



# **MEDIA STATEMENT**

## **CRIMINAL JUSTICE BRANCH**

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June 18, 2010

10-12

### **Special Prosecutor Appointed to Review Braidwood Report**

**Victoria** - The Criminal Justice Branch of the Ministry of Attorney General today announced that Richard C.C. Peck, Q.C. has been appointed as an independent Special Prosecutor to review the report of the Braidwood Commission on the Death of Robert Dziekanski.

Mr. Peck was appointed June 18, 2010 by Assistant Deputy Attorney General Robert W. G. Gillen, Q.C. to determine whether, in view of the evidence heard at the Braidwood Inquiry and the findings and recommendations of Commissioner Braidwood, it is appropriate to reassess the decision of the Criminal Justice Branch not to prosecute any of the officers involved in the incident. Mr. Peck is also to review other conduct of the officers in connection with the incident.

Mr. Peck has been given a mandate that includes:

- Conducting an independent review of the Braidwood Commission report relating to the death of Robert Dziekanski. This review will include the four officers' conduct in relation to the initial encounter with Robert Dziekanski, their participation in the subsequent investigation and their testimony at the Braidwood Inquiry, with a view to determining whether anything contained in the report calls for a reassessment of the Branch decision not to prosecute the officers.
- Providing a written report to the Assistant Deputy Attorney General with the results of his review and the reasons for his decision;
- If in his view the initial charge assessment should be revisited given the findings made by Commissioner Braidwood in his report, proceeding to examine all materials relied on in the original charge assessment decision and any other materials he may deem appropriate including the evidence taken at the Braidwood Inquiry and exhibits or reports filed therein, and making whatever charge assessment decision he deems appropriate in the independent exercise of his prosecutorial discretion.
- In addition, examining any other conduct of the four officers in relation to this matter, and in particular their statements to investigators and their testimony at the Braidwood Inquiry with a view to determining whether their conduct was at any time contrary to any provisions of the Criminal Code or applicable provincial legislation and making whatever charge assessment decision he deems appropriate in the independent exercise of his prosecutorial discretion.

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- If following his review, and any charge reassessment he may undertake, it is his view that a prosecution is warranted in connection with the conduct of the four officers in relation to their initial encounter with Mr. Dziekanski or their subsequent conduct in relation to this matter, to take conduct of the prosecution and any subsequent appeal.

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