



March 29, 2010

The Honourable Kash Heed
Solicitor General of British Columbia
PO BOX 9053 STN PROV GOVT
Victoria, BC
V8W 9E2

VIA FAX: (250) 356-8270

Dear Minister Heed:

Re: Miscellaneous Statutes Amendment Act, 2010 – Changes to Coroner's Inquest rules

I write to you on behalf of the BC Civil Liberties Association, Canada's oldest and most active civil liberties advocacy organization, regarding proposed changes to the rules around coroner's inquest process in British Columbia contained in the *Miscellaneous Statutes Amendment Act, 2010*.

We understand that the bill proposes removing the mandatory requirement to hold a Coroner's Inquest in all cases of in custody death, allowing the chief coroner to refrain from holding an inquest where the chief coroner may be convinced that the death was due to natural causes and was not preventable, there was no connection between the death and the care or supervision received, or the death is subject to a commission of inquiry. We have no issue with the last item in this list, but are concerned about the former two exceptions.

We are very troubled that the Coroner's office has been reluctant in a number of recent high-profile police involved deaths to call an inquest, delayed significantly in those inquests that are called, and reluctant in interests of significant public interest to call inquests. We note in particular the deaths of Paul Boyd, Curtis Brick and Michael Hubbard as examples of this trend. We are concerned that these decisions, in part, are driven more by cost concerns and limited budgets rather than by the public interest in having these deaths thoroughly and publicly investigated.

Compounding this significant issue is that these new amendments could lead to perceptions of pressure on the Chief Coroner to find, in the absence of a hearing, that there was no connection between a death and the care or supervision received, or that a death was due to "natural causes", if he or she is coming close to his or her allotted budget for the year.

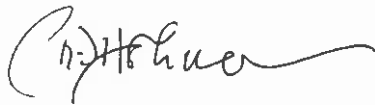
Finally, we note that British Columbia stands almost alone in failing to implement a medical examiner system similar to Alberta's, where their equivalent of the Chief Coroner is actually a medical doctor, who specializes in forensic pathology. In our province, regrettably, we have continued to appoint Chief Coroners who are retired police officers and not doctors, with little or no experience in the medical practice of forensic pathology. While we have no question about the integrity of persons who have been chosen to be Chief Coroner and those who currently hold office, it is our view that the coroner's system would be greatly improved by following the example of jurisdictions where appropriate medical qualifications were made a prerequisite for becoming a coroner.

We urge you not to relax the rules around police accountability for in custody deaths at a time when the public and the police are clamouring for increased independent scrutiny. Instead, we urge you to take this opportunity to reform B.C.'s investigation of sudden and unexpected deaths and police or in-custody involved deaths in a way that will reassure the public that decisions are being made by medical professionals specially trained in forensic pathology, and that these deaths will not be repeated or overlooked.

We ask you to consider the circumstances of Frank Paul's death, an incident in which many former Coroners, the last Chief Coroner, and individuals who were on the Coroner's Office staff at the time, all agreed that an inquest should have been called and yet the Coroner's discretion was exercised against such an inquest. An inquest at that time could have saved the public purse millions of dollars in Inquiry costs and preserved much of the public's confidence in their police department in Vancouver. We urge you to avoid repeating this public relations disaster for both police forces and the government by ensuring that deaths are completely and comprehensively investigated when they occur as a result of police action or in police custody, or otherwise in a sudden and unexpected manner.

Thank you for your urgent attention to this matter.

Yours truly,

A handwritten signature in cursive script, appearing to read "R. Holmes", written in dark ink.

Robert Holmes
President