



WINNIPEG POLICE SERVICE

Supplementary Report

05-017

East St. Paul Police

Roxburgh/Epp Professional Standards Unit

On 05-03-02 the writer in the company of D/Sgt. Angela Epp #1786 assisted with the above investigation by interviewing four members of the Division #13-B1 shift in regards to a fatal MVA which occurred on 05-02-24 involving Cst. Derrick Harvey-Zenk # 2180.

Interviews with Cst. Dan Mikawoz and Cst. Christian Guyot have been summarized below. Refer to the report submitted by D/Sgt. Epp in regards to interviews with Cst. Al Williams and Cst. Marnie Nechwediuk.

Interview with Cst. Daniel Mikawoz # 2444/13

05-03-02 23:00 hrs – 23:15 hrs in the lunch room of the Professional Standards Unit.

Witness Preamble Introduce the fact the Professional Standards Unit has been requested by the East St. Paul Police to assist with a fatal MVA that occurred 05-02-24 at approx 07:00 hrs involving a member of the WPS.

- Mikawoz and his partner took time off at 00:30 hrs on the 24th, at which time he headed over to Branigans, where the majority of the shift appeared to be there. He had a few beers and left around 02:15 hrs and went straight home.
- Mikawoz identifies his partner as Shawn Veldman badge # 1995. Witness advises that he has only been on this shift for approx 3 weeks and as a result does not know everybody's name. Veldman is his field training officer. They went to the Branigans restaurant on Leila Ave.
- Witness advises that they were in the lounge off to the corner. He feels that there would have been six tables combined. In total he feels that there would have been about 20-25 people.
- Mikawoz clarifies that he had three pints of beer and he paid in cash. He states that he paid for his partner and as a result paid for four beer as Shawn only had one.
- In regards to Cst. Harvey-Zenk, Mikawoz states that early in the night Harvey-Zenk was across the table from him, approx 4 ft away. As the evening progressed people started moving around. He does not know exactly what Harvey-Zenk was drinking but believes he was drinking beer. Mikawoz cannot state how much Harvey-Zenk would have consumed. He states that he was mainly speaking with his FTO and the other recruit on the shift, "TJ".
- Witness indicates that he left on his own, and under questioning who else left with him, he states that he thinks that his partner was also leaving, but he did not see him leave. Witness does not have any knowledge of the party and later found out about the accident at the shift briefing, however he did state that he read in the paper about the accident involving an off duty cop.
- In regards to food, the witness states that it was wings night at Branigans, and a great deal of wings had been consumed by the group. The wings can be order in groups of twelve. Mikawoz does not know how many baskets of wings would have been purchased. Witness indicates that he ate prior to going to Branigans and as a result did not order any.
- Mikawoz does not know how the group was paying for their bills. Under questioning Mikawoz indicates that he had to go to the front and pay the bill. He states that he had to tell the waitress what they had and she marked it off. It looked like the bill was all together.
- The witness indicates that he looked at his bill the previous night to confirm what time he left. He states that he still has his bill and the name of the waitress is on the bill. He states that there was only one waitress serving the group. The waitress was described as a white female, blonde, 5'8" mid twenties,

Date: 05-03-04	Date Reviewed: 052426	Date Approved: 05-04-26
Sergeant D. Roxburgh #1400 D/Sgt Epp #1786	Sergeant C. Pearson	D. 1386 S/Sgt



WINNIPEG POLICE SERVICE Supplementary Report

05-017

East St. Paul Police

and wore glasses at certain points of the evening wearing a Branigans uniform. The glasses were described as black round framed.

- In terms of the group the witness does not recall anyone individual as standing out as more intoxicated than the rest. He describes the group demeanour as tame. He does not recall any other food other than the wings. He does not know if Harvey-Zenk was eating while at Branigans. Mikawoz does not know Harvey-Zenk other than through social introductions. He has never socialized with him off duty.
- Interview concluded.

Interview with Cst. Christian Guyot # 2211/13

05-03-02 23:40 hrs – 23:58 hrs in the lunch room of the Professional Standards Unit Office, 10th floor 457 Main St,

Witness Preamble read. Introduce the fact the PSU has been requested to assist the East St. Paul Police in regards to a fatal MVA on 05-02-24.

- Guyot states that he left work on February 24th at approx 22:30 hrs and went to Branigans on Leila Ave, where he met with fellow shift mates. They sat around and talked and had some wings and some beer. To his knowledge he does not think everyone from the shift was there. He feels confident that he can recall the majority of people that were there.
- He lists the people who were present as Lloyd Swanson, Kelly Mc Clure, Marnie Nechwediuk, Al Williams, Dave Harding, Ken Azaransky, Sean Black, Derrick Harvey-Zenk, Tracy Fudge, Jim Anderson, Chris Humniski, Jay Nolet, Shawn Veldman and Dan Mikawoz and Jack Kapka and TJ Sprouk (phonetic). Outside of his shift he also identifies Norbert Bauer from Division #11 and Jules Buors from Division #15.
- When Guyot first arrived he was sitting kitty corner to Derrick Harvey-Zenk, and he estimates that he was approx 10 feet away. Guyot states that he consumed approx four glasses of draft. He does not know what Harvey Zenk was drinking. He states that people were eating chicken wings all night long. They just kept coming. He does not recall any other food items.
- No one person stood out as being intoxicated. The bill was settled individually. Guyot states that you just tell the waitress what you had and she takes you at face value. He states that he paid his bill with cash. Witness states that there might have been a male server at the beginning of the night however the group was mainly served by a female waitress. He describes her as 5'3/4", petite, thin, had a pony tail with dirty blonde hair. He also noticed that she wore glasses off and on and assumed that she was studying in the backroom between rounds.
- In regards to other people being present in the lounge, Guyot feels that there was an older couple when they first arrived, however they left shortly there after. Guyot states that he got there around 23:00 hrs and left at approx 02:00 hrs. He states that he went home from Branigans on his own. The group was described as cheerful.
- Guyot has been on this shift since he graduated from the Academy in May 2002. He learned of the fatal MVA on the following day when he was on his way to mandatory CAD training and his partner got a call on his cell phone at approx 14:45 hrs on the 25th. His partner is identified as David Harding. Guyot states that he knows Cst. Harvey-Zenk only as a co-worker.
- When Guyot left the lounge he does not recall if Harvey-Zenk was still there or not. He also cannot comment on his state of sobriety. Guyot does not recall Harvey-Zenk drinking specifically however he

Date: 05-03-04	Date Reviewed: 050426	Date Approved: 05-07-26
Sergeant D. Roxburgh #1400 D/Sgt Epp #1786	Sergeant C. Pearson	1386 S/Sgt



WINNIPEG POLICE SERVICE

Supplementary Report

05-017

East St. Paul Police

can only assume based on the actions of the group. Everyone was drinking beer and eating wings. He has no idea what Harvey-Zenk was drinking.

- In regards to Cst. Harding receiving a call on his cell phone, Guyot states that it was Cst. Ken Azaransky who called from the District Three station where he was participating in Insp Keith Mc Caskill's cake and coffee. Guyot does not know if Harvey-Zenk was on his own or was car pooling the night in question.
- Guyot states that he heard that there was a party after Branigans. He states that he heard that there was a party at Sean Blacks after Branigans. People had been talking about the party while they were at Branigans.
- Guyot heard about the party from his partner David Harding. He was asked who he heard was at the party to which he listed; Sean Black, Ken Azaransky, Derrick Harvey-Zenk, Jay Nolet, Jim Anderson, Chris Humniski, Kelly Mc Clure, Tracy Fudge.

Interview concluded.

Interview with Cst. Al Williams # 817/13

05-03-03 00:09 hrs – 00:22 hrs in the lunch room of the Professional Standards Unit Office, 10th floor 457 Main St,

Witness Preamble read. Introduce the fact the PSU has been requested to assist the East St. Paul Police in regards to a fatal MVA on 05-02-24.

- Williams states that he left work on February 24th at approx 22:30 hrs and went to Branigans on Leila Ave, where he met with fellow shift mates. Cst Williams indicated that he had his standard 3 beers and 20 chicken wings. Cst Williams arrived in his own vehicle and was seated at a table with Cst Mikaluk, Christine Guyot, Derek Harvey-Zenk but he indicated that most of the shift was present and there was a lot of movement throughout the evening as people visited. Cst Williams indicated that most of their shift was in attendance and stated that Stan Parag was not present. That evening Cst Williams was partnered with Cst Nechwediuk who also attended Branigans.
- Cst Williams indicated he paid cash \$22.00 which included tip. Cst Willimas indicated that there was one waitress serving their group with the assistance of another male. Cst Williams indicated the only thing that he could recall about the waitress was that she was young and small.
- Cst Williams confidently indicated he left at 1:30 am. He indicated he looked at his watch when he was finished his refreshments and it was time to leave. Going to Branigans as a shift is something the shift enjoys on evenings when they are able to obtain EDL. Cst Williams indicated that he was the only one to leave at that time. Cst Williams described the evening as jocularly enjoying conversation and a few laughs.
- Cst Williams indicated that Cst Derek Harvey-Zenk was consuming beer that evening but does not know how many beer Harvey-Zenk consumed. When Cst Williams left Harvey-Zenk was fine and had no concerns about his or anyone of the group's sobriety. Cst Williams indicated that Harvey-Zenk is the champion wing eater on the shift and he ordered and consumed his standard 40 wings that evening. Under challenge conditions he can eat up to 65 wings at a sitting.

Date: 05-03-04	Date Reviewed: 05-04-26	Date Approved: 05-04-26
Sergeant D. Roxburgh #1400 D/Sgt Epp #1786	Sergeant C. Pearson	



WINNIPEG POLICE SERVICE

Supplementary Report

05-017

East St. Paul Police

- Harvey-Zenk was still seated in the same place when Cst Williams left. Cst Williams could not state how vehicle Harvey-Zenk arrived at Brannigans.
- Cst Williams was not aware of the house party after Branigans until days after the event.
- Cst Williams indicated he heard about the accident from a news report and it was linked to Harvey-Zenk when he was informed but he did not say how he received this information.
- Cst Williams indicated that there were other police members in attendance outside of the B-1 shift including Jules Buors, Norbert Bauer and the district three traffic guys. Cst Williams indicated that there were other citizens in the lounge when their party arrived but these citizens left earlier.
- Cst Williams has known Harvey-Zenk through work only over the last three years. Cst Williams is not aware of any medications or health concerns for Harvey-Zenk

Interview concluded.

Interview with Cst. Marnie Nechwediuk #2227/13

05-03-03 00:55 hrs – 01:14 hrs in the lunch room of the Professional Standards Unit Office, 10th floor 457 Main St,

Witness Preamble read. Introduce the fact the PSU has been requested to assist the East St. Paul Police in regards to a fatal MVA on 05-02-24.

- Cst Nechwediuk states that she left work on February 24th at approx 22:30 hrs and went to Branigans on Leila Ave, where she met with fellow shift mates shortly before 23:00. Cst Nechwediuk indicated that she ordered a diet Coke and chicken quesadillas. She enjoyed the evening of conversation and laughs and settled her bill at about 02:30 hrs. Cst Nechwediuk indicated her bill included a single beer she had purchased for a shift mate Cst Azaransky .
- Cst Nechwediuk indicated that following police members were in attendance that evening: **Kelly McClure, Azaranasky, Sean Black, Jim Anderson, Chris Huminiski, Jules Buors, Al Williams, Christiane Guyot, TJ and Dan (new recruits), Werner Toews, Gord Schiender, Sean Veldman, Tracy Fudge, Norbert Bauer, Ted Michalik, Derek Harvey-Zenk, Dave Harding, and Jay Nolet**
- Cst Nechwediuk indicated that there were three groups of citizens including “a senior couple” on couches near the table who left shortly after their group arrives. There was also “a group of ladies” and “An Asian” couple. Cst Nechwediuk did not note when these groups left but these people were not in the lounge at 02:30 when she was settling her bill.
- Cst Nechwediuk indicated when she was settling her bill she told the waitress what she ordered to calculate a total. Cst Nechwediuk confirmed that there was a single waitress for the group who received some assistance from a male. Cst Nechwediuk indicated that she could only describe the waitress as short and skinny. She observed the waitress wearing glasses intermittently over the evening.
- Cst Nechwediuk indicated that she was seated at a table with her back to Leila and Harvey-Zenk was seated two table away facing Leila. Cst Nechwediuk indicated that Harvey-Zenk did have a glass of beer in front of him but did not know how many beer were consumed or the type of beer consumed. Cst Nechwediuk did not observe Harvey-Zenk consume any other food.

Date: 05-03-04	Date Reviewed: 05-04-25	Date Approved: 05-07-26
Sergeant D. Roxburgh #1400 D/Sgt Epp #1786	Sergeant C. Pearson <i>Ceb</i>	<i>[Signature]</i> 086 5/1st



WINNIPEG POLICE SERVICE
Supplementary Report

05-017

East St. Paul Police

- Cst Nechwediuk described the group as relatively quiet and relaxed with conversations within smaller groups of the gathering. Cst Nechwediuk was not concerned that any of the members attending were intoxicated.
- Cst Nechwediuk indicated when she was settling her bill Harvey-Zenk was also settling his bill. She could not recall the method of payment Harvey-Zenk used or the total of the bill or the price of beer.
- Cst Nechwediuk was aware there was a house party at Sean Black's after the evening at the bar. Cst Nechwediuk did not attend the party and is unable to advise who attended the party. Cst Nechwediuk learned about the accident involving Harvey-Zenk at 15:00 hrs on Friday February 25, 2005 when she received a call from Cst Dave Harding.
- Cst Nechwediuk, her fiancé and Harvey-Zenk were all former corrections officers and have been acquaintances since 1998. In addition to contact at work Cst Nechwediuk has regular social contact with Harvey-Zenk and his spouse. Cst Nechwediuk indicated that she was not aware of any medication that Harvey-Zenk was taking prior to the accident and described him generally as healthy.
- Cst Nechwediuk has had occasion to observe Harvey-Zenk in an intoxicated state as a result of the long social history. In her opinion that evening at Brannigan's Harvey-Zenk was "**definitely not intoxicated**". This was evidenced by his involvement in debating issues among the group. Cst Nechwediuk could not provide an opinion on what amount of alcohol would cause Harvey-Zenk to reach the level of intoxication.
- Cst Nechwediuk attended Brannigan's in her own vehicle and can not say how Harvey-Zenk arrived or left Brannigan's.
- Cst Nechwediuk has had contact after the accident to check on Harvey-Zenk's well-being.

Synopsis Complete

Following the interview investigators discussed options and availability for support offered by the Service based on Cst Nechwediuk social relationship with Cst Harvey-Zenk and his family.

This concludes our involvement in the matter.

Date: 05-03-04	Date Reviewed: 050425	Date Approved: 05-04-26
Sergeant D. Roxburgh #1400 D/Sgt Epp #1786	Sergeant C. Pearson	