

INTERVIEW OF NORBERT BAUER

Date: March 23, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 WEDNESDAY, MARCH 23, 2005

2 Upon commencing at 4:49 P.M.

3
4 **SERGEANT GIRARD:** It is March 23rd,
5 2005, the time is 4:49 p.m., and we are in
6 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 Roger Girard and also
10 present is Con Pearson. For the purpose of voice
11 recognition, Con, please identify yourself by
12 name?

13 **SERGEANT PEARSON:** Con Pearson.

14 **SERGEANT GIRARD:** We are both members
15 of the Professional Standards Unit. This is an
16 interview of Constable Norbert Bauer regarding PSU
17 file 05-017.

18 For the purpose of voice recognition,
19 Norbert, can you please identify yourself by full
20 name and badge number?

21 **CONSTABLE BAUER:** Norbert Bauer, badge
22 number 1804.

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

1 purpose today we are using an Olympus DS 4000
2 digital voice recorder.

3 You were contacted and requested to
4 attend for an interview. You were away during
5 that time, so you contacted me when you got back
6 and we set up this interview for today. I think
7 you contacted me or maybe --

8 **CONSTABLE BAUER:** Yes, I did.

9 **SERGEANT GIRARD:** Okay. And we set up
10 this interview for today. You arrived a few
11 minutes ago, I met you downstairs, came upstairs
12 into a room, there was a little bit of talk about
13 the promotion process, and I explained to you
14 about this interview, and the preamble and about
15 the equipment we are using. And you didn't have
16 any questions, so we started the recorder. So is
17 that an accurate account of what has taken place
18 prior to me turning the recorder on?

19 **CONSTABLE BAUER:** Yes, it is.

20 **SERGEANT GIRARD:** Okay. It is our
21 practice to ensure that members understand their
22 status when being interviewed, and I remind you
23 that you are being interviewed as a witness in
24 this matter. This statement may be used in any
25 criminal, civil or service proceeding, or it may

1 not be used in any proceeding at all.

2 Were any threats made to you, or were
3 any promises or hopes of reward offered to you in
4 relation to providing your statement?

5 **CONSTABLE BAUER:** No.

6 **SERGEANT GIRARD:** Was anything said to
7 you by anyone that would influence what you might
8 say to us in this statement?

9 **CONSTABLE BAUER:** No.

10 **SERGEANT GIRARD:** Okay. So I just
11 said before the recorder started that this, of
12 course, is to do with the incident involving
13 Constable Harvey-Zenk. The accident was on the
14 morning of February 25th, the early morning hours
15 around 7:00 a.m. And we have been asked to assist
16 the East St. Paul Police to find out where he is
17 was and who he was with and what was going on
18 prior to that.

19 So as I understand it, I think it was
20 a group of people from district 3 that met at
21 Branigan's initially, and then may have gone on to
22 another location after that, or did go on to
23 another location after that. Your name came up in
24 some of the interviews as having been there, so
25 that's why we wanted to talk to you today. So if

1 you could just relate what you know about this
2 matter?

3 **CONSTABLE BAUER:** I guess it is pretty
4 straightforward. I went down to Branigan's, and
5 there was I guess a large contingent of people
6 from district 3 there. I got there fairly late, I
7 guess, sometime between probably 11:30 or 12:00,
8 somewhere around there. I am not even sure, it
9 has been quite a while. So I got there a little
10 later, sat down at the table -- there was two
11 tables, there was a larger group sitting down and
12 there was a smaller group on a table at the side.
13 I sat at the table on the side, had some chicken
14 wings, had a drink, and then a group of us went
15 over to Sean Black's later -- went over to Sean's.
16 Pretty much most of the people I guess came, I'm
17 not even sure, I don't actually know everybody.
18 So I went over to Sean's and had a drink over at
19 Sean's place, and I left at about, I don't know,
20 5:00, 5:30 in the morning, something like that,
21 from Sean's place.

22 **SERGEANT GIRARD:** Okay. And you
23 weren't from district 3, you were working in
24 division 11.

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

1 **SERGEANT GIRARD:** So you don't know
2 everybody there?

3 **CONSTABLE BAUER:** No, I didn't know
4 everybody there, but I know most of them.

5 **SERGEANT GIRARD:** Okay. Now, when you
6 said that you were at Branigan's, can you describe
7 just the layout of where --

8 **CONSTABLE BAUER:** We were in the
9 lounge area, and there is some high top tables
10 with tall chairs and there is some lower down
11 tables. And most of the people were centered
12 around a group of tables, were sitting around
13 chatting, and I was down on the lower table on the
14 side talking to the people at the table there.

15 **SERGEANT GIRARD:** Okay. So who were
16 you sitting with and talking to?

17 **CONSTABLE BAUER:** Ken Azaransky, Sean
18 Black, myself, Anderson, Jay Nolet, and I think
19 that was pretty much it. People were moving
20 around in chairs, so people could come and go, sit
21 and move back, but those were basically the people
22 sitting around our table.

23 **SERGEANT GIRARD:** Okay. Where was
24 Constable Harvey-Zenk sitting in relation to you?

25 **CONSTABLE BAUER:** I have no idea to be

1 honest. He wasn't at my table so I would assume
2 he would be at one of the other tables.

3 **SERGEANT GIRARD:** Do you know him at
4 all?

5 **CONSTABLE BAUER:** I know him to see
6 him but I really don't know him.

7 **SERGEANT GIRARD:** Okay. Did you have
8 any conversation with him at Branigan's?

9 **CONSTABLE BAUER:** No.

10 **SERGEANT GIRARD:** Okay. So did you at
11 any point in Branigan's have any observations as
12 far as what he was drinking and how much?

13 **CONSTABLE BAUER:** No.

14 **SERGEANT GIRARD:** Or what he was
15 eating and how much?

16 **CONSTABLE BAUER:** No. Like I said, I
17 couldn't even tell you. Like I don't know him
18 very well and he wasn't at my table, so I have no
19 idea.

20 **SERGEANT GIRARD:** Okay. Then how did
21 it come about that everybody went to Constable
22 Black's residence?

23 **CONSTABLE BAUER:** I think he just
24 mentioned -- he invited and said, you know what,
25 we can go over to my place if you guys want and

1 sit around for a while. So he lives right close
2 to me, and me and Sean are pretty tight, we are
3 pretty good friends, so I just decided I might as
4 well go over and have a drink and then head on
5 home.

6 **SERGEANT GIRARD:** Okay. Who all went
7 there?

8 **CONSTABLE BAUER:** Oh geez, from what I
9 remember it would be Derek, Ken Azaransky, Jay
10 Nolet, Sean, Anderson, Kelly McLure, Tracy Fudge,
11 that's, I think that's -- oh, TJ Spruyt, he was
12 there for a very short period of time. That's
13 about all I can pretty much remember off the top
14 of my head.

15 **SERGEANT GIRARD:** Okay. And what time
16 did everybody leave Branigan's, do you remember?

17 **CONSTABLE BAUER:** I don't know. I
18 guess -- I don't even know what time they close,
19 so I guess it was probably about, I'm guessing,
20 probably 1:30 or 2:00. Like I said, it would be a
21 guess, I'm not really too sure.

22 **SERGEANT GIRARD:** Okay. And then at
23 Sean Black's you stayed until what time?

24 **CONSTABLE BAUER:** I'm guessing around
25 5:00, 5:30, something like that.

1 **SERGEANT GIRARD:** Okay. Now, during
2 the evening at Branigan's and then later at Sean
3 Black's residence, at any point did you have any
4 concern about the amount of liquor that anybody
5 was consuming? Anybody becoming visibly
6 intoxicated that you recall?

7 **CONSTABLE BAUER:** I don't remember
8 anyone being -- no, no, I really don't. You know,
9 I'm not really paying attention to what everyone
10 else does, but if someone was stumbling around and
11 tipping over chairs and things like that, that
12 would make me take notice, no. There was lots of
13 laughter and lots of joking around going on, there
14 was arm wrestling going on, you know, typical
15 bantering back and forth, but I didn't notice
16 anything out of the ordinary.

17 **SERGEANT GIRARD:** Nothing, okay.

18 **CONSTABLE BAUER:** Nothing that stands
19 out.

20 **SERGEANT GIRARD:** Okay. Now, when you
21 left who was still at the residence?

22 **CONSTABLE BAUER:** When I left there
23 was Derek, Jay Nolet, Azaransky and Sean Black.
24 And I had, just prior to me it was I think Tracy
25 and Kelly McLure, and Harding -- Harding was

1 there, sorry -- I think they all left. I left
2 just after Tracy and them, probably about ten,
3 fifteen minutes after they did. So I'm not sure
4 what time they left, so I'm assuming they left
5 around 5:00 o'clock, because I left around 5:00,
6 5:30 some time, somewhere in there. Like I say, I
7 wasn't looking at my watch.

8 **SERGEANT GIRARD:** Okay. What was
9 going on just prior to you leaving?

10 **CONSTABLE BAUER:** We were just
11 standing around in the kitchen area.

12 **SERGEANT GIRARD:** Was there any liquor
13 being served at all?

14 **CONSTABLE BAUER:** There was a bottle
15 on the counter in the kitchen, a bottle and some
16 mix and some ice and stuff like that.

17 **SERGEANT GIRARD:** Okay. But, again,
18 you said there was no one causing any concerns?

19 **CONSTABLE BAUER:** No, no.

20 **SERGEANT GIRARD:** Or anyone you
21 noticed that appeared to be overdoing it?

22 **CONSTABLE BAUER:** No.

23 **SERGEANT GIRARD:** All right.
24 Anything, Con?

25 **SERGEANT PEARSON:** No, nothing.

1 **SERGEANT GIRARD:** Okay. Do you have
2 knowledge of any other information that we haven't
3 covered, something that we have overlooked that
4 might be important?

5 **CONSTABLE BAUER:** No. Like I said, I
6 don't really know the guy at all. In all honesty
7 I really didn't say too much to him that night.
8 Like I don't know him. I know him to say hi and
9 that's about it. I mean, the other guys there I
10 am lot closer with and I know a lot better. So
11 this was a complete surprise to me when I found
12 out about it.

13 **SERGEANT GIRARD:** It was a shock.

14 **CONSTABLE BAUER:** Yes.

15 **SERGEANT GIRARD:** Okay. Anything else
16 you want to tell us?

17 **CONSTABLE BAUER:** No, that's about it.

18 **SERGEANT GIRARD:** Okay. The time is
19 4:58 and this interview is concluded and the
20 recorder has been turned off.

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2 OFFICIAL EXAMINER'S CERTIFICATE
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4
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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 Bauer to the best of my
11 skill and ability.
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14

15 -----
16 Cecelia Reid

17 Official Examiner, Q.B.
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