

INTERVIEW OF JIM ANDERSON

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Date: February 28, 2005

Held at 10th floor Confederation

**Building, 457 Main Street,**

**Winnipeg, Manitoba**

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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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1  
2 OFFICIAL EXAMINER'S CERTIFICATE  
3  
4  
5

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  
13  
14

15 -----

16 Cecelia Reid

17 Official Examiner, Q.B.  
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