

# Canada's Braidwood inquiry admits only the incontestable: Police tasered Dziekanski to death

**Carl Bronski**  
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Two and a half years after the police killing of Polish immigrant Robert Dziekanski at the Vancouver, British Columbia International Airport, retired Appeals Court Justice Thomas Braidwood has issued the findings of the public inquiry he led into Dziekanski's death.

Braidwood's final report excoriates the four Royal Canadian Mounted Police (RCMP) officers who killed a lost and confused Dziekanski on the night of October 14, 2007. But it does not recommend any sanctions against them, let alone against their superiors—up to and including the RCMP top brass—who sought to cover up and justify the killing.

The report is an exercise in damage control meant to salvage whatever credibility remains for Canada's scandal-plagued national police.

As Braidwood explained, "Mr. Dziekanski's death appears to have galvanized public antipathy for the Force and its members. That is regrettable, because the most important weapon in the arsenal of the police is public support. This tragic case is, at its heart, the story of shameful conduct by a few officers."

Commissions of Inquiry in Canada, especially those convened over matters of police misconduct, have been a tried and true method by which the ruling elite seeks to contain and whitewash egregious acts perpetrated by the forces of the state against the population. But in the case of the Dziekanski killing, so overwhelming was the evidence against the four policemen and so transparent was the cover up and web of lies subsequently propagated by the police, that Braidwood could not avoid a certain amount of umbrage and vexation in his final report.

A construction worker and former miner, 40-year-old Robert Dziekanski was tasered to death by four RCMP officers, ten hours after disembarking from an airplane so as to join his mother as a newly arrived immigrant to Kamloops, British Columbia. Dziekanski, who spoke no English, had become disoriented as he passed through the various immigration and customs checkpoints at the airport and was unable to meet or make contact with his mother who waited for him outside the secure baggage claim area.

Ten hours later, exhausted, exasperated, lost and confused, he was confronted by four RCMP officers who, despite his compliant demeanor, administered a taser gun shock to him within twenty-four seconds of their meeting. Dziekanski immediately fell to the floor, writhing in pain where police hit him with four additional shocks, handcuffed him and placed a knee on the stricken man's neck. Police then stood idly by, failing to check for vital signs, as

Dziekanski lay hogtied and unconscious with his skin turning blue in a clear sign of asphyxiation. When paramedics arrived, the police initially refused to remove the handcuffs to allow proper medical attention. Dziekanski was pronounced dead shortly thereafter.

During the two days immediately following Dziekanski's death, the RCMP issued a series of statements full of errors and lies. These included claims that Dziekanski was "violent," that he was "armed" (with an office stapler), that he "continued to flail and fight" after being felled by the first taser-shock, that he was tasered only twice, and that Dziekanski's "vital signs were monitored while waiting for emergency medical personnel."

When the police story began to unravel, the RCMP clammed up. RCMP Superintendent Rideout, who headed the investigation into Dziekanski's death, justified the police's failure to issue any retractions, clarifications or corrections with the claim that he didn't want to further compromise the integrity of the investigation. But this did not stop him from issuing a press release on Nov. 30, 2007, in violation of his own "cease [communicating with the press] directive," that sought to exonerate the police of the charge that they had done nothing to assist the dying Dziekanski.

The RCMP, in league with Taser International (the manufacturer of the murder weapon) subsequently lost no opportunity to malign Robert Dziekanski's reputation, attempting to portray him as an unstable and violent alcoholic. The RCMP even dispatched officers to Poland to try to dig up dirt against the dead man.

Robert Dziekanski's death would have been consigned to the closed case files long before any commission of inquiry had it not been for the entry into the public domain of a video-recording of the entire incident taken by bystander Paul Pritchard. During the incident at the airport, as the police arrived to confront Dziekanski, Pritchard was ordered by a security guard to stop filming. Pritchard refused to comply, retorting that that he had just returned from a job in China and had every right to do what he was doing in Canada.

Later the security guard pointed Pritchard out to RCMP investigators. They persuaded a reluctant Pritchard to hand his camera over to them on the understanding that it would be returned intact within 48 hours.

Pritchard did indeed receive his camera back within the promised time-frame. However, the camera had a new memory card with copies of all his photos and videos except for the footage

of the tasering of Dziekanski. When Pritchard complained, he was told that the footage might be needed for a criminal investigation, in which case it could take up to two and a half years before it was returned.

Rightly fearing a police cover-up, Pritchard filed a lawsuit, which ended up before the BC Supreme Court. Only then did the RCMP back down, returning the recording to Pritchard at the beginning of November 2007. Since then the video recording has been seen on television and widely viewed on the Internet.

The glaring discrepancies between the RCMP story and the gruesome unprovoked attack shown on the video fanned the already widespread public criticism of the RCMP and of the manner in which police forces across North America are using tasers. In an attempt to mollify the public outrage the Liberal provincial government set up Braidwood's inquiry to provide a complete record of the circumstances under which Robert Dziekanski died and investigate and make recommendations about the use of tasers in British Columbia.

The convening of the inquiry, however, did not stop the Criminal Justice Branch of the provincial Attorney-General's office to claim—even after viewing the videotape—that the four policemen in question used “reasonable” and “necessary” force in taking down Dziekanski.

During the inquiry, the four police officers stuck to their unlikely story, despite evidence from the video and other eye-witnesses. Near the end of the inquiry, Braidwood inquiry counsel Art Vertlieb announced that for months the government had had in its possession an email from a top RCMP officer that flatly contradicted the testimony of all four officers before the Braidwood inquiry, but had failed to disclose it.

The email indicated that senior RCMP officials understood that the four officers who participated in Dziekanski's killing had planned, even before arriving on the scene, to taser the new immigrant. The officers all testified before the Braidwood inquiry that no plan was discussed prior to encountering Dziekanski behind the airport's customs area.

The email in question was sent to RCMP Assistant Commissioner Al Macintyre by Divisional Chief Superintendent Dick Bent some three weeks after Dziekanski's death. It stated, “Finally spoke to Wayne (Rideout, the lead RCMP investigator in the case), and he indicated that the members ... had discussed the response en route and decided that if he did not comply, that they would go to CEW (police jargon for tasering).” During the entire course of the inquiry no RCMP official, or government lawyer, made mention of this email, which the RCMP had handed over with other evidence to the federal government's legal team many months prior.

Even after the conclusion of the inquiry, the RCMP continued its double-dealing. This past April, as Braidwood was preparing to release his report, RCMP Deputy Commissioner Gary Bass publicly “apologized” to Dziekanski's bereaved mother (who had accepted a cash settlement in return for dropping her civil lawsuit against the federal and provincial governments, the police and the airport). The so-called contrition, however, meant absolutely nothing. The day before the apology was made, emails from the Commissioner to subordinates stated, “even though the word

‘apology’ worries some, we are not apologizing for the actions of specific members or saying anything about specific actions.”

Despite Braidwood's denunciation of the “shameful conduct” of the four policemen and their subsequent “deliberate misrepresentations”, and his scolding of the police public relations officers who issued misleading statements, the judge refrained from issuing an official finding of police misconduct. Nor did he probe into the reasons why the Criminal Justice office of the British Columbia government, after viewing the same video evidence placed before the inquiry—unashamedly backed the police killing of a hapless immigrant.

The four policemen who killed Robert Dziekanski are all still on the police payroll. Three have been re-assigned to other duties whilst a fourth, the supervising corporal during the killing, is suspended with pay while he contests an unrelated charge of impaired driving causing death.

In a statement issued several days ago, Zofia Cisowski, Dziekanski's mother, said, “this just shows that the RCMP even when they apologize to me, they cover-up. They want to apologize, but they don't lay charges against the four RCMP and they're still working and nothing happens to them.”

Despite clear evidence of police misconduct up and down the line in the Dziekanski case, despite the bare-faced lies by the responding policemen, their superiors and agencies within the government, and despite the documented history of RCMP killings, dirty tricks, prevarications and provocations decade after decade, Judge Thomas Braidwood had a different view. “This tragic case is at its heart a story of shameful conduct by a few officers. It ought not to reflect unfairly on the many thousands of RCMP and other police officers who have, through years of public service, protected our communities and earned a well-deserved reputation for doing so.”

Under conditions where the ruling class anticipates an upsurge in working class resistance to its plans for draconian cuts to public and social services, wages, pensions and jobs, Braidwood most certainly knows which side of the bread his butter is on.



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