



WINNIPEG POLICE SERVICE

Supplementary Report

PSU # 05-017

The Crown

Girard reporting.

05-02-25 Staff Sergeant Poole of the Professional Standards Unit learned from Superintendent Scott that Cst. Derek Harvey-Zenk #2180/13 had been involved in a motor accident, which resulted in the death of a 40 year old woman. Cst. Harvey-Zenk was arrested at the scene for:

**Drive Impaired Cause Death,
Dangerous Operation Cause death
Criminal Negligence Cause Death
Refuse Breath Sample**

We later learned that he had been released on Promise to Appear. Paul Isaak, the Wellness Officer for the Winnipeg Police Service had been asked by Harvey-Zenk's lawyer to attend his residence, as Harvey-Zenk was quite despondent. S/Sgt. Poole was advised of this during a conversation with Superintendent Scott. S/Sgt. Poole then decided that Cst. Harvey-Zenk's firearm would be secured for safekeeping. Superintendent Scott then contacted Inspector McCaskill of District three and arranged for the weapon to be secured and turned over to us.

At approximately 1635hrs, the writer and Sgt. C. Pearson #1289 attended to the district three station. We met with Inspector McCaskill at 1640hrs at which time he turned over the Service pistol of Cst. Derek Harvey-Zenk #2180/13. Sgt. Pearson seized it and it was subsequently conveyed to the Service Armourer's office for safekeeping. S/Sgt. McIssac #1380 met us at the office and we secured it in the firearms box.

05-02-28 On the instructions of S/Sgt. Poole, Sgt. Pearson and the writer attended to the East St. Paul police station and received a report from Chief of Police A. Bakema. Chief Bakema also advised that he had seized a uniform of Cst. Harvey-Zenk's that was in his truck at the time of the accident, as he did not feel it should be left in the truck that was to be towed.

We then conveyed the report to Chief Ewatski's office and turned it over to Superintendent Stannard, while the uniform (packaged by Chief Bakema of East St. Paul Police) was retained in our office.

At approximately 1120hrs, S/Sgt. Poole advised me that the file was being assigned to me. I received the aforementioned copy of the East St. Paul Police report, which is attached to the file.

Synopsis East St. Paul Police report #2005-00568

The report indicated that on 05-02-25 at 0710hrs, a call was received in the office regarding a motor vehicle accident at Henderson Hwy at the Perimeter. Units responding discovered that the accident was actually at a controlled intersection on Highway 59 at the Perimeter and was a three-vehicle collision. Winnipeg Fire Paramedic Service (WFPS) was already on scene.

One of the drivers was being treated for a sore neck by WFPS. WFPS advised that the female had identified herself as Cathy Beattie and that they would be conveying her to the Concordia Hospital.

The driver of the second vehicle was embedded in the car and the Jaws of Life had to be utilized to extract her. She was subsequently conveyed to Concordia Hospital where she was pronounced deceased upon arrival by Dr. Halim Tomy. This female was identified as: Crystal Taman, db: 64-08-22.

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Chief of Police A. Bakema then approached the driver of vehicle #3, a lone male standing on the driver's side of his vehicle. According to Bakema, this male identified himself as the driver of the vehicle. Blood was noted on his nose and he appeared distraught. He was later identified as Derek Harvey-Zenk. He was escorted to a police car where Cst. Woychuk of the East St. Paul Police, conveyed him to their station.

A witness was interviewed and stated that he had been southbound on Highway 59 in the right lane. As he approached the traffic lights at the Perimeter Hwy, he noted two vehicles stopped in the left lane at the lights. He slowed as he approached the intersection and a blue Dodge Dakota pick up truck drove by him in the left lane at a high rate of speed. The witness, Garth Shaw, stated that the truck was "going full speed, 80 for sure" when it slammed into the rear of the yellow vehicle that then struck the rear of the front green vehicle. Shaw reported that he did not see any brake lights prior to the collision. After the collision, the driver of the truck exited his vehicle and was noted to have a bloody nose. He was described as a male, approximately 35yrs, 6 feet tall with a short haircut. This male then stood beside the truck for a while and then walked to the yellow car, stared at it, then returned to his truck and stood there.

Harvey-Zenk was conveyed to the East St. Paul Police Station and during that time, Cst. Woychuk detected a slight smell of liquor coming from him. Once on scene at the station, Sgt. Carter observed signs of impairment and formed the opinion that he was impaired. Harvey-Zenk was arrested for Impaired driving cause death and impaired driving cause bodily harm. He initially agreed to take the breathalyser test, however after he spoke with legal counsel, he was escorted to the breathalyser room where he then refused to take the breathalyser test and refused to discuss the incident. He was subsequently charged with refusal.

The Crown's office was contacted and the investigators then spoke with Special Prosecutor Marty Minuk who authorized the charges. Harvey-Zenk's lawyer, Katherine Buetti attended to the station, as did Winnipeg Police Service Wellness Officer Sgt. Paul Isaak. Harvey-Zenk was released at 1337hrs on a Promise to Appear and left in the company of his lawyer.

East St. Paul Police report synopsis concluded.

At approximately 1624hrs, I was advised by S/Sgt. Poole that Sgt. Humniski and P/Sgt. Anderson were in the Chief's office wanting to come over and speak about the events prior to the incident.

At approximately 1630hrs, Sgt. Humniski and P/Sgt. Anderson arrived at our office. At 1633hrs, Sgt. Humniski entered interview room #1 and I presented the police/staff witness preamble for his perusal. After viewing same, he had no questions and provided a statement between 1636hrs and 1656hrs.

Statement synopsis of Sgt. C. Humniski #1212/13/B1

Sgt. Humniski stated that he became aware of the fatality on Hwy 59 that involved one of his shift members. He was aware of where that officer was three and a half to four hours prior to the accident, that being at Cst. Sean Black's residence. Prior to attending Cst. Black's residence, most of the officers on his shift attended Branigan's restaurant for wings. Cst. Harvey-Zenk and his partner left work at 2230hrs, having started early at 1430hrs. Cst. Williams, Cst. Nechwediuk, Cst. Harding and Cst. Guyot left at 2230 as well. Most others left after 2330hrs. Sgt. Humniski attended to Branigan's around 0100hrs. The group stayed at Branigan's until closing, at which time there was an impromptu invitation to attend Cst. Black's residence.

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Sgt. Humniski along with other shift members, attended there (in East St. Paul, off Hodnott Rd.) at about 0230 to 0245hrs. He remained there until about 0330-0345hrs. Others in attendance were; Cst. Black, Cst. Azaransky, Cst. Harvey-Zenk, Cst. Nolet, Cst. Harding, Cst. McLure, P/Sgt. Anderson, Cst. Spruyt, Cst. Bauer and Cst. Fudge. They all had some snacks and liquor, although no one brought any there. Sgt. Humniski stated that he had a couple of drinks and was the first to leave, as he had to get up with his kids at 0700hrs.

Sgt. Humniski described the gathering at Cst. Black's as low key. There was popcorn and chips served. No one seemed to have any problems with over consumption, with the exception of Dave Harding. Cst. Black offered Cst. Harding a place to stay prior to Sgt. Humniski leaving. When he left, he had no concerns about anyone.

Sgt. Humniski stated that he has no idea how much Cst. Harvey-Zenk had to drink during the evening. He was not sitting with him at Branigan's and at Cst. Black's residence he may have seen him with a glass in his hand, but couldn't say what he had in it.

Sgt. Humniski was asked if Harvey-Zenk had been ill lately and he replied that he didn't think so. We discussed overtime and what time Cst. Harvey-Zenk would have had to get up for the early start that day and Sgt. Humniski estimated that he might have been up from at least his start time of 1430hrs the day before the accident.

Sgt. Humniski stated that the reason he and P/Sgt. Anderson came in to see us is that they wanted to ensure that the proper portrayal of the gathering was brought forward. It was not a planned party, just a quiet gathering after a shift. He further stated that Cst. Harvey-Zenk has been on his shift since April 2004 and that he is a very responsible fellow as is everyone else on his shift. He stated that for a young shift, they are very responsible. He is shocked that this happened.

Humniski synopsis concluded.

Sgt. Humniski was then provided with a cup of coffee and P/Sgt. Anderson entered the interview room. He viewed the preamble and the interview process was explained to him. At approximately 1702hrs, the recorder was started and a statement was obtained, concluding at 1722hrs.

Statement synopsis of P/Sgt. J. Anderson #1685/13/B1

P/Sgt. Anderson stated that on Thursday, February 24th, he was on 3rd relief in Division 13 on B1. He began his shift at 1430hrs at the Training Division for his mandatory fitness appraisal. He then attended to Division 13 where he commenced his Patrol Sergeant duties including completing some Supervisors Submissions regarding the promotion process. He did this for the entire day, until he left at approximately 0015hrs. He went to Branigan's restaurant and met up with some shift members of both his shift and others. P/Sgt. Anderson had some beer over a period of time, maybe three with water interspersed in there. At closing time, he had a lengthy wait to pay and when he got to the parking lot, he learned that arrangements had been made to attend Cst. Black's residence to continue the visit.

P/Sgt. Anderson got a ride to Cst. Black's residence with Cst. Fudge (driver), Cst. McLure and Cst. Harding. A few vehicles followed as they made a stop at a 7-11 store, then went straight to Cst. Black's residence. He guessed that they might have arrived at Cst. Black's at about 0300hrs. Once inside, Anderson gave himself a tour and then proceeded with a low-key visit.

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P/Sgt. Anderson stated that the following people were at Cst. Black's residence;

Dave Harding, Tracy Fudge, Kelly McLure, Sean Black, Ken Azaransky, Chris Humniski, Norbert Bauer, Jay Nolet, Derek Harvey-Zenk and TJ, a recruit on their shift.

P/Sgt. Anderson wasn't sure of the times that they arrived or left, but thinks that the group he was with left at around 0530hrs give or take 30 minutes. He thinks that they were the second group to leave, with Chris Humniski leaving first. P/Sgt. Anderson stated that this was a quiet, friendly, well-behaved gathering with some good conversation. He stated that it truly was a responsible gathering. P/Sgt. Anderson stated that he was not aware of anyone who was intoxicated other than Cst. Harding. He made up his mind at the house that if Harding left with them, he would ensure he was given a ride home.

They then drove to Branigan's, took Cst. Harding's keys from him and drove him home. They then talked shop in the vehicle for some time and then P/Sgt. Anderson went home.

P/Sgt. Anderson could not say that he was aware of any overtime that the shift might have had during the week. Upon being asked if he, at any time during the evening he thought that Derek had too much to drink, P/Sgt. Anderson said that he had very little direct contact with Derek and could not say what he had to drink and how much. He stated that nothing in anyone's behaviour, other than Cst. Harding, that indicated that someone had consumed too much liquor.

P/Sgt. Anderson stated that Cst. Harvey-Zenk has never given him cause for any concern, on or off duty and described him as a perfect gentleman.

Anderson synopsis concluded.

Based on the statements of Sgt. Humniski and P/Sgt. Anderson, it would appear that the following officers attended Cst. Black's residence:

Cst. Ken Azaransky #2198
 Cst. Jay Nolet #2316
 Cst. Dave Harding #2343
 Cst. Kelly McLure #2143
 Cst. T.J. Spruyt #2449
 Cst. Norbert Bauer #1804
 Cst. Tracy Fudge #2052
 Cst. Derek Harvey-Zenk #2180

Sgt. Humniski and P/Sgt. Anderson both stated that the members of their platoon are eager to come in and be interviewed about this matter. It was arranged that the interviews would start the next evening.

05-03-01

I spoke with Inspector McCaskill who advised that the EDL slips and roster are ready for me to pick up. I then advised the Inspector that I would leave a copy of our PSU Witness Interview Memo on his desk, so that he could read the sections pertaining to being a witness and contacting the Association to the shift members. He stated that he was meeting with the entire shift this evening and would advise them at that time.

Upon speaking with S/Sgt. Poole, I was advised that we are waiting to hear back from Deputy Chief Webster regarding direction in this matter.

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At approximately 1334hrs, Sgt. Imrie and I attended to the residence of Cst. Derek Harvey-Zenk and served him with a letter advising him formally of his administrative leave. He had no questions.

At 1445hrs, I attended to the district three station and received the EDL slips and a copy of the roster for B1 platoon for 05-02-24 from Clerk Sandra Wolf (attached to file).

At 1845hrs, I telephoned Inspector McCaskill and asked that Cst. Nolet be the first officer sent down. He then advised me that he is unsure if anyone on the shift knows that we would be interviewing them tonight and that if there is anyone who wished to contact the Winnipeg Police Association, we would have to allow 24 hours for that purpose. Inspector McCaskill stated that he would call me after the meeting with the shift, once he assesses the mood.

I then spoke with S/Sgt. Poole and it was decided that we would deliver witness interview letters tonight and begin the interviews tomorrow night. This way, officers would have time to contact the Association and not feel rushed. Upon being notified of this decision, Inspector McCaskill agreed.

Witness interview letters were then drawn up for the following Constables: Azaransky, Black, Veldman, Mikawoz, Nolet, Harding, Guyot, Swanson, Spruyt, Nechwediuk and Williams. These were delivered to district three at 2030hrs. While there, we learned that Cst. Kapka and Neumann also took EDL. I completed interview letters for them and emailed them to Insp. McCaskill, who arranged service.

05-03-02

At 1030hrs I received a call from Cst. S. Veldman who stated that he is on annual leave. Arrangements were made to interview him on another date.

At 1540hrs I received a call from Cst. J. Nolet who stated that he is on annual leave. Arrangements were made to interview him on 05-03-03 at 1730hrs.

At 1650hrs, I received a call from Cst. Swanson who stated that he was on a course and not at work this evening. Arrangements were made for him to be interviewed on 05-03-03 at 1630hrs.

At 2120hrs, I called Sgt. Humniski in district three. Arrangements were made for him to have crews attend our office for interview.

At 2225hrs, P/Sgt. Anderson called and stated that Cst. Mikawoz and Kapka were enroute. He further advised that Cst. McLure and Michalik were present during the evening at Branigan's. They apparently did not have any issue with attending this evening to be interviewed.

At 2243hrs, I attended the main floor and escorted Cst. Kapka #1516 and Cst. Mikawoz #2444 to our office. Sgt. Roxburgh and D/Sgt. Epp interviewed Cst. Mikawoz, while Sgt. Pearson, Cst. Kapka and I entered interview room #1. I explained the process and the preamble. At 2252hrs, the recorder was started and a statement was obtained, concluding at 2311hrs.

Statement synopsis of Cst. J. Kapka #1516/13

Cst. Kapka stated that on the evening in question, he and Cst. Neumann #2355 were working in district 2. Kapka said he left work at 0030hrs and went to Branigan's on Leila. He arrived at about 15 minutes later, stayed there for about 30 or 40 minutes and then went home.

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When he arrived at Branigan's he saw the following people there; Chris Humniski, Norbert Bauer, Ken Azaransky, Sean Black, Jim Anderson, Ted Michalik, Al Williams, Brian Neumann, Kelly McLure, Derek Harvey-Zenk, Tracy Fudge, Marnie and Jay Nolet. He could not remember anyone else. Everyone was sitting in the southeast corner. There were chicken wings being served.

Cst. Kapka stated that at no time did he see or talk to Derek Harvey-Zenk and spent most of his time speaking with Chris Humniski. He also stated that he did not know what Cst. Harvey-Zenk had to eat or drink, as he was not sitting with him. He further stated that he was not into socializing with other police officers but accepted the invitation that night to go there. He then stated that there is a generation gap on the shift as he is much older.

Cst. Kapka stated that he thinks that Brian Neumann and Al Williams left prior to him. At one point, he got up to use the washroom, then paid for his purchases and went home. This would have been between approximately 0130hrs and 0145hrs.

Kapka synopsis concluded.

I then escorted Cst. Kapka and Cst. Mikawoz to the main floor and they left.

At approximately 2327hrs, Cst. Harding and Guyot arrived for their interviews. Sgt. Roxburgh and D/Sgt. Epp interviewed Cst. Guyot while Sgt. Pearson and I interviewed Cst. Cst. Harding in interview room #1. I explained the process and the preamble. At 2334hrs, the recorder was started and a statement was obtained, concluding at 2350hrs.

Statement synopsis of Cst. D. Harding #2343/13

Cst. Harding stated that on Thursday February 24th, he and some shift mates took EDL at 2230hrs and went to Branigan's on Leila Ave for wings. He called ahead to make a reservation. Officers that were present on his arrival at Branigan's were as follows; Christian Guyot, Ted Michalik, Marnie Nechwediuk, although he is not sure as people were arriving all the time. He sat with Christian Guyot, Marnie Nechwediuk, Gord Schneider, Ted Michalik, Al Williams, and Jules Buors. Later, Tracy Fudge, Sammi Haddad, Norbert Bauer, Sean Black, Ken Azaransky, Jack Kapka, Derek Harvey-Zenk and Jim Anderson arrived. There were about 20 people or so in total.

People were sitting at different tables, some high, some low and some on couches. Cst. Harvey-Zenk was about 3 or 4 tables to his right with about 6 people between them. They stayed there for a few hours and left at around closing time, 0200hrs. Harding paid for his own food and beverages, although others did buy him a few. He did not notice anyone that was intoxicated. He said it just wasn't like that, it was just wings after work.

He has no idea what Cst. Harvey-Zenk had to drink or how much, but said that he had about 40 wings. This is an ongoing contest to see who could eat the most wings.

They then went to Sean Black's residence between 0230 and 0300. He got a ride in Tracy Fudge's vehicle, along with Kelly McLure and Jim Anderson. He does not know how Cst. Harvey-Zenk got to Cst. Black's residence. The following people attended Cst. Black's residence; Jim Anderson, Chris Humniski, Ken Azaransky, Jay Nolet, TJ Spruyt, Kelly McLure, Derek Harvey-Zenk, Tracy Fudge. There may have been a few more people there, but he cannot recall for sure.

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He is not aware of anyone bringing liquor to Cst. Black's. Popcorn was served and they just continued talking. Cst. Harding had a couple of ryes to drink. He did not notice what Cst. Harvey-Zenk had to drink and stated that the only person that he knew was getting intoxicated was himself. At one point, he was taken downstairs in Cst. Black's residence, as he was not feeling well. Cst. Black took him there and turned on the television and told him that he could stay the night if he wanted to and Cst. Harding said that he had every intention of staying. He then fell asleep and was woken up later by the people he went there with and they offered to get him home.

He left Black's with this same group that he arrived with at about 0530hrs and returned to the Branigan's parking lot, where he got a ride home from Jim Anderson. He and Anderson then sat in his vehicle and talked shop for a while.

Harding synopsis concluded.

I then escorted Cst. Harding and Cst. Guyot to the main floor and they left.

05-03-03

At approximately 0005hrs, I met Cst. Williams #817/13 and Cst. Michalik #1472 on the main floor and escorted them to our office. Sgt. Roxburgh and D/Sgt. Epp interviewed Cst. Williams, while Sgt. Pearson and I interviewed Cst. Michalik in interview room #1. I explained the process and the preamble. At 0011hrs, the recorder was started and a statement was obtained, concluding at 0020hrs.

Statement synopsis of Cst. T. Michalik #1472/13

Cst. Michalik stated that on the 24th, he left work between 2330 and midnight. He attended to Branigan's lounge on McPhillips, met with other members of the shift, had a few beers and some wings and left by himself at about 0200hrs or so. As he was leaving, he could see the group including Cst. Harvey-Zenk, approaching the cash out. He then went to his mom's place.

He stated that most everyone on their shift was there as well as a few people from division 11. Norbert Bauer was there, as was Sammi Haddad, about 20 people in total. They were sitting at the south end of the lounge at various tables, some lower, some higher. Cst. Michalik stated that Cst. Harvey-Zenk was across the second table from him. There was about 6 feet or so between them.

Cst. Michalik stated that Cst. Harvey-Zenk had a beer in front of him, but could not say how many he had, although he did have about 40 wings. Cst. Michalik stated that no one was intoxicated at Branigan's.

Cst. Michalik was not sure what time Cst. Harvey-Zenk took EDL at, but thinks it may have been around 2300hrs and does not know how he got there.

Michalik synopsis concluded.

Cst. Williams and Cst. Michalik were then escorted to the main floor and they left.

At 0044hrs, I met Cst. TJ Spruyt #2449 and Cst. M. Nechwediuk #2227 on the main floor and escorted them to our office. Sgt. Roxburgh and D/Sgt. Epp interviewed Cst. Nechwediuk #2227, while Sgt. Pearson and I interviewed Cst. Spruyt #2449 in interview room #1. I explained the process and the preamble. At 0052hrs, the recorder was started and a statement was obtained, concluding at 0108hrs.

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Statement synopsis of Cst. T.J. Spruyt #2449/13

Cst. Spruyt stated that on the evening in question, he left work at approximately 2315hrs and went to Branigan's on Leila for a few beers and wings. When he arrived, the following people were present; Derek, Kelly McLure, Sean Black, Ken Azaransky, Marnie, a traffic guy named Gord, Sgt. Humniski, Sgt. Anderson, Ted Michalik, Al Williams, Tracy Fudge, Norbert Bauer, Kelly's husband Sam, Dave Harding and a guy named Guyot. Sean Veldman and Dan Mikawoz arrived later.

The group was sitting in the south part of the lounge and there were about 4 or 5 tables set up, with sofas behind those. Cst. Spruyt said that he was sitting across the table from Derek Harvey-Zenk, who was about 10 or 11 feet away. He further stated that everyone was enjoying themselves, but did not see anyone that was intoxicated.

Cst. Spruyt cannot say what or how much Derek Harvey-Zenk had to drink. They all left at about 0230hrs as the premise was closing. He paid for his own food and beverages and as far as he knows, there was not a large tab for the group.

He was invited to Sean Black's residence and drove there himself. He thought it was about a 15-minute drive. Upon his arrival, he heard Cst. Black tell the group that if anyone wanted to stay over, they were welcome to. Cst. Spruyt stated that the following people attended to Cst. Black's residence; Cst. Black, Ken Azaransky, Derek (Harvey-Zenk), Jay Nolet, Tracy Fudge, Dave Harding, Guyot, Kelly McLure, Norbert Bauer, Sgt. Humniski and Sgt. Anderson.

While there, the group sat around and talked and had arm wrestling competitions. They were congregating in the kitchen area mostly. Cst. Spruyt had a coke while there and did not note what others, including Cst. Harvey-Zenk were consuming. He stated that he did not note anyone obviously intoxicated. He thought he was there for an hour or two and then went home. He did not notice if anyone left before him.

Spruyt synopsis concluded.

I then escorted Cst. Spruyt and Cst. Nechwediuk to the main floor and they left.

At approximately 0930hrs, I updated S/Sgt. Poole on the interviews that were conducted thus far. At approximately 1650hrs, Cst. L. Swanson #1684 arrived for his interview. He was escorted to interview room #1, where the interview process and police/staff witness preamble were explained to him. A statement was then obtained from him from 1658hrs to 1709hrs inclusive.

Statement synopsis of Cst. L. Swanson #1684/13

Cst. Swanson stated that a number of them had gone to Branigan's for wings. He and his partner were one of the last crews to be released from work, around 2330hrs and then went there immediately. Upon his arrival, he purchased a round for the group and ordered wings for himself. He had a beer, ate his wings and then about a half hour later, he left and went home.

Cst. Swanson said that most of his shift (15-20 people) was already there when he arrived. They were seated in the southeast corner of the restaurant. He stated that Cst. Harvey-Zenk was seated near the middle of the tables and he was on the far east side.

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Cst. Swanson indicated that when he arrived, Cst. Harvey Zenk had a plate of wings and what appeared to be a glass of beer in front of him. He said that there was no power drinking going on or anything like that. Cst. Swanson further stated that he thinks he was the first to leave and when he did, no one appeared intoxicated. Swanson paid for his own drinks and wings as well as the other beers he purchased for the table.

Swanson synopsis concluded.

Cst. Swanson was then escorted to the main floor and left.

At approximately 1726hrs, Cst. Nolet arrived for his interview. He was escorted to our office and at 1739hrs, we sat in interview room #1 and explained the interview process and preamble. A statement was then obtained from 1742hrs to 1801hrs inclusive.

Statement synopsis of Cst. J. Nolet #2316.

Cst. Nolet stated that on the date in question, he and his partner Cst. Harvey-Zenk started early at 1430hrs as they had to follow up an investigation at a school. They were to be completed their tour at 2330hrs, but left at 2230hrs on EDL. It had been agreed the night before that everyone would meet at Branigan's on Leila for wings. He attended there in his own vehicle and stayed there until closing time (around 0200hrs).

There were about 16 people that showed up at Branigan's, sitting at various spots in the lounge. Nolet stated that he was sitting on a sofa and that Derek Harvey-Zenk was at a high table with his back to him. Nolet had no idea how much Derek Harvey-Zenk had to drink and said he did have food. Near the end of the night, Sean Black extended an invitation to everyone to come to his house. Cst. Nolet paid for his own food and drinks, as did Cst. Harvey-Zenk.

They followed Black home and once there, some Crown Royal and Coca Cola were put out as well as popcorn, chips with salsa and chocolate muffins. People talked and bugged each other, however many of them were discussing the promotion process. Those in attendance were as follows; Harvey-Zenk, Norbert Bauer, Ken Azaransky, Sgt. Humniski, P/Sgt. Anderson, Kelly McLure, Tracy Fudge and Dave Harding. People gradually left and near the end of the night, there was Black, Nolet, Azaransky and Derek present. They sat around talking about how they wanted to work some projects this summer to gain some experience.

Cst. Black apparently put away the liquor at 0400hrs or so and cleaned up. He could not say how much of the liquor was consumed. At 0623hrs, Nolet received a call from his common law girlfriend who told him that she was heading to work, so he decided to go home. The people that were still there were Black and Harvey-Zenk.

Upon leaving Branigan's, Nolet stated that no one was intoxicated. Once at Black's, Nolet noted that Harding was intoxicated and took his drink from him. Cst. Black had him lay down in the basement area on a couch and extended an invitation for him to stay the night. Harding later got a ride home.

Regarding Cst. Harvey-Zenk, Nolet stated that although he was consuming alcohol, he observed no signs of intoxication on him. Cst. Nolet also stated that prior to leaving, Cst. Black asked him, Ken and Derek if they wanted to stay. Nolet did not stay and is unsure if anyone else did.

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Cst. Nolet stated that he and Cst. Harvey-Zenk had some overtime that week and were tired. He did not recall the date of the overtime, but they did have an early start on the 24th of February after working the entire shift the evening prior. Nolet advised that Cst. Harvey-Zenk was already at work in uniform when he arrived for the shift. Nolet did not know what time Cst. Harvey-Zenk got up that day, but the he (Nolet) had gotten up at 1230hrs. By the time he got home the next morning, he had been up for about 18 hours.

Nolet synopsis concluded.

The writer received a message to contact Cst. Veldman. Upon speaking with him at 1825hrs, it was learned that he was unable to attend this interview and we subsequently re-scheduled it for 05-03-11 at 0900hrs.

At approximately 2219hrs, Cst. McLure called and stated that she, Cst. Azaransky and Cst. Black were enroute to our office. At 2300hrs, P/Sgt. Anderson called and stated that Cst. McLure would be attending, however Cst's Black and Azaransky wanted to postpone their interviews in order to consult further with the Winnipeg Police Association. They are concerned about the future impact that statements may have on civil litigation and/or Winnipeg Police Regulation matters in this incident. It was arranged for their interviews to take place on 05-03-11.

At approximately 2307hrs, Cst. McLure arrived for her interview. The interview process and preamble were explained to her and a statement was subsequently obtained from 2310hrs to 2334hrs inclusive.

Statement synopsis of Cst. K. McLure #2143/13/B1

Cst. McLure stated that on February 24th, 2005 she was on annual leave for the week, however went into the training division for CAD training on the evening shift. When she was done, she went home and received a call advising that her shift was meeting at Branigan's for wings. She attended there at 2300hrs and note the following people there; Lloyd Swanson, TJ Spruyt, Derek Harvey-Zenk, Marnie Nechwediuk, Tracy Fudge, Sammi Haddad, Gord Schneider, Ken Azaransky, Sean Black, Chris Humniski, Jim Anderson and Ted Michalik. They sat in the lounge area directly across from the big screen television.

They had three tables lined up and she was sitting next to Lloyd Swanson, with TJ on the other side. Cst. Harvey-Zenk was about ten feet from her with his back to her. They visited and then she, Marnie and Tracy Fudge moved to the lower couches and stayed there talking until it was time to leave. Cst McLure had a couple of drinks and wings prior to leaving at 0230hrs.

Cst. McLure had no idea what Cst. Harvey-Zenk had to drink and thinks he had some wings. She further stated that no one in the group was intoxicated at Branigan's and in fact had a discussion with Cst. Harvey-Zenk about the Service's computer system. At that time, he did not appear intoxicated. She stated that this would have been around midnight.

It apparently had been decided that the event would continue at Sean Black's residence, so Cst. McLure went there in the vehicle of Cst. Fudge, along with P/Sgt. Anderson and Cst. Harding. Also in attendance were Sean Black, Ken Azaransky, TJ Spruyt, Chris Humniski, Jay Nolet and Derek Harvey-Zenk.

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While at Cst. Black's, there was conversation, laughing, joking and some arm wrestling. People were standing in the living room and kitchen area, on both sides of an island. Cst. McLure stated that she had some Bailey's with milk while there, but aside from that she didn't see any other alcohol out. Others had drinks in their hands, but she wasn't sure what was in them. Cst. McLure stated that the only person that she observed to be intoxicated was Dave Harding. When Harding was brought downstairs to sleep, Cst. Black told everyone present that if any of them wanted to stay the night, they were welcome to. She didn't know if anyone took him up on the offer.

Cst. McLure did not have any conversation with Cst. Harvey-Zenk at the house and did not pay attention to what he was doing or drinking, if anything. Cst. McLure didn't note who was there when she and her group left at 0500hrs, but assumed that Jay Nolet, Ken Azaransky, Sean Black and Derek Harvey-Zenk were still there. She returned to her vehicle at Branigan's and then went home.

Cst. McLure stated that this was a typical night and not a wild party at all. It was a quiet, fun gathering with no one drinking very much other than Dave Harding.

McLure synopsis concluded.

05-03-07 At approximately 1349hrs, the writer and Sgt. Imrie attended to Branigan's restaurant at 787 Leila Ave and met with the Assistant General Manager David Zulak. He advised that the on duty manager that night was Darcy Gerardy, the bartender was Mark Beitz and the servers were Amanda Samalgaski and Chelsea O'Halloran.

Zulak stated that the officers that came in that night attend occasionally after work and are always good to the staff. They have never presented any problem to the restaurant. Zulak stated that he would have the employees contact me to arrange interviews.

05-03-09 I received telephone calls from Darcy Gerardy and Chelsea O'Halloran. Appointments for interviews were set up. The other two staff members will not be interviewed, as they had no contact with the group that night.

05-03-10 Cst. B. Neumann #2355 arrived for his interview at approximately 1608hrs. He was escorted to room #1 where the interview process and witness preamble were explained to him. A statement was then obtained from 1613hrs to 1624hrs inclusive.

Statement synopsis of Cst. B. Neumann #2355/13

Cst. Neumann stated that he had been working with Cst. Kapka that evening and that they decided to attend Branigan's with shift mates. He arrived at Branigan's around midnight on the date in question and most everyone was there already. He had 20 wings and a couple of cokes and left about an hour later, going straight home.

Many people were sitting at low tables and others at higher tables as well as on sofas. He was seated right in the middle of the group at the high table. Werner Toews was sitting between Cst. Harvey-Zenk and him. Harvey-Zenk as sitting at a 45-degree angle to him and as such, could not see his entire face. While there, Cst. Neumann didn't see Cst. Harvey-Zenk eating anything, but did see a plate in front of him. Regarding liquor consumption, he didn't take notice of what Cst. Harvey-Zenk had to drink and in fact did not see him drinking anything.

Cst. Neumann stated that the majority of his shift was there as well as Cst. Bauer and Fudge from Division 11. The gathering was relaxed and sociable with a lot of talking. He stated that there was not a lot of drinking while he was there and no one was "pounding back the beers".

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Cst. Neumann stated that earlier in the week, he had heard that should they go out after work on that night, that Sean Black might have some people over. He had not heard any invitation on the night while at Branigan's.

Cst. Neumann indicated that he has known Cst. Harvey-Zenk since he arrived on the shift in November of 2003. He stated that Cst. Harvey-Zenk is a big eater (wings), but is not known as a big drinker that he is aware of.

Neumann synopsis concluded.

05-03-11

At 0825hrs, Cst. Veldman #1995 arrived for his interview. The process and preamble were explained to him and a statement was then obtained between 0828hrs and 0838hrs.

Statement synopsis of Cst. S. Veldman #1995/13

Cst. Veldman stated that on the evening of the 24th, he was on evenings, ending at 0230hrs. Plans had been made to meet at Branigan's for wings and he and his partner (Cst, Mikawoz) were the last officers to be granted EDL at 0030hrs (25th). They went straight to Branigan's where the shift was present, including Derek (Harvey-Zenk). The names of the officers present are as follows; Chris Humniski, Jim Anderson, Jack Kapka, Ted Michalik, Norbert Bauer, Tracy Fudge, Sammi Haddad, Jay Nolet, Dan Mikawoz, TJ Spruyt, Dave Harding, Ken Azaransky, Christian Guyot, Sean Black, Werner Toews and Gord Schneider.

Everyone was sitting in the southeast corner of the lounge and had their spots already. Cst. Veldman and his partner had to pull up chairs and fit in where they could. He characterized the gathering as a large number of different conversations going on at the same time, a typical social gathering.

When he first arrived, Derek Harvey-Zenk was sitting about two tables away from him, but as people left, he moved closer to where Derek was sitting. This would have been about an hour after he arrived. Cst. Veldman could not say what Cst. Harvey-Zenk was drinking or eating that night. He further stated that he did not notice anyone being obviously intoxicated.

Cst. Veldman stayed there until just after 0200hrs, when he left and went home, as he had court at 0900hrs. His partner Dan Mikawoz paid for his tab. There had been some talk about going to someone's house afterwards, but he said he had court, so he left without knowing where everyone was going.

Veldman synopsis concluded.

At approximately 1132hrs, Cst. Black and Cst. Azaransky arrived for their interviews. Cst. Black was interviewed first while Cst. Azaransky waited in the lobby. The interview process and police/staff witness preamble was explained to Cst. Black and a statement was subsequently obtained from 1136hrs to 1205hrs inclusive.

Statement synopsis of Cst. S. Black #1758/13

Cst. Black stated that on the 24th of February, he left work at 2330hrs and attended to Branigan's restaurant. He arrived there at about 2345hrs and noted that the south wall of the lounge area was filled with people from his shift and some from outside the shift. He stayed for a few hours, socializing with some people, however was sitting at a different table than the main group, which included Cst. Harvey-Zenk. They were sitting at raised tables, while Cst. Black sat on a love seat area near the fireplace. Jay Nolet sat with him in that area.

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He could not say when people arrived or left, but those in attendance were as follows; Dave Harding, Christian Guyot, Derek Harvey-Zenk, Ted Michalik, Al Williams, Kelly McLure, Gord Schneider, Jay Nolet, Jim Anderson, Norbert Bauer and Chris Humniski.

Derek Harvey-Zenk was sitting on the west side of one of the taller tables, facing south. His back was to Cst. Black and although he knows he had some wings, Cst. Black could not say what Cst. Harvey-Zenk had to drink. There was a line up to pay at the end of the evening and as his wife and kids were away, he decided that anyone that wanted to come back to his place was welcome to. He thinks it was around closing time, but is unsure of the exact time.

Upon being asked if anyone was visibly intoxicated when leaving Branigan's, Cst. Black replied that Dave Harding was showing signs of impairment. When he arrived at home, Cst. Black stated that some people were already there. He let them in, put out a 26-ounce bottle of rye and a bottle of Bailey's. The bottle of rye was consumed. He also put out food (popcorn and chips with salsa) and socialized with the group, mostly in the kitchen.

The following people attended to his residence; Chris Humniski, Jim Anderson, Ken Azaransky, Norbert Bauer, Jay Nolet, Tracy Fudge, Kelly McLure, TJ, Dave Harding and Derek Harvey-Zenk. People left at different times throughout the night, with Chris Humniski and TJ leaving early. Cst. Black remembers the girls leaving and being concerned about people driving. He stated that Dave Harding was a concern and at one point, he brought him downstairs and put him on the couch and told him he was staying here as he was really showing signs of impairment. At one point, Harding walked upstairs and wanted to go. Harding left with the girls and Jim Anderson and they were going to take care of him. Jay Nolet and Norbert Bauer were the next ones to leave together.

Cst. Black, Ken Azaransky, Norbert Bauer, Derek and Jay Nolet were together in the kitchen, talking for some time. A couple of guys left around 0630hrs, after either making or receiving phone calls. Ken Azaransky stayed at Cst. Black's residence and Derek was the last to leave.

Cst. Black stated that other than Dave Harding, he did not have any concerns about anyone else that were in attendance at his residence, regarding sobriety. He himself did not have much to drink, as he had to work later that day.

Regarding Cst. Harvey-Zenk leaving, Cst. Black stated that he and Harvey-Zenk had been discussing his house and some work that Cst. Black wanted to do. They then returned to the main floor and Ken Azaransky decided to stay there and sleep. Cst. Black then told Cst. Harvey-Zenk that he was welcome to stay if he wanted to and then went to use the washroom. When he returned, Cst. Harvey-Zenk was gone. Azaransky was still awake, but said he did not see Harvey-Zenk leave.

Cst. Black stated that the offer to everyone regarding staying over was not because of a concern regarding sobriety, but rather for fatigue and the fact that he lives outside of Winnipeg. Although he could not comment on how Cst. Harvey-Zenk might have felt fatigue wise, Cst. Black did say that he himself was very tired and wanted to get to bed. He said that Cst. Harvey-Zenk did not appear intoxicated when he last saw him.

Black synopsis concluded.

At approximately 1216hrs Cst. Azaransky entered room #1 with Sgt. Pearson and I. The interview process and police/staff witness preamble was explained to him. A statement was then obtained between 1218hrs and 1246hrs inclusive.

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Statement synopsis of Cst. Ken Azaransky #2198/13.

Cst Azaransky stated that on the evening of the 24th, the shift organized a get together at Branigan's. He left at 2330hrs and went straight to Branigan's. When he arrived, there were already several police members present. They were; Dave Harding, Gord Schneider, Christian Guyot, Al Williams, Derek Harvey-Zenk, Werner Toews, Tracy Fudge, Kelly McLure and others. It was fairly crowded at the higher tables, so he sat at a lower one with Cst. Black and Jay Nolet. They sat there for about 2 hours, having beers and wings and talking.

Cst. Harvey-Zenk was seated at the larger group of tables that were put together (higher ones) along the south end of the lounge. He was more towards the west side of the group. His back was to Cst. Azaransky. Cst Azaransky did not see what or how much Cst. Harvey-Zenk had to eat or drink. He did not talk directly with Cst. Harvey-Zenk at Branigan's and had no idea how he paid his bill. When he left Branigan's Cst Azaransky had no concerns about anyone's level of intoxication.

They all left at around 0200hrs or so and Cst. Black invited people to his residence after that and he attended. Those in attendance were; Chris Humniski, Jim Anderson, TJ Spruyt, Kelly McLure, Tracy Fudge, Dave Harding, Sean Black, Jay Nolet, Derek Harvey-Zenk and Norbert Bauer. They continued talking and having some drinks and food. Cst Azaransky had some rye and coke despite the fact that no one offered him one. He saw some rye and coke out on the table and assumed he could have a drink, so he did.

Cst Azaransky stated that he was not paying attention to the time or order in which people left, however he did say that TJ left after a little while and Chris Humniski left early. Then Jim Anderson, Dave Harding, Kelly McLure and Tracy Fudge left. Then Norbert Bauer was the next to go and then there was just him, Sean, Jay and Derek left. They continued talking and joking around. Jay Nolet was the next person to leave. At around 0600hrs, Azaransky was pretty tired and having been offered a place to stay for the night, went to-sleep, as he and Cst. Black had to be back at work later.

The only person that he observed that was intoxicated was Dave Harding. Cst Azaransky stated that he was very tired and wanted to get to sleep. Cst. Azaransky, Cst. Black and Cst. Harvey-Zenk sat around the kitchen table talking for a bit and Cst. Azaransky stated that he was not concerned about anyone present.

At one point near the end of the visit, Cst. Black gave Cst. Harvey-Zenk a tour and they discussed finishing the basement and other such work. Cst. Azaransky eavesdropped on that conversation and was not with them. He was in the living room sitting on the couch. Apparently, Derek Harvey-Zenk left Cst. Black's residence at about 0645hrs or so.

Prior to him leaving, Cst. Azaransky asked Harvey-Zenk if he was staying as well, as he was. Cst Azaransky then lay down and then apparently Cst. Harvey-Zenk left. Cst Azaransky did not see him leave and had no concerns as to his level of sobriety or fatigue level. Cst Azaransky did comment however that if Cst. Harvey-Zenk were as tired as he was, he would have been very tired.

Cst. Azaransky, Sgt. Pearson and I then discussed the issue of officers coming in as witnesses in this matter. We clarified our role in this matter in that we are assisting to the East St. Paul Police.

Azaransky synopsis concluded.

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At approximately 1257hrs, Chelsea O'Halloran, who was the waitress that served the officers on February 24th, 2005 at Branigan's, arrived for her interview. The process and witness preamble were explained to her and a statement was then obtained from 1303hrs to 1315hrs inclusive.

Statement synopsis of Chelsea Lynn O'Halloran.

O'Halloran stated that she recalled the group in the lounge and knew that they were police officers as they had been there in the past. They started arriving at around 11:00pm and there were approximately 25 to 30 officers present. They were seated in the rear of the lounge.

She said that they were ordering large platters of wings (30 per plate) although some were ordering salads or chicken fingers. In total, there were about 200 wings served. Some of the group were drinking beer and two of them had rye.

They stayed there for a few hours and a few of them had more beer than others. A few of them had about 8 beers. O'Halloran thinks that she knew which one Harvey-Zenk was as she had served him on Superbowl Sunday and he told her that his wife was pregnant. If this was the same officer, then he probably had about 7 or 8 pints of beer while at Branigan's that night and at least 30 wings, maybe more.

O'Halloran was asked if she was sure about it being him and she stated that if she saw him, she would know him. She stated that this person usually eats a large number of wings and had arrived early, around 11pm and was one of the first to arrive.

O'Halloran stated that when the group left, they stood in line to pay and no one seemed intoxicated to her. She had no concerns about any of them driving.

O'Halloran stated that she used to work at the Pony Corral and has been at Branigan's for only a short time. She has had experience in dealing with intoxicated people in the past and said that she could tell when someone has had too much to drink.

She then said that the average individual bill for the group was \$25 to \$30. She can recall this because they were the only ones in the restaurant and she was the only one serving them.

O'Halloran synopsis concluded.

At approximately 1410hrs, the writer and Sgt. Pearson attended Branigan's restaurant on Leila and interviewed the following people:

Darcey Victor Gerardy – Manager on duty on February 24th, 2005
Rodrigo Bravo - General Manager of Branigan's

A statement was obtained from them between 1414hrs and 1422hrs.

Statement synopsis of Darcey Gerardy and Rodrigo Bravo.

Gerardy stated that on the date in question, he was the manager in the evening and he walked over to say hello to the group. Other than that, he had no contact with them. He stated that it was a big group and they usually eat a large amount of wings, but could not say for sure how much they had to drink.

Gerardy stated that this group has been in before and that they are never a problem. They were just a quiet group having conversation. When the group was paying and leaving, there were a few people that he thought had too much to drink, but was told that they would not be driving.

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Mr. Bravo stated that Cst. Harding had called him and advised that the group would be coming down after work and that they wanted to be having wings. He also stated that on the evening in question, he thought the group had about 600 wings. He said that the officers from Hartford have never been a problem when they have come in.

Gerardy synopsis concluded.

In conversation after the interview, Bravo stated that there is no real record of the bills paid by patrons. He stated that all that is done, particularly with cash payments, is a daily comparison between the amount of stock used and the amount of money taken in. The only way there would be a record would be if a customer paid with a credit card.

At approximately 1500hrs, the writer and Sgt. Pearson attended to the residence of Cst. Jules Buors #1761. Our involvement in this matter and the witness preamble were explained to him and a statement was then obtained between 1505hrs and 1513hrs.

Statement synopsis of Cst. J. Buors #1761/15

Cst. Buors stated that on February 24th, 2005, he arrived at Branigan's on Leila at about 2305hrs. There were about 15-20 other officers there already. Cst. Buors ordered a beer and some wings and was sitting next to Cst. Harvey-Zenk who had a fresh plate of about 40 wings and what he thought was a draught beer in front of him.

Cst. Buors stated that the following officers were present: Kelly McLure and her husband, Al Williams, Ted Michalik, Derek Harvey-Zenk, Chris Humniski, Jim Anderson (although not sure whether Humniski or Anderson were there when he arrived), Sean Black, Stan Parag, Tracy Fudge and a recruit from the shift that he doesn't know. Cst. Buors used to be on the shift and that is why he received the invitation.

Cst. Buors stayed for a while and left for home at 0010hrs or so. When asked about the amount of food and/or drinks that Cst. Harvey-Zenk had, Cst. Buors couldn't recall if Derek had even a full glass of beer, but could not say for sure. Cst. Buors stated that he was tempted to have some of Derek's wings, as he did not appear to be eating them, due to him talking with others.

Cst. Buors stated that Cst. Harvey-Zenk did not appear any different than any other occasion in which he saw or spoke with him.

Buors synopsis concluded.

05-03-15

At approximately 1056hrs, Cst. Haddad #2100 arrived at our office for his scheduled interview. He was escorted to our office and into interview room #1, where the process and preamble were explained to him. A statement was then obtained between 1102hrs and 1109hrs.

Statement synopsis of Cst. S. Haddad #2100/11

Cst. Haddad stated that he was working with Cst. Tracy Fudge that evening and she mentioned something about going to Branigan's for wings. When they left work at about 0030hrs, he attended in his own vehicle and met her there.

The following people were in attendance: Derek Harvey-Zenk, Kelly McLure, Tracy Fudge, Jack Kapka, Al Williams, TJ Spruyt, Dan (recruit), Guyot, Sean Black, Azaransky, Marnie, Jay Nolet, Humniski, Jammie (another Sgt.), Brian Neumann, Sean Veldman and a few others, he was not sure though.

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Everyone was sitting on the lounge side. He sat across the table from Cst. Harvey-Zenk. He spoke with Derek while there and stated that Derek appeared normal. Regarding food, Cst. Haddad stated that he knew that Derek had wings because of the eating contest that he (Haddad) wanted no part of. He could not say what Cst. Harvey-Zenk had to drink though as he was not paying attention.

Cst. Haddad stated that it did not appear that anyone had too much to drink while he was there. He went home about an hour after he got there (0130hrs). He characterised the gathering as a normal shift briefing, with people just talking.

Haddad synopsis concluded.

At approximately 1125hrs, Cst. T. Fudge #2052 arrived at our office for her scheduled interview. She was escorted to our office and into interview room #1, where the process and preamble were explained to her. A statement was then obtained between 1133hrs and 1143hrs.

Statement synopsis of Cst. T. Fudge #2052/11

Cst. Fudge stated that she was working evening shift in Division 11 and left early, between midnight and 0030hrs, attending Branigan's until closing time. Those in attendance at Branigan's were: Christian Guyot, Dave Harding, Kelly McLure, Humniski, Jim Anderson, Brian Neumann, Sammi Haddad, Norbert Bauer, Marnie Nechwediuk, Derek Harvey-Zenk, and others, about 15 people in total.

They were seated in the restaurant portion, near the fireplace. She had no idea where Derek was sitting, as she was sitting on a couch, not at a table. She had no idea what he might have had to eat or drink. Cst. Fudge cannot recall any specific conversation with Derek, but feels she would have talked to him as she talked to everyone. When they left Branigan's, everyone got up to leave at roughly the same time. Cst. Fudge stated that everyone appeared fine.

Cst. Fudge took Kelly, Dave and Jim in her truck and went to Cst. Black's residence. Dave Harding had a little too much to drink, so he rode with them. They drove straight there after closing. Once there, they just sat around a table talking and razzing each other. There were also arm wrestling matches going on and they were listening to music. The following were at Cst. Black's residence: Sean, Kelly, Dave, Jim, Derek, Ken Azaransky, Norbert Bauer and Jay Nolet (at Branigan's as well).

Cst. Fudge stated that there was some rye and Bailey's out, but she wasn't paying attention to what anyone was drinking. The only person that had too much to drink was Dave Harding. She and her group (Kelly, Dave and Jim) left Cst. Black's around 0500hrs and she thinks they were the first to leave. They returned to Branigan's to get their vehicles and Jim Anderson drove Dave Harding home. Those remaining were: Derek, Jay Nolet, Ken Azaransky, Sean Black and Norbert Bauer. When she and her group left, everyone except Harding seemed fine.

Fudge synopsis concluded.

At approximately 1635hrs, Cst. G. Schneider #1680/13 arrived at our office for his scheduled interview. He was escorted to our office and into interview room #1, where the process and preamble were explained to him. A statement was then obtained between 1638hrs and 1647hrs.

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Statement synopsis of Cst. G. Schneider #1680/13

Cst. Schneider stated that he left work shortly before 2300hrs and arrived at Branigan's shortly after 2300hrs. He stayed there until about 0100hrs and then went home. Those in attendance at Branigan's were: Chris Humniski, Jim Anderson, Stan Parag, Derek Harvey-Zenk, Al Williams, Werner Toews, Kelly McLure, Tracy Fudge, Marnie Nechwediuk, Christian Guyot, Sammi Haddad and others. He could not remember everyone, but stated that there was about 20 people there, seated in the lounge.

Cst. Schneider stated that Cst. Harvey-Zenk was seated one table over from him. Cst. Schneider stated that he saw a glass in front of Derek, but did not actually see him raise a glass, as he was eating wings. Cst. Schneider couldn't say what he had been drinking.

When he left at 0100hrs, Cst. Schneider stated that everyone seemed fine and that he did not see any heavy drinking going on. When asked, he stated that the waitress was petite and blonde.

Cst. Schneider did not talk to Cst. Harvey-Zenk while he was there and at about 0100hrs he paid his bill and went home.

Schneider synopsis concluded.

At approximately 1659hrs, Cst. W. Toews #1602/13 arrived at our office for his scheduled interview. He was escorted to our office and into interview room #1, where the process and preamble were explained to him. A statement was then obtained between 1703hrs and 1711hrs.

Statement synopsis of Cst. W. Toews #1602/13

Cst. Toews stated that he left work that night at 2330hrs and attended to Branigan's on Leila. There were a number of people there, mostly from the shift of Cst. Harvey-Zenk. He stayed until 0050hrs and went home.

Upon his arrival, he observed the following people: Cst. Harvey-Zenk, Al Williams, Christian Guyot, Cst. Harding, Cst. Schneider, Marnie Nechwediuk, Jules Buors, Brian Neumann, Kelly McLure. Later, the following people showed up: Sgt. Humniski, Sean Black, Ken Azaransky, a recruit whose name he thinks is TJ, Tracy Fudge, Sean Veldman and the recruit he was training.

Cst. Toews characterized the gathering as "socializing with shift members" and said that no one was getting out of hand in any way. Regarding what Cst. Harvey-Zenk had to eat or drink, Cst. Toews stated that he ate some chicken wings and observed a large plate in front of him. He did see some beer glasses on the table but did not see him drinking. When he left, he stated that there was no one that he thought had had too much to drink.

Cst. Toews stated that in his opinion, at the time that he (Toews) left, Cst. Harvey-Zenk was not intoxicated.

Toews synopsis concluded.

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The writer then assembled a gallery photograph pack utilizing the following photographs:

- 1) Kyle Thompson IRN #138674
- 2) Jason Lightfoot IRN #202407
- 3) Nicolas Hudson IRN #133429
- 4) Mark Newman IRN #107583
- 5) Cst. Harvey-Zenk
- 6) James Fox IRN #135748
- 7) Michael Crawford IRN #121069
- 8) Anthony Hilmarsen #124171
- 9) David Vanderelst IRN #131384
- 10) Andrew Lussier IRN #217994

This gallery pack will be shown to the waitress Chelsea O'Halloran.

05-03-22

Attended to the residence of Chelsea O'Halloran at approximately 1138hrs. Utilizing the photo line up form, I had O'Halloran view the gallery photo pack on Cst. Harvey-Zenk. O'Halloran viewed all the photographs and then stated, "I don't recognize any of them."

At approximately 1313hrs, Sgt. Paul Isaak, the Wellness officer for the Winnipeg Police Service, arrived for his interview. He was escorted to interview room #1 where the process and witness preamble were explained to him. A statement was then obtained between 1318hrs and 1342hrs.

Statement synopsis of Sgt. Paul Isaak.

Sgt. Isaak stated that in the afternoon of the date in question, he received a call from the President of the Winnipeg Police Association and was advised of the circumstances of Cst. Harvey-Zenk's situation. As part of his role as the Wellness Officer of the Winnipeg Police Service, Sgt. Isaak would touch base with him to ensure that he was aware of the resources available to him and ensure that his family received proper notification of the incident.

He was provided the name and number of the investigating officer, Sgt. Carter and called him to ascertain if he could attend and meet with Cst. Harvey-Zenk. Sgt. Carter was very open to his involvement and in fact had expressed concern regarding Cst. Harvey-Zenk's behaviour.

After receiving Sgt. Carter's approval, Sgt. Isaak attended there shortly after noon and met with he and East St. Paul Police Chief A. Bakema. Sgt. Isaak was advised that Cst. Harvey-Zenk was speaking with his legal counsel and also learned that Mrs. Harvey-Zenk (Cst. Harvey-Zenk's wife) had been notified and would be escorted home from her workplace.

Sgt. Isaak stated that at approximately 1230hrs, he met with Cst. Harvey-Zenk in the presence of his lawyer Ms. Buetti for just over half an hour. Sgt. Isaak said that when he met with him, Cst. Harvey-Zenk was clearly distressed over the result of being involved in the accident and the death of the other individual. He made several comments about having no explanation that could make sense of the fact that someone was now dead. He was very distressed over not being able to offer an explanation to a husband, child, etc, although he did not know any details of the victim. He was also very distressed over the disappointment that he felt he was now to the people who cared for him, such as his wife and family. He described himself as always being proud of himself and someone that his entire family could be proud of and that all of this has now changed.

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Sgt. Isaak stated that the source of Cst. Harvey-Zenk's distressed was more outward, as he was thinking more about how this would affect everyone except himself. Cst. Harvey-Zenk stated that he wished he could trade places with the woman so that it was not her family going through all of this. They discussed Sgt. Isaak's concern for his well being and the supports that were available to him.

They developed a plan in which Ms. Buetti would take Cst. Harvey-Zenk home and remain there until Sgt. Isaak arrived later that afternoon. Sgt. Isaak would then remain there until the family arrived from Brandon.

When asked about concerns for Cst. Harvey-Zenk's physical well being, Sgt. Isaak stated that this was something that he addressed later in the afternoon when he attended his residence. This concern was more to do with the fact that he had been up for a considerable length of time, had experienced something very distressing and at one point, Cst. Harvey-Zenk stated something that he had this image of this car that he kept seeing. Sgt. Isaak, in his experience, realized how important it was that Cst. Harvey-Zenk get a good sleep in order to deal with decisions that had to be made, etc. He then took steps to address this medical concern of his. He did not see any visible physical injuries.

When asked if he thought that Cst. Harvey-Zenk could make proper decisions for himself at that time, Sgt. Isaak stated that he was very distressed over the incident and there was nothing he observed that he couldn't attribute to that event alone. He described Cst. Harvey-Zenk as having tears in his eyes and was displaying signs of deep remorse.

Sgt. Isaak stated that Cst. Harvey-Zenk made no complaint of injury and he observed none, nor did he see any blood on his clothing. He further stated that he was not prepared to leave Cst. Harvey-Zenk on his own, as he was not focused on himself and had some concerns that he might be suicidal (although he also stated that Cst. Harvey-Zenk did not display any behaviour to suggest this). Sgt. Isaak stated that he didn't think that Cst. Harvey-Zenk was thinking about himself at all.

Sgt. Isaak stated that he didn't smell any liquor on Cst. Harvey-Zenk and did not know many details of the event. Sgt. Isaak stated that Cst. Harvey-Zenk did not appear intoxicated at all, just distressed.

Later that evening, Sgt. Isaak attended the Victoria Hospital with Cst. Harvey-Zenk in order to obtain some medication to assist him in getting some sleep. After being advised of some basic information about the matter, the doctor provided a prescription and Cst. Harvey-Zenk was returned home.

Isaak synopsis concluded.

05-03-23

At 1250hrs, I spoke with Cst. S. Parag #1676/13 on the telephone in order to set up an appointment for interview. He advised that he did not attend Branigan's on the night in question and went home directly from work. He only became involved in this matter later in the capacity of his position as a Winnipeg Police Association Representative.

At approximately 1645hrs, Cst. N. Bauer #1804/11/B1 arrived for his scheduled interview. He was escorted to interview room #1 where our involvement, the interview process and the preamble were explained to him. A statement was then obtained from 1649hrs to 1658hrs inclusive.

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Statement synopsis of Cst. N. Bauer #1804/11

Cst. Bauer stated that he attended Branigan's, arriving between 2330 and midnight. He sat at a side table with Sean Black, Ken Azaransky, Anderson and Jay Nolet, with most of the people seated at a high set of tables. He had a few drinks and chicken wings. He had no idea where Cst. Harvey-Zenk was seated. He did not speak with or have any observations about Cst. Harvey-Zenk while at Branigan's or at Cst. Black's.

The following people then attended to Cst. Black's residence: Derek, Ken Azaransky, Jay Nolet, Sean, Anderson, Kelly McLure, Tracy Fudge, Harding and TJ Spruyt. Cst. Bauer stayed there until about 0530hrs. He had a drink while there, but did not know what anyone else had to drink.

There was a bottle of liquor and some mix out in the kitchen, and during the entire evening, Cst. Bauer did not recall anyone being obviously intoxicated. When he left Cst. Black's residence, Sean, Derek, Jay Nolet and Azaransky remained.

Bauer synopsis concluded.

05-03-30

At approximately 1355hrs, the writer and Sgt. Imrie attended to the residence of Cst. Harvey-Zenk and met with him. The letter from the Chief advising him of the suspension was served and Cst. Harvey-Zenk then turned over his warrant card, badge and holder along with his locker key, to the writer. These items were subsequently stored in the PSU storage room along with the seized uniform (previously seized from Cst. Harvey-Zenk's truck by East St. Paul Police).

Summary

As a result of a request for assistance from the east St. Paul Police, this crew had been tasked to identify where Cst. Harvey-Zenk had been prior to the accident and whom he had been with. It has clearly been established that he left work at 2230hrs and attended to Branigan's restaurant at 787 Leila Ave, where he met up with a large group of co-workers for drinks and chicken wings and then later attended to the residence of Cst. Sean Black. He then left Cst. Black's residence around 0700hrs or so.

With the exception of the waitress Chelsea O'Halloran, everyone interviewed has stated that they took no notice of what (or the amount) Cst. Harvey-Zenk had to drink. Everyone was specific however on what he ate, apparently due to the fact that there is an ongoing competition regarding the consumption of chicken wings. In addition, no police members that attended Branigan's thought that anyone left the restaurant intoxicated. Only Darcy Gerardy, the Manager on duty on that night indicated that he thought a few people in the group that he thought had too much to drink. He was told however, that those people would not be driving. It is not known whom he was referring to or who told him that those people would not be driving.

Chelsea O'Halloran stated that she thought she knew which person was Cst. Harvey-Zenk on the night of February 24th 2005, due to the fact that he had been in for the Superbowl a few weeks earlier and had told her that his wife was pregnant. O'Halloran failed to pick Cst. Harvey-Zenk out of a gallery photo pack however.

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Further to Branigan's restaurant, the General Manager, Rodrigo Bravo stated that it would not be possible to determine the total bill for the group or any individual that night, unless they paid with a credit card, although he did say that they consumed a large number of chicken wings (600 or 700). Mr. Bravo explained that if the customer paid in cash, the bill is thrown out once paid. The only records they keep and check is the total amount of stock used for the day versus the total amount of money brought in. There is no way to determine the total amount the group or any individual may have spent at Branigan's. In addition, there are no further witnesses, as the restaurant was empty long before the officers paid their bills and left for the night.

Approximately 10 people attended Cst. Black's residence. Once there, a bottle of Crown Royal Rye and a bottle of Bailey's Irish Cream liqueur were put out for anyone that wanted to partake. In addition, everyone stated that popcorn and nacho chips with salsa were also put out for consumption.

Many witnesses indicated that Cst. Black extended an invitation for anyone to sleep at his place if they wanted to or felt the need to. When interviewed, Cst. Black stated that with the exception of Cst. Dave Harding who was obviously intoxicated, he had no concerns about anyone's level of sobriety (this was echoed by many witnesses). His invitation had more to do with concern over fatigue and the fact that he lives outside the city.

Conclusion.

This crew's involvement in this matter is now concluded. This report will be forwarded to Special Prosecutor Marty Minuk to be included in the East St. Paul Police investigation file.

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Detective Sergeant R. Girard #1584	Sergeant C. Pearson #1289	Staff Sergeant J. Poole #1386