

NRP should have tried other options, says lawyer for the family

Inquest in death of Orlando Rotolo

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Did Orlando Rotolo need to die?

That's one of the questions put forward to a coroner's jury on Tuesday in a St. Catharines courtroom by Julian Falconer, one of the lawyers representing members of the family.

"There were opportunities and it didn't have to go down the way it did," said Falconer in his closing submissions to the jury.

He acknowledged that Orlando Rotolo took drugs, died and that this event was a terrible tragedy, but he questioned if things might have turned out the way they did if the Niagara Regional Police officers who attended the scene had handled the situation in a different manner.

The 29-year-old Oakville resident died during the early morning hours on July 25, 2007, following an altercation with a number of Niagara Regional Police officers. The incident began about 5:30 a.m., near a parking lot on Bender Hill, close to Casino Niagara, in Niagara Falls.

Rotolo, who was about six-feet tall and weighed more than 300 pounds, died of acute cocaine toxicity. Police had to use three sets of handcuffs while trying to get him under control.

Falconer said police initially thought they were dealing with "a coked out guy" but it should not have taken them long to realize Rotolo was a mentally disturbed person, because his eyes were bugged out, he was sweating and not responding to their questions when he was told to put his hands against the cruiser.

Falconer said police were simply interested in apprehending Rotolo and when he resisted they "just beat him up".

He noted that when police are dealing with a person in emotional distress, due to drugs or a mental illness, they should not be treated like a common criminal. How can those individuals be expected to follow a command they don't understand, he asked.

Falconer said police protect us against crime, but they must also protect those who are most vulnerable, and mentally disturbed persons are vulnerable.

Falconer noted the baton strikes that Rotolo received at the hands of police were heartbreaking.

"These are steel batons being struck time and again," he told the jury.

Falconer also criticized police for using pepper spray on a man who was already handcuffed and spitting blood. A man who never threw a punch or landed any blows.

"That's shameful, just shameful and nothing to be proud of," he said, adding it shows how a situation can quickly spin out of control.

Falconer said the Rotolo family is left to grieve "the loss of someone they didn't need to lose".

Lawyer Sara Premi, who represents the Police Services Board and the police chief, said the medical evidence is clear that Rotolo died from the

toxic effects of cocaine, and that none of the superficial injuries had anything to do with the cause of death.

Premi said once Orlando Rotolo reached the stage he was in, nothing could have been done to change the outcome of what happened in this case.

She also explained how complicated police work is today, the extensive training that takes place, and how it's not always possible to have a supervisor attend every scene.

Premi also suggested that if the jury brings down some recommendations that deal with certain policies and procedures that are already in place, they might wish to consider using words such as "review and consider amending" instead of "should amend" because some changes are not always possible given the circumstances and resources that might be available.

Dr. David Eden finished charging the jury of two women and two men at about 4:30 p.m., but no decision had been reached by press time.