



# **MEDIA STATEMENT**

## **CRIMINAL JUSTICE BRANCH**

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June 29, 2010

10-14

### **Special Prosecutor Concludes his Review of the Braidwood Report**

**Victoria** – Special Prosecutor Richard C.C. Peck, Q.C. today recommended the initial charge assessment in the death of Robert Dziekanski should be revisited, citing among other reasons that the Braidwood Commission Report into the death refers to “factual material that was not available to the Branch at the time [of the initial charge assessment decision], including but not limited to expert video analysis and expert opinions relating to the reasonableness of the escalation and de-escalation of force.”

Mr. Peck was appointed on June 18, 2010 as an independent Special Prosecutor by Criminal Justice Branch Assistant Deputy Attorney General Robert W. G. Gillen, Q.C. to review the report of the Braidwood Commission on the Death of Robert Dziekanski.

Mr. Peck was to determine whether, in view of the evidence heard at the Braidwood Inquiry and the findings and recommendations of Commissioner Braidwood, it would be appropriate to reassess the decision of the Criminal Justice Branch not to prosecute any of the officers involved in the incident.

Mr. Peck’s mandate 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.

Mr. Peck will proceed 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 make whatever charge assessment decision he deems appropriate in the independent exercise of his prosecutorial discretion.

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In addition, Mr. Peck will examine 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.

If following his charge reassessment it is Mr. Peck's 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, he will take conduct of such prosecution and any subsequent appeal.

The Assistant Deputy Attorney General for the Criminal Justice Branch appoints Special Prosecutors pursuant to the Crown Counsel Act when there is a significant potential for real or perceived improper influence in the administration of criminal justice.

The decisions of Special Prosecutors are final subject only to receiving written directions from the Attorney General, Deputy Attorney General or Assistant Deputy Attorney General for the Criminal Justice Branch. In such an event, those directions must be made public by publishing them in the Gazette.

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