

BRAIDWOOD COMMISSION PREPARES TO SUBPOENA RCMP OFFICERS INVOLVED IN ROBERT DZIEKANSKI INCIDENT

November 4, 2008

VANCOUVER - The Braidwood Commission of Inquiry into the circumstances surrounding the death of Robert Dziekanski at Vancouver International Airport last year will subpoena the RCMP officers involved in the incident if Crown counsel has still not made a decision on charges by the time the inquiry resumes on January 19, 2009.

The Commissioner, retired BC Appeal Court Justice, Thomas Braidwood, QC, said today that he was not prepared to postpone the inquiry again.

“Although we are still hoping that the Crown’s decision will be made soon, the commission’s lawyers are in the process of preparing subpoenas for the officers involved and for other potential witnesses linked to the RCMP’s investigation of Mr. Dziekanski’s death,” said Mr. Braidwood.

A conducted energy weapon (Taser) was used against Mr. Dziekanski by one of the RCMP officers shortly before he died.

The inquiry has been postponed twice this year while Crown counsel waits for information from investigators before deciding whether to lay charges against any of the RCMP officers involved in the incident.

Mr. Braidwood said today that there can be no further delay in the inquiry. “The commission’s mandate is to provide Mr. Dziekanski’s family and the public with a complete record of the circumstances of his death. We need to get on with that task.”

The commission was advised in September by legal representatives for the RCMP that they would not be in a position to participate in the inquiry until after Crown counsel had made a decision on charges against the four officers involved in the airport incident. The RCMP has also declined to give the commission access to its files on the case until a decision on charges is made.

Mr. Braidwood said it is essential that the RCMP have a full opportunity to explain to the public what happened at the airport, and that this should be done as soon as possible.

Mr. Braidwood also announced today that he has requested a further extension of the deadline for his report on the first phase of the inquiry, which examined the use, safety and effectiveness of conducted energy weapons (Tasers) in B.C. by police forces other than the RCMP. The report was due on November 30.

Mr. Braidwood said he had asked B.C. Attorney General, Wally Opal, for an extension partly because of the complexity and volume of information he has received regarding the use of conducted energy weapons.

He added that the commission's work had also been delayed in some instances because of the reluctance or inability of some law enforcement agencies to provide the commission's researchers with the required materials or data in a timely manner.

"A substantial portion of the report has been drafted, and we are now working our way through the numerous medical and scientific issues, which will allow me to draft my final conclusions and recommendations," said Mr. Braidwood.

The final report is expected to be the most comprehensive and thorough review of the medical and scientific literature, and policy analysis, done to date in any jurisdiction.

"Nothing less than that will fulfill the terms of my mandate, nor provide the public and policy-makers with the information they need to decide on the circumstances, if any, in which conducted energy weapons should be authorized for use in British Columbia and elsewhere," said Mr. Braidwood.

He estimated that the end of May next year would be the earliest that he would be able to complete the report

Mr. Braidwood was appointed in February by Mr. 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.

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