



CORONER'S REPORT
INTO THE DEATH OF

DZIEKANSKI
SURNAME

ROBERT
GIVEN NAMES

OF

POLAND

I, Patrick Cullinane, a Coroner in the Province of British Columbia, have investigated the death of the above named, which was reported to Kate Corcoran on the 14th day of October, 2007, and as a result of such investigation have determined the following facts and circumstances:

Gender: MALE FEMALE
 Age: 40 YEARS
 Death Premise: AIRPORT
 Place/Municipality of Death: RICHMOND Date of Death: OCTOBER 14, 2007
 Municipality of Illness/Injury: RICHMOND Time of Death: 0130

MEDICAL CAUSE OF DEATH

(1) *Immediate Cause of Death:* a) Cardiac Arrhythmia
 DUE TO OR AS A CONSEQUENCE OF
Antecedent Cause if any: b) Physical Altercation In Combination With Multiple Deployments Of A Conducted Energy Weapon.
 DUE TO OR AS A CONSEQUENCE OF
Giving rise to the immediate cause (a) above, stating underlying cause last. c)

(2) *Other Significant Conditions Contributing to Death:*

BY WHAT MEANS Tasered multiple times and subsequently restrained by RCMP Officers.

CLASSIFICATION OF DEATH ACCIDENTAL HOMICIDE NATURAL SUICIDE UNDETERMINED

Date Signed: MARCH 20, 2013

Patrick Cullinane, Coroner
 Province of British Columbia

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INVESTIGATIVE FINDINGS

On October 13, 2007 Mr. Robert Dziekanski was on a flight from Poland that arrived at Vancouver International Airport (YVR) at 3:15 p.m. Difficulties arose with Mr. Dziekanski clearing Immigration and he did not enter the International Reception Lounge until 12:40 a.m. on October 14, 2007, some nine and a half hours after his arrival. Mr. Dziekanski died on October 14, 2007 as a result of a cardiac arrhythmia which occurred minutes after being subjected to the deployment of a conducted energy weapon five times, and an accompanying physical altercation with police.

Mr. Dziekanski was travelling to Canada for the purpose of immigrating. His mother now resided in Canada and he was going to be joining her. His flight originated in Poland from where he flew into Frankfurt, Germany. Although Mr. Dziekanski had not previously flown and was described as somewhat anxious, the ten-hour flight from Frankfurt to Vancouver was described by various witnesses as uneventful.

Upon arrival at the airport Mr. Dziekanski initially cleared the Primary Inspection line at Customs, but was then required to proceed to Secondary Customs and Secondary Immigration as he was immigrating to Canada. Mr. Dziekanski did not speak English and spent several hours in the Customs Hall area of the airport. It had been arranged that Mr. Dziekanski's mother would meet him at the airport; however, she was unable to access the secure Customs Hall. At 10:30 p.m. a Canada Border Services officer processed Mr. Dziekanski through Secondary Customs and, recognizing there was a language barrier, escorted him to the Secondary Immigration office. His application for immigration was approved but Mr. Dziekanski remained in the Secondary Immigration area until he was escorted out of the secure Customs Hall a half hour later.

When it became apparent to Mr. Dziekanski's mother that she could not meet him in the secure Customs Hall, she sought the assistance of a visitor information counsellor, customer service agents, and Canada Border Services Officers. A Border Services officer did search the Secondary immigration area but not the entire Customs Hall, and then advised Mr. Dziekanski's mother that there was no way that it would have taken so long for someone to clear immigration, that there was no landed immigrant from Poland in the Secondary Immigration area and she should return to her home in Kamloops. At this time Mr. Dziekanski would have in fact still been in the Secure Customs Hall.

Mr. Dziekanski entered the semi-secure International Reception Lounge at 12:40 a.m. on October 14, 2007. As noted Mr. Dziekanski spoke no English and at this point had been inside the airport for almost ten hours. At this time Mr. Dziekanski appeared to be exhibiting behaviours that might best be described as agitated and frustrated. While several witnesses described Mr. Dziekanski's obvious upset, none identified feeling threatened by him.

Due to Mr. Dziekanski's perceived state of agitation, security personnel from the airport and members of the airport RCMP detachment were dispatched. The RCMP officers arrived at 1:28 a.m. The RCMP officers deployed a conducted energy weapon within 30 seconds from the time when one of the officers attending the

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scene first spoke to Mr. Dziekanski, ultimately deploying the weapon five times. Subsequently, the officers restrained Mr. Dziekanski and handcuffed him. In addition to the statements by various witnesses who observed the interaction between Mr. Dziekanski and the RCMP members, the events were also recorded on video taken by another passenger in the airport terminal.

Within seconds of being handcuffed Mr. Dziekanski lay motionless on the floor and was breathing heavily. He soon became unconscious and it was apparent he was experiencing significant medical distress. RCMP members did not engage in any resuscitation efforts but requested an ambulance be dispatched. The call to the BC Ambulance Service (BCAS) occurred at 1:32 a.m. and Richmond Fire-Rescue also received a dispatch call at 1:34 a.m. During this period RCMP members were visually monitoring the condition of Mr. Dziekanski. Richmond Fire and Rescue arrived at the scene at approximately 1:42 a.m. and the first two BCAS paramedics arrived at the scene approximately 90 seconds later. Roughly one minute later advanced life support paramedics also arrived at the scene, at which point they found Mr. Dziekanski's face was bluish.

When Richmond Fire-Rescue staff first arrived, Mr. Dziekanski was lying in a prone position, with his hands handcuffed behind his back. In order to assist in assessing his condition the RCMP members were requested to remove the handcuffs, but this request was declined. BCAS paramedics arrived some 90 seconds later and strongly reiterated the need to have the handcuffs removed in order to properly assess Mr. Dziekanski. It was after this second request that the handcuffs were removed. Members of Richmond Fire-Rescue and BCAS paramedics attempted various resuscitation measures for approximately 20 minutes, after which efforts were discontinued based upon telephone consultation with a physician. Mr. Dziekanski was pronounced dead at the scene.

Following the death of Mr. Dziekanski, in 2007 the government of British Columbia announced the commitment to hold a commission of inquiry into the circumstances surrounding the death. On February 15, 2008 Thomas R. Braidwood Q.C. was appointed under the *Public Inquiry Act* as commissioner of two separate inquiries. One inquiry was to review the use of conducted energy weapons in British Columbia, while the other was to inquire into and report on the circumstances of the death of Mr. Dziekanski.

The first inquiry, to review the use of conducted energy weapons, entailed a series of public forums which were held between May 5 and June 25, 2008 in Vancouver. These forums were comprised of individuals and organizations which requested the opportunity to make a presentation, as well as presenters invited by the Commission based upon their particular expertise, knowledge or public interest considerations. Presenters to the public forums encompassed individuals from various medical disciplines, law enforcement agencies, concerned citizens, non-governmental organizations, mental health related services, along with parties who were knowledgeable in policing policy and civilian oversight.

Evidentiary hearings concerning the circumstances surrounding Mr. Dziekanski's death took place before the Braidwood Commission over a period of 61 days between January 19 and September 23, 2009. Written submissions and final oral arguments by Counsel for participants took place between October 5 and 13, 2009. The hearings had been delayed pending a decision as to whether or not criminal charges would be approved

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arising out of the events surrounding the death of Mr. Dziekanski. A full copy of the report is available through the inquiry website at the following location:

<http://www.braidwoodinquiry.ca/report/>

The first inquiry resulted in 19 recommendations relating to facets of police training, the manner and circumstances under which conducted energy weapons may be deployed, testing of such weapons, ensuring the implementation of a reporting system concerning deployment, along with the appointment of a committee of the Legislative Assembly to conduct a further review of conducted energy weapons.

The 19 recommendations with respect to the use of conducted energy weapons have essentially been adopted directly or measures have been taken which comply with the intent of the recommendations. Statistics from the Commission for Public Complaints against the RCMP reported that the use of conducted energy weapons has declined significantly since 2008.

Following the death of Mr. Dziekanski, the Integrated Homicide Investigation Team of the RCMP commenced an investigation into the circumstances surrounding the death to consider whether criminal charges against RCMP members may be warranted. The issue of police essentially investigating themselves and the corresponding concerns of possible conflict of interest were raised during the Braidwood Inquiry. The government responded with the creation of a new Independent Investigations Office (<http://iiobc.ca/>) which commenced operation on September 10, 2012. The authorities for the new office were enabled by an amendment to the *Police Act*. Consistent with the Braidwood Commission recommendations, the office is led by a civilian director and a team of investigators. The investigators are comprised of a mix of individuals from both police and civilian backgrounds, but no staff may have served as a police officer within the province in the last five years. Since inception, the Independent Investigations Office has undertaken several investigations into death and serious injuries where police were involved.

As a result of the inquiry into the circumstances surrounding the death of Mr. Dziekanski, a number of recommendations for change were also made with respect to the Vancouver Airport Authority and the Canada Border Services Agency (CBSA) of the federal government. In general, the Vancouver Airport Authority implemented the recommendations identified by the Braidwood Commission.

There had been a recommendation to the Vancouver Airport Authority that there be changes to the mandate of security patrollers to include minimum standards for first aid training, de-escalation techniques, and an expectation that they actively assist members of the public who are in distress. While the mandate to observe and report was maintained for ordinary security patrollers, these have been supplemented by Public Safety Officers with specific training in de-escalation techniques.

Additionally there had been a recommendation to have Vancouver Airport Authority, RCMP, Richmond Fire-Rescue, and BCAS formulate a plan and provide ongoing training for staff in dealing with incidents that evolve into medical emergencies. These groups have reviewed the emergency medical protocols for YVR and have

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created a training program aimed at a collaborative response. The training has included live scenario exercises as recommended by the Braidwood Commission and 10 training sessions have been conducted with representation from all agencies noted. Further information can be found on the airport website at the following location:

http://www.yvr.ca/en/media/news-releases/2007/07-12-07/yvr_implements_immediate_changes_to_improve_service.aspx

There were a number of recommendations directed to the CBSA as well and efforts were undertaken to address several of those issues identified. An information booth was added to the CBSA hall to assist travelers to notify reception of their arrival through the use of a greeter board and to assist access to a language line offering services in 170 languages. The number of cameras tracking activity of travelers in the CBSA hall was increased from fewer than 20 to a total of 94. There are increased patrols through the security area and a system in place to alert staff if a traveler clears the primary screening but does not show up in a specified time period if referred for secondary screening. Some of the information related to those changes can be found on the CBSA website at the following locations:

<http://www.cbsa-asfc.gc.ca/media/release-communique/2010/2010-06-18-eng.html>
<http://www.cbsa-asfc.gc.ca/media/facts-faits/085-eng.html>

On May 31, 2012 the Legislative Assembly of British Columbia agreed that a Special Committee be appointed to examine and inquire into the implementation of the recommendations made during the Braidwood Inquiry and the scientific research into the medical risks to persons against whom conducted energy weapons are deployed. The legislative committee tasked with looking into the status of the Braidwood Commission recommendations into the use of conducted energy weapons was convened. Information was presented to the committee by experts on the status of the Braidwood recommendations, and public hearings were held on October 22 and 23, 2012. Information provided to the committee by the Police Services Division of the Ministry of Justice indicated that the use of conducted energy weapons by police in British Columbia has fallen by 87 per cent since 2007, decreasing from 640 occurrences in 2007 to 85 in 2011. The committee has tabled its report to the legislature and details can be found online at the following location:

<http://leg.bc.ca/cmt/39thparl/session-4/cew/reports/PDF/Rpt-CEW-39-4-ProgressRptedImplementing2009BraidwoodRptRecom-2013-MAR-07.pdf>



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POST MORTEM/TOXICOLOGY EXAMINATION

Autopsy showed no significant injuries and no natural disease process that would have likely led to sudden death. The pathologist concluded that the most likely cause of death was cardiac death during restraint and noted that the mechanism in such cases is not well understood.

Numerous medical specialists including forensic pathologists, cardiologists, emergency room physicians, as well as an electrical engineer provided testimony at the Braidwood inquiry. On the basis of their expertise, the finding of Mr. Justice Braidwood was that Mr. Dziekanski died as a result of a cardiac arrhythmia. He also found that both the multiple deployments of the conducted energy weapon along with the physical altercation contributed to the circumstance leading to the fatal arrhythmia. I concur with the findings of Mr. Justice Braidwood in this regard.

Toxicology examination was negative.

CONCLUSION

I find that Robert Dziekanski died in Richmond on October 14, 2007 of Cardiac Arrhythmia in the presence of a physical altercation and multiple deployments of a conducted energy weapon. I classify this death as homicide. Homicide is a death due to an injury intentionally inflicted by the action of another person. Homicide is a neutral term that does not imply fault or blame.

The circumstances of the death of Mr. Dziekanski and the use of conducted energy weapons were reviewed in comprehensive detail during the course of the Braidwood inquiry. Given the extent of the review and the accompanying recommendations, which have largely been adopted by the relevant agencies, I make no further recommendations.

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Patrick Cullinane, Coroner
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