

INTERVIEW OF DAVE HARDING

Date: March 2, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 WEDNESDAY, MARCH 2, 2005

2 Upon commencing at 11:34 P.M.

3
4 **SERGEANT GIRARD:** The date is
5 March 2nd -- March 2nd, 2005. The time on my
6 watch is 11:34 p.m. We are in interview number
7 one of the Professional Standards Unit Office on
8 the 10th floor of the Confederation Building, 457
9 Main Street, Winnipeg. My name is Detective
10 Sergeant Roger Girard, and also present is
11 Sergeant Con Pearson. For the purpose of voice
12 recognition, please 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 David Harding regarding
17 Professional Standards Unit file number 05-017.
18 For the purpose of voice recognition, please
19 identify yourself by full name and badge number?

20 **CONSTABLE HARDING:** David Harding,
21 badge number 2343.

22 **SERGEANT GIRARD:** Okay. I remind you,
23 Dave, that in accordance with service policy, our
24 conversation is being recorded and for that
25 purpose this evening we are using an Olympus

1 DS4000 digital recorder.

2 You were contacted by way of memo
3 through your supervisors and requested to come for
4 an interview today or tomorrow evening. In the
5 memo was a brief outline of what this
6 investigation was about, specifically, assisting
7 the East St. Paul Police in their investigation
8 regarding Constable Harvey-Zenk. And in that memo
9 as well it said that you would arrange a time for
10 the interview through your supervisor. So we had
11 some other interviews, and then I contacted your
12 supervisor and he said that you were coming down.
13 So I met you downstairs at about 27 minutes after
14 11:00. We came upstairs straight into the
15 interview room. I explained the preamble to you
16 and let you have a look at it. We had some
17 discussion just about the form in which the
18 interview would take place, such as you would be
19 asked to relate events, and we would have maybe
20 some questions for clarification. And then I
21 stepped out of the room briefly to make a phone
22 call to your supervisor, just to arrange for the
23 next officers to come down and wait outside. Then
24 I came back in, you didn't have any questions, so
25 I started the recorder. Is that an accurate

1 account of what has taken place prior to the
2 recorder being turned on?

3 **CONSTABLE HARDING:** That's correct.

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

14 **CONSTABLE HARDING:** No.

15 **SERGEANT GIRARD:** Was anything said to
16 you by anyone that might influence what you say to
17 us in the statement?

18 **CONSTABLE HARDING:** No.

19 **SERGEANT GIRARD:** Okay. Again, this
20 is regarding the incident that occurred, I guess
21 it is in the early morning hours of February 25th,
22 overnight 24th. And as I said, we have been asked
23 to assist the East St. Paul Police in this matter.
24 So in looking at the rosters and the EDL slips, it
25 is my understanding that on that evening of 24th

1 you were working evening shift?

2 **CONSTABLE HARDING:** Um-hum.

3 **SERGEANT GIRARD:** And at some point
4 you took EDL?

5 **CONSTABLE HARDING:** Yes.

6 **SERGEANT GIRARD:** So I was wondering
7 if you could just relate to us what time you took
8 EDL and what transpired after that?

9 **CONSTABLE HARDING:** Okay. On that
10 night, on February 24th, it was a Thursday, we had
11 taken, the majority of the shift took EDL that
12 night to go out for wings. I left about, or I
13 signed out for 10:30, I think I left the station
14 about 11:00 after I got a few things together. We
15 headed to Branigan's Restaurant on Leila, stayed
16 there for a few hours. Then after that we headed
17 to a member on our shift, Sean Black's place,
18 stayed there for a few hours. And I left
19 approximately 5:00, 5:30, got a ride home with Jim
20 Anderson to my place. That's what I did that
21 night.

22 **SERGEANT GIRARD:** Okay. When you left
23 the station and went to Branigan's, did you drive
24 there by yourself?

25 **CONSTABLE HARDING:** I did.

1 **SERGEANT GIRARD:** Okay. When you
2 arrived there, who was there?

3 **CONSTABLE HARDING:** Um --

4 **SERGEANT GIRARD:** People that you
5 know, again, from work?

6 **CONSTABLE HARDING:** Christian Guyot,
7 Ted Michalik, Marnie Nechwediuk, I believe.
8 People were arriving kind of all at the same time,
9 so I'm not quite sure who all was there.

10 **SERGEANT GIRARD:** Just who you
11 remember?

12 **CONSTABLE HARDING:** But I'm not sure.

13 **SERGEANT GIRARD:** Okay. Who were you
14 sitting with then?

15 **CONSTABLE HARDING:** At my end of the
16 table I was sitting with Christian Guyot, Marnie
17 Nechwediuk, Gord Schneider. Throughout the course
18 of the evening more people arrived, like I said,
19 Ted Michalik, Al Williams, Jules Buors.

20 **SERGEANT GIRARD:** Are all of those
21 people from your shift?

22 **CONSTABLE HARDING:** No, not all of
23 them. Some were from traffic unit, some were from
24 traffic unit from another division, a couple of
25 other people from downtown arrived later; Tracy

1 Fudge, Sammi Haddad, Norbert Bauer, Sean Black
2 arrived, Ken Azaransky, Jack Kapka, Harvey-Zenk,
3 Jim Anderson.

4 **SERGEANT GIRARD:** How many people?

5 **CONSTABLE HARDING:** Could have been 20
6 people there.

7 **SERGEANT GIRARD:** Okay.

8 **CONSTABLE HARDING:** It was pretty much
9 the whole shift that worked that night, plus a few
10 outsiders.

11 **SERGEANT GIRARD:** Where in Branigan's
12 were you guys sitting?

13 **CONSTABLE HARDING:** We were in the
14 lounge up against -- in the corner, there is
15 windows, it was facing Leila -- I am not sure what
16 the cross street is.

17 **SERGEANT GIRARD:** Could you just
18 describe the seating arrangement as far as how the
19 tables were set up and where you were sitting?

20 **CONSTABLE HARDING:** Sitting on high
21 tables with high chairs, a few were sitting at a
22 low table. And there were, you know, the tables
23 were put together with say four people at a table,
24 there might have been three or four tables put
25 together at the back, and then a few others were

1 off to the side on a normal sized table.

2 **SERGEANT GIRARD:** Okay. And where was
3 Constable Harvey-Zenk sitting in relation to you?

4 **CONSTABLE HARDING:** He would have been
5 on the end, three four tables down, connected, but
6 at the other end.

7 **SERGEANT GIRARD:** Okay. You motioned
8 to your right?

9 **CONSTABLE HARDING:** Yes, I did. He
10 would have been to my right three or four tables
11 down.

12 **SERGEANT GIRARD:** Okay. How big were
13 these tables? Like they were round tables you
14 said?

15 **CONSTABLE HARDING:** Yes, they are
16 round tables, maybe two to three feet in diameter.

17 **SERGEANT PEARSON:** Okay. How many
18 people between you and Harvey-Zenk?

19 **CONSTABLE HARDING:** Maybe six.

20 **SERGEANT GIRARD:** Okay. And you said
21 you guys went there for wings and --

22 **CONSTABLE HARDING:** Wings, yeah.

23 **SERGEANT GIRARD:** Okay. And when did
24 you leave?

25 **CONSTABLE HARDING:** I believe it was

1 2:00, or just after 2:00 o'clock.

2 **SERGEANT GIRARD:** A.m. time?

3 **CONSTABLE HARDING:** A.m., yeah.

4 **SERGEANT GIRARD:** Okay. And did you
5 pay for your own wings and beverages?

6 **CONSTABLE HARDING:** I did, yeah.

7 **SERGEANT GIRARD:** Okay. Now, was
8 there anybody in the group, that you know of, was
9 there a tab going for anything or --

10 **CONSTABLE HARDING:** Not that I know
11 of. I know a few times a beer appeared in front
12 of me that I didn't necessarily order, but I know
13 Lloyd Swanson had bought a few beers, but
14 otherwise I don't know.

15 **SERGEANT GIRARD:** Okay. Now, do you
16 know how many drinks Constable Harvey-Zenk had?

17 **CONSTABLE HARDING:** No idea.

18 **SERGEANT GIRARD:** Okay. Do you know
19 what he was drinking?

20 **CONSTABLE HARDING:** No idea.

21 **SERGEANT GIRARD:** Okay. All right.
22 What about food?

23 **CONSTABLE HARDING:** Food, I could tell
24 you he had 40 wings.

25 **SERGEANT GIRARD:** 40 wings?

1 **CONSTABLE HARDING:** Yeah. It is kind
2 of an ongoing joke with our shift, about, you
3 know, we joke about a wing off.

4 **SERGEANT GIRARD:** Okay.

5 **CONSTABLE HARDING:** And, yeah, he is
6 the champ.

7 **SERGEANT GIRARD:** Are these the 911
8 wings or just standard ones?

9 **CONSTABLE HARDING:** No, just standard,
10 it has nothing to do with heat, just amount.

11 **SERGEANT PEARSON:** Was beer the drink
12 of preference?

13 **CONSTABLE HARDING:** At these --

14 **SERGEANT PEARSON:** Yeah.

15 **CONSTABLE HARDING:** Not always.

16 Usually, sure, but not everyone, you know, it
17 depended on what you had to do the next day.

18 **SERGEANT PEARSON:** Right. Okay.

19 **SERGEANT GIRARD:** So you don't know
20 what Constable Harvey-Zenk was drinking or how
21 many?

22 **CONSTABLE HARDING:** No, couldn't tell
23 you that.

24 **SERGEANT GIRARD:** You said when you
25 guys left, you went to Constable Black's

1 residence. How did you get there?

2 **CONSTABLE HARDING:** I got a ride with
3 Tracy Fudge, and in her vehicle was also Kelly
4 McLure and Jim Anderson.

5 **SERGEANT GIRARD:** Okay. Do you know
6 how Harvey-Zenk got there?

7 **CONSTABLE HARDING:** No.

8 **SERGEANT PEARSON:** Was he still at the
9 bar when you left?

10 **CONSTABLE HARDING:** No, no, we were
11 all, we had all just said, yeah, we are going to
12 Blackie's. He may have left before me, he may
13 have left after. There was a line up of people
14 paying bills.

15 **SERGEANT PEARSON:** But you pretty well
16 got up as a group, though?

17 **CONSTABLE HARDING:** Yes.

18 **SERGEANT PEARSON:** Okay. I'm not
19 talking about minutes here.

20 **CONSTABLE HARDING:** No.

21 **SERGEANT PEARSON:** I am saying it was
22 closing time?

23 **CONSTABLE HARDING:** I mean, I didn't,
24 I didn't notice.

25 **SERGEANT GIRARD:** Okay. And roughly

1 do you know, do you remember roughly what time you
2 got to Constable Black's residence?

3 **CONSTABLE HARDING:** Between 2:30 and
4 3:00.

5 **SERGEANT GIRARD:** Okay. Now who was
6 it that attended to his residence that was at
7 Branigan's, or basically who was in attendance at
8 his residence when you got there?

9 **CONSTABLE HARDING:** Okay, Jim
10 Anderson, Chris Humniski, Ken Azaransky, Jay
11 Nolet, Derek Harvey-Zenk, Kelly McLure, TJ Spruyt,
12 Tracy Fudge. That's about all I remember.

13 **SERGEANT PEARSON:** How many people
14 were there roughly, quite a bit more than that?

15 **CONSTABLE HARDING:** Quite a bit more?
16 No. That and maybe a few more.

17 **SERGEANT GIRARD:** Not near the size of
18 the group that was at Branigan's?

19 **CONSTABLE HARDING:** No, lots of people
20 had left.

21 **SERGEANT GIRARD:** Did anybody bring
22 alcohol with them to Sean Black's residence?

23 **CONSTABLE HARDING:** Not that I know
24 of.

25 **SERGEANT GIRARD:** Okay. So what was

1 going on then at Constable Black's residence?

2 **CONSTABLE HARDING:** Nothing. We were
3 laughing, telling stories, making fun of each
4 other.

5 **SERGEANT GIRARD:** Okay.

6 **CONSTABLE HARDING:** Just a get
7 together.

8 **SERGEANT GIRARD:** Food or alcohol
9 being served?

10 **CONSTABLE HARDING:** There was popcorn,
11 I had a couple more drinks that night. I don't
12 know who else had been drinking. There was
13 snacks, chips, popcorn.

14 **SERGEANT PEARSON:** What was it that
15 you were drinking at Constable Black's residence?

16 **CONSTABLE HARDING:** I had a couple of
17 ryes.

18 **SERGEANT GIRARD:** All right. Now, did
19 you notice if, or how many Constable Harvey-Zenk
20 had?

21 **CONSTABLE HARDING:** I didn't notice.

22 **SERGEANT GIRARD:** Okay.

23 **SERGEANT PEARSON:** Was anybody there
24 getting drunk?

25 **CONSTABLE HARDING:** I was.

1 **SERGEANT PEARSON:** Good for you.

2 Yeah -- anybody else?

3 **CONSTABLE HARDING:** Not that I

4 noticed. I was entertainment to myself.

5 **SERGEANT GIRARD:** Okay. And as you

6 stated earlier, you got a ride home from Jim

7 Anderson?

8 **CONSTABLE HARDING:** I did, yeah.

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

10 Do you know what time you left? I don't know if I

11 asked you that already.

12 **CONSTABLE HARDING:** No, you didn't. I

13 believe 5:30, it could be 15 before or 15 after,

14 but in around that time frame. We left together,

15 the same group of us. Tracy Fudge was driving,

16 Kelly McLure jumped in as well, and Jim Anderson

17 did, because their vehicles as well as mine were

18 still at Branigan's. So we jumped in together, in

19 with Tracy, and got back to the Branigan's parking

20 lot. Then I jumped in with Jim, he gave me a ride

21 home and we sat in his truck for about an hour

22 just chatting.

23 **SERGEANT GIRARD:** Did you eat anything

24 at all when you were at Sean Black's?

25 **CONSTABLE HARDING:** I did, yes. I

1 slept for a bit. I wasn't feeling very well and
2 actually Sean took me downstairs and threw on the
3 TV and put me on the couch. When that group who I
4 had come with was ready to leave, they actually
5 kind of woke me up and said, we are leaving, do
6 you want a ride and go home, you can come now, or
7 Blackie had made it clear to me anyway that, you
8 know, his house was open, people could stay the
9 night.

10 **SERGEANT GIRARD:** Okay.

11 **CONSTABLE HARDING:** So I had no
12 problem -- you know, when I had gone down in the
13 basement to sleep, I had every intention of
14 staying the night, but the group woke me up to
15 give me the option if I did want to go home.

16 **SERGEANT PEARSON:** So Sean actually
17 offered you a place to stay?

18 **CONSTABLE HARDING:** Absolutely, he
19 did.

20 **SERGEANT GIRARD:** Okay. So if I
21 can -- Sergeant Pearson asked before -- so from
22 what you recall, was there anybody that was
23 obviously intoxicated or loud or --

24 **CONSTABLE HARDING:** No. Because to be
25 honest, I was probably the most intoxicated there.

1 **SERGEANT PEARSON:** Okay. Your recall
2 is not exactly --

3 **CONSTABLE HARDING:** It is not and --

4 **SERGEANT PEARSON:** That's fair.

5 **CONSTABLE HARDING:** That's what
6 happened that night.

7 **SERGEANT GIRARD:** Okay. I don't think
8 I have any questions, Con, unless there is
9 something that I'm missing?

10 **SERGEANT PEARSON:** On the whole at
11 Branigan's, when you left, was everybody having a
12 good time and healthy at that time, or were some
13 starting to get a little drunk? You had been
14 there for quite a few hours.

15 **CONSTABLE HARDING:** Yes, some of us
16 had been there a while, but I didn't notice
17 anybody that was intoxicated, that wasn't okay. I
18 mean, some people had left, you know, sporadically
19 through the course of the evening. I didn't
20 notice anybody that seemed out of sort. Usually
21 you make fun of that person, but it wasn't there,
22 it wasn't like that, it was wings after work
23 and --

24 **SERGEANT GIRARD:** It was sort of a
25 spontaneous event that came up, or was it

1 something that everybody talked about towards the
2 end of the work week?

3 **CONSTABLE HARDING:** Yeah, we talked
4 about it. I had phoned Branigan's that day to let
5 them know we would be coming after work. I mean,
6 we had talked about doing something, we actually
7 even talked about curling that night, just as a
8 shift. And it was nothing more than that, and it
9 is unfortunate what happened.

10 **SERGEANT GIRARD:** Yeah, very
11 unfortunate.

12 **SERGEANT PEARSON:** Okay, nothing else.

13 **SERGEANT GIRARD:** Okay. To your
14 knowledge, is there any other information that we
15 haven't covered in this, anything that we have
16 overlooked that you think might be important?

17 **CONSTABLE HARDING:** I don't think so.

18 **SERGEANT GIRARD:** Okay. Anything else
19 you wish to say then before we stop recording?

20 **CONSTABLE HARDING:** No.

21 **SERGEANT GIRARD:** Okay. Time is
22 11:50 p.m. This interview is concluded and I'm
23 turning the recorder off.
24
25

1
2 OFFICIAL EXAMINER'S CERTIFICATE
3
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 Harding 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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