

**DEPARTMENT OF JUSTICE
INFORMATION ON INCIDENT REVIEW**

Introduction:

This review focused on circumstances surrounding the escape of Marc Joseph Pellerin from Sheriff Services on December 4th, 2015 at Truro, Nova Scotia.

Considerations:

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

Issue:

While being transported from the Southeast Regional Correctional Center (SRCC) in Shediac, New Brunswick to Central Nova Scotia Correctional Facility (CNSCF) in Dartmouth in order to appear in court in Halifax, offender Marc Joseph Pellerin escaped from Sheriff Officers during a transfer between Sheriff vehicles at Truro, Nova Scotia.

Facts:

October 22 2015

Pellerin was admitted to the Southeast Regional Correctional Center in New Brunswick for court appearances in that province.

December 04th 2015 15h00

Nova Scotia Deputy Sheriffs arrived at the SRCC to transport Pellerin to the CNSCF for court appearances in Halifax.

December 04th 2015 15h25

A video review at SRCC confirmed that Deputy Sheriffs had applied restraints to Pellerin's wrists and ankles. Pellerin was escorted to the Secure Transport vehicle and placed inside. The vehicle was a four-wheel-drive vehicle, used because of road conditions on that date.

December 04th 2015 17h35 (approximate)

Deputy Sheriffs arrived at the Truro Justice Centre and met with another team of Deputy Sheriffs from Halifax, to transfer Pellerin from one secure vehicle to another to continue on to Halifax. There were two other prisoners onboard destined for Dartmouth. A discussion occurred between Deputy Sheriffs respecting the late transfer.

December 04th 2015 17h38.50

One Deputy Sheriff opened the secure door of the secure transport vehicle which held Pellerin.

December 04th 2015 17h38.58

Pellerin jumped from the side door landing approximately one foot from the vehicle. All the Deputy Sheriffs were in close proximity to the door when it was opened.

December 04th 2015 17h38.59

Pellerin immediately ran towards the rear of the vehicle and towards the neighbouring street. Three Deputy Sheriffs chased him on foot.

December 04th 2015 17h39.03

Pellerin reached the edge of the Truro Justice Centre parking lot (approximately 50 feet from the Secure Transport Vehicle). At this point, Pellerin was approximately 15 feet in front of one of the Deputy Sheriffs in pursuit.

December 04th 2015 17h39.22

One of the Deputy Sheriffs that was in pursuit on foot returned to Secure Transport vehicle and pursued Pellerin in that vehicle.

December 04th 2015 17h39.38

The second Deputy Sheriff that was in pursuit on foot returned to the second Secure Transport Vehicle and pursued Pellerin in that vehicle with the fourth Deputy Sheriff.

December 04th 2015 17h45

Deputy Sheriffs notified Shubie Dispatch (who monitor Sheriff Services radio transmissions) of the incident and requested Truro Police to respond to the scene to assist in the pursuit.

December 04th 2015 17h50

Truro Police arrived on scene and were provided a situational update by Sheriff officers. A K9 unit from Antigonish was summoned but was unsuccessful in locating offender Pellerin.

December 07th 2015

Offender Pellerin was apprehended by police. Leg restraints were later recovered after his arrest and secured as evidence by Millbrook RCMP during their investigation.

December 31st, 2016

Pellerin was sentenced to one month consecutive to other charges he was facing for this offence of escaping lawful custody.

Offender Threat Risk Assessment:

- The practice of Deputy Sheriff transport officers is to check all prisoners the day before the transport. Pellerin was a late addition on the day of the escape and a risk assessment was not completed on him.

Offender Transfer Protocol:

- Deputy Sheriffs are trained to physically assist offenders into and out of any Secure Transport Vehicle to prevent possible injuries to offenders who are wearing restraints and to maintain control over them. It is not specified if it is the responsibility of the delivering Deputy Sheriffs or the receiving Deputy Sheriffs to carry out this task.

- All Deputy Sheriffs involved were aware that the best practice is to physically assist individuals from the vehicles as they are in restraints, and to remain physically in control of the individual until they are placed in another secure vehicle or facility.

Findings:

- A Threat Risk Assessment was not completed for Marc Pellerin. Deputy Sheriffs transporting Pellerin from New Brunswick to the Central Nova Scotia Correctional Facility were unaware of his previous 2015 escape from Halifax Regional Police Services and attempted escape from custody at the Central Nova Scotia Correctional Facility.
- A Deputy Sheriff applied restraints to Pellerin at the Southeast Regional Correctional Centre prior to departure, in compliance with Sheriff Services Standard Operational and Administrative Policy and Procedure.
- The transferring of offenders from one Secure Transport Vehicle to another Secure Transport Vehicle at the Truro Justice Centre has been approved by the Sheriff Services division.
- Video review of the incident at Truro confirmed two Deputy Sheriffs were one foot away from offender Pellerin as he exited the Secure Transport vehicle. Another Deputy Sheriff was two feet from Pellerin and the fourth Deputy Sheriff was five feet away.
- In spite of their close proximity, Deputy Sheriffs were not tactically positioned to prevent Pellerin from escaping custody.
- Deputy Sheriffs failed to ensure Pellerin's leg and wrist restraints were present prior to unlocking the secure compartment of Secure Transport Vehicle at Truro. This was not in compliance with Sheriff Services Standard Operational and Administrative Policy and Procedure.
- Deputy Sheriffs did not maintain care and control of Pellerin as he exited Secure Transport Vehicle by gripping Pellerin's upper arm. This was not in compliance with Sheriff Services training protocols.
- Although the cuffs were properly applied, Pellerin was able to slip his hand free from one of the handcuffs during transport from the Amherst Justice Centre to the Truro Justice Centre then was able to break a link on the chain connecting the two high-security leg restraints that remained secured to his ankles. They should not have broken.
- Once Pellerin escaped custody, Deputy Sheriffs communicated the incident to Sheriff Service's managers and local law enforcement in compliance with Sheriff Services Standard Operational and Administrative Policy and Procedure.
- The Trunking Mobile Radios available to Deputy Sheriffs during critical incidents of this nature were ineffective. One radio was clipped in the middle console of one of the Secure Transport Vehicles. Another Deputy Sheriff's radio did not function as the battery was not charged. The third Deputy Sheriff did not have a TMR radio. The fourth Deputy Sheriff had a portable TMR radio on his person and a second radio as part of his vehicle's standard communication equipment.
- The CCTV system in the Secure Transport Vehicle was reported on November 16th 2015 as malfunctioning. Deputy Sheriffs could not utilize this system as a primary method to observe persons in custody. Failure to repair this CCTV system was not in compliance with Sheriff Services Standard Operational and Administrative Policy and Procedure.

FOLLOW-UP ACTIONS AS A RESULT OF THE REVIEW

Risk Assessment:

The revised Risk Assessment policy which was under development at the time of the incident was put in place in December. A further directive will be put in place to ensure that late additions to the transport list are properly risk assessed prior to the transport occurring.

Training:

Sheriff Services will review the incident to determine that proper loading and unloading procedures and tactics are emphasized in the training curriculum.

Policy:

Policy is in place requiring officers to have prisoners show them intact restraints before transport vehicle doors are opened. This will be reinforced with all Sheriff Officers, an in particular those officers involved.

Policy is being revised to ensure that officers on transport have working TMR radios available, one per officer and worn while on duty.

Current policy includes the requirement for staff to report defects in the vehicle that need correction such as CCTV equipment. The policy is being reviewed to determine adequacy and specific responsibility for ensuring that defects are remedied. The policy will include a requirement for daily check sheets to be audited by Supervisors with clear accountability on reporting defects, taking vehicles out of service or issuing other instructions to staff.

Equipment:

The leg restraints will be sent back to the manufacturer for them to investigate and examine to determine if improvements are required.

In addition to action noted above, the follow up actions are being assigned to the Sheriff Transport Manager to review and provide any further recommendations respecting policy.