



"My son was not armed, my son did not have shoes or shirt on," says an emotional Jennifer Brooks of her son Hudson Brooks. Hudson, 20, was shot and killed by a Surrey RCMP officer in 2015. *ARLEN REDEKOP*

Crown drops charges against Surrey Mountie

Shooting victim's 'devastated' mother, police watchdog disagree with decision

SUSAN LAZARUK

The dropping of charges against an RCMP officer who shot dead a 20-year-old Surrey university student has left his mother "devastated" and the independent agency that oversees police fatalities disagreeing with the decision.

Charges of aggravated assault and assault with a weapon against Surrey RCMP Const. Elizabeth Cucheran have been stayed, the B.C. Prosecution Service said in a statement released Wednesday.

The charges in the death of Hudson Brooks, 20, who was shot

nine times by Cucheran in the summer of 2015, were approved by the Crown in December 2017, and a year after that the officer was committed to stand trial.

In the nine months after the end of the preliminary hearing in December, the Crown reviewed the testimony of an expert witness who told the hearing the officer was not justified in firing her revolver as early as she did and should have used a Taser instead.

In the review, the Crown called in "several use of force experts, including two retained by the defence," said the statement.

The original expert witness, who told court Cucheran and a fellow officer "put themselves at a disadvantage as they got too close to Mr. Brooks when he turned toward them," recanted his testimony and agreed with the other experts, it said.

"Based on its review of this matter, the BCPS recently determined that the available evidence no longer satisfies the charge approval standard for a prosecution of Const. (Elizabeth) Cucheran for any criminal offence," according to a "clear statement" released by spokesman Dan McLaughlin.

The clear statement concluded that evidence at the preliminary hearing "significantly weakened the foundations of the Crown theory" that Cucheran could have

used a Taser against Brooks.

"The Crown is now of the view that the evidence strongly establishes that resort to her firearm was entirely reasonable in the circumstances," it said.

It said the Crown "was obliged to reassess the evidence" partly because the original expert "conceded that Mr. Brooks was likely suffering from 'excited delirium' and that this had significant implications for the use of force options that were available to Const. Cucheran."

"The expert agreed, contrary to his initial opinion, that Const. Cucheran did not make a mistake in initially drawing her pistol," it said.

"When charges were initially approved, there was no reference in the expert reports to the possibility that Mr. Brooks was in a state of excited delirium or what the implications of this might be for the assessment of the reasonable of the force used by Const. Cucheran," it said.

"The fact of excited delirium significantly raises the risk Mr. Brooks posed," the statement said.

The Crown said excited delirium is also known as "cocaine psychosis" and refers to "a state of extreme mental and physiological excitement, characterized by extreme agitation, hyperthermia, hostility, exceptional strength and endurance without apparent fatigue."

The charges were recommended by the Independent Investigations Office, "an independent civilian run body that investigates police in circumstances where the actions or inactions of police may have led to the serious harm or death of any person."

"We believe this investigation provided the Crown with evidence that supported a trial in this matter, and continue to believe that," Ron MacDonald, chief civilian director of the IIO, said in an email. "We have a disagreement with the Crown on their analysis of the law and facts in the matter."

MacDonald told Postmedia News that Brooks exhibiting signs of excited delirium wouldn't have had an impact on charge recommendations. He said the decision on charges rests with the Crown.

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Standing in the parking lot of the South Surrey RCMP detachment where her son was killed, an emotional Jennifer Brooks said, "We're so devastated. I feel so bad for Hudson. My son was not armed, my son did not have shoes or shirt on. You cannot justify how my son was killed.

"He just banged on the window and the hood (of the RCMP vehicle)," she said. "He was wearing boxer shorts. He didn't have a weapon. My son only carried a football if he carried anything at all."

Brooks, who was expecting to attend Cucheran's trial in December, learned the charges were being stayed — which means they will be dropped without further evidence in a year — on Wednesday morning in a meeting with the Crown.



Hudson Brooks

"I felt like I had been hit with a baseball bat," she said. "We had to sit through the preliminary trial, which was horrendous, to hear what happened to my son. And then go through (last) Christmas thinking we were going through Supreme Court and then being told now, no.

"They said for the first couple of years one story and then they changed their minds."

On July 18, 2015, Brooks appeared outside the Surrey detachment and began screaming. He was believed to be suicidal at the time. He had consumed significant quantities of alcohol and cocaine and was vandalizing vehicles, according to the Prosecution Service.

Officers went outside, where a struggle ensued and Brooks was shot.

Cucheran fired her pistol 12 times, hitting Brooks, who was unarmed, nine times, the Crown said. slazaruk@postmedia.com