

INTERVIEW OF WERNER TOEWS

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Date: March 15, 2005

Held at 10th floor Confederation

**Building, 457 Main Street,**

**Winnipeg, Manitoba**

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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.

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Cecelia Reid  
Official Examiner, Q.B.

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