

DESMOND FATALITY INQUIRY

Media Protocol

1) General Information

Fatality inquiries are governed by Nova Scotia's [Fatality Investigations Act](#). The Inquiry is an independent and impartial judicial proceeding.

The Hon. Warren K. Zimmer, Judge of the Provincial Court and the presiding Judge for the Desmond Inquiry, acknowledges that like any courtroom in Canada, transparency and openness will be guiding principles throughout the Inquiry proceedings. The Judge also acknowledges that members of the media, as representatives of the public, have a right to timely access to information presented throughout the Inquiry. Openness and access will be the rule, except in instances when Judge Zimmer deems it necessary to limit access.

In Nova Scotia, the Judiciary has worked with the media to develop [Guidelines for Media and Public Access to the Courts](#). That document is a guide to the statutes and regulations, the current case law, and the rules, directives and policies of the Nova Scotia Courts.

The Media Protocol for the Desmond Inquiry is largely based on the approved practices and policies included in those guidelines. However, any disputes regarding access will be subject to Judge Zimmer's discretion.

2) Inquiry Website

The official website for the Desmond Inquiry is www.desmondinquiry.ca. Staff will update the website to include any new webcasting video, documentary (paper) exhibits or notices to the media. Transcripts of the proceedings will be uploaded as they become available.

3) Webcasting

To increase access, Judge Zimmer is allowing a live webcast of the Inquiry proceedings, subject to instances when he deems it necessary to limit access. The live feed and archived footage will be available on the Inquiry website. All the webcast video is subject to the [Courts of Nova Scotia Copyright Policy](#).

Webcasts of the Inquiry proceedings may not be broadcast or re-broadcast by embedding them in another website or by any other means. However, portions of the webcasts (audio and video) may be re-broadcast as part of conventional news coverage. Hyperlinks to the live webcast page and the page of archived videos on the Inquiry website are permitted.

4) Media Requests for Information

Media requests for information regarding witnesses, exhibits or the Inquiry proceedings can be made to Allen Murray, Q.C., Inquiry Counsel, at Allen.Murray@courts.ns.ca, Shane Russell, Inquiry Counsel, at Shane.Russell2@courts.ns.ca or Elise Levangie, Judicial Assistant to Judge Zimmer, at Elise.Levangie@courts.ns.ca. Please copy Jennifer Stairs, the Nova Scotia Judiciary's Director of Communications, on those requests (stairsjl@courts.ns.ca).

Media requests regarding administrative matters can be sent to the main email address at desmondinquiry@courts.ns.ca. Responses to these requests may be delayed while the Inquiry proceedings are in session.

Judge Zimmer will not do media interviews at any point during the Inquiry process. Media may quote his remarks during the proceedings or from the written transcripts. The Judge's comments, and those of other participants in the Inquiry, may be broadcast (video and audio) when using the official Inquiry webcast footage only. Broadcasting is subject to any publication bans or other orders from the Judge.

5) Exhibit Access

Media and the public may have access to exhibits that have been properly admitted as evidence during the Inquiry proceedings. Judge Zimmer may restrict what the exhibits may be used for (i.e. make them available for inspection but not for publication or broadcast). If the Judge allows full access, those making the request will be allowed to view, photograph or take video of the exhibits. Electronic versions of documentary (paper) exhibits will be uploaded to the Inquiry website.

6) Media Interviews, Recording and Photography

Members of the media are asked to conduct interviews in a way that does not obstruct traffic inside the courthouse at 15 Kennedy St., Port Hawkesbury, N.S. Media are not permitted to take photographs or operate recording devices (video or audio) in a way that obstructs the entrances to the courthouse.

Interviews should not be conducted in the hearing room. If members of the media want to conduct interviews in the hearing room, this must first be approved by Judge Zimmer, through his Judicial Assistant, Elise Levangie. In assessing the request, the Judge will need to ensure that such activity does not interfere with the hearing schedule.

Subject to the prohibitions outlined in the *In-Camera* Hearings section below, members of the media may record audio of the Inquiry proceedings for note-taking purposes only, if the activity does not disrupt the proceedings. The recorded audio cannot be used for broadcast purposes. Video recording and still photographs are prohibited during the proceedings. However, sketch artists can document the proceedings by hand or using electronic illustration software.

7) Social Media

Members of the media are permitted to use smart phones and other electronic devices to receive and transmit general text only, if it does not interfere with the proceedings or the hearing room's recording system. Subject to any publication bans, media may also transmit information about the Inquiry proceedings while the proceedings are underway, for publication and by any means (including Twitter, texting, email, etc.), unless Judge Zimmer orders otherwise. Transmitting photographs, video or audio from inside the proceedings is prohibited.

8) In-Camera Hearings

Members of the public, including the media, are welcome to attend all sessions of the Desmond Inquiry, except in those circumstances where legislation requires or Judge Zimmer orders that a proceeding, or part of a proceeding, be held *in-camera* (without the public and media present). Transcripts of *in-camera* matters will not be posted on the Inquiry website and will not be made available to the public or media, unless determined otherwise by the Judge.

9) Wi-Fi Access

Wi-Fi access will be available to members of the media and the public throughout the Inquiry proceedings.

10) Hearing Hours and Schedule

The hearings will generally be conducted on Tuesday through Friday, starting at 9:30 a.m. and concluding by 4:30 p.m. The hearing and witness schedule will be tentative and may change due to issues such as availability of witnesses and counsel and the duration of the hearing.

11) Additional Information

For any requests for information not covered in this document, please refer to the Inquiry's Rules of Procedure on the Inquiry website.