

INTERVIEW OF JIM ANDERSON

Date: February 28, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 MONDAY, FEBRUARY 28, 2005

2 Upon commencing at 5:02 P.M.

3
4 **SERGEANT GIRARD:** Okay. The date is
5 February 28, 2005, the time on my watch is 5:02
6 p.m. We are here in interview number one of the
7 Professional Standards Unit Offices on the 10th
8 floor of the Confederation Building, 457 Main
9 Street in Winnipeg. My name is Roger Girard and
10 also present is Con Pearson. For the purpose of
11 voice recognition, please identify yourself by
12 name?

13 **SERGEANT PEARSON:** Con Pearson.

14 **SERGEANT GIRARD:** We are both members
15 of the Professional Standards Unit. This is an
16 interview with Patrol Sergeant Jim Anderson
17 regarding PSU file 05-018, I think, I said this on
18 the previous tape as well, I am pretty sure that's
19 what it is. So for the purpose of voice
20 recognition, please identify yourself by full name
21 and badge number?

22 **SERGEANT ANDERSON:** Jim Anderson,
23 1685.

24 **SERGEANT GIRARD:** Okay. I remind you
25 that in accordance with service policy, our

1 conversation is being recorded, and for that
2 purpose today we are using an Olympus DS4000
3 digital recorder.

4 Earlier, I guess maybe 35 or 40
5 minutes ago, we received a call from the fifth
6 floor at the PSB, the executive offices, and we
7 were informed that yourself and Sergeant Humniski
8 were there and wanted to come over and speak to us
9 about this matter. So we waited for your arrival,
10 and we spoke with Sergeant Humniski first, and
11 then I guess maybe four or five minutes ago now,
12 you came into the room. I explained a little bit
13 about this preamble to you and I asked if you had
14 any questions before we started, and nope, you got
15 your water, and then we started the recorder. So
16 is that an accurate account of what has taken
17 place prior to me turning the recorder on?

18 **SERGEANT ANDERSON:** Yes, it is.

19 **SERGEANT GIRARD:** Okay. It is our
20 practice to ensure that members understand their
21 status when being interviewed. I remind you that
22 you are being interviewed as a witness in this
23 matter. This statement may be used in any
24 criminal, civil, or service proceeding, or it may
25 not be used in any proceeding at all.

1 Were any threats made to you or were
2 any promises or hopes of reward offered to you in
3 relation to providing a statement?

4 **SERGEANT ANDERSON:** No.

5 **SERGEANT GIRARD:** Was anything said by
6 anybody that would influence what you might say to
7 us in this statement?

8 **SERGEANT GIRARD:** Okay. I will turn
9 it over to you and you can just relate to us what
10 you know of this matter.

11 **SERGEANT ANDERSON:** All right. I
12 guess I will start from the beginning. On
13 Thursday, February 24th, I was assigned third
14 relief duties as a Patrol Sergeant on B1 in
15 division 13. Initially, I began my shift at
16 approximately 2:35 to 2:40 out at the academy,
17 completing my mandatory fitness appraisal. Once
18 that was concluded, I went straight to division
19 13, where I resumed my normal Patrol Sergeant
20 duties, in addition to completing a number of
21 supervisor submissions for various members'
22 promotion application process. I undertook that
23 mostly that day from arrival until the time I left
24 the building, as well as the previous day, and I
25 worked virtually nonstop on those supervisor

1 submissions. I then --

2 **SERGEANT PEARSON:** What time did you
3 leave?

4 **SERGEANT ANDERSON:** The first day I

5 left at around, Wednesday into the early morning

6 hours of Thursday, around 1:30 or so. And then

7 Thursday into Friday, the 25th, the day in

8 question in the early morning hours of the 25th

9 now, approximately 12:15 to -- I would say

10 approximately 12:15. I then headed over to

11 Branigan's Restaurant near the corner of Leila and

12 McPhillips to meet with some other shift members,

13 as well as members of some other divisions, if not

14 other shifts. I consumed some beer there, and

15 then over a period of time, I would say this is, I

16 believe it was three, it may have been two, but it

17 was probably three beer, interspersed each one

18 with a glass of water. I went to pay. There was

19 a big line up to pay. There was some problem with

20 the machine upon closing time. It was a lengthy

21 wait there. We got out to the parking lot. Some

22 arrangements had been made to attend a fellow

23 member's residence and just to further visit. I

24 got into a vehicle driven by Constable Tracy

25 Fudge. I got in the back seat along with

1 Constable Kelly McLure, and I believe the front
2 seat passenger was Constable David Harding. Some
3 of us initially didn't really want to go, given
4 where the officer lived, but decided that if we
5 didn't have to drive ourselves, and we were
6 assured that we wouldn't be there long. So the
7 four of us got into her vehicle and basically
8 convoyed, I guess, out of the lot. I recall we
9 made one stop. None of us in the vehicle got out
10 at the 7-Eleven, I believe at McIvor and
11 Henderson, and continued on to Constable Sean
12 Black's house out in the East St. Paul area.

13 We went straight to the house, we went
14 inside. I gave myself a self-guided tour of the
15 house. We all stood around in an honestly, a low
16 key, innocent visit with the shift members. There
17 was alcohol there. Speaking for myself, I believe
18 I had a couple of drinks, two or so, again, over
19 that period of time. I'm not sure exactly what
20 time we arrived and I'm not exactly sure what time
21 we left the house but, again, we left, there were
22 four of us. The same four that attended in Tracy
23 Fudge's vehicle left in that vehicle. She said it
24 was time to go and we loaded up. We went straight
25 back to Branigan's. It was fairly apparent to me

1 that Constable Dave Harding may have had too much
2 to drink to drive, so I insisted that he turn over
3 his keys to me, and his keys were retrieved by
4 Kelly McLure and/or Tracy Fudge, I'm not sure
5 which one. I went to start my vehicle and I said
6 that I would make sure that he wasn't going to
7 drive. They got his keys, gave them to me, Dave
8 Harding got into my truck, as I was fine, and I
9 drove him home to Island Lakes. We sat in the
10 parking lot of his apartment block and talked shop
11 for a long period of time. He went in, I went
12 home, and continued with my day, which was rather
13 boring from that point on. I stayed up for a
14 number of hours and then went to bed eventually.

15 **SERGEANT GIRARD:** Okay. You don't
16 recall what time, you said you don't recall what
17 time you got to Sean Black's residence?

18 **SERGEANT ANDERSON:** I can only do the
19 math. I'm thinking if closing time was 2:00, and
20 then if that -- I don't know what time last call
21 was. I know that we were in line at the till for
22 quite a while, an inordinate amount of time. I
23 would guess approximately 3:00 a.m.

24 **SERGEANT GIRARD:** Okay. And as far as
25 what time you left there then?

1 **SERGEANT ANDERSON:** I would guess -- I
2 honestly, truthfully do not know. I could guess
3 5:30, thereabouts, give or take maybe 30 minutes.

4 **SERGEANT GIRARD:** Okay. So who was
5 all there at Sean Black's residence then when you
6 guys got there?

7 **SERGEANT ANDERSON:** I'm not sure if we
8 were the last ones to arrive. Are you asking me
9 in total who eventually all gets there?

10 **SERGEANT GIRARD:** Yes, um-hum.
11 Basically what I wanted to find out was who was
12 there like when you got there, or who was there, I
13 guess, like at the gathering, and then who was
14 still there when you left?

15 **SERGEANT ANDERSON:** Okay. All right.
16 There was the four people in our vehicle. I use
17 our vehicle as Tracy Fudge, Kelly McLure, Dave
18 Harding and myself. Sean Black, it was his house,
19 Ken Azaransky, Chris Humniski, Norbert Bauer, Jay
20 Nolet, Derek Harvey-Zenk, TJ, and has last name
21 escapes me at this time, he is our new recruit,
22 second phase on our shift. And there may be more,
23 but not very many more, and I may be missing
24 someone. That may be it.

25 **SERGEANT GIRARD:** Okay.

1 **SERGEANT ANDERSON:** Perhaps, like I
2 said, if there is anyone else, there would be only
3 one or two people at the most. I think that's
4 all.

5 **SERGEANT GIRARD:** Okay. So when the
6 four of you left at, as you say, roughly 5:30,
7 give or take a half an hour --

8 **SERGEANT ANDERSON:** I would give more
9 likely, I don't think it was 5:00, it would be
10 5:30, maybe perhaps a little bit later, I'm really
11 not sure, it would be 5:15 or 5:30.

12 **SERGEANT GIRARD:** Okay. When you
13 left, who was still there that you recall when
14 leaving?

15 **SERGEANT ANDERSON:** Again, I don't
16 think I paid that much attention, but I know that
17 Chris Humniski left prior to us, and I believe he
18 was the first one to leave. I also believe we
19 were the second group to leave.

20 **SERGEANT GIRARD:** Okay.

21 **SERGEANT ANDERSON:** I think everyone
22 else remained, but I'm not sure. Somebody else
23 may have ducked out at some point and I didn't
24 see. But I know for a fact that Chris Humniski
25 left. And I don't think, I don't know how much

1 time elapsed before the tap on the shoulder saying
2 it was time to go.

3 **SERGEANT GIRARD:** Okay. How would you
4 characterize the gathering?

5 **SERGEANT ANDERSON:** Quiet-ish, for
6 that many people in a little small confine, it was
7 a lot of laughter, it was well-behaved, certainly
8 no one acting up. There was -- it was friendly
9 and it truly was responsible.

10 **SERGEANT GIRARD:** Okay. All right.

11 **SERGEANT PEARSON:** Was there a lot of
12 liquor drank at Sean Black's house, or drank in
13 moderation or --

14 **SERGEANT ANDERSON:** I know what I
15 drank, and I wasn't aware of what else anyone else
16 drank.

17 **SERGEANT PEARSON:** You said it was
18 quiet, nobody was obnoxious or obviously --

19 **SERGEANT ANDERSON:** No, not any more
20 so than they normally would be with their
21 personalities. Everybody was acting like they
22 normally did.

23 **SERGEANT GIRARD:** When you said that,
24 and forgive me, I can't remember the name of the
25 officer you gave a ride home to?

1 **SERGEANT ANDERSON:** Dave Harding.

2 **SERGEANT GIRARD:** Okay. At what point
3 did you realize, okay, he has had too much, I
4 better get him home, like as far as, I better make
5 sure he doesn't drive home?

6 **SERGEANT ANDERSON:** Yes. At some
7 point while at the house somebody led him
8 downstairs, and I believe it might have been Sean
9 Black, and said, basically, lie down on the couch,
10 or somehow provided him an area to go to sleep.

11 **SERGEANT GIRARD:** Okay.

12 **SERGEANT ANDERSON:** It was when -- so
13 I presumed it would have been somewhere around
14 that time. I wasn't very aware of that until it
15 was time to go. And I know at some point I went
16 downstairs and said, Dave, it is time to go. And
17 I realized that he wasn't in a good condition to
18 be driving. It was at that point that I made the
19 determination to ensure that he wasn't going to.
20 But rather than leave him there, he would come
21 with us and I would look after him.

22 **SERGEANT GIRARD:** Okay. Now,
23 during -- do you know what time Derek started work
24 that day and what time he left?

25 **SERGEANT ANDERSON:** I don't.

1 **SERGEANT GIRARD:** Okay.

2 **SERGEANT ANDERSON:** I believe he was
3 there when I got there. Actually, I don't even
4 recall seeing him. I took my files and locked
5 myself in the Staff Sergeant's office for nine
6 hours.

7 **SERGEANT GIRARD:** So, I guess, keeping
8 that in mind, was there a lot of overtime this
9 week for any of the crews, any extra long hours
10 or --

11 **SERGEANT ANDERSON:** I was on EDL the
12 Monday and the Tuesday, the first two days of the
13 shift. The third day, the Wednesday, I wasn't
14 aware of any. Of course, our shift concludes
15 prior to theirs, and I didn't see or sign any blue
16 slips, and that brings us to the Thursday.

17 **SERGEANT GIRARD:** Okay. At any point
18 during the evening had you thought, at any time,
19 that Derek had maybe had too much?

20 **SERGEANT ANDERSON:** I had very little
21 contact directly with Derek. It was just sort of
22 a scrum. It was certainly nothing that I was
23 aware or cognizant of. I know I spoke at length
24 with Constable McLure during the evening, just
25 about career issues. So I think that was sort of

1 away from the rest of the group, it was within the
2 kitchen, but at the other end, the other side of
3 the kitchen area counter. So I really can't say
4 what he did or did not drink or --

5 **SERGEANT GIRARD:** Okay. That's fair.

6 So it sounds like there was nothing really at this
7 gathering at Branigan's or at Constable Black's
8 that caused you any concern; is that fair?

9 **SERGEANT ANDERSON:** Concern in what
10 context?

11 **SERGEANT GIRARD:** Just as far as
12 somebody getting out of hand, or somebody really
13 pounding back the alcohol or things like that?

14 **SERGEANT ANDERSON:** No, certainly not.
15 I couldn't even guess what Constable Harding had
16 to drink, for example.

17 **SERGEANT GIRARD:** Okay.

18 **SERGEANT ANDERSON:** All I know is he
19 displayed some symptoms, and we did what we could
20 to take care of him. There was nothing that stood
21 out at all really regarding anyone's behaviour.

22 **SERGEANT GIRARD:** All right.
23 Anything, Con?

24 **SERGEANT PEARSON:** No, I don't think
25 so.

1 **SERGEANT GIRARD:** All right. Okay.

2 Do you have any knowledge of any other --

3 **SERGEANT PEARSON:** Sorry, one thing,
4 how long has Derek been on the shift?

5 **SERGEANT ANDERSON:** I have been up
6 there since the last transfer, I have only been
7 there eight months. I presume that he has been
8 there since field training. He has just over four
9 years.

10 **SERGEANT PEARSON:** And you got to know
11 all of the shift?

12 **SERGEANT ANDERSON:** Fairly well.

13 **SERGEANT PEARSON:** Like everybody
14 gathers, say after, like a shift party or
15 gathering? What I'm getting at is, how does he
16 behave off duty? What is his manner?

17 **SERGEANT ANDERSON:** Very limited
18 contact. He is a quiet guy, well behaved,
19 respectful.

20 **SERGEANT PEARSON:** Would he give you
21 any cause for concern either on or off the job?

22 **SERGEANT ANDERSON:** Never, never. On
23 the contrary, I think he is a gentleman, he is a
24 great addition to the shift, he truly is. It is a
25 real tragedy what happened to the victim and to

1 him as well.

2 **SERGEANT GIRARD:** Okay. Do you have
3 knowledge of any other information regarding this
4 that we haven't covered, anything you feel might
5 be important that we have overlooked or --

6 **SERGEANT ANDERSON:** No. No, there
7 isn't.

8 **SERGEANT GIRARD:** Anything else you
9 wish to say before we stop the recorder?

10 **SERGEANT ANDERSON:** No, that's fine.

11 **SERGEANT GIRARD:** Okay. Well, the
12 interview is concluded then, the time is 5:22 p.m.
13 and the recorder is being turned off.

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2 OFFICIAL EXAMINER'S CERTIFICATE
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4
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6 I, CECELIA REID, a duly appointed Official
7 Examiner in the Province of Manitoba, do hereby
8 certify the foregoing pages are a true and correct
9 transcript of an audio recording of the above
10 interview of Sergeant Anderson to the best of my
11 skill and ability.
12
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16 Cecelia Reid

17 Official Examiner, Q.B.
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