the touch and stiff".

The officers immediately summoned medical assistance. Nurse Bonita Hess was working in the adjacent living unit and responded within seconds. Nurse Hess testified that she checked for a pulse, but there was none. She testified that rigor mortis and livor mortis were present and that Mr. Phillips had been "dead for a while". Other medical personnel responded to assist, including an on-site physician, but Mr. Phillips was obviously deceased.

Shortly after Mr. Phillips was found, Mr. McGray admitted to correctional staff that he was responsible for the death. He subsequently made the same admission to police. The jury viewed a warned video statement that was taken by police on the evening of November 22, 2010 wherein Mr. McGray described the sequence of events that led to Mr. Phillips' death. Mr. McGray alleged that both he and Mr. Phillips jointly hatched a plan to fake a hostage taking scenario. The intended outcome was that Mr. McGray would be moved back to Kent Penitentiary and Mr. Phillips would get time off at the infirmary or possibly early release.



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The jury heard from correctional staff that there was a lockdown at Mountain Institution on November 21, 2010. The lockdown was in relation to a missing steel bracket from a Ping Pong set. As part of the lockdown procedure all cells are checked and inmates accounted for. In his confession, Mr. McGray noted that the incident took place approximately seven minutes after "the count" which was at 2215 hours. He explained the incident noting that he had Mr. Phillips lay in a prone position on the bed. He then tore up some bedding in to several strips and used the strips to bind Mr. Phillips' feet and hands. He placed a sock into Mr. Phillips' mouth; blind folded him and then used a sheet to strangle him.

An autopsy was conducted and Dr. Charlesworth (Forensic Pathologist) was unable to determine the precise cause of death. Dr. Charlesworth's findings were consistent with the mechanism of death as described by Mr. McGray in his confession. He found a superficial linear abrasion and subcutaneous bruises at the anterior neck as well as multiple contusions on the tongue. These finding could be consistent with force being applied to the neck. He also testified that the act alone of placing a sock in a person's throat would be enough to kill them. Dr. Charlesworth was able to rule out natural causes and drug overdose as the cause of death. Toxicology testing revealed a range of prescribed medications that were found within expected therapeutic limits.

The testimony at the Inquest focused greatly on issues and policies related to inmate risk classification (super maximum, maximum, medium and minimum security), transfer of inmates between institutions and shared inmate accommodation. Mr. McGray was originally incarcerated in Canada's lone Super Maximum Security Prison in Quebec. He was then transferred to Kent Institution, a Maximum Security Institution in British Columbia and then subsequently to Mountain Institution, a Medium Security Institution that is also in British Columbia. Mr. McGray was incarcerated in March 2000. He had been housed in a single accommodation arrangement for the entirety of his institutional life until he was transferred to Mountain Institution. He was transferred to Mountain Institution approximately 8 weeks prior to killing Mr. Phillips.



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Pursuant to Section 38 of the Coroners Act, the following recommendations are forwarded to the Chief Coroner of the Province of British Columbia for distribution to the appropriate agency:

JURY RECOMMENDATIONS:

To: Commissioner
Correctional Service of Canada
Royal Canadian Mounted Police
657 West 37th Avenue
Vancouver, BC V5Z 1K6

1. That the Correctional Service of Canada considers a mandatory single accommodation arrangement for multiple murderers unless the requisite correctional service evidence and assessment determines that a shared accommodation is both safe and practical.

Presiding Coroners Comment:

The jury heard that Mr. McGray, a self admitted multiple murderer, has been incarcerated since March 2000. He had been housed in a single accommodation arrangement for the entirety of his institutional life until he was transferred to Mountain Institution. The jury heard that there are 60 single occupancy cells available at Mountain Institution and that these cells are assigned based on a waitlist format. The jury heard that offender characteristics, behavior and past criminal history are not considered as variables in the decision making process when assigning single occupancy units at Mountain Institution.

2. That the Correctional Service of Canada considers implementing all of the Board of Investigation's recommendations that were put forth in the review of Mr. Phillips' death on a National level. In addition, that the compliance be assured by the Assistant Wardens in each region that these policies are being followed by their staff.

Presiding Coroners Comment:

The jury heard testimony that the National Board of Investigation (Correctional Service Canada) investigated the circumstances of Mr. Phillips death. The jury was also provided with a copy of the five recommendations that were made by the board following their investigation. Ms. Brenda Lamm, a senior manager with the Correctional Service of Canada, testified that all of the recommendations have successfully been implemented at Mountain and Kent Institution. She also testified that the recommendations were made available for information purposes on a National level but that there was no requirement that they be implemented on a National basis.

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3. That the Correctional Service of Canada considers making available to the line staff (CX1 and CX2) all information regarding all inmates prior to an approved transfer between institutions on a National level.

Presiding Coroners Comment:

The jury heard that a parole officer had completed an Assessment Report on Mr. McGray prior to the transfer decision. The Assessment Report was signed off by Mr. Dwight Mater, the Manager of Assessment Intervention. Mr. Mater testified that the decision to transfer Mr. McGray was made after careful consideration of the application including a review of the parole officer's Assessment for Decision. The information in the Assessment for Decision includes offender history, a snapshot of their incarceration journey and current status.

The jury heard that Correctional Officer Woods was not provided with this Assessment Report. Correctional Officer Woods testified that he made the decision to place Mr. McGray and Mr. Phillips in the same cell. He reviewed Mr. McGray's criminal profile prior to making the decision to house him with Mr. Phillips, but was not provided with any further information. He was not aware of the Parole officer's Assessment for Decision nor did he consult with the Parole Officer or Mr. Mater in advance of making the decision.

4. That the Correctional Service of Canada authorize their Wardens to make exceptions to the wait list for single cell accommodations in order to move a dangerous offender into single cell accommodations, on a National level (via "Commissioner's Directive 550", 2001-03-15, Section 23, 24, 25, 26 and Exemptions and Exceptions 29, 30), or delay the transfer until such a time that single cell accommodations are available.

Presiding Coroners Comment:

The jury heard testimony that Mr. McGray had been incarcerated since March 2000 for six concurrent life sentences and that up until his transfer to Mountain Institution he had never shared a cell. Ms. Brenda Lamm, a senior manager with the Correctional Service of Canada, was involved in the internal investigation of this incident and testified that Mountain Institution has both single occupancy (60) and shared accommodation cells available and that there is a process and waiting list for qualification into single cell accommodations. The jury also heard that there was no provision at Mountain Institution to give dangerous offender's (multiple murderer's) special consideration for single cell accommodations nor was there a process in



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place to delay the transfer of such individuals until such time that single cell accommodations are available.

5. That the Correctional Service of Canada review their policy regarding flashlight intensity, and explore alternate technologies to detect inmates' body heat.

Presiding Coroners Comment:

The jury viewed photos of the door (exterior and interior) to Mr. Phillips' cell. The door structure contains a long and narrow window that allows guards the ability to view inmates while in the cell. Correctional Officer Janzen testified that he viewed Mr. Phillips through the window during two separate morning rounds (at 0800 hours and 0900 hours) and on both occasions he was positive that he saw Mr. Phillips breath while sleeping. Correctional Officer Janzen testified that he used his flashlight to illuminate Mr. Phillips body through the glass door but admitted that visibility through the window was very poor. Of note, the jury found that Mr. Phillips was killed approximately 12 hours prior to the two cell checks conducted by Correctional Officer Janzen.