



VERDICT AT INQUEST

File No.: 2010:0621:0015

An Inquest was held at The Provincial Court, in the municipality of Fort Nelson in the Province of British Columbia, on the following dates May 31 and June 1, 2011 before Shane DeMeyer, Presiding Coroner, into the death of BURKE Jerry Louis 51 Male into the death of and the following findings were made:

Date and Time of Death: July 14, 2010 1053 hours

Place of Death: University of Alberta Hospital Edmonton/ Alberta (Location) (Municipality/Province)

Medical Cause of Death

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

Antecedent Cause if any: b) Blunt Force Head Injuries DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c) Due to Impact Caused from Falling Off Stairs

(2) Other Significant Conditions Contributing to Death: Acute and Chronic Alcoholism Chronic Subdural Hematoma

Classification of Death: [X] Accidental [] Homicide [] Natural [] Suicide [] Undetermined

The above verdict certified by the Jury on the 1st day of June AD, 2011.

SHANE DEMEYER Presiding Coroner's Printed Name

Presiding Coroner's Signature



VERDICT AT INQUEST

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

FILE No.: 2010:0621:0015

BURKE
SURNAME

Jerry Louis
GIVEN NAMES

PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner: Shane DeMeyer

Inquest Counsel: Rodrick MacKenzie

Court Reporting/Recording Agency: Verbatim Words West Inc.

Participants/Counsel: Attorney General of Canada/ Andrew Kemp

The Sheriff took charge of the jury and recorded 1 exhibit. 14 witnesses were duly sworn in and testified.

PRESIDING CORONER'S COMMENTS:

The following is a brief summary of the circumstances of the death as set out in the evidence presented to the jury at the inquest. The following summary of the evidence as presented at the inquest is 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 approximately 4:05 pm, on July 12, 2010, a constable from the Fort Nelson Royal Canadian Mounted Police attended a residence on the Prophet River First Nation reserve to interview a woman in regards to a reported domestic assault. While in the residence, the constable arrested a man for drinking while under a court order to abstain from alcohol. This man was taken to the police vehicle where he was placed in the back seat and the constable went back into the residence.

In the residence, the constable came upon Jerry Burke who was sleeping in a bedroom. The constable testified that while still in his Detachment he had been informed by a fellow officer that there was an outstanding warrant for Mr. Burke. Given this information, Mr. Burke was arrested as per the outstanding warrant.

The constable testified that he woke Mr. Burke by shaking his leg until he woke up. He reported that initially Mr. Burke was argumentative, but then he agreed to go to the police vehicle. As Mr. Burke was cooperative, the constable did not utilize handcuffs in the arrest. The Jury heard testimony that Mr. Burke's common law partner gave him a pill along with a glass of water as he was leaving the residence. It was determined that this pill was phenytoin that had been prescribed to help Mr. Burke who had been having alcohol related seizures.

At the exit to the residence, there was a wood deck with three steps leading onto the driveway where the police vehicle was parked. At the top of the steps, Mr. Burke was witnessed collapsing and falling down to the bottom of the steps striking his head on the flagstones at the foot of the stairs. A witness in the back of the police vehicle reported seeing Mr. Burke's eyes roll up from a possible seizure prior to falling. The constable had been walking behind Mr. Burke and was the first person to attempt to assist him.



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The constable radioed for the British Columbia Ambulance Service (BCAS) and released his first prisoner from the back of the vehicle to assist with the care of Mr. Burke. With the assistance of Mr. Burke's common law partner, and the released prisoner, an attempt was made to place Mr. Burke in the back of the police vehicle so that they could meet the ambulance partway between the Prophet River First Nation community and Fort Nelson. It was found that Mr. Burke was too large for the three people to place in the vehicle so was he placed back on the ground to await the ambulance.

At 6:17 pm, the ambulance arrived and BCAS personnel took over care of Mr. Burke. Mr. Burke was transferred to Fort Nelson General Hospital where he arrived at 7:20 pm. At the hospital it was determined that Mr. Burke had suffered severe head injuries and needed to be transferred to a hospital with greater resources. Arrangements were made for Mr. Burke to be transferred to the University of Alberta Hospital.

At approximately 2:20 am on July 14, 2010, an attempt was made to fly Mr. Burke to the University of Alberta Hospital. However, while en route to the airport, Mr. Burke went into arrest and had to be taken back to Fort Nelson General Hospital to be stabilized prior to transfer. Mr. Burke was returned to the airport at 4:40 am where he was placed on an air ambulance and taken to the University of Alberta Hospital.

Mr. Burke arrived at the hospital at 9:01 am where he was given a computed tomography scan (CT Scan) that indicated a large subdural hematoma on the left side of the brain. Given the nature of the injuries, it was determined that the trauma was not survivable. At 10:53am on July 14, 2010, Mr. Burke was pronounced deceased at the University of Alberta Hospital.



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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: Local Royal Canadian Mounted Police

1. We recommend that two members are present outside of the town limits when non routine procedures are being investigated, this would ensure to all parties involved that proper safety procedures have been followed to the best of their ability.

Coroner's Comments: The jury heard evidence that Constable McMahon was in the Prophet River First Nation community by himself on a regular basis as he acted a liaison for the Community. On July 13, 2010 he was by himself while investigating a report of a domestic assault.

2. We recommend that incident reports as well as witness statements related to any injury involving a person be documented before the scene is vacated by RCMP. This will help ensure accuracy with all parties involved in relation to the events leading up to and including the time of injury.

Coroner's Comments: The jury heard evidence that Constable McMahon completed his documentation of the incident after returning to Fort Nelson rather than at the scene of the incident.

To: British Columbia Health

3. We recommend that BC Health continues to find better ways to suit remote areas in need of medical attention, training and medical personnel. Although there have been some solutions designed to help assist transport and access to treatment, there is still lack of immediate care for the severely injured.

Coroner's Comments: The jury heard evidence that there were substantial delays in organizing the specialized care that Mr. Burke's head injury warranted. Further, they heard from the attending physician at Fort Nelson General Hospital that these delays for patient transfer were common.



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To: All Levels of Local Government

4. We recommend that all communities within and surrounding the Northern Rockies Regional Municipality continue to foster healthy lifestyle and healthy community options that are broadcasted and readily available to people in search of help or guidance.

Coroner's Comments: The jury heard testimony that Mr. Burke, and others of his acquaintance, misused alcohol on a regular basis. The jury also heard that there are limited resources a person can access to support a healthy lifestyle.