

SEPTEMBER 6, 1995 — NICHOLAS COTTRELLE IS
TRANSPORTED BY FOREST AMBULANCE TO
STRATHROY HOSPITAL

**16.1 OPP's Contact with Ambulance Dispatcher and Forest
Ambulance Prior to Injuries Sustained by the Occupiers**

Malcolm Gilpin owned and operated the Forest Ambulance Service in 1995. It served the Town of Forest as well as the towns and villages of Watford, Glencoe, and Bothwell.

Mr. Gilpin had six full-time ambulance attendants in 1995. He and his staff were Level I Qualified Providers or P1 paramedics. P1 paramedics have the skills to provide basic life support; they can perform CPR, administer oxygen, and take a person's blood pressure. They can apply splints and are trained in defibrillation.

The Forest Ambulance attendants clearly did not have the skills to administer an intravenous or intubate a patient, nor were they qualified to administer cardiac or controlled drugs to patients they transported to hospital. These are the skills of advanced care or P2 paramedics.

There were no P2 paramedics in either Forest or Strathroy in 1995. Sarnia may have been the closest centre that had advanced paramedics. Sarnia was a thirty-five minute drive from Ipperwash. The next closest area offering P2 paramedics was the City of London, about an hour's ride from Ipperwash Park.

In 1995, Ministry of Health ambulances carried a semi-automatic defibrillator to monitor the rhythm of the heart and to deliver shock, if necessary, to a patient. Medical equipment to administer oxygen and to measure a patient's blood pressure were also carried in provincial ambulances, as well as C-collars and fracture boards.

OPP Sergeant Reid contacted ambulance dispatcher Geoffrey Connors at the Wallaceburg Ambulance Communications Centre on September 6, 1995, shortly before 9:00 p.m. Sergeant Reid requested that one ambulance be placed on standby for the situation at Ipperwash. Mr. Connors then called Malcolm Gilpin at his home, and told him about this request. Mr. Gilpin agreed to call his partner, paramedic Cesare DiCesare, to meet him at the Forest Ambulance Station.

At 9:32 p.m., Sergeant Reid again called Mr. Connors and asked for two ambulances to be dispatched to the OPP checkpoint at Ipperwash Road to stand by. Paramedics John Tedball and Mark Watt were contacted and asked to come to the Ambulance Station.

By 9:41 p.m., paramedics Tedball and Watt were en route to Ipperwash in ambulance 1146. Following closely behind them were paramedics Gilpin and DiCesare in ambulance 1145.

The ambulances drove to the OPP checkpoint at the corner of Ipperwash Road and East Parkway Drive. They were told to proceed to the Ministry of Natural Resources (MNR) parking lot, and they arrived there before 10:00 p.m. The paramedics saw a number of police cruisers and OPP officers in the MNR parking lot. The officers had “long guns” and were dressed “in protective gear” — fatigues, helmets, and other equipment.

According to Mr. Gilpin, Staff Sergeant Wade Lacroix approached the paramedics and told them to remain on standby in the event that ambulance services were needed. Staff Sergeant Lacroix explained that First Nations people had damaged an OPP cruiser as well as another vehicle and had erected barricades. The OPP, he said, did not intend to remove the Aboriginal people from the park.

Staff Sergeant Lacroix asked Mr. Gilpin and the other paramedics if they had brought protective gear. He seemed surprised that the four men were wearing ambulance uniforms without bulletproof vests. As paramedic John Tedball said, Staff Sergeant Lacroix was “surprised the way we were dressed. He asked if we had any body armour and we said no.” These comments made Mr. Tedball anxious.

OPP medic Ted Slomer approached them and asked about their skill level: did the Forest attendants have the training to use MAST trousers, intubate a patient, or administer IV therapy? MAST, or medical anti-shock trousers, apply pressure to a patient’s legs and lower extremities to help direct blood flow to the abdominal area. It is essentially an emergency procedure to increase blood pressure in the upper part of the body. One could lose a significant amount of blood in a gunshot wound and one’s blood pressure could be dangerously low as a result of the blood loss.

The application of MAST trousers is a Level II Qualified Provider or paramedic level 2 skill. The Forest paramedics made it clear they did not have the training to use MAST trousers, intubate a patient, or administer major drugs or IV therapy. This is advanced first aid. Mr. Gilpin surmised that the OPP medic was an advanced level paramedic. In fact, Ted Slomer was certified only as a level 1 paramedic. He was also a Registered Nurse with experience in critical care.

As Dr. Elizabeth Saettler (a physician at Strathroy Hospital) said in her evidence, if the police asked the ambulance attendants about the availability of

MAST trousers, “they had an expectation that there might be serious vascular trauma, as one might expect from gunshot wounds ... I don’t think that there were adequate arrangements to deal with that type of injury ... I don’t think there was adequate preparation from a medical perspective.” Dr. McCallum, an expert in emergency medicine who testified at the hearings, discussed the importance of pre-event planning by the police with local medical centres and emergency providers in advance of a police operation such as Ipperwash.

OPP medic Ted Slomer made it clear that the Forest ambulance staff would not go to the park site but would remain in the MNR parking lot. Slomer himself would attend to the casualties and injured persons at the park, who would then be transported to the parking lot by a Suburban vehicle. It was too dangerous for the paramedics to be in the park area, particularly because they did not have protective gear.

Malcolm Gilpin asked an OPP officer to demonstrate how their protective gear could be removed in the event of an injury. The officer showed him how to dismantle the helmet, the forearm gear, and other protective equipment worn by the OPP officers that evening.

At 10:37 p.m., Mr. Gilpin contacted the Wallaceburg Ambulance Communications Centre to brief them on his conversations with the police. The proximity of Strathroy Hospital to Ipperwash Park was discussed. It was agreed that both Strathroy Hospital and Sarnia Hospital should be notified of possible incoming casualties.

The Forest Ambulance attendants remained on standby in the MNR parking lot.

The Forest Ambulance attendants considered themselves to be under the direction of the OPP. They had little information about the police operations that night, nor did they understand why these plans were being executed in the darkness.

Prior to September 6, 1995, senior members of management from the Wallaceburg Ambulance Communications Centre, as well as the owner/operators of ambulance services in North Lambton and the regional office in London and head office in Toronto dealing with the Ministry of Health, developed a contingency plan concerning the possible need for extra ambulance resources. Unfortunately, while dispatchers and paramedics on duty on the evening of September 6, 1995, may have been aware that there was such a contingency plan, they had not been briefed about the plan, and they did not have access to it that night.

It was at approximately 10:30 p.m. that the paramedics saw about thirty to forty OPP officers dressed in “riot gear” leave the MNR parking lot. The police walked in formation in the direction of Ipperwash Park. At 10:58 p.m., Mr. Gilpin

radioed Wallaceburg Ambulance Communications Centre and asked that a third ambulance with staff be placed on standby.

16.2 Popping Noises: Ambulances Dispatched to Highway 21 and Army Camp Road to Transport Nicholas Cottrelle to Hospital

Cesare DiCesare and the other Forest paramedics heard “a series of popping noises in rapid succession.” “Not being a hunter,” paramedic Mark Watt did not know whether the “pop, pop” sounds were gunshots.

As mentioned, sixteen-year-old Nicholas Cottrelle, who was in the school bus outside the park, felt a burn in his back after he heard gunfire and the bus windows shatter. Nicholas hunched down and tried to back the bus into the park. Assisted by his father Roderick George (“Judas”) and other First Nations men, the dumpster obstructing the path of the bus was moved and Nicholas was guided back toward the park.

Roderick George met up with his son at the park store and noticed a bloody spot on Nicholas’ shirt on his right upper back in the shoulder area. When he lifted his son’s shirt, he saw a “hole big enough I could have put my finger in it ... [A]s far as I was concerned at that point, it was a bullet wound.” Nicholas complained of pain in his lower left side, which his father described as a large graze with “white liquid coming out of it.”

Roderick George instructed his son to get into his car, a blue Trans Am. He asked a fellow occupier to telephone an ambulance from the park store to meet them at the gates to the built-up area. Roderick did not think ambulance attendants would come to the park “knowing that somebody got shot.” He took his son to the main gate: “[I thought] we’d have a better chance of getting him to a hospital quicker from that point.”

His wife Gina George was at home with their daughters. Gina had returned to the built-up area after seeing Dudley’s limp body moved from Robert Isaac’s vehicle to Pierre George’s car. She watched the panic and commotion as Dudley’s siblings Carolyn and Pierre left for the hospital.

Concerned that her husband, Roderick, and her son, Nicholas Cottrelle, might also be hurt, Gina George decided to drive to the park. As she was preparing to leave, Marlin Simon arrived at her house and said Roderick needed her at the gate of the army camp.

When Gina George arrived at the main gate of the army camp, she saw Nicholas in the passenger seat of the Trans Am. Roderick told his wife that their son had been shot. Gina saw a “hole in his back the size of my husband’s finger.” She also saw a “graze” on the side of Nicholas’s back. Roderick suggested

that she drive to the intersection of Army Camp Road and Highway 21 to get an ambulance for their son.

As Gina George pulled up to the police cruisers at the intersection, she was surprised that she did not see any OPP officers. As she got out of her car, “several police jumped out of the ditch, pointing guns” and ordered her to “raise [her] hands in the air and get down on the ground.” The guns were long and looked like rifles. Gina put her hands in the air but refused to lie on the ground: “I didn’t do anything wrong. I was looking for an ambulance for my son.”

Sergeant Slack was in command of the OPP checkpoint near the corner of Highway 21 and Army Camp Road. At 11:06 p.m., minutes before Gina’s arrival at the checkpoint, Sergeant Slack and the other officers manning the checkpoint had heard shots fired from the area of Ipperwash Park. The shots were also heard over officers’ radios.

Sergeant Slack was extremely concerned about the safety of officers at the checkpoint, and ordered them to take positions in the ditches along Highway 21. From these positions, Sergeant Slack and the other officers saw Gina George’s car approaching.

Sergeant Slack testified that he did not know the intentions of the driver of the approaching vehicle, and therefore ordered some of his officers out onto the highway to “clear” the vehicle for weapons, and to determine the purpose of the vehicle’s approach.

After the officers were assured there were no weapons in Gina George’s car, Sergeant Slack came out of the ditch and spoke to her. Gina George told the police her son had been shot and needed an ambulance. Sergeant Slack told her that he could not send an ambulance into the army camp. Although he did not give Ms. George an explanation, Sergeant Slack’s refusal was based on the instability of the situation and the fact that an apparent “gunfight” had taken place minutes before. Gina George was upset and very anxious:

When you want an ambulance, people usually get you one. If you ask for an ambulance, if you go and ask somebody to call 911 or get you an ambulance, people don’t usually ask you why or why should we get you one, or I don’t know if I can get you one ...

I knew they could get me one because they had a radio in that car and they had ambulances parked all over the place, including down at that park ... So they can’t tell me that they couldn’t get me an ambulance. I knew damn well they could get me one and I didn’t want to be questioned as to why should I need one or why shouldn’t they get me one or any other words.

After about a five-minute exchange, the OPP officers told Gina George she must bring her son to Highway 21, which was a short distance from the entrance to the army camp, to have an ambulance transport him to hospital.

After Ms. George returned to the army camp, Sergeant Slack radioed a request for an ambulance for Gina's son. Two ambulances were directed from the MNR parking lot toward Army Camp Road and Highway 21.

Gina George returned to the main gate of the barracks, conveyed the information to her husband, and got into the Trans Am to drive Nicholas to the intersection of Army Camp Road and Highway 21. Roderick George suggested that his sister Tina George accompany them as a precautionary measure, "to be a witness." Roderick was fearful of the police. He testified that he had his wife and sister approach the OPP officers to get an ambulance for his son because he felt anxious about his physical safety after the confrontation with the police. Roderick George had seen the police beat Cecil Bernard George in the sandy parking lot, he had heard the shots fired by the police, and he had watched Dudley George fall to the ground after a bullet hit him.

Tina George had also witnessed some highly tense and emotional moments. She had watched Pierre and Carolyn George depart for Strathroy Hospital with their seriously wounded brother lying limply in the back seat. She had also seen Marcia Simon and Melva George leave the army camp in search of an ambulance.

When the two women and Nicholas reached the intersection of Army Camp Road and Highway 21, Gina George testified that police officers jumped out of ditch, "pointed guns at us and said ... 'You bitches ... put your hands in the air and get away from that car. All three of [you] out of that car.'" Nicholas was also frightened:

We stopped and just out of nowhere there's all these cops come flying out of the ditch, they had rifles, telling us to put our hands up and [they] kept circling the car and my mother was screaming at them, "[D]on't shoot."

The two Aboriginal women put their hands up, but Gina George refused to move her son out of the car. Nicholas had a back injury and she was worried that movement could result in possible spinal damage.

Although OPP officers testified that the police shouted at the women to get out of the car and pointed their rifles at them, the officers did not recall yelling profanities at Tina or Gina George.

Tina George screamed at the officers that they may have "killed somebody and injured a couple [of] minors." She also yelled profanities and told an OPP

officer that his “gun was the devil’s right hand.” Tina was furious that the officers continued to point their guns at her and her sister-in-law Gina — she “knew that Dudley was shot” and believed Nicholas had also been hit by OPP bullets.

16.3 Forest Paramedics Hide in Ditch

It was at approximately 11:11 p.m. that OPP medic Ted Slomer asked the Forest paramedics to respond with the two ambulances at the intersection of Highway 21 and Army Camp Road. He said there were two injured persons with possible gunshot wounds. Mr. Gilpin immediately notified Wallaceburg Ambulance dispatch, and within five minutes, the ambulances arrived at the intersection and pulled up to the police cruisers parked on the south side of the highway.

The paramedics saw a car on the north side of Highway 21 as they approached the intersection. Two TRU team officers were pointing rifles at two Aboriginal women who had their hands in the air. This clearly caused the paramedics anxiety. An officer instructed the four of them to climb into the ditch beside the ambulances, as the area was not safe.

Gina George saw the ambulances and paramedics on the opposite side of the road. She was anxious and upset that they did not immediately attend to her son, and she was angry at the police for preventing the ambulance attendants from discharging their duty to care for injured persons:

... usually when an ambulance shows up, they’re right there ready to do their jobs and they were being prevented from doing their job ...

I was upset ... because it seemed like they weren’t being allowed to come across the road for quite some time ... It just seemed like it was a very long time ...

Gina said fifteen minutes passed from the time she first asked the police to call an ambulance until she saw the ambulance lights approach the intersection of Army Camp Road and Highway 21. And when the ambulances finally arrived, the OPP did not allow the paramedics to treat and transport her sixteen-year-old son to the nearest hospital.

But as paramedic John Tedball said in his evidence, when paramedics respond during an incident, it is standard protocol for the paramedics to stay back at a distance until the scene is clear and the police instruct them to come forward.

The paramedics heard shouting and profanities uttered by the women, but they could not decipher the precise words exchanged between the officers and Tina and Gina George. The four paramedics crouched in the ditch for a short time,

about two minutes, before the OPP permitted them to cross the highway to medically assess and transport the injured. They unloaded their stretcher and other first aid equipment. The two Aboriginal women remained standing with their hands up and the officers continued to point their rifles.

A male teenager, Nicholas Cottrelle, sat in the car. An OPP officer told the paramedics the young man had a possible gunshot wound. When paramedic Mark Watt asked the patient what had happened, Nicholas Cottrelle said he had been shot in the back. The paramedics cut off his shirt and saw “a puncture wound on his right posterior back ... about the size of a pen” between his ribs. There was also an abrasion on his left flank. Mark Watt had never seen a bullet wound.

The paramedics did a quick assessment. Nicholas was alert, his respiration was stable, and he had good skin colour. Watt and his colleagues bandaged the wound. They stabilized his neck with a C-collar and carefully lifted him onto a spinal board, taping his head with towel rolls. This precaution was taken because the wound was close to his spine and the paramedics did not know the full extent of the boy’s injuries.

At approximately 11:30 p.m., paramedics Malcolm Gilpin and Cesare Di-Cesare were dispatched to 6840 Nauvoo Road (the Veens’ home). Unbeknownst to them, Dudley George had arrived in a car with a flat tire in the driveway of the Veens’ home with his brother, sister, and J.T. Cousins.¹ They then left the intersection of Army Camp Road and Highway 21.

The OPP officers continued to point their guns as the paramedics loaded Nicholas Cottrelle into the ambulance. Gina George said she was Nicholas’ mother and asked to accompany her son in the ambulance to the hospital — she was refused:

And I said, “What do you mean, I can’t go with him? He’s just a child. You just can’t take away my child and not let me go.” And they said, “No, you’re not going with him.” ... They still had the guns pointed at us when they told me I couldn’t go ... What was I supposed to do? Run across there and have them shoot at me, too, or have them assault me in front of my son? I wasn’t going to do that.

Mark Watt testified that “the last thing he needed” in the back of the ambulance was an agitated mother interfering with his focus on the patient, and that only in exceptional circumstances would a parent be allowed in the back of the ambulance to accompany their child to the hospital. Nicholas Cottrelle was

¹ Dudley George’s trip to Strathroy Hospital and their stop at the Veens’ home as a result of a flat tire are discussed in Chapter 18.

sixteen years old. He had just been involved in a terrifying confrontation with the police, in which gunshots were fired by members of the OPP at the occupiers. The paramedics and police could have displayed some compassion and could have either allowed Nicholas' mother, Gina, to accompany him to the hospital, or suggested that she follow the ambulance to Strathroy.

Gina George found it "strange" that the paramedics did not ask her any questions either about Nicholas' medical history or his injuries. As she said at the hearings, they generally ask, "how old is your son," or "how is [his] general health ... allergies, that type of thing, and none of that was asked." In my view, it is important that police officers ensure that information from family members or others about the circumstances of the injury and the medical history of the patient be conveyed to medical personnel who transport and treat the patient. This is also discussed in the following chapters.

Paramedic Mark Watt and OPP Constable David Boon entered the rear of the ambulance. The Forest Ambulance left the site at about 11:39 p.m. The attendants had been at the intersection of Highway 21 and Army Camp Road for about twenty-three minutes.

Nicholas Cottrelle was frightened as the ambulance left the area:

... [T]hey put me in the ambulance with this cop ... and took me off without saying where I was going [and I] didn't know what was going on with my mother, the rest of the family.

In the ambulance, Nicholas "was thinking a lot of things but mostly [he] was thinking if [he] was going to see anybody again."

Roderick George and his wife Gina sat in the gatehouse of the army camp worrying about their son and the other Aboriginal people injured in the police confrontation. They listened to the radio for the latest developments because they did not have a telephone at their home. Gina George sat there in the early hours of the morning of September 7:

... [I was thinking] about my son being taken to the hospital by himself and I wanted to go and I wanted to know how he was. And my husband and I sat in that gatehouse for a long time listening because we didn't have a phone. We had the radio on and at some point, one of the radio stations said there had been shootings and that there was two fatalities.

And I became very concerned because I knew that Dudley was one of the ones who had been shot ... I kind of knew even from looking at

him that it was a fatal gunshot wound and I didn't know who the other fatality was.

And all I knew was that my son was gone and they wouldn't let me go. I wanted so desperately to leave there, to be with my son.

16.4 The Ambulance Trip to Strathroy Hospital

Paramedic John Tedball drove the ambulance to Strathroy at Code 4 — at high speed with the siren on and the lights flashing. He left the intersection of Army Camp Road and Highway 21 at about 11:39 p.m. He was concerned that the patient in the ambulance had a gunshot wound — the extent of his injury was unknown.

Mark Watt assessed Nicholas Cottrelle during the journey. His pulse and respiration were stable. The paramedic administered oxygen to the patient. He did not see an exit wound for the bullet and was concerned about the patient's liver, spleen, and other major organs.

Nicholas, who told Mark Watt he was sixteen years old, was calm and co-operative on the ambulance trip to Strathroy. Recorded in Mr. Watt's dispatch call was the following: "16 years. Male. Lower posterior gunshot wound from a .223 rifle shell." Constable Boon had conveyed the information on the apparent gunshot wound to the paramedic.

During the ambulance trip, Constable Boon arrested Nicholas Cottrelle for mischief. Constable Boon testified that he advised Mr. Cottrelle of his rights to counsel and used the young person's caution regarding statements to the police. When Constable Boon asked Nicholas Cottrelle if he wanted to call a lawyer, Mr. Cottrelle replied, "[W]ell, obviously I can't right now." Constable Boon said that he advised Mr. Cottrelle that he was entitled to have a parent or guardian present during any questioning. Although paramedic Watt heard Constable Boon read Nicholas his rights, Mr. Watt could not remember whether the officer advised the sixteen-year-old that he had the right to have an adult or parent with him. This was the first time Mark Watt had transported a minor charged with a criminal offence. Nicholas Cottrelle had no recollection that the OPP officer read his right to counsel or told him that he could have a parent or guardian present during police questioning.

The ambulance arrived at Strathroy Hospital at approximately 12:06 a.m. The Forest Ambulance had travelled from the intersection of Army Camp Road and Highway 21 to the Strathroy Hospital Emergency Department in about twenty-seven minutes.

16.5 Patients from Ipperwash Begin to Arrive at Strathroy Hospital

Several staff at Strathroy Hospital, such as nurse Glenna Ladell, were not aware that First Nations people had occupied Ipperwash Park. It was shortly before 11:00 p.m. when Wallaceburg Ambulance dispatch notified the hospital that ambulances had been sent to the Ipperwash Park area, and that nurse Ladell and other staff learned of the possibility that injured persons would be transported to Strathroy Hospital. They were notified only minutes before Dudley George was shot.

Dr. Alison Marr, the emergency physician on call that night, was also not aware of the First Nations occupation. She learned of the possibility of casualties some time between 11:00 p.m. and 11:30 p.m. There were certainly no contingency plans in place at the hospital for the receipt of injured persons from the Ipperwash site.

When Jackaline Derbyshire, the nurse in charge of Strathroy's Emergency Department, started her evening shift, the information from Wallaceburg dispatch was relayed to her. Knowing there was a "bare bones" staff on the night shift, she contacted Marlene Bergman, the nursing supervisor for the hospital. Preparations were made to pull staff from other floors of the hospital if necessary. Some nurses, such as Glenna Ladell, remained on duty after her shift ended.

The London Ambulance dispatch contacted the hospital at about 11:40 p.m. Two patients with gunshot injuries were en route, one by ambulance and one by private vehicle.

Three people from the Ipperwash Park area arrived at the hospital after midnight, all within fifteen to twenty minutes — Nicholas Cottrelle, Cecil Bernard George, and then Dudley George. Nurses began to prepare the trauma room for the arrival of these injured people. IVs and other equipment were set up and patients were moved to other wings of the hospital. As nurse Derbyshire said, although medical staff did not know the particulars of the injuries, they decided to "prepare for the worst."

The London OPP informed the hospital at midnight that officers would be arriving shortly for security reasons. Nurse Derbyshire instructed staff to "chart meticulously," to restrict communications with patients to medical questions, and to refrain from engaging in social conversation. It was important to keep in mind, she said, that "possibly anything they were going to say or do that evening would become a legal issue."

Dr. Marr was surprised the hospital did not receive any details on the severity of the injuries prior to the arrival of the patients. She expected this information to be conveyed by the ambulance attendants while they were transporting

the patients to Strathroy. In my view, it is essential that police ensure that medical professionals who treat and who transport patients are aware of medically important information about the incident and about the patient who has been injured.

16.6 Arrival of Nicholas Cottrelle at Strathroy Hospital

The first patient to arrive from Ipperwash was Nicholas Cottrelle. Six or seven nurses were stationed at the emergency department as he was wheeled into the hospital at approximately 12:04 a.m.

Jackaline Derbyshire was surprised she had not received the particulars of Nicholas Cottrelle's injuries or his medical condition while the Forest Ambulance transported him to the hospital. It was standard procedure for ambulance attendants to be "patched" through to hospital emergency department medical staff to provide advance notice of the patient's injuries.

Nicholas Cottrelle was brought into the trauma room. This room had an operating table and accommodated three patients.

The ambulance attendants told the emergency physician and nurses that Mr. Cottrelle might have sustained a gunshot wound on the right side of his back in a confrontation with the police. He had been fully alert during transport and his blood pressure and pulse had been stable. It does not appear that an OPP officer communicated with hospital staff to convey information to Dr. Marr on the possible source of the teenager's injuries.

In my view, when police officers arrest a person who has been injured, they should provide emergency personnel, such as paramedics, with information they have about how the injuries were caused so that this information can be conveyed to hospital staff. It is also important that ambulance attendants and police officers convey to hospital staff information on how the patient sustained his or her injuries. In Dr. Marr's opinion, this information should have been conveyed to medical staff at Strathroy Hospital.

The hospital medical staff conducted a medical assessment. The patient complained of pain on both his left and right sides. He said he heard gunshots immediately before he felt the pain. He was alert, oriented, and his respiration was stable. His blood pressure and pulse were within normal limits. A round wound one centimetre in diameter was visible on his right lower back. On the left side was a linear four-inch abrasion. There did not appear to be any fluid in his chest.

Dr. Marr's preliminary assessment was that Nicholas Cottrelle's injuries were not consistent with gunshot wounds. She said, "[O]ne would have expected if a bullet had gone through that location that he would be internally bleeding," he would "be in some respiratory distress," and "have an unstable vascular system, which he did not."

An intravenous line was inserted to prepare for the possibility that Nicholas Cottrelle's condition could deteriorate. X-rays of his chest and abdomen were ordered.

Dr. Marr had been attending to Nicholas Cottrelle for less than five minutes when Cecil Bernard George arrived by stretcher in the emergency department. Her attention turned to Mr. George as his medical condition appeared to be unstable.

Nicholas noticed the patient "was having a real hard time breathing." He said Cecil Bernard George was so badly beaten he "didn't even recognize him." Nurse Derbyshire decided to move Nicholas outside the trauma room as he seemed to be in stable condition.

In the following chapter, I discuss Cecil Bernard George's trip to the hospital and the medical treatment he received at Strathroy Hospital.

16.7 Police Presence at Strathroy Hospital

When the OPP arrived at Strathroy Hospital, they claimed their presence was necessary to ensure the safety of patients and staff. A rumour was circulating that First Nations people might attack the hospital or be disruptive. The officers decided to set up police communications in the patient registration area. They patrolled the hospital halls. Some officers remained outside the rooms of the First Nation patients who had been transported from the Ipperwash Park area.

Detective Constables Dew and Speck, Detective Sergeants Richardson and Bell, and a number of other police officers were ordered to attend at Strathroy Hospital by A/D/S/Sgt. Wright for the purpose of identifying the wounded people and to make arrests. Mark Wright explained:

Well, we had a vehicle and a number of individuals at the hospital, and I felt it prudent to get as many detectives to that scene as possible, as quickly as possible, so that they can deal with the situation that was unfolding. It was a very dynamic situation at that time. I really didn't have a whole lot of information with regards to what had taken place ... in regards to the confrontation, and I felt it prudent to get as many seasoned criminal investigators to the hospital as possible, as quickly as possible.

Detective Constables Speck and Dew arrived at the hospital at 11:48 p.m.

Detective Sergeant Richardson had instructed officers for security reasons to stay with Nicholas Cottrelle, Cecil Bernard George, and Dudley George when they arrived at the hospital.

Medical staff described the police presence at Strathroy Hospital as intimidating, distracting, excessive, and fear-mongering. Doctors and nurses saw police officers dressed in “body armour” and “riot gear ... quite obviously prepared for violence.”

Both Dr. Marr and Dr. Saettler found it disruptive and disconcerting to have the police in the hospital, particularly dressed in that attire. The tense atmosphere was clearly not conducive to the medical care of patients. According to Dr. Saettler:

... [T]hat degree of police presence was excessive and ... somewhat intimidating. I have not encountered that sort of police presence in the hospital on any other occasion.

Having the police “walking around in body armour and patrolling the halls ... was a very strange situation,” said Dr. Saettler. She thought it was an “overreaction” and “sort of fear-mongering on the part of the police to justify their presence there.” Police officers were also seen outside the room of Cecil Bernard George and Nicholas Cottrelle. Dr. Saettler thinks the CEO of Strathroy Hospital asked the police to either reduce the number of officers or eliminate their presence as it interfered with the functioning of the hospital.

16.8 Presence of Foreign Particle in X-Ray of Nicholas Cottrelle

Nicholas Cottrelle had been stable at the hospital for forty minutes when Dr. Saettler reassessed him. She examined his wounds. The sixteen-year-old told her that he was in a vehicle at the time he heard gunshots and shattering glass. He said there were no guns in the vehicle and the gunshots came from ten to fifteen feet away. The teenager was conscious, lucid, and co-operative. Dr. Saettler agreed with Dr. Marr that his medical condition was not consistent with a major vascular injury and that he did not appear to have a life-threatening wound.

The physicians listened to his chest and reviewed his x-rays. The abdominal x-ray disclosed the presence of a foreign object:

There is a tiny triangular, possibly metal density projected in the right upper abdomen between 9th and 10th ribs. Apart from this, no abnormality is noted with no evidence of free air or major obstruction.

The ultrasound of his abdomen did not yield anything unusual — his liver, spleen, pancreas, kidneys, and gallbladder were normal.

It was decided that Mr. Cottrelle would be observed overnight in the hospital. Although he did not appear to have bullet wounds, Dr. Marr could not explain

the presence of a foreign substance in his body. The Strathroy emergency doctor planned to re-examine the x-rays the following day and repeat blood work to ensure there was no drop in hemoglobin from any internal bleeding.

Dr. Saettler returned to the hospital before departing on holiday and left instructions regarding Nicholas Cottrelle's ongoing care.

16.9 Gun Residue Tests Performed on Nicholas Cottrelle

OPP officers stood in the hallway and in Nicholas Cottrelle's hospital room. Exhausted from the night's events, Nicholas drifted in and out of sleep. Because of his mistrust and fear of the police, he fought to stay awake:

I was trying to stay awake ... I was still scared. I didn't trust them. I didn't trust police.

I didn't know what they were going to try to do to me ... so I was just trying to stay awake for as long as I could.

Despite his attempts to remain awake, Nicholas was not successful. In the early hours of September 7 at about 4:20 a.m., he woke up to find "cops all around [his] bed." His hand was wet and the police were rubbing something on it. He has no recollection of consenting to this gun residue test. Dr. Saettler or Dr. Marr did not know police officers were trying to extract gun residue from Mr. Cottrelle's hands.

Police officers took Mr. Cottrelle's clothes out of the garbage can and left.

Jim Kennedy and his partner from the Special Investigations Unit (SIU) tried to question Nicholas Cottrelle in his hospital room. Nicholas refused to engage in an exchange: "I told them I wasn't going to talk to them ... because I didn't know what was going on." Nicholas does not recall the officers informing him of his right to have an adult present during questioning. Nor does he remember the officers facilitating any telephone calls from the hospital to contact his parents, a relative, or lawyer. He said the police were always in or within the vicinity of his room, which gave him little privacy. His mother, Gina George, was deeply upset at the police when she learned her teenage son had been questioned when he was in his hospital room.

Dr. Marr saw Nicholas Cottrelle at about 8:00 a.m. on September 7. She thought shattering glass likely caused his wounds. She discussed the x-ray with the radiologist, which confirmed that there was no evidence of a significant penetrating wound, or damage to the heart, lungs, or abdomen.

Nicholas Cottrelle was discharged later that day at about 2:00 p.m. The teenager continued to have pain on both sides of his back. It was Dr. Marr's

practice to speak with the parents of a minor patient but this did not happen. Dr. Marr described at the hearings the tension and deviation from her practice of communicating with family members or close friends of a patient:

The situation was quite strained and quite different from what one normally encounters ... [W]hen I look back at the interactions ... *it's remarkable, perhaps, that I didn't have any formal interaction with any of the relatives or accompanying friends or important people of the injured, either Dudley George or the other two ...*

Normally, though, as the attending physician, you would have some interaction with family members and attend to their needs and give them some communication around the health and welfare of the injured parties and I don't recall having any involvement in that regard.
(emphasis added)

Nicholas Cottrelle, who was under arrest, was discharged from the hospital to the police. The OPP transported the sixteen-year-old to the Strathroy Detachment.

Dr. Marr did not pay much attention to the “tiny triangular metal density” in the abdominal x-ray of Mr. Cottrelle before he was discharged. However, she did try to contact him by telephone after he left the hospital but was unsuccessful. She wanted to let him know there was a possibility of infection from foreign fragments in his body.

On September 22, 1995, Dr. Marr sent Nicholas Cottrelle a letter asking him to contact her to discuss his wound. She did not receive a response from the patient, his parents, or anyone else on Nicholas' behalf. Dr. Marr thinks she also raised with the SIU the possibility of a metal fragment in Nicholas Cottrelle's back. Dr. Marr was uncertain whether there was an actual metal fragment in his back, or simply an artifact on the x-ray film from the hospital bed or the drapes in his room.

Nicholas Cottrelle later learned there was a piece of glass in his back, not a metal or bullet fragment. A doctor in Forest extracted the glass.