

DEPARTMENT OF JUSTICE INCIDENT REVIEW SUMMARY

Introduction:

This review is a summary of the circumstances surrounding a disturbance at the Cape Breton Correctional Facility on August 3, 2011.

Considerations:

The review considered:

- The actions taken in response to the incident
- Whether all applicable policies and procedures/standard operating procedures were followed

Facts:

At approximately 11:30 p.m. on August 3, 2011, three offenders were involved in initiating a disturbance at the Cape Breton Correctional Facility. Two offenders did not want the television turned off for the evening and attempted to incite other offenders to cause property damage. Only one other offender involved themselves in the disturbance.

Over a two-hour period, correctional staff attempted to de-escalate the situation through verbal intervention.

The situation escalated. Specifically three offenders

- caused damage to institutional property
- activated the institutional sprinkler system which resulted in flooding in the immediate area
- made threats against staff
- displayed make-shift weapons.

Other offenders remained quiet and did not get involved in the situation. No other areas of the correctional facility were adversely impacted by this disturbance.

The superintendent, and additional staff needed to form an emergency response team, arrived at the correctional facility starting at approximately 1:00 a.m. on August 4, 2011.

Cape Breton Regional Police Services were on-site but were not required to intervene. Emergency Health Services (EHS) paramedics were also on-site.

At 2:30 a.m. on August 4, 2011, correctional officers used physical force with one offender and conducted energy weapons (CEWs) with two other offenders to bring the situation under control.

After the incident was resolved the paramedics assessed the offenders and determined there were no injuries to them as a result of the use of force, including the use of CEWs.

No staff were injured.

By 3:00 a.m. on August 4, 2011, all other offenders in the affected area were transferred to other areas of the facility and the scene was secured.

Regular operations in all other areas of the Cape Breton Correctional Facility resumed at 8:00 a.m. on August 4, 2011. Cleaning and repairs to the affected area were completed and regular operations resumed in that area at 1:00 p.m. on August 5, 2011.

Findings:

There was no evidence of conflict between the offenders, or between offenders and staff, prior to the start of this disturbance.

There was no evidence that the offenders were under the influence of intoxicants or drugs at the time of this disturbance.

The use of force response, including the use of CEWs, was necessary to restore operational control within the correctional facility given the repeated, but unsuccessful attempts by officers to de-escalate the situation using verbal skills.

The use of physical force and the deployment of the CEWs were in compliance with policies and procedures. Secondary reviews by the Department of Justice Use of Force Manager and by the Department of Justice Training Manager/CEW Master Trainer were completed and determined that officers acted appropriately and in accordance with their training and with operating standards.

Staff acted in accordance with all other policies, procedures and operating standards for this situation including

- activation of additional internal and external resources
- involvement of Cape Breton Regional Police Services personnel
- involvement of Emergency Health Services personnel

FOLLOW-UP ACTIONS AS A RESULT OF THE REVIEW

No specific follow-up actions by Correctional Services were required.

Criminal charges have not been laid against any of the offenders to date. Cape Breton Regional Police Service continues to review this incident.

ADDENDUM (December 16, 2011)

Criminal charges were subsequently laid against two individuals.

On December 13, 2011 one of the accused received a sentence of three month concurrent. This sentence will be served at the same time as a separate nine month sentence for an unrelated offence that this person also received that day. The court also imposed a one year probation order to follow the nine month sentence, and a restitution order requiring the offender to pay \$653.00 to the Cape Breton Correctional Facility.

ADDENDUM (October 25, 2012)

On October 11, 2012 a second accused in this matter please guilty to and was sentenced to four months in custody for unlawful assembly and mischief (Obstructs or interferes with the lawful operation of property). This sentence is in addition to a two week sentence for unrelated offences that this person also received that day. The offender will also be subject to a one year probation order following the custodial sentence.

ADDENDUM (July 19, 2013)

On July 9, 2013 the third and final accused was sentenced to an eight month conditional sentence.