



CORONER'S COURT OF BRITISH COLUMBIA

held at BURNABY, British Columbia

VERDICT AT CORONER'S INQUEST

We, the Jury, having been duly sworn and serving at the inquest, commencing on JUNE 20, 2007 at

BURNABY, British Columbia, and continued on the following dates JUNE 21 and 22, 2007

into the death of Dwight Anthony CARON find he came to his death at approximately 0319 hours

on the 1 day of NOVEMBER AD, 2004 at or near NEW WESTMINSTER, British Columbia

MEDICAL CAUSE OF DEATH

(1) Immediate Cause of Death: a) BLUNT HEAD TRAUMA

DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b) PHYSICAL ASSAULT

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 THE EVENT ACCIDENTAL HOMICIDE NATURAL SUICIDE UNDETERMINED

The above verdict certified by the Jury on the 22 day of June AD, 2007.

VINCENT M. STANCATO

Presiding Coroner's Printed Name

Vincent Stancato
Presiding Coroner's Signature

TO BE COMPLETED BY PRESIDING CORONER

Age:	20 years	Gender:	<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female
Date of Birth:	31 December 1983	Native:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Coroner's Case No.:	2004-212-1128	Post Mortem:	<input checked="" type="checkbox"/> Full	<input type="checkbox"/> External <input type="checkbox"/> None
Police File No.:	2004-29762	Toxicology:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Police Department:	New Westminster	Identification Method:	<input checked="" type="checkbox"/> Visual	<input type="checkbox"/> Other (specify below)
Court Reporter:	VERBATIM WORDS	Identified by:	SELF REPORT & ASSOCIATES	
Phone:	604-591-6677	Premise of Injury:	MOODY PARK (PARKING LOT), NEW WESTMINSTER	
		Premise of Death:	NEW WESMINSTER POLICE CELLS	



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CARON

SURNAME

DWIGHT ANTHONY

GIVEN NAMES

INTRODUCTION

This inquest into the death of Dwight Anthony CARON commenced at 0930 hours on June 20, 2007, at the Office of the Chief Coroner, Courtroom in Burnaby, BC and continued on June 21st through 22nd, 2007. Mr. Rodrick MacKenzie was counsel to the coroner and Mr. Reece Harding appeared on behalf of the New Westminister Police Service and City of New Westminister (Fire Department). Ms. Angela Davies appeared on behalf of the British Columbia Ambulance Service. Deputy Sheriff Dave Morier took charge of the jury and recorded the following exhibits:

1. Registration of Death
2. Scene photo (Century House parking lot – Moody Park)
3. Floor plan of New Westminister Police Cells
4. Photographs of Cell #2/Dwight A. Caron
5. NWPS Prisoner Record – Booking Sheet
6. New Westminister Police Cells Policy Amendment
7. NWPS “Care and Control of Prisoner’s” Policy
8. NWPS – Video footage (CD) of booking area and cell #2
9. NWFD Incident Report
10. NWFD First Responder Report (Blank)
11. Medical Scene Role and Responsibility Guideline
12. Certificate of Conviction - Matthew Johnson
13. EHS Crew Report
14. NWPS Cell Logbook Entries (3 pg's)
15. NWPS Prisoner Record - Booking Sheet (with notations)
16. Dr. Sharon Boone CV
17. Final Postmortem Report
18. Dr. Walter Martz CV
19. Toxicology Report – Office of the Chief Medical Examiner, Alberta
20. NWPS Timeline of Events

The following witnesses testified at the Inquest:

- | | |
|---------------------------|----------------------------------|
| 1. Jeannie MCBRIDE | Associate of Decedent |
| 2. Brent DAGGIT | Associate of Decedent |
| 3. Cst. Mario MASTROPIERI | New Westminister Police Service |
| 4. Cst. JASMIN | New Westminister Police Service |
| 5. Chris BERGMAN | New Westminister Fire Department |



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| 6. A/Lt. Greg DUNN | New Westminster Fire Department |
| 7. Matt JOHNSTON | Associate of Decedent |
| 8. Daryl STROET | BC Ambulance Service |
| 9. Robert HOGAN | BC Ambulance Service |
| 10. Cst. BARRIT | New Westminster Police Service |
| 11. Chris WEBSTER | Jail Guard (Securitas) |
| 12. Arnold KLINK | Jail Guard (Securitas) |
| 13. Sgt. L. STENERSON | New Westminster Police Service |
| 14. Dr. Walter MARTZ | Toxicologist |
| 15. Elke KEUHMORGAN | New Westminster Police Service (Civilian member) |
| 16. Det. Terry DHUT | New Westminster Police Service |
| 17. Det. Chris MULLIN | New Westminster Police Service |
| 18. Sharon BOONE | Forensic Pathologist |

PRESIDING CORONER'S COMMENTS

At approximately 2214 hours, Cst. Mastropieri of the New Westminster Police Service (NWPS) was conducting regular patrols within Moody Park in New Westminster, BC. While doing so, he was called to respond to a report of a "man down" at the Century House parking lot. Upon attendance to the scene, Cst. Mastropieri noticed a man, identified as Mr. Dwight Anthony Caron, semi-conscious and lying on his back. Mr. Caron was in the company of another male, Mr. Brent Daggit, who appeared to be attempting to assist him. Cst. Mastropieri testified that he was informed by Mr. Daggit that Mr. Caron had "fallen". He observed that Mr. Caron had dried blood on his lip and dirt on his pants. He also testified that he had spoken to Mr. Caron in the park approximately 15 minutes earlier on another matter and that Mr. Caron now presented in a much more "intoxicated" state than he was previously. Cst. Mastropieri described Mr. Caron to be in and out of consciousness and unable to get to his feet. Cst. Mastropieri requested that an Ambulance attend the scene.

Jeannie McBride (Mr. Caron's girlfriend at the time) and Brent Daggit provided testimony which outlined the events of the evening. Jeannie described Mr. Caron as a good person that drank alcohol on a "weekly" basis. She noted that when Mr. Caron consumed alcohol his behaviour often became problematic. Her testimony was that she and Mr. Caron had spent the afternoon of October 31, 2004 together with friends at Glenbrook Middle School where they drank some liquor and hung out for a while until she and Mr. Caron left to purchase beer. After purchasing the beer a dispute arose over possession of the alcohol. She testified that they split up at this point and then she met up with Mr. Caron at the Moody Park later in the evening. According to Jeannie, Mr. Caron was still upset about their earlier altercation and accused Jeannie McBride of hitting him. He then punched her. The group of friends they were with separated the two of them and she went her own way with a girlfriend. While walking away from the group she looked back at Mr. Caron and the other males and saw Mr.



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Caron fall to the ground. She testified that moments later, Matt Johnston and another man joined her and Mr. Johnson informed her that he had punched Dwight with his ring on.

Brent Daggit testified that on October 31, 2004 he had been drinking and socializing with a group of people that included Dwight Caron. He testified that Mr. Caron was intoxicated and angry and that he witnessed Mr. Caron assault Ms. McBride at Moody Park. He and a couple of friends immediately intervened. While attempting to calm Mr. Caron, one of the group members, Matt Johnson, punched Mr. Caron in the face. He testified that Mr. Caron "came off his feet" and dropped to the ground immediately striking the back of his head against the paved asphalt surface. Mr. Caron initially blacked out and then was in and out of consciousness; and mumbling incoherently. Mr. Daggit noted that a police cruiser arrived within seconds of the incident. The other friends had already fled the scene, while Mr. Daggit remained on his own to tend to Mr. Caron. Mr. Daggit could not recall what he said to the police officer but believed he told the officer that Mr. Caron hit his head. Matt Johnson later testified that on October 31, 2004 he punched Mr. Caron in the face in self defense.

According to Cst. Mastropieri fire officials were first to arrive at the scene. When they did, he informed them that Mr. Caron had consumed alcohol this night and may have fallen or been assaulted. He told fire officials that Mr. Caron was known to the police for past intoxication issues and was assaulted a month prior. Of note, he testified that he communicated the same information to BCAS paramedics on arrival. He also testified that he communicated to BCAS that he had seen Mr. Caron 15 minutes earlier at which time he was only mildly intoxicated.

When fire personnel arrived, Mr. Caron was conscious. Firefighter Chris Bergman described Mr. Caron as "attempting to sit up with his head moving from side to side" and "he was mumbling". Mr. Bergman testified that he first attempted to determine Mr. Caron's level of consciousness and then conducted a head to toe examination at which point he detected an "egg sized" lump on Mr. Caron's head. He also noted dried blood at the mouth area; he did not detect a smell of alcohol. There was evidence of vomiting. During his examination, BC Ambulance Service paramedics arrived and Mr. Bergman shared his findings with them; including the information about the lump detected on Mr. Caron's head. Lt. Greg Dunn (NWFd) testified that he attended the scene with Firefighter Bergman and observed Firefighter Bergman conduct his head to toe while he communicated with Cst. Mastropieri. He also testified that he was aware of the "bump" on Mr. Caron's head. He testified that he saw Firefighter Bergman communicating with the paramedics upon their arrival but he could not hear what was said. Firefighter Bergman and Lt. Dunn both testified that they did not share any written documentation (First Responder Report) regarding their findings with the paramedics. Their communication was only verbal.

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BC Ambulance Service paramedic's Darryl Stroet and Robert Hogan arrived at the scene at 2220 hours and took over from the first responders. Darryl Stroet testified that his role that evening was that of "attendant" which made him responsible for patient care/assessment. He testified that when he arrived Cst. Mastropieri briefed him on situation and described Mr. Caron as a "fighter and a drinker". Mr. Stroet also testified that he did not recall Cst. Mastropieri stating that he had dealt with Mr. Caron 15 minutes earlier and that his condition was much different at that time. Mr. Stroet was then briefed by the firefighter that was assisting Mr. Caron. He testified that he was informed that Mr. Caron was "not cooperating", had "slurred speech" and a "pulse". His evidence was that he was never informed by either member of NWFd that they had detected an "egg-sized" lump on Mr. Caron's head.

After the exchange of information, Mr. Stroet took over as per policy and conducted a Rapid Body Survey (RBS) of Mr. Caron. His initial assessment of Mr. Caron was that he had obviously vomited, smelled of alcohol, was conscious and speaking in a slurred manner. He described Mr. Caron as flailing his arms in a somewhat combative and non-cooperative manner during the assessment and noted that he was unable to stand on his own. Mr. Stroet assessed Mr. Caron's Glasgow Coma Scale (GCS) and rated him a 14 out of 15 (15 is indicative of a fully conscious individual). Mr. Stroet never detected any head wound or any facial lacerations or bruising despite conducting a RBS – although he testified that his assessment was compromised by Mr. Caron's uncooperative behaviour and poor lighting. He did not seek assistance from the police or fire to help restrain Mr. Caron so to allow for an easier assessment. After the assessment, Mr. Stroet came to the conclusion that Mr. Caron was "intoxicated" and medically cleared to be brought to police cells.

Mr. Robert Hogan also testified on behalf of the BC Ambulance Service. He was partnered with Darryl Stroet on October 31, 2004 and his main role that evening was that of "driver". In this role he is also expected to gather patient information from police, witnesses, family and bystanders at the scene. He testified that he was told by a police officer (thought to be Cst. Mastropieri) that Mr. Caron may have been punched in the head but he could not recall if he shared this information with his partner Darryl Stroet at the scene. He also testified that there is no current policy that he is aware of that determines who fills out the crew report information but that it is based on the given crew to decide. Typically the driver fills out the patient's historical information and the attendant fills out the rest of the report which is what occurred on this occasion. This can lead to gaps in the exchange of information.

The evidence provided by police, first responders (firefighters) and paramedics regarding what information was exchanged at the scene was conflicting. During the Inquest a protocol was introduced into evidence called the *Medical Scene Roles & Responsibilities for 1st Responders and the BC Ambulance Service* and an accompanying form called the First Responder Report– this written form is to be shared by first responders with BCAS personnel at all scenes. Mr. Bergman, Lt. Dunn, Mr. Stroet and Mr. Hogan all testified that they were



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aware of this protocol and the accompanying first responder report but that it was not shared in this instance - the information that was exchanged between the fire personnel and BCAS paramedics was verbal.

Following medical clearance at Moody Park, Mr. Caron was placed into a police wagon at approximately 2235 hours. We heard testimony from both Cst. Mastropieri and Cst. Jasmin that Mr. Caron required assistance to be placed into the wagon due to his condition. At this Inquest a video of the NWPS cell block and booking area was entered as an exhibit. It documented, for the jury, Mr. Caron's arrival and placement in Cell #2 at approximately at 2310 hours. Cst. Mastropieri and Mr. Webster (Jail Guard) both testified that after Mr. Caron was placed in the cell Cst. Mastropieri gave Mr. Webster verbal instructions to keep close observation on Mr. Caron and to make sure that he did not roll over. This instruction was not written anywhere on the prisoner record form as there is currently no space provided for such instruction.

Both jail guards, Mr. Webster and Mr. Klick, testified that they conducted several checks of Mr. Caron's cell throughout the night and he was documented to be breathing or snoring on all occasions until approximately 0320 hours. Video surveillance documents Mr. Caron's last body movement at 0256 hrs. Mr. Webster and Mr. Klick testified that the regular checks conducted to detect breathing are not physical in nature but are made by looking through a window at the prisoner's chest/back expansion and/or by listening for breathing through the food tray opening. S/Sgt. Laurin Stenerson testified that the guards are not permitted to go into the cells but that if concern (about the wellbeing of a prisoner) exists they are encouraged to contact the Watch Commander for assistance. The Watch Commander or police delegate may choose to enter the cell. The jury also heard evidence that the current Care and Control of Prisoners Policy stipulates that the Watch Commander will seek medical advice to determine if further medical attention is required for prisoners who show signs of extreme intoxication after 4 hours of incarceration. There was considerable debate regarding the efficacy of the current 4 hour policy.

A copy of the Care and Control of Prisoners Policy was entered as an exhibit. It guides the actions of police and jail guards as it relates to incarcerated individuals. There was considerable discussion about the type of training afforded to police officers and prison guards on the policy. Both prison guards testified that although they were aware of the current policy, neither of them was provided any formal training on it. The jury also heard testimony questioning the relevance and effectiveness of certain sections of the policy specific to dealing with intoxicated prisoners and prisoners of questionable consciousness. S/Sgt. Stenerson testified that on the night of the incident the prison policy was such that guards needed to conduct cell checks every 15 minutes and that as a result of Mr. Caron's death the policy has been changed so that checks are conducted every 10 minutes. The critical concern that arose centered around the limited type of physical survey that is able to be done from outside of the cell during such checks and the processes in place that dictate when and how often an officer will enter into a cell to check on an individual's well being.

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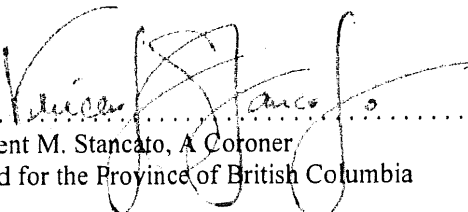
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At approximately 0320 hours, Cst. Mastropieri was in the radio room (on another matter) and was watching Mr. Caron on the video screen and noticed that he had not moved from the position he was originally placed in. At that time he asked that a call be made to the jail guard to check on him. The jail guard (Mr. Klick) replied that Mr. Caron was breathing 5 minutes prior but that he would check again. During this check (at 0335 hrs) he found Mr. Caron to no longer be breathing. He notified the communication room and Watch Commander. Cst. Mastropieri and Cst. Barrit entered the cell, assessed Mr. Caron, noticed that he was unresponsive and initiated CPR. The BC Ambulance Service paramedics were called immediately. Despite an aggressive resuscitative attempt, Mr. Caron was pronounced deceased at the scene at 0419 hours.

After death was confirmed, Mr. Caron's body was transported to hospital for an autopsy. Dr. Sharon Boone conducted the autopsy and testified at this Inquest that the cause of Mr. Caron's death was Blunt Head Trauma. Specifically, her findings included an epidural blood clot of approximately 150 ml. There was also swelling of the left cheek and diffuse bruising and swelling of the left inner lip (lower and upper). Dr. Martz, a toxicologist interpreted the toxicology results and most notably testified that, in his opinion, the level of alcohol in Mr. Caron's system would best be considered as having mild to moderate intoxication effects in an experienced drinker. He also noted that the level of THC in his system would not have had any further intoxicating effect on Mr. Caron.

Following their deliberations the jury found that Mr. Dwight Anthony Caron came to his death on November 1, 2004 in New Westminster, BC due to blunt head trauma that was a consequence of a physical assault. The jury classified the death as Homicide. Homicide is a neutral term that does not imply fault or blame. The jury put forth six recommendations.

Pursuant to Section 3(2)(d) of the Coroners Act, the following recommendations are forwarded to the Chief Coroner of the Province of British Columbia for distribution to the appropriate agencies.


 Vincent M. Stancato, A Coroner
 in and for the Province of British Columbia



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RECOMMENDATIONS OF THE JURY

To: Lorne Zapotichny, Chief Constable
New Westminster Police Service
555 Columbia Street
New Westminster, BC V3L 1B2

1. We recommend that the New Westminster Police Service provide mandatory training as well as follow up testing and annual review of the current "Care and Control of Prisoners Policy" so that officers are aware that the policy not only exists, but that they are also afforded the opportunity to learn how to effectively carry out the policy.
2. We recommend the New Westminster Police Service amend their current "Care and Control of Prisoner's Policy" as follows for prisoners of questionable consciousness or signs of extreme intoxication: The watch commander or designate enter the cell every 2 hours and rouse the prisoner to assess that their condition has improved.
3. We recommend the New Westminster Police Service add a section to the front of the "Prisoner Record Form" that allows for special instructions and additional important information.
4. We recommend the New Westminster Police Service ensure a set of policies is in place for their prison guards to follow.

To: Sue Conroy, Chief Operating Officer
British Columbia Ambulance Service
Po Box 9600 Stn Prov Govt.
2261 Keating X Road, Block B
Victoria, BC V8W 9P1

5. We recommend that the British Columbia Ambulance Service consider making the completion of the First Responder Form mandatory, with further assurance that the First Responder Form is shared with BC Ambulance Service personnel at the scene. We also recommend a copy of the First Responder Report be passed on to police.
6. We recommend that a policy is developed that specifies which member of an ambulance crew is responsible for filling out which section of the crew report as well as a comment section for the driver to provide any other important information to the attendant.