

EXECUTIVE SUMMARY

Finding the truth behind unnatural deaths

This article sheds light on what goes on for Coroner's Inquiries and the differences between such inquiries and typical court trials.

In addition to cases stipulated under the Coroners Act, the Coroner and the AGC also have the discretion to inquire into certain cases, provided specific conditions have been fulfilled. The purpose of a Coroner's Inquiry is to determine the cause and circumstances connected with an unnatural death, rather than to find the party responsible. While the process of a Coroner's Inquiry is generally similar to that of a typical court trial, the Coroner's findings cannot be used as evidence in court trials.

Under what circumstances will a Coroner's Inquiry be held?

A woman crushed to death by a tree at the Botanic Gardens, a diver fatally stung by a stingray at Underwater World, and the conspiracy theories arising from the death of an American engineer by hanging at home — these incidents were the subject of widespread media attention, and in addition, Coroner's Inquiries had also been held to determine the cause of and circumstances connected with the respective deaths.

The authorities have also indicated that recent incidents involving the deaths of several national servicemen will be subject to Coroner's Inquiries. This includes full-time national serviceman Dave Lee, who died from heatstroke during military training, and SCDF serviceman Kok Yuen Chin, who died by drowning in a well.

Not all incidents involving fatalities will be subject to a Coroner's Inquiry, and not all cases that are submitted to the Coroner eventually reach the court.

In this issue of "Know the Law", we invited AGC's Deputy Senior State Counsel Mr. Tang Shangjun (Crime Division) and State Counsel Ms. Kelly Ho (Crime Division) to explain the types of cases that are subject to Coroner's Inquiries and the processes involved.

Each day, the Coroner receives a list notifying him or her of the bodies to be examined. The Coroner usually views the bodies by going to the mortuary or via video links, before deciding on the ones for which autopsies are required. An inquiry into the cause of death will then be held for certain autopsy cases.

According to the Coroners Act, cases that require holding an inquiry into the cause of death include: death of a person who was in official custody, death of a person whose identity is unknown, death that had occurred under suspicious circumstances, deaths that occurred as a result of any medical treatment or care, and deaths resulting from accidents involving public transport vehicles or that occur at certain types of workplaces, among others.

The Coroner and the AGC also have the discretion to inquire into certain cases, as long as the body of the deceased is found in Singapore, the death occurred in Singapore or on board a Singapore-registered vessel or aircraft, or the cause of death occurred in Singapore.

Ms. Ho said that a Coroner is appointed from among the District Judges. The Coroner, with the assistance of the Police, ensures that investigations into the circumstances in which a deceased died are fully carried out. The Coroner will put on hold cases that are not mandated by law, if he or she feels that it is unnecessary to continue with them after having considered various factors.

1) What is the process of a Coroner's Inquiry?

The process is similar to that of a typical court trial. Before beginning the inquiry proper, there are procedures to be conducted in chambers. During an inquiry, the Coroner may also call for witnesses to testify. Similar to a criminal or civil case where the Judge will hold a pre-trial conference in chambers to clarify hearing details before the trial is heard, in a Coroner's Inquiry, the Coroner will resolve some of the administrative issues in chambers, such as deciding on the witness line-up, the subject of the inquiry and the evidence to be presented.

During the inquiry, the police or the State Counsel assigned by AGC will assist the Coroner with the examination of the witnesses. Apart from the police and the State Counsel, any person with relevant interests in the case may also examine the witnesses.

Mr. Tang stated that the family of the deceased is most closely related to the case. In cases involving death as a result of medical treatment or care, other relevant persons may include the doctors and the hospital in which the incident occurred. In cases involving deaths in the course of military training, the Ministry of Defence would likely be involved. All relevant parties may send representatives or lawyers to participate in the inquiry.

The Coroner will hear all parties' evidence before coming to a conclusion on the cause of death.

2) Can a Coroner's Inquiry be held concurrently with a criminal hearing?

If an unnatural death involves a criminal offence, the Prosecution can apply for the Coroner's Inquiry to be put on hold until the criminal case is completed. The Coroner will then decide whether to resume the inquiry once the criminal proceedings have concluded.

The Act stipulates that should any involved party be charged under a designated offence, the Coroner must postpone the inquiry until the criminal case is completed.

Mr. Tang shared that these designated criminal charges relate to offences that cause bodily harm to others. For example, voluntarily causing hurt, death by rash or negligent act, or murder under the Penal Code, death by careless or dangerous driving under the Road Traffic Act; and work-related fatalities under the Workplace Safety and Health Act.

Ms. Ho explained, "The purpose of the inquiry is to determine how the deceased died. If criminal investigations and court hearings can answer these questions, the Coroner may decide not to proceed with the inquiry."

Ms. Ho gave the example of the two SMRT workers who were killed in a train collision at Pasir Ris in 2016. Although the case involved public transport vehicles, and a Coroner's Inquiry should have been held, the Coroner decided not to resume the inquiry. This was because SMRT and its two staff were charged and the court hearings had clearly established the cause of death and how the incident took place.

3) Can a Coroner's findings be used as evidence in a trial?

The purpose of a Coroner's Inquiry is not to find the party responsible for the cause of death. Rather, it is to inquire into the cause of death and the circumstances surrounding the cause of death. As the standards for evidence in a Coroner's Inquiry differs from that in a criminal or civil case, the findings of a Coroner cannot be used as evidence in the latter cases.

As Mr. Tang shared, the purpose of an inquiry is not that of fault-finding. Therefore, the Coroner's legal requirements for submitting evidence are generally not as stringent as those for civil or criminal cases. Thus, it may not be fair if inquiry findings are used as evidence for other cases.

Ms. Ho shared that, as a criminal trial determines whether a person is declared innocent or guilty, in order to protect the interests of the accused, the Judge has strict expectations for the quality of evidence. Any party that submits a document must prove its source, and the author of the document may be called upon in Court for cross-examination. In contrast, these procedures are not mandatory in a Coroner's Inquiry.

Mr. Tang further explained that the Coroners Act states that the Coroner can conduct the inquiry in a manner that he or she deems fit without being bound by the rules of evidence.

Case Study 1: An old tree in Botanic Gardens crushed a person to death

In the afternoon of 11 February 2017, a 270-year-old tembusu tree suddenly fell and crushed a woman, Radhika, who was then attending an outdoor concert with her husband and children. Radhika suffered broken bones and serious injuries to her head, and died the same evening she was conveyed to hospital. A Coroner's Inquiry which lasted four days was held in July that year.

Two independent arborists and a representative of the National Parks Board (NParks) submitted three inspection reports and gave testimonies in Court. The witnesses were cross-examined by Radhika's family and their lawyer. Lawyers representing NParks were also present in Court. In May 2018, the Coroner concluded that it was a tragic misadventure. He pointed out that all reports indicated that the three major factors contributing to the fall of the old tree were heavy rain, strong winds and partial rotting of the roots.

Case Study 2: Mother and daughter drowned after their car plunged into a canal

One Sunday night, a car exited a shopping centre carpark suddenly lost control and plunged into a nearby canal. Both passengers – mother and a daughter – drowned.

On the night of 24 January 2016, Yep Lay Choo (51) was driving her daughter Kimberly Poon (22) out of the basement carpark of Valley Point when she lost control of her car. The car then ran through the planted bushes, hit the pedestrian railing, before plunging upside down into Alexandra Canal.

The Coroner concluded it as a tragic misadventure, possibly caused by a moment of carelessness or distraction by the mother who had stepped on the accelerator accidentally. After the car plunged into the water, the daughter suffered a severe neck injury, and it was possible that the mother had remained in the car to help her daughter escape. Unfortunately, both drowned.