

INTERVIEW OF WERNER TOEWS

Date: March 15, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 TUESDAY, MARCH 15, 2005

2 Upon commencing at 5:03 P.M.

3
4 **SERGEANT GIRARD:** The date is
5 March 15, 2005, the time is 5:03 p.m. We are in
6 interview number one of the Professional Standards
7 Unit Offices, on the 10th floor of the
8 Confederation Building, 457 Main Street in
9 Winnipeg. My name is Detective Sergeant Roger
10 Girard, and also present is Sergeant Con Pearson.
11 For the purposes of voice recognition, Con, please
12 identify yourself by 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 Constable Werner Toews regarding
17 PSU file 05-017. For the purpose of voice
18 recognition, Werner, can you please identify
19 yourself by full name and badge number?

20 **CONSTABLE TOEWS:** Werner Toews, badge
21 number 1602.

22 **SERGEANT GIRARD:** I remind you that in
23 accordance with service policy, our conversation
24 is being recorded, and for that purpose today we
25 are using an Olympus DS4000 digital voice

1 recorder.

2 You were contacted by way of a memo
3 and requested to attend for this interview today.

4 We originally had it scheduled for 6:00 p.m.

5 However, as I explained to you when we came up
6 from the elevator, we had someone who was
7 scheduled for 5:00 that came in earlier, so we
8 thought that we would contact you to see if you
9 wanted to come in earlier.

10 **CONSTABLE TOEWS:** Sure.

11 **SERGEANT GIRARD:** So that's kind of

12 what happened. You came down, I met you
13 downstairs. We came up into the interview room,
14 we explained to you our involvement in this matter
15 and how we became involved, and what we are kind
16 of looking at as far as interviews and the
17 information that we are looking for. I showed you
18 the witness preamble and explained a little bit
19 about that. You didn't have any questions,
20 however, you did tell us that you have your
21 receipt which can show what time you left there.

22 **CONSTABLE TOEWS:** Yes.

23 **SERGEANT GIRARD:** So at that point you
24 didn't have any questions, so we started the
25 recorder. So is that an accurate account of what

1 has taken place prior to me turning the recorder
2 on?

3 **CONSTABLE TOEWS:** Yes.

4 **SERGEANT GIRARD:** Okay. It is my our
5 practice to ensure that members understand their
6 status when being interviewed, and I remind you
7 that you are being interviewed as a witness in
8 this matter. This statement may be used in any
9 criminal, civil, or service proceeding, or it may
10 not be used in any proceeding at all.

11 Were any threats made to you, or were
12 any promises or hopes of reward offered to you in
13 relation to providing a statement?

14 **CONSTABLE TOEWS:** No.

15 **SERGEANT GIRARD:** Was anything said to
16 you that might influence what you may say in this
17 statement?

18 **CONSTABLE TOEWS:** No.

19 **SERGEANT GIRARD:** Okay. So as I
20 explained before, we became involved in this and
21 we were asked to determine where Constable
22 Harvey-Zenk was and who he was with prior to the
23 incident that occurred on February 25th at about
24 7:00 a.m. And in part of all of this, we
25 discovered that there was a number of people from

1 district 3, and I believe a few from division 11
2 that were at Branigan's Restaurant on Leila in the
3 late evening I guess of the 24th, and we
4 understand that you were there. So if you can
5 just tell us what time you left work and got there
6 and what was going on?

7 **CONSTABLE TOEWS:** Yeah, I left work on
8 that night at approximately 2330. I attended to
9 the Branigan's restaurant on Leila Avenue.

10 **SERGEANT GIRARD:** Um-hum.

11 **CONSTABLE TOEWS:** There were a number
12 of people at the restaurant. I believe the
13 majority of them were the shift members of
14 Harvey-Zenk. I stayed there for approximately one
15 hour. I have a receipt here that shows what time
16 I left. And that was basically it.

17 **SERGEANT GIRARD:** Okay. What time
18 does it say on the receipt that you have?

19 **CONSTABLE TOEWS:** 0050 hours. So I
20 got there roughly I guess quarter to midnight.

21 **SERGEANT GIRARD:** Okay. When you
22 arrived, who was there? Do you recall the names
23 of some of the people that were there?

24 **CONSTABLE TOEWS:** Harvey-Zenk was
25 there, but the table I was sitting at, I was

1 facing the back of him, he was facing away from
2 me. At his table was I believe Al Williams,
3 Christian Guyot, I believe. There was a Constable
4 Harding there, I'm not sure of his first name.
5 I'm not that familiar with the shift because I'm a
6 traffic officer in district 3, I work with all
7 three shifts, so I know quite a few people, some
8 better than others. At the other -- there was a
9 table beside them, there was my partner, Gordon
10 Schneider, Marnie Nechwediuk, and Jules Buors was
11 sitting actually beside Harvey-Zenk. And then the
12 table I was sitting at, I believe Brian Neumann
13 showed up after I was there. He showed up later.
14 Who else was there? I believe Kelly McLure was
15 there. I'm not sure when Kelly showed up but she
16 was there as well. Do you want me to tell you
17 people who showed up after or --

18 **SERGEANT GIRARD:** Sure, any names that
19 you can remember?

20 **CONSTABLE TOEWS:** After I was
21 initially there, more people showed up and I
22 believe it was Sergeant Humniski, Black,
23 Azaransky, I think it is Kevin, I think it is, or
24 Kenny. Like I say, Brian Neumann was sitting at
25 my table. There was a recruit -- sorry -- sorry

1 about that.

2 **SERGEANT GIRARD:** That's all right.

3 Pretty neat songs on those phones.

4 **SERGEANT PEARSON:** I guess we will

5 have to put on the recoding that that was your

6 cell phone.

7 **CONSTABLE TOEWS:** I will just turn it

8 off. There was -- what I was saying -- there was

9 a recruit, I'm not sure of his name, I think they

10 call him TJ. He is a field training recruit, he

11 was sitting at my table after that. There was a

12 number of people that came after, I believe it was

13 Tracy Fudge was there. Shaun Veldman came after,

14 and I believe he was field training, I don't know

15 his recruit's name. That's about all the people

16 that I remember.

17 **SERGEANT GIRARD:** Okay. How would you

18 characterize the gathering?

19 **CONSTABLE TOEWS:** Socializing with

20 shift members.

21 **SERGEANT GIRARD:** Okay. Was there

22 anybody that in your opinion was getting out of

23 hand?

24 **CONSTABLE TOEWS:** No.

25 **SERGEANT GIRARD:** Either drinking or

1 behavioural wise?

2 **CONSTABLE TOEWS:** No.

3 **SERGEANT GIRARD:** Okay. Do you know,
4 or can you tell us what Constable Harvey-Zenk had
5 to drink or eat?

6 **CONSTABLE TOEWS:** I remember, because
7 his back was towards me, he was facing away from
8 me, I saw off to the side and I heard some
9 conversation that he liked eating wings, and I
10 heard a couple of numbers, I don't know what he
11 was eating, but I noticed there was a large plate
12 in front of him and he was eating chicken wings.

13 **SERGEANT GIRARD:** Okay.

14 **CONSTABLE TOEWS:** I heard a couple of
15 numbers, I heard 40, I heard 64, but I'm not sure
16 how much he was eating, but I remember it was a
17 large plate in front of him.

18 **SERGEANT GIRARD:** Okay.

19 **CONSTABLE TOEWS:** As far as drinking
20 goes, again, his back was towards me and I was
21 sort of facing off to the side, so I am not sure,
22 I can't say 100 per cent sure what he was
23 drinking. There was some beer glasses on the
24 table, but I can't say that I saw him drinking.

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

1 Anything, Con?

2 **SERGEANT PEARSON:** No.

3 **SERGEANT GIRARD:** I think that covers
4 it. So you left at 10 to 1:00 --

5 **CONSTABLE TOEWS:** Yes?

6 **SERGEANT GIRARD:** When you left, was
7 there anybody at this gathering that you thought
8 was obviously intoxicated?

9 **CONSTABLE TOEWS:** No.

10 **SERGEANT GIRARD:** Okay. All right
11 then. Well, do you have knowledge of any other
12 information regarding this that we haven't
13 covered?

14 **CONSTABLE TOEWS:** No.

15 **SERGEANT GIRARD:** Something we have
16 overlooked but maybe we should know that might
17 assist?

18 **CONSTABLE TOEWS:** No, I just, in my
19 opinion when I was there and when I left, he
20 wasn't intoxicated.

21 **SERGEANT GIRARD:** Okay.

22 **CONSTABLE TOEWS:** You know, he was
23 eating these wings. And I was quite surprised,
24 put it that way, I was quite surprised when I
25 learned later what had happened.

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SERGEANT GIRARD: Yeah.

CONSTABLE TOEWS: So to me that was a big shock. Nothing there would have led to me to believe that something like this would have happened later on.

SERGEANT GIRARD: Okay. All right. Is there anything else you wish to say?

CONSTABLE TOEWS: No.

SERGEANT GIRARD: Okay. The time now is 5:11 p.m. and this interview is concluded, and the recorder is being turned off.

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OFFICIAL EXAMINER'S CERTIFICATE

I, CECELIA REID, a duly appointed Official
Examiner in the Province of Manitoba, do hereby
certify the foregoing pages are a true and correct
transcript of an audio recording of the above
interview of Constable Toews to the best of my
skill and ability.

Cecelia Reid
Official Examiner, Q.B.

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