

BRAIDWOOD COMMISSION POSTPONED UNTIL NOVEMBER 12

September 19, 2008

VANCOUVER – The start of the Braidwood Hearing and Study Commission of Inquiry into the circumstances surrounding the death of Robert Dziekanski at the Vancouver International Airport on October 14, 2007 has been postponed until November 12.

The commissioner, retired B.C. Appeal Court Justice Thomas R. Braidwood, QC, said today that the postponement was necessary to give crown counsel time to review the RCMP investigation into Mr. Dziekanski's death and decide whether or not to press charges against the RCMP officers who used a conducted energy weapon (Taser) against Mr. Dziekanski shortly before he died.

The commission was due to start six weeks of hearings in Vancouver on October 20. The hearings will now run from November 12 until December 5, and then resume on January 19, 2009 for as long as necessary to conclude proceedings.

The venue for the hearings will be room 801 at the Federal Court Building, 701 West Georgia Street, Vancouver.

Mr. Braidwood said the commission's counsel, Mr. Art Vertlieb, QC, had been advised by legal representatives for the RCMP that they would not be in a position to participate in the commission's proceedings until after crown counsel had made a decision on charges.

Crown counsel then notified Mr. Vertlieb that a decision on whether or not to press charges would be made by the second week of October.

Mr. Braidwood said if crown counsel decided to press charges, the commission would review its options after consulting with the parties involved in the inquiry and taking into account the public interest.

He added that in making his decision to postpone the start of proceedings it was necessary to balance the needs of the criminal justice system against the need to move the inquiry forward.

Mr. Braidwood said it was important for the commission to hear directly from the RCMP officers who were on the scene when Mr. Dziekanski died, and to be able to review the RCMP file on the incident.

He said he also wanted the RCMP to be able to cooperate fully and voluntarily with the commission, which was clearly not going to happen until crown counsel made a decision on charges.

Mr. Braidwood said public confidence in the police force was its strongest weapon. Any loss of public confidence weakened the ability of police officers to do their jobs properly. That was why he wanted the RCMP to be in a position to participate fully in the commission's proceedings.

Mr. Braidwood was appointed in February by B.C. Attorney General Wally Oppal to head two commissions of inquiry. The first was a "study" commission into the use, safety and effectiveness of conducted energy weapons in B.C. by police forces other than the RCMP. The second phase will be a "hearing" and "study" commission into the death of Mr. Dziekanski.

Unlike a "study" commission, a "hearing" commission has the authority to compel participants to appear before it and to produce documentary information. A "hearing" commission can also make a finding of misconduct against a person or persons, or make a report that alleges misconduct by a person or persons.

The report on the first phase of the commission's work is scheduled to be delivered to the Attorney General on November 30.

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