

## MEDIA INFORMATION GUIDE TO A CORONER'S INQUEST

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

The intent of this guide is to:

- Provide a general overview of the inquest process;
- Provide guidelines and requirements for the media in covering an inquest; and,
- Allow for the regular, daily work of the local courthouse, or other venue, to continue without disruption whilst an inquest is occurring.

The contents of this guide are not 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.

In some cases, there may be a publication ban on certain evidence and it is your responsibility to determine whether a publication ban is in effect.

### Overview of a Coroner's Inquest

The BC Coroners Service is an independent service charged by law with investigating all sudden, unnatural, unexpected, unexplained or unwitnessed deaths in British Columbia. It functions independently of the police, health care authorities and other ministries of government.

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

1. To determine publicly 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 about any matter arising out the inquest with the aim of preventing 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 usually required when a death occurs in the custody of police (or other peace officer), although there may be exceptions. For all other deaths, the decision to hold an inquest is at the discretion of the chief coroner.

A jury of between five and seven people hears evidence from witnesses under subpoena in order to determine the facts of the death. By law, the jury is restricted to finding the facts of the case. It may not make any finding that implies legal responsibility. The presiding coroner is responsible for ensuring that the jury maintains the goal of fact-finding, not fault finding.

The strict rules of evidence for a civil or criminal trial do not apply at a coroner's inquest, as no one is on trial. The coroner, assisted by Inquest Counsel, is responsible for determining the evidence that is relevant and admissible for the purposes of the inquest.

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 will also include one of five classifications of the death: Natural, Accidental, Suicide, Homicide and Undetermined. A copy of the Jury's Findings and any recommendations is publicly available upon completion of the inquest. Generally, the Verdict with Coroner Comments, with the presiding coroner's summary of the evidence presented, will be prepared and be publicly available, within a month of the conclusion of the inquest.

The family of the deceased is not required to attend the inquest unless family members are required as witnesses. The family may apply for participant status at the inquest and be represented by legal counsel. Any other person or agency who believes they could be affected by a jury's findings may also apply for participant status at the inquest. The decision to permit someone to be a participant is at the discretion of the presiding coroner.

An inquest does not have a set length and will vary in length depending upon the number of witnesses and the complexity of the issues to be explored. Most inquests last between three and 10 days.

### **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 as a judge of the Supreme Court during the sitting of that court. The presiding coroner will decide on the admissibility of evidence, may question witnesses and will provide guidance to the jury to assist in reaching their verdict.

#### *Inquest Counsel*

Inquest counsel assists the Presiding Coroner by providing legal advice, leading evidence, entering exhibits and liaising with participants.

### *Counsel for Participants*

The *Coroners Act* allows a person whose interests may be affected by evidence at an inquest to request participant status. If granted, they may have counsel present evidence and question witnesses.

In order to preserve the fact-finding nature of the inquest, there are no submissions to the jury.

### *Jury*

The sheriff selects a jury of between five and seven people, who remain anonymous both during and after the inquest. They 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 and any final instructions given by the presiding coroner, the jury will deliberate and consider their verdict, including what recommendations they might propose.

Jury members are not permitted to discuss or reveal to anyone their deliberations, or the manner in which they reached their verdict.

### *Sheriff*

The sheriff assists the presiding coroner by preserving order in the courtroom, swearing in the witnesses, and by executing the directions of the presiding coroner. The sheriff maintains security of all exhibits entered and is responsible for maintaining the security of the jury.

### *Witnesses*

Witnesses provide evidence concerning the circumstances of the death. Individuals are summoned (subpoenaed) to attend the inquest and testify under oath if they may have direct knowledge that could help the jury arrive at a verdict. Witnesses may or may not be excluded from the courtroom before they give their evidence, depending on the circumstances.

An inquest often also includes testimony from expert witnesses who are subpoenaed (issued a summons) because they have specialized knowledge in the field which with the inquest is dealing (e.g. pathology and toxicology, workplace safety, police use of force, etc...).

A subpoena is the equivalent of a court order; a person who receives a subpoena does not have the right to decline to attend or decline to testify. Witnesses have protection against self-incrimination set out in the *Coroners Act*.

A list of witnesses, participants and counsel will be available on the day the inquest commences.

## THE INQUEST PROCESS

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

- At the opening of the inquest, the presiding coroner will outline the process and what is expected to happen during the inquest.
- The witnesses will then be called. Each witness will swear an oath or solemnly affirm to tell the truth. The sheriff will ask the witness his/her name and to spell the surname it so that it is correctly reflected in the court record.
- Inquest counsel will question the witness first.
- Counsel for the participants then have an opportunity to ask questions.
- The presiding coroner will then ask 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 free to leave, or stay in the courtroom as they wish.
- At the end of the inquest, the presiding coroner will provide the jury with instructions to assist them in reaching a verdict and in considering recommendations.

### *Verdict at Coroner's Inquest*

The jury's findings and any recommendations are included in the *Verdict at Coroner's Inquest (Verdict)*, a public document. A copy of the jury's findings and any recommendations is available upon request once the inquest is closed. The Verdict is also posted on the Coroners Service website: <http://www.gov.bc.ca/coroners/>. Approximately one month after the inquest, an updated version will be posted, including with the presiding coroner's comments.

## MEDIA COVERAGE - GENERAL GUIDELINES/REQUIREMENTS

Media should contact the Manager of Strategic Communications prior to covering an inquest – by email at [CoronerMedia@gov.bc.ca](mailto:CoronerMedia@gov.bc.ca)

The presiding coroner will not speak to media about the particulars of a case while presiding at the inquest. Neither the coroner nor jury members will comment on how the jury arrived at their verdict or recommendations. Media should not approach either the presiding coroner or the jury members and should not film members of the jury.

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. Cameras are not permitted in the courtroom. Mobile communication devices 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. Mobile devices capable of taking photographs or video are not to be used for these purposes while in the courtroom. These devices and computers may be permitted for note taking at the discretion of the presiding coroner. **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. Before doing any recording, they must provide proof of their accreditation to the sheriff. For more information on Supreme Court accreditation, contact Legal Counsel, Brenda Belak at 604-660-2750.
5. No electronic transmission (including live blogging, filing stories by email, Tweeting, social media posting, or texting) is permissible from the courtroom. Live feeds are prohibited without the prior approval of the presiding coroner. You may transmit electronic records from outside the courtroom and then return inside.
6. Generally, inquests are in session Monday to Friday with a morning session from 9 a.m. to 12 p.m. and afternoon session from 1 p.m. to 4 p.m. There is usually a 15-minute recess approximately halfway through each morning and afternoon session. These hours are subject to change to meet the needs of the inquest.
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 courtroom (if looking for a scrum, please arrange for this to occur outside of the building). For security reasons, no one is permitted to leave items in the courtroom.

8. No photo taking or videography is permitted in the courtroom or on the 20<sup>th</sup> floor. All interviews, photography and videography shall be conducted in the building's main floor lobby or outside.
9. Media should sign in upon arrival and provide their email address and phone number to receive a copy of the jury's recommendations and should wear accreditation at all times while in the Coroners' Court.

## **EXHIBITS**

Under the *Coroners Act*, the presiding coroner has discretion whether or not to provide access to exhibits during the inquest process. Items must be entered as exhibits and displayed to the public in the courtroom for access to be considered. Requests should be sent to the Manager of Strategic Communications at [CoronerMedia@gov.bc.ca](mailto:CoronerMedia@gov.bc.ca)

## **TRANSCRIPTS**

Transcripts may be obtained from the court recorder for a fee. Should you require contact information for a court recorder for a particular inquest, please contact the Manager of Strategic Communications at [CoronerMedia@gov.bc.ca](mailto:CoronerMedia@gov.bc.ca)

## **ADDITIONAL INFORMATION**

For further information regarding media coverage of inquests, please contact:

Strategic Communications  
BC Coroners Service  
[CoronerMedia@gov.bc.ca](mailto:CoronerMedia@gov.bc.ca)

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