

December 5, 2007

**PROVINCE ANNOUNCES APPOINTMENT OF COMMISSIONER, TERMS OF REFERENCE FOR TAMAN INQUIRY**

Former justice of the Ontario Superior Court of Justice Roger Salhany has been appointed to conduct an inquiry into the investigation, prosecution and justice services provided to the families in relation to the death of Crystal Taman, Attorney General Dave Chomiak announced today.

Taman was killed in an automobile collision on Feb. 25, 2005. East St. Paul police charged Derek Harvey-Zenk in connection with the case. He received a conditional sentence of two years less a day on a charge of dangerous driving causing death.

“There are questions that need to be answered about this case,” said Chomiak. “This inquiry will provide the public with information and recommendations that will strengthen confidence in the justice system.”

Salhany worked as a lawyer in private practice from 1964 to 1978 before being appointed to the bench of Ontario’s county and district court. He served as a justice of the Ontario Superior Court of Justice from 1991 to 1999. He is the author of a number of books on criminal law procedures including the *Police Manual of Arrest, Seizure and Interrogation* and the *Criminal Trial Handbook*.

The commissioner selected David M. Paciocco to act as lead commission counsel. Paciocco is a law professor at the University of Ottawa, currently carries out a specialized criminal defence practice and is a frequent lecturer at judicial and professional education seminars. Formerly a Crown attorney, he has written extensively on the law of evidence and criminal law. His research has been cited on numerous occasions by the Supreme Court of Canada and other Canadian courts, by the Privy Council and courts in New Zealand and Australia.

The inquiry is to examine:

- The conduct of the police investigations surrounding the death of Taman including the correctness and adequacy of the procedures and practices that were followed, and the good faith, objectiveness and professional standards with which the procedures and practices were applied and decisions made;
- Whether all aspects of the prosecution of Harvey-Zenk, including the Crown’s position on sentencing, were conducted in accordance with the professional and ethical standards expected of lawyers and agents of the attorney general;
- Whether the services provided to the family of Taman were sufficient regarding the requirements of the Victims’ Bill of Rights;
- Whether any aspect of this case should be further studied, reviewed or investigated and, if so, by whom; and
- Any other matters related to the case deemed relevant by the commissioner.

The inquiry can make use of the results of two reviews underway now – an operational review of the East St. Paul Police Department and a review of the province’s policy on appointing independent prosecutors. Both reviews are expected to be completed by the end of December.

In the next few months, the commission will set out the processes required to complete the inquiry. The commissioner and commission counsel will determine how the evidence will be reviewed and when hearings will take place.

The findings and recommendations of the inquiry will be forwarded to the attorney general by Sept. 30, 2008. The report will be made public.