

INTERVIEW OF BRIAN NEUMANN

Date: March 10, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 THURSDAY, MARCH 10, 2005

2 Upon commencing at 4:13 P.M.

3
4 **SERGEANT GIRARD:** The date is
5 March 10th, 2005, and the time is 4:13 p.m. We are
6 in interview room number one of the Professional
7 Standards 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 purpose of voice recognition, 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 the
16 interview of Constable Brian Neumann regarding
17 Professional Standards Unit file number 05-017.
18 For the purpose of voice recognition, Brian, can
19 you please identify yourself by full name and badge
20 number?

21 **CONSTABLE NEUMANN:** Brian Raymond
22 Neumann, badge number 2355.

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

1 using an Olympus DS4000 digital recorder. You have
2 found out about the fact that we wanted to
3 interview you through, I believe you said Constable
4 Swanson?

5 **CONSTABLE NEUMANN:** Yes.

6 **SERGEANT GIRARD:** We brought a bunch
7 of memos requesting interviews with officers out to
8 district 3, however you were on a course for a
9 number of weeks and so away from the office?

10 **CONSTABLE NEUMANN:** Correct.

11 **SERGEANT GIRARD:** Okay. You and I
12 have spoken on the phone a little bit in the last
13 couple of days just arranging when you were going
14 to come in.

15 **CONSTABLE NEUMANN:** That's correct.

16 **SERGEANT GIRARD:** You phoned me
17 earlier today advising me you were leaving the
18 academy. When you arrived, we met you downstairs,
19 we came up here to the interview room. I had you
20 look at the preamble, I made some notes and I
21 explained to you why we are involved in this and
22 what our involvement is going to be, and also a
23 little bit about what we are interviewing people
24 about.

25 **CONSTABLE NEUMANN:** That's correct.

1 **SERGEANT GIRARD:** Is that an accurate
2 account of everything that has taken place prior to
3 turning the recorder on?

4 **CONSTABLE NEUMANN:** It is.

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

12 Were any threats made to you or any
13 promises or hopes of reward offered to you in
14 relation to providing this statement?

15 **CONSTABLE NEUMANN:** No, they were not.

16 **SERGEANT GIRARD:** Was anything said to
17 you by anybody that would influence what you might
18 say to us in this statement?

19 **CONSTABLE NEUMANN:** No.

20 **SERGEANT GIRARD:** Okay. As I said
21 before the recorder was on, basically, if you could
22 let us know what you know about this matter, which
23 of course for the purpose of the tape, this is
24 regarding the incident involving Constable
25 Harvey-Zenk that occurred in the early morning

1 hours of February 25, I believe it was. So we
2 understand that he and some of his shift mates were
3 out, had taken some EDL and gone out for some wings
4 and beverages, and then subsequently off to another
5 residence. So if you could just let us know what
6 your involvement in this was?

7 **CONSTABLE NEUMANN:** My involvement was
8 I also went with some of the members of my shift to
9 Branigan's on Leila. I would have arrived there
10 about midnight, just shortly thereafter. Just
11 about everybody was there by the time I had gotten
12 there, with the exception of a few people who
13 arrived after.

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

15 **CONSTABLE NEUMANN:** While I was there
16 I had, I'm not a drinker at all, so I just had a
17 couple of cokes and 20 wings, and I was there for
18 approximately an hour and left shortly after 1:00
19 o'clock.

20 **SERGEANT GIRARD:** Okay. And where did
21 you go at 1:00 o'clock?

22 **CONSTABLE NEUMANN:** I left and I went
23 just directly home from there.

24 **SERGEANT GIRARD:** Okay. Were you at
25 work in district 3 with your shift mates that

1 evening?

2 **CONSTABLE NEUMANN:** I was actually
3 with Constable Jack Kapka. We were temporarily
4 assigned to district 2 as an extra car.

5 **SERGEANT GIRARD:** Okay. Now,
6 whereabouts were you guys sitting in Branigan's?

7 **CONSTABLE NEUMANN:** I think I was
8 pretty much right in the middle of the room. I was
9 seated at a table, a bar stool height table, right
10 in the middle of the room. There was people seated
11 at low tables to my right-hand side. There was a
12 bunch of people seated there. There was people
13 seated directly in front of me, also at the higher
14 tables, and there was people on my left at the sofa
15 tables.

16 **SERGEANT GIRARD:** Where within the
17 restaurant though?

18 **CONSTABLE NEUMANN:** Within the bar,
19 lounge section I guess they refer to that.

20 **SERGEANT GIRARD:** Okay. And so you
21 were sitting, who was sitting right around you?

22 **CONSTABLE NEUMANN:** Right around me,
23 Werner Toews was beside me.

24 **SERGEANT GIRARD:** Okay.

25 **CONSTABLE NEUMANN:** Kelly McLure was

1 slightly across from where I was seated. People
2 were moving around at various times, but my
3 recollection of where people were, Derek was
4 actually right behind Werner. Where I was seated,
5 Werner was between Derek and myself.

6 **SERGEANT GIRARD:** At two separate
7 tables?

8 **CONSTABLE NEUMANN:** Yes, Werner was
9 seated at my table across from me, sort of across
10 and beside.

11 **SERGEANT GIRARD:** A round table?

12 **CONSTABLE NEUMANN:** Yes, a round
13 table, and Derek was seated directly behind him.

14 **SERGEANT GIRARD:** Okay. Was his back
15 against you guys or --

16 **CONSTABLE NEUMANN:** I'm just trying to
17 remember here as far as -- Derek was seated
18 probably at a 45-degree angle to where I was, so I
19 would be able to see about half of his face.

20 **SERGEANT GIRARD:** Okay. Did you
21 notice if Derek was eating?

22 **CONSTABLE NEUMANN:** I didn't see Derek
23 eating anything, but I did notice that he had a
24 large plate in front of him, already eaten chicken
25 wings.

1 **SERGEANT GIRARD:** What about
2 beverages, alcoholic or non alcoholic, whichever?

3 **CONSTABLE NEUMANN:** During the period
4 of time I was there I didn't see him drink
5 anything, and I am sure I didn't see him order a
6 drink during that period of time.

7 **SERGEANT GIRARD:** Okay. Is it fair to
8 say that you would have noticed, or is it that you
9 just -- can you say that he didn't order something
10 or is it that you just didn't notice that he did?

11 **CONSTABLE NEUMANN:** I didn't take
12 particular notice. I know other people that
13 ordered drinks, because where I was seated the
14 waitress had to come directly to me and then go to
15 one side or the other side of me to serve the
16 drinks or pass the drinks to someone. During that
17 time I did not see anyone passing a drink to Derek
18 or Derek ordering a drink.

19 **SERGEANT GIRARD:** Okay. Just for
20 clarification, you arrived at approximately
21 midnight, you said?

22 **CONSTABLE NEUMANN:** Approximately
23 midnight and I left at about 1:00.

24 **SERGEANT GIRARD:** About 1:00 o'clock,
25 okay.

1 Con, do you have something?

2 **SERGEANT PEARSON:** No.

3 **CONSTABLE NEUMANN:** I remember other
4 people that were there, I know my Sergeants were
5 there, Chris Humniski and James Anderson were
6 there. Norbert Bauer was there, Sammi Haddad,
7 Tracy Fudge, just -- they were from the downtown.

8 **SERGEANT GIRARD:** Right.

9 **CONSTABLE NEUMANN:** Pretty much the
10 majority of my shift was there.

11 **SERGEANT PEARSON:** Okay. What about
12 the atmosphere of the people that were there, were
13 the people into the party mode or were they just
14 relaxing and having conversation?

15 **CONSTABLE NEUMANN:** During the time I
16 was there, everyone was just pretty much relaxing.
17 As far as I could tell, most of the people hadn't
18 been there that long. I know that we were kind of
19 meeting in various stages, in and out, what do you
20 call it, to leave from -- I mean, it is not like
21 the entire shift was there at 10:00 o'clock and
22 they had been sitting there pounding them back for
23 two hours or anything. I know that people had
24 arrived at different periods.

25 **SERGEANT GIRARD:** Okay. Generally

1 speaking, though, what was -- how would you
2 characterize the gathering I guess is --

3 **CONSTABLE NEUMANN:** At that point,
4 just very sociable, lots of chatter back and forth,
5 everybody talking, not a lot of drinking during the
6 period of time that I was there. I didn't see --

7 **SERGEANT GIRARD:** To use your phrase,
8 anybody pounding back the beers?

9 **CONSTABLE NEUMANN:** No.

10 **SERGEANT GIRARD:** Okay. All right.
11 Prior to you leaving, was there any mention about
12 going somewhere else, like to another bar or pub or
13 to somebody's residence or --

14 **CONSTABLE NEUMANN:** I think earlier in
15 the week there was mention that should we go out,
16 that Sean Black might have some people over. But
17 as of that evening when I left, nothing was
18 mentioned to me.

19 **SERGEANT GIRARD:** Okay.

20 **CONSTABLE NEUMANN:** Not that, you
21 know, in my particular case I was given a call back
22 the next day, so it didn't matter where they were
23 going, I wouldn't be going.

24 **SERGEANT GIRARD:** Okay. All right. I
25 can't think of anything else right now. Con?

1 **SERGEANT PEARSON:** I think that's
2 about it.

3 **SERGEANT GIRARD:** Do you know if Derek
4 owns his own cell phone?

5 **CONSTABLE NEUMANN:** I don't know.

6 **SERGEANT GIRARD:** I know the cruiser
7 cars have cell phones in them, but have you ever
8 seen him use a different one at work?

9 **CONSTABLE NEUMANN:** No, not that I
10 know of.

11 **SERGEANT GIRARD:** Okay. How long have
12 you known him?

13 **CONSTABLE NEUMANN:** Since I have
14 gotten on that shift.

15 **SERGEANT GIRARD:** Which is?

16 **CONSTABLE NEUMANN:** It has been -- I
17 graduated November 2003.

18 **SERGEANT GIRARD:** Okay. And you have
19 been on that platoon since you graduated?

20 **CONSTABLE NEUMANN:** Yes.

21 **SERGEANT GIRARD:** Okay. In the time
22 that you have known him, have you known him to be a
23 big drinker, or how would you characterize his
24 drinking?

25 **CONSTABLE NEUMANN:** Derek's drinking I

1 would characterize more as social drinking. I know
2 Derek is a big eater, because the previous times
3 that we have gone there, the big thing is eating
4 the wings, and currently he has the record, chicken
5 wing champion. The last time we had gone out, I
6 had ordered 40 wings or something like that, and it
7 seemed to be the gauntlet thrown down, a challenge.
8 But, I mean, Derek, a big eater I know him to be.
9 A big drinker I don't know him to be. I have never
10 noticed that.

11 **SERGEANT GIRARD:** Okay.

12 **SERGEANT PEARSON:** Have you gone out
13 on shift parties before?

14 **CONSTABLE NEUMANN:** I have gone, like
15 I said, I don't drink at all. So me going to them,
16 it is going for a sociable, and then after a period
17 of time, I just go home. Like, I don't spend all
18 night up, you know, with them.

19 **SERGEANT GIRARD:** Right. Okay.

20 **CONSTABLE NEUMANN:** But I have
21 attended fairly regularly when we do go out as a
22 shift.

23 **SERGEANT GIRARD:** Okay. All right. I
24 don't have anything else.

25 Do you have knowledge of any other

1 information that we haven't covered in this
2 matter, maybe something that we have overlooked
3 that might be important?

4 **CONSTABLE NEUMANN:** With respect to?

5 **SERGEANT GIRARD:** That evening, your
6 involvement there that evening?

7 **CONSTABLE NEUMANN:** Really nothing
8 that I can think of at the moment.

9 **SERGEANT GIRARD:** Is there anything
10 else you wish to say?

11 **CONSTABLE NEUMANN:** No. I'm just glad
12 that this is being, you know, investigated, so
13 there is no belief by people outside of our
14 department or elsewhere that people are trying to
15 cover things up or anything like that. And I'm
16 glad that, you know, people have come and asked me
17 what is going on or whatever, because I think it is
18 important that all of the facts be out there.

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

20 Well, the time is 4:25 p.m., this interview is
21 concluded and the recorder is being turned off.

22

23

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1
2 OFFICIAL EXAMINER'S CERTIFICATE
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4
5

6 I, CECELIA REID, a duly appointed Official
7 Examiner in the Province of Manitoba, do hereby
8 certify the foregoing pages are a true and correct
9 transcript of an audio recording of the above
10 interview of Constable Neumann to the best of my
11 skill and ability.
12
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14

15 -----
16 Cecelia Reid

17 Official Examiner, Q.B.
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