



# Report to the Minister of Justice and Attorney General Public Fatality Inquiry

Fatality Inquiries Act

WHEREAS a Public Inquiry was held at \_\_\_\_\_ Law Courts Building, Courtroom #360 \_\_\_\_\_

in the \_\_\_\_\_ City \_\_\_\_\_ of \_\_\_\_\_ Edmonton \_\_\_\_\_  
(City, Town, Village) (Name of City, Town, Village)

on the \_\_\_\_\_ 12th \_\_\_\_\_ day of \_\_\_\_\_ November \_\_\_\_\_, \_\_\_\_\_ 2003 \_\_\_\_\_, (and by  
Year

adjournment on the \_\_\_\_\_ N/A \_\_\_\_\_ day of \_\_\_\_\_ N/A \_\_\_\_\_, \_\_\_\_\_ N/A \_\_\_\_\_,) Year

before \_\_\_\_\_ The Honourable Judge J. Bradford Kerby \_\_\_\_\_, a Provincial Court Judge.

A jury \_\_\_\_\_ was \_\_\_\_\_  was not summoned and an inquiry was held into the death

of \_\_\_\_\_ Roland Simard \_\_\_\_\_ 51 years old \_\_\_\_\_  
(Name in Full) (Age)

of \_\_\_\_\_ Edmonton Institution, Maximum Penitentiary, Box 2290, Edmonton, Alberta, T5J 3H7, Canada \_\_\_\_\_ And the  
 following findings were made:  
(Residence)

Date and Time of Death: \_\_\_\_\_ October 24, 2002, 21:40 hours \_\_\_\_\_

Place: \_\_\_\_\_ Edmonton Institution [cell block "F"], cell "F" 012, Box 2290, Edmonton, Alberta T5J 3H7, Canada. \_\_\_\_\_

Medical Cause of Death: ("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization -- The Fatality Inquiries Act, Section 1(d)).

\_\_\_\_\_ The cause of death has been attributed to ligature strangulation. Head injuries (that is blunt cranial trauma) were  
thought to be a contributory factor towards causing death. \_\_\_\_\_

Manner of Death: ("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental or undeterminable - The Fatality Inquiries Act, Section 1(h)).

\_\_\_\_\_ Homicidal \_\_\_\_\_

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Circumstances under which Death occurred:

This 51 year old male inmate was found dead on a bed in his prison cell on the evening of October 24<sup>th</sup>, 2002 at approximately 11:40 p.m. Three other inmates were seen leaving his cell by prison guards just prior to him being found dead.

No. of additional pages attached     NIL    

Recommendations for the prevention of similar deaths:

The two witnesses called at the Public Fatality Inquiry made comments on whether recording equipment with a time display installed to record what the monitors (located in the security centre of cell range 'F' lower, also referred to as cell block F-lower, at Edmonton Institution) displayed would have prevented the subject death.

The evidence of the witnesses indicates that there is a security centre located on cell range 'F' at Edmonton Institution in which there is a Corrections Officer at all times who has a view of all the hallways of range 'F' through windows and with respect to the lower section of range 'F' hallways (where the deceased's cell F012 was located) also through monitors connected to cameras displaying those hallways. There are not video recorders connected to these cameras or monitors and therefore the display is not recorded.

Both witnesses said that the installation of video recorders which would record the activity in the hallways of range 'F' would not have prevented this attack and death. (See the testimony of Chuck Stevenson, Intelligence and Preventions Securities Officer for Edmonton Institution, page 25 lines 8 - 19 of the transcripts; and the testimony of Detective William Clark, Edmonton Police Service, page 31 lines 12 - 27, page 32 lines 1 - 3)

Clearly Detective Clark and Chuck Stevenson were both of the opinion that the installation of video recording equipment which would record the activities of the inmates in the hallways of range 'F' (lower section) and which would record the time on the display would have assisted in the criminal investigation of the death of Mr. Simard (see: transcripts page 26 lines 1 - 7 re Chuck Stevenson and page 33 lines 10 - 16 re Detective William Clark).

I do not ignore the testimony of Detective Clark that the three individuals seen exiting Mr. Simard's cell F012 were wearing homemade balaclava's however I also note that those three inmates were able to be identified by Correctional Officers not withstanding the balaclava's.

It is my conclusion from the evidence of Detective Clark that one of the main reasons someone was not charged with the criminal responsibility of this death was because of the inability to determine who went into and came out of Mr. Simard's cell and at what time. It is also my conclusion that such information would have been available to the authorities had there been installed video tape recording devices with a time recording feature on either the cameras or the monitors displaying the lower hallways of range 'F'.

I am confident that a successful criminal investigation, the laying of charges and the criminal conviction of the party or parties who caused the death of Mr. Simard would have acted as a deterrent to the population of the Edmonton Institution.

It is therefore my recommendation for the prevention of similar deaths at Edmonton Institution that appropriate video recording devices with a time display be installed on all cell ranges to record on video tape activities in all hallways of cell ranges in Edmonton Institution. It is also my recommendation that such video tapes be required to be retained for appropriate periods of time to assist the authorities in the completion of any criminal investigation, prosecution and public fatality inquiry.

No. of additional pages attached     NIL    

DATED this 9<sup>th</sup> day  
of January, 2004

Brend Kerby  
A Judge of the Provincial Court of Alberta

1 THE COURT: Thank you.

2 MS. MUELLER: With the Attorney General of  
3 Canada.

4 \*Ms. Mueller examines the witness

5 Q Mr. Stephenson, the cameras don't record inside the  
6 individual cells, do they?

7 A No, they don't.

8 Q All right. And you'd given some evidence about -- we'd  
9 heard some evidence that there was no video kept of the  
10 -- the record -- the camera monitoring the --

11 A No, there's no -- there's no vid -- or recording  
12 capabilities.

13 Q All right. But the cameras just monitor the hallways  
14 essentially?

15 A That's correct.

16 Q Okay. And in your opinion or experience would video  
17 recording have been play -- been able to play a role in  
18 preventing the attack itself?

19 A No.

20 MS. MUELLER: Those are all my questions.

21 THE COURT: Anything, Mr. Meikle?

22 MR. MEIKLE: No, sir.

23 THE COURT: The question was would video  
24 recording -- was it prevent?

25 MS. MUELLER: Yes, play any role in preventing  
26 the attack itself.

27 \*The Court questions the witness

1 We received absolutely no cooperation from any of the  
2 inmates of the six we identified that may be involved.  
3 We received a little bit of cooperation from other  
4 inmates on the lower F Unit range, but none that could  
5 positively say who had committed this crime.

6 Basically from all our interviews there was -- I  
7 feel that this was a -- basically a retaliation for the  
8 problems that Mr. Simard or the control that Mr. Simard  
9 had on the lower F Unit range. It was a way of getting  
10 back at him and taking control of -- other units to take  
11 control of the lower F Unit range.

12 Q Is there anything that you could suggest to this inquiry  
13 that might prevent this kind of occurrence?

14 A Well, the obvious thing is videotape recordings. But I  
15 have suggested that numerous times before in other  
16 criminal investigations with Corrections Canada and  
17 nothing's ever been done. I know that even it's  
18 frustrating for the officers working at the institution.

19 Q But that would only assist in the investigation, it  
20 wouldn't necessarily prevent an offence, would it?

21 A It's not going to prevent it. I don't know, I don't  
22 think there was any way of preventing this because  
23 there's constant friction on every unit at that  
24 institution. It's a maximum security institution and  
25 it's common knowledge on every range that basically one  
26 or two inmates are in control of that range. I mean he  
27 was already in a protective custody unit because of the

1 types of offences he had committed and the problems he  
2 had with other inmates, so there was really nothing more  
3 other than locking him down for 24 hours a day. But  
4 there was no indication he was in any real danger. And I  
5 know from previous investigations out there, any time any  
6 information comes that an inmate is in danger he's  
7 immediately segregated to another unit for his own  
8 safety, whether he wants to or not. Or he's at least  
9 talked to to say, listen, we have this information, maybe  
10 you need to move, and it sometimes is left up to the  
11 inmate. But in this case there was no indication to  
12 anyone. And this can be reported to staff right on the  
13 unit who will then forward it to Mr. Stephenson or other  
14 people in charge who make those decisions. And there was  
15 no indication at all in the prior days or that date that  
16 there was any problem with Mr. Simard.

17 Q Well, there was some friction about the ice cream  
18 vending?

19 A Oh yes, but these -- these common -- these are problems  
20 that are ongoing every day out there. There's always  
21 friction between inmates. There's numerous fights out  
22 there at different times and verbal altercations between  
23 inmates almost on a daily basis.

24 Q In terms of assisting an investigation, a recording  
25 device would allow you to see movements in and out and  
26 times, I take it?

27 A Oh, definitely. I mean if the -- the hallways are

1 Q What role could it have played?

2 A In identifying the time that the perpetrators of the  
3 crime entered the cell, identifying them, and what time  
4 they left the cell.

5 Q So that the recording definitely would have assisted  
6 you --

7 A Would show -- would have shown that, yes.

8 Q Now in regards to the three individuals leaving ...

9 A They were identified by the correctional officers.

10 Q So they were identified?

11 A Yes, they were, sir.

12 THE COURT: Okay.

13 MR. MEIKLE: I have nothing further. Might the  
14 witness be excused?

15 THE COURT: All right. Nothing else?

16 MS. MUELLER: Nothing further.

17 THE COURT: Thank you.

18 (WITNESS STANDS DOWN)

19 MR. MEIKLE: I call next Detective Clark.

20 \*WILLIAM CLARK, sworn, examined by Mr. Meikle

21 Q Sir, you're a detective employed by the Edmonton Police  
22 Service?

23 A Yes, sir.

24 Q And you were so employed on October 24th, 2002?

25 A Yes.

26 Q What unit were you attached to?

27 A I was attached to the North Division Criminal

1 monitored and -- and the correctional officer in the  
2 bubble or the sub-control has a -- has a view, but the  
3 problem is he has four different hallways to look down or  
4 actually eight different hallways. He watches two  
5 different ranges. Or sorry, no, it would be four  
6 different hallways. So unless he's looking right down  
7 there at the time an inmate enters a cell he wouldn't --  
8 he wouldn't notice them. And there would be no reason to  
9 look down there all the time because it's just an open  
10 range, it's people come and go. But with -- if the  
11 ranges were recorded we would had -- seen exactly who  
12 went in the cell at what time. We would have been able  
13 to identify who came out of the cell at what time. And  
14 it would have definitely -- I have -- I believe that had  
15 we had video recording we would -- we would have been  
16 able to charge someone in this case.

17 MR. MEIKLE: Thank you, Detective, those are my  
18 questions.

19 \*Ms. Mueller examines the witness

20 Q I just have one question. If the inmates were wearing  
21 their balaclavas going in and out, that might hamper  
22 identification of them even with a video recording?

23 A Oh definitely. The thing with this case though is we had  
24 other officers that identified them even with the  
25 balaclavas on.

26 THE COURT: I have no further questions.

27 You're excused, thank you.