WHEN TIMELY CARE FAILS: NEGLECT AND NEGLIGENCE IN CUSTODIAL OVERDOSE AND SUBSTANCE-RELATED DEATHS IN ONTARIO, CANADA (2012–2024)

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Background
Amid the ongoing drug-toxicity crisis, overdose and substance-related deaths in carceral settings receive comparatively less public health and policy attention, despite the intensified dependency created by detention. In custody, people cannot independently access emergency services, harm reduction supports, or timely clinical assessment. We use the concepts of neglect and negligence to examine how institutional practices and omissions shape substance-related deaths in custody contexts in Ontario, Canada.

Approach
We mobilize negligence and neglect as complementary lenses to explore substance-related custody deaths across police detention, provincial jails, and federal prisons in Ontario, Canada's most populous province. Our analysis draws on the Tracking (In)justice database, which compiles police-involved and custody deaths using web-scraping, media monitoring, and access-to-information processes. Using this living dataset as our sampling frame, we reviewed all Ontario-based custody deaths and identified 120 substance-related deaths occurring between 2012 and 2024. Informed by structural violence, we analyze how staffing/resource constraints, security routines, and stigmatizing framings shape delayed escalation and omissions, clarifying foreseeability, duty, and responsibility for timely care and overdose response.

Analysis
Across cases, recurring patterns show avoidable delays in overdose prevention/response and breakdowns in timely care. Inadequate escalation during high-risk periods (e.g., intake, post-transfer/return, following prior overdoses), delayed/denied opioid agonist treatment (OAT), and uneven emergency response, were compounded by staffing shortages, monitoring gaps, and communication breakdowns across staff roles and transitions (e.g., between corrections and health staff, across shift changes, and during transfers). Families frequently encountered information gaps that limited accountability.

Conclusion
Bringing neglect and negligence together highlights how preventable deaths in custody often arise from patterned omissions within systems organized around security instead of care. Attendees will gain a policy-relevant framework to asses and strengthen correctional overdose prevention and response, emphasizing that drug policy in carceral settings must enable and support human rights, dignity, and the preservation of life.

Disclosure of Interest Statement
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