

## Executive Summary

On May 10<sup>th</sup>, 2005 the Royal Canadian Mounted Police "D" Division received a request from Manitoba Justice, Criminal Justice Division. The correspondence requested that the RCMP investigate allegations of improper conduct by the former chief of the East St. Paul Police Department (ESPPD), Harry Bakema. The letter requested that this investigation explore his conduct during an investigation of a fatal motor vehicle collision which occurred February 25<sup>th</sup>, 2005 at the intersection of hwy 59 and 101, and if his actions breached any section of the Criminal Code.

Investigators learned that the collision in question involved a Winnipeg Police Service off duty constable, Derek Harvey-Zenk. This collision resulted in the death of Crystal Taman, and led to various charges against Harvey-Zenk including Impaired Operation Cause Death. In April 2006, independent council prosecuting this matter for Manitoba Justice was advised by the current chief of ESPPD that there were aspects of this investigation that had not been fully documented or disclosed. These aspects included the fact that Bakema noted Harvey-Zenk to be exhibiting signs of impairment but did not document this. Also, that Bakema disclosed this fact to Cst. Jason Woychuk of the ESPPD, but had instructed him not to include this in his notes.

The investigation commenced with a review of the ESPPD disclosure package in support of the charges against Harvey-Zenk. The conduct concerns regarding Bakema related directly to his dealings with the accused Harvey-Zenk, and the direction he provided to members of ESPPD in respect to the fatality investigation. It was determined the scope of the investigation would explore these aspects, but as well examine if there were any overt acts by investigating personnel to purposely subvert the investigation.

Interviews were conducted with ESPPD members Chief Norm Carter, Cst. Jason Woychuk, Cst. Glenda Peterson, Cst. Bryan Maloney, Cst. Mike Krawchuk, Cst. Randy Chudyk, and Cst. Ken Graham. Other emergency responders were also interviewed including ambulance attendants, and fire department personnel. There were several civilian witnesses who observed different aspects of the accident, scene management, and treatment of those involved in the collision. These subjects were also interviewed. For several of these subjects, this was the first statement that they had given to police regarding this matter.

In considering all statements provided, it has been established that witnesses reported this collision via 911 and directly to the ESPPD shortly after 0700 hrs. The first emergency vehicle on the scene was a Winnipeg Fire Paramedic Service ambulance arriving between 0715 and 0720. This unit was driven by Jonathan Hawkes and Don Fotti. Their primary job was to assess the potential patients on scene which included the drivers of the three vehicles involved. They quickly turned their attention to the most severely damaged car driven by the deceased Crystal Taman. The next responders to arrive was Chief Bakema and Cst. Graham. Cst. Graham states their efforts upon arrival were directed to traffic control, and scene management. At about the

same time the second ambulance from Winnipeg driven by Lennard Pleskacz and attended by Lisa Trochim arrived. They were directed by the first ambulance unit to attend to the victim in the second vehicle, Kathleen Beattie. Lisa Trochim took control of this patient, and Lennard Pleskacz went to assist in Crystal Taman's care.

Additional police units from ESPPD driven by Cst. Jason Woychuk and Cst. Glenda Pederson arrived, as well as the fire rescue units from East St. Paul. Woychuk remained on scene, while Pederson went north to a set of weigh scales on hwy 59 to reroute traffic. Cst. Woychuk's notes indicates he arrived on scene at 0722 hrs, and he conducted some traffic control. At 0742 hrs he notes that Chief Bakema escorted the driver of the third vehicle involved in the collision to his police car and placed him in the back. Woychuk notes that the male driver now identified to him as Derek Harvey-Zenk was attended to by a paramedic unit and then transported to the ESPPD. While en-route to the station, Woychuk detects a smell a liquor about Harvey-Zenk and as directed turned him over to Sgt. Norm Carter. He was instructed by Bakema not to do anything, and that the subject would be handled by Sgt. Carter. It is then Carter who develops grounds of impairment, arrests, chartered, and makes the breath demand. In Woychuk's statements to investigators, he stated that there were omissions in both his and Chief Bakema's notes. These omissions included Bakema's statement at the scene that Harvey-Zenk was a Winnipeg Police Service member and that he could be impaired. Woychuk also states that he had a conversation with Ted Rosser, the ambulance attended who treated Harvey-Zenk. Rosser told him that he smelt liquor on Harvey-Zenk. During his note development, Woychuk described that Bakema suggested he put in his notes that he was taking Harvey-Zenk back to the station to complete a traffic accident report.

Other witness statements were obtained from people who came upon the collision at various times that morning. It has been established that the only peace officers who had contact with the accused between the hours of 0722 until his delivery to Sgt. Carter at 0812 hrs was Chief Bakema and Cst. Woychuk. By Woychuk's own admission, he is unable to be certain if Harvey-Zenk was placed in his vehicle immediately upon his arrival, or as per his notes indicate at 0742 hrs. Independent witnesses accounts have been unable to determine, with a high degree of certainty, when Harvey-Zenk was placed in Cst. Woychuk's vehicle. However, it has been established through a witness statement from Garth Shaw that Chief Bakema had an extended exchange with the accused prior to his placement in Woychuk's car. This exchange, Bakema's observations of the accused as told to Woychuk, are absent from his notes and investigational narrative.

The executive summary is submitted only to provide the reviewer a snap shot of the entire investigation, as the following report explores these circumstances in significantly more detail.