

# EAST ST. PAUL POLICE SERVICE

ADDRESS ALL CORRESPONDENCE TO THE CHIEF OF POLICE

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January 24, 2008

Taman Inquiry  
Archives Building  
Room 30-200 Vaughn Street  
Winnipeg, Manitoba  
R3C 1T5

Attention: Mr. Robert Giasson

Re: Identification of Criminal Act photo of Derek Harvey-Zenk

Further to your request of January 11, 2008 for the submission of the above noted photograph and my subsequent conversation with Mr. David Pacicco, Commission Counsel on January 23, 2008, in that regard. I must regretfully inform you that I am unable to supply the Inquiry with the required photograph/s. Upon receiving your initial request, I personally checked the East St. Paul Police database to retrieve a copy of the said photograph/s and discovered that they were in fact not present in our database. Over the next week an exhaustive search of our database for the photos was conducted but met with negative results.

In reference to this particular case and by way of explanation, under the provisions of the Identification of Criminals Act, Mr. Harvey-Zenk was required to submit himself for the purposes of identification pursuant to S.501(3) CC.

As such, after his arrest on February 25, 2005, Mr. Harvey-Zenk was served a promise to appear in court with an identification date of March 2, 2005 at 1:00 p.m. As Mr. Harvey-Zenk had not been formally charged on February 25, 2005, Police sought and obtained his consent to fingerprint and photograph him prior to him leaving in the company of his counsel. Cst Glenda Pedersen of the East St. Paul Police Service was tasked with fingerprinting and photographing Mr. Harvey-Zenk, completing the identification logbook accordingly and assigning Mr. Harvey-Zenk a contributor photo number of 05-1006.

The fingerprints were completed on a standard form C216 and two sets of fingerprints were taken. Two photographs (front & side view) were also taken of Mr. Harvey-Zenk with a Sony Digital camera that utilizes 3 ½ inch formatted disquettes.

To provide you with an idea of how the East St. Paul Police administer the Identification of Criminals Act, completed Criminal fingerprint C216 forms are submitted by mail to Identification Services in Ottawa and the criminal photographs taken in conjunction with the fingerprints are kept on our local in house computer database. Once the disc in the camera is full of accused persons photos (approximately 22 photos), the photos on the disc are downloaded into the correct identification year folder in the East St. Paul Police computer database and the disc cleaned and re-used.

The East St. Paul Police do not have a full time dedicated identification officer and therefore, the officer of the day is responsible for taking accused fingerprints and photographs when required and to assign contributor numbers to those photograph/s taken.

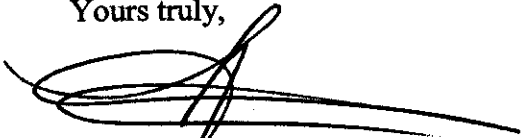
To provide a history of how this has been administered, prior to the year 2000, all photos were taken with a Polaroid camera and the photos were inserted into a binder. In Mid 1999 the East St. Paul Police acquired a digital camera (as noted) for the purpose of taking criminal photographs and which is still in use today. From that time on all photos were downloaded from the disc into an East St. Paul Police computer containing a photo database. The Chief of Police at the time ( David Grant) would down load those photos from the disc into the computer data base himself or request another officer/employee with the appropriate skills to download them. In 2001, that specific duty was assigned by Chief Grant to a designated officer who had computer expertise. That officer later left the employ of East St. Paul Police and between 2002 to 2003, there was no designated officer assigned and the task of downloading photos to the computer database was done by several different officers who had apparent knowledge and competencies with downloading data.

In October 2003, Chief Grant left this Police Service and between that time and April 2004 I assumed command of the East St. Paul Police Service until a new Chief ( H. Bakema) was hired. During that time, I specifically assigned the task of downloading photographs onto the database to Cst Chudyk of the East St. Paul Police Service. This officer ( Cst Chudyk) continued in that capacity until the April 2004 hiring of former Chief Harry Bakema. In mid May of 2004, Cst Chudyk relinquished that duty to former Chief Bakema who had expressed a desire to restructure the system of administering the process of identification of Criminals in East St. Paul, a process that never materialized. Between May 2004 and December 2005 Chief Bakema did not assign any particular officer to the task of down loading photos and a number of officers including Chief Bakema himself conducted that task. In January 2006, after the departure of Chief Bakema, I again took over the Police Service on an Acting basis and it came to my attention that a number of criminal photographs in the database were missing. In light of that, I had all computer entries to the photo data base write protected in order that any existing photo data could not be edited, deleted or altered. I also reassigned Cst. Drosdoski to the task of downloading all criminal photographs. Cst Drosdoski continued in that capacity along with the assistance of now Sgt. Chudyk until November of this year when that task was re-assigned solely to Cst Drosdoski who is now the exhibit /identification officer for the East St. Paul Police Service.

In relation to Mr. Harvey-Zenk, specifically and your request for the photographs, I spoke with Cst Pedersen after having discovered that the photo was not in the data base and she assured me that she did obtain fingerprints and photographs from him. This I confirmed with an entry that she made into the photo logbook. I then personally conducted an exhaustive check of all the years' folders to ensure that Mr. Harvey ZENK's photos were not downloaded into the wrong year's folder on the database in error. I also utilized the expertise of the R.M. of East St. Paul IT specialist to do a computer search of the database to ensure that in fact the missing photos were not in another year's folder. The results of the investigation came up negative. I can only speculate with two obvious scenarios. Firstly, the said photos had not been downloaded initially or that they had been downloaded and were later deleted. The reasons for either scenario would be presumptive of me to comment on at this time. Needless to say, it is very disturbing to me that any photos would be missing from the Police database in the first place. As such I have taken steps to hopefully eliminate any similar problem in the future and shall continue to explore other avenues to ensure the integrity of our photo database.

I sincerely apologize for any issues this may have caused. Should you require any further information or clarification, please feel free to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read 'Norman D. Carter', with a large, stylized flourish extending to the right.

Norman D. Carter  
Chief of Police