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**Consultation and Instruction  
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EXHIBIT #146

**Dr. Mike Webster  
Registered Psychologist**

April 17, 2009

Braidwood Commissions of Inquiry  
Art Vertlieb QC  
Commission Counsel  
980-1500 West Georgia Street  
Vancouver, B.C.  
V6G 2Z6

Dear Mr. Vertlieb,

You have asked me for my opinion in the case of the death of Robert Dziekanski that is before the Braidwood Commissions of Inquiry. I am a Registered Psychologist (in private practice) that has worked in the area of police psychology for over 30 years. I completed basic police training at the RCMP Training Academy (Depot Division) in 1988. I specialize in the area of crisis management and have experience in the application of force across a broad array of police tasks including: hostage/barricade incidents; kidnappings; incidents of public disorder; and crisis intervention. I have been instrumental in the creation and delivery of crisis intervention, crisis negotiation, and incident command courses from the Canadian Police College (Ottawa, Ontario) to the B.C. Police Academy (New Westminster, B.C.). I have been an adjunct lecturer at the FBI Training Academy. I have consulted internationally with several law enforcement agencies including: Colombia, Mexico, Singapore, Brazil, the United Arab Emirates, Hungary, Iceland, Sweden, Australia, and Europol. I have consulted operationally at a variety of incidents including: the old BC Penitentiary (hostage takings); Waco, Texas; Gustafsen Lake, B.C.; Jordan, Montana; Ft. Davis, Texas; the G8; the G20; Apex Alpine; and numerous kidnappings from Iraq to Indonesia, and Kashmir to Colombia. I am familiar with both Use of Force Models; the RCMP's Integrated Model of Incident Management and the National Use of Force Framework.

In forming my opinions I have reviewed the following materials:

- Transcripts on 2 dispatch calls (DRIP D1 3.WAV/D RIP D 1 5.WAV)
- Transcripts on hearings dated February 23, February 24, February 25, February 26, March 2, March 3, and March 4; and, March 23, March 24, and March 25 2009
- Robert Dziekanski – Circumstances; and,



- The Pritchard Video and enhanced audio by Sharpe.

In my opinion the RCMP members mishandled this call and responded inappropriately in the following ways:

i. Only "Fools Rush In"

All the RCMP members agreed in their evidence that this was an unusual call. It should have been apparent to them that it would require a different approach than their usual general duty fare. Mr. Dziekanski wasn't going anywhere and none of the public was in immediate danger. It is difficult to believe that Cpl. Robinson, nor any of his members, had a plan. (All Use of Force models begin with some form of "assess-plan-act"). It is equally difficult to believe that he would have left the "lead" or "contact" position to such junior members, considering the nature of the call.

A well trained and well experienced NCO i/c would remember to take a moment to formulate a plan. (In their basic training these members would have heard the old adage "if you fail to plan, you plan to fail" many times from their instructors). In my opinion, he would have "verbally contained" Mr. Dziekanski after putting the "rule of ate" (or whatever it was called in his training) into motion. The rule is: "locate", "isolate", "evacuate", "communicate". The subject had already been located. One of the members could have been dispatched to the Customs Hall to ensure no one was allowed to enter the IRL (subject isolated), while another evacuated the public from the area (scene evacuated). Now the "contact" member could take his time to communicate with a hyperaroused subject.

ii. "Low and Slow"

I'm sure these members in their basic police training had some conflict resolution instruction. Part of that instruction would have focused on how it's much easier to increase the intensity of approach than decrease it. On a scale of 1 – 10 it's much easier to come in at a 3 or 4 and then increase if need be. It's next to impossible to come in at an 8 or 9 and then expect to defuse an emotionally distraught individual. Vaulting the railing (not one but all four) was inconsistent with coming in "low" and creating a *safe non-threatening environment* (which they should also know from their training is the best way to calm an agitated individual).

One more thing they would have learned in their conflict resolution training was the ability to put themselves in someone else's shoes (i.e. to

empathize). Not one of the members appeared to have placed himself in Mr. Dziekanski's shoes and considered how, in his state of hyperarousal (fear?) Mr. Dziekanski would have perceived four heavily armed policemen jumping a barrier to get to (at?) him.

iii. **"Too Many Cooks....."**

In their basic training, likely during conflict resolution and arrest procedures instruction, these members would have been informed about the interaction between arousal and cognitive process. They would have learned that during hyperarousal someone's cognitive process is disrupted and disorganized. They would have been told that a highly aroused person does not process instructions well, can't make good decisions, doesn't use good judgment, and is not a good problem solver. In other words, they should have known that Mr. Dziekanski (language difficulties aside) would not be able to respond to them until he had been calmed down. The fact that, at least, two different sets of instructions were given to him, each inconsistent with the other, would have served to both confuse and frustrate him.

iv. **"First Impressions...."**

As part of their basic training these members would have learned (conflict resolution basics) that before you get someone else under control you must get yourself under control. This means using neutral, non-threatening body postures and calm, non-confrontational tones. These members had this situation resolved when they first arrived (despite vaulting the barrier). Just like it's supposed to, "presence" and "communication" worked like a charm. Mr. Dziekanski dropped his hands to his sides and engaged the "contact" member. Everything they did after that was absolutely inconsistent with their conflict resolution training. Following the contrary commands came the pointing of (at least one) black leather clad finger. I understand that these "slash" gloves are worn for protection but they could (put yourself in Mr. Dziekanski's shoes) be interpreted as threatening by a frightened individual. If you were faced by policemen with bare hands, hats, ties, and concealed body armour alongside the four members in question which would you turn to for help?

v. **"Circle the Wagons"**

Once again "put yourself in the subject's shoes", what do you think that a man in a state of hyperarousal (likely frightened by what has transpired

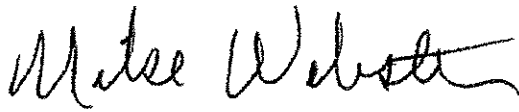
to this point) is going to think when surrounded by four policemen with their hands hovering around their duty belts? (I believe the Taser had been unholstered by this time and he may have caught a glimpse of it). What would ever make us think that this would calm him down or allow us to control him? During their training these members would have been taught that the genesis of human behaviour is interactional not dispositional (perhaps different words were used but the idea was the same). The notion that Mr. Dziekanski was in charge and the police were responding to him is illogical and unscientific. Mr. Dziekanski and the police were locked in a dance of behaviours and responses; each being influenced by and influencing the other all at the same time. People will respond reactively to the use of "heavy tactics". Trapping someone (especially a frightened someone) in a circle is bound to stimulate defensive behaviours. If the four policemen had done something different, chances are Mr. Dziekanski would have responded differently. And no, it would not be Mr. Dziekanski's responsibility to calm down first and create a different dance. He is the "client". The police are the authorities and it is their responsibility to change the dance and take control (they are trained and he isn't).

vi. "Is it, or isn't it?"

One final comment. There has been much discussion both in and outside these proceedings with regard to the stapler as a weapon. While I believe that anything can be used as a weapon, it is interesting that not everyone (including police people) regard the danger posed by the stapler in the same way. During the proceedings those who see the stapler as a credible threat have focused on the policemen's perceptions, and quite rightly have stated that the policemen's perceptions were their reality. I want to point out that perception and tactical considerations are inter-related (in all use of force models). These concepts hold equal status in the models. Tactical considerations, in this case, would include such factors as containment, position, backup, proximity of the public, police tools available, condition of the subject, and nature of his weapon. In my opinion, the tactical considerations during this incident were significantly in favour of the police. Arguably this could make the deployment of the Taser an excessive use of force. In light of the "one-plus-one" rule it could be argued that there was no reasonable relationship between the degree of threat and the amount of force applied to it. The amount of force applied was "precise" in nature rather than proportionate to the threat. Moreover, these tactical considerations emphasize the excessive nature of the multiple taserings, following the first (that took Mr. Dziekanski to ground), in both the probe and drive stun modes.

Thank you for consulting me on this matter. I hope these opinions will be of assistance.

Sincerely,



Dr. Mike Webster  
Centurion Consulting Services Ltd.