

**Cst. Derek Harvey-Zenk # 2180**  
**Suspension Hearing Brief**  
**Off Duty Incident**  
**PSU # 05-017**

05-03-22

**Incident Date:** 05-02-25-07:07 Hrs

**Charges:** Impaired Driving Cause Death  
Refuse Breath sample  
Dangerous Operation of M/V Cause Death  
Criminal Negligence Cause Death

**Summary:**

On Friday, February 25<sup>th</sup> 2005, at approximately 07:07 Hrs Cst. Harvey-Zenk was off duty and operating ML# DAX 165, a Dodge pickup truck.

A witness traveling south on Highway 59 in the curb lane, the same direction as Cst. Harvey-Zenk, described the following events.

Cst. Harvey-Zenk was traveling southbound on Highway 59 in the median lane. Cst. Harvey-Zenk was approaching a controlled intersection of the Perimeter Highway and Highway 59. The traffic lights controlling this intersection were red for southbound traffic.

There were two vehicles stopped for this red light. Both of these vehicles were also in the median lane.

Cst. Harvey-Zenk passed the witness vehicle doing between 70-80 KPH. The posted speed limit in this area is 80 KPH.

Cst. Harvey-Zenk's vehicle then collided with a small yellow vehicle that was pushed into the next vehicle in front of it.

The witness's last observations were that Cst. Harvey-Zenk exited his vehicle, stood beside it for moments, walked back to the yellow vehicle, stared at it and then returned to stand beside his own vehicle until police and emergency crews arrived. This witness confirms that the male police took into custody is the driver of the truck that caused the collision.

This concludes this witnesses' account for the purpose of this brief.

This occupant of the first vehicle struck by Harvey-Zenk succumbed to the injuries she sustained as a result of the collision.

The lone occupant of the third vehicle was taken to hospital and later released.

**SUNNED**

Police evidence supplied by East St. Paul Police is that there was a strong odour of liquor emanating from the cab of Cst. Harvey-Zenk's truck. While transporting Cst. Harvey-Zenk to the East St. Paul Police station, the transporting officer noted the odour of liquor coming from Cst. Harvey-Zenk.

On arrival at the station, a second officer also noted the odour of liquor on Cst. Harvey-Zenk's breath. The following signs of impairment were noted by this officer.

Strong odour of liquor on breath.

Unsteady on his feet.

Flushed face.

Glassy/bloodshot eyes.

When first Charged, Cautioned and given the Breath Demand, Cst. Harvey-Zenk agreed to supply samples for analysis. After consulting with Counsel, Cst. Harvey-Zenk refused to provide samples for analysis. Cst. Harvey-Zenk was then read the Refusal of Breathalyzer. Cst. Harvey-Zenk declined to provide samples.

Cst. Harvey-Zenk was released on a Promise to Appear for March 30<sup>th</sup> 2005 at 10:00am in room 301-408 York Ave.

It was learned that Cst. Harvey-Zenk had been at a party the night preceding this incident and the WPS PSU was requested by East St. Paul Police to conduct follow up investigation.

There is still some potential evidence that may be directly related to signs of impairment at the time of the collision as East St. Paul continues with their interviews of attending rescue personnel.

Brief concluded.