

STATEMENT OF: Chief Norm CARTER
Date: 2006-05-23
Time: 1020 Hours

Present: Corporal Tracy KENNETT
RCMP Winnipeg Major Crime Unit
Chief Norm CARTER

Proofed by Kennett, 2006-05-26 *JK*

(Corporal KENNETT and Chief CARTER enter interview room)

KENNETT: Just have a seat over there. I brought some water in there for you if you need some.

CARTER: Okay. Yeah.

KENNETT: It's the 23rd of May, 2006. Corporal Tracy KENNETT here with Chief Norm CARTER. And we're here at the Headquarters Office and the time is - oops - 1020 hours. I'll close the door here. There's my card for your later reference.

CARTER: Thank you.

KENNETT: Alright. Ahm, obviously you know why you're here.

CARTER: Yeah.

KENNETT: Ah, we've been asked to do a continuation of this investigation as...

CARTER: Yes.

KENNETT: ...a result of some information that has surfaced.

CARTER: Yes.

KENNETT: Ahm, so why don't you just, ahm, I guess, start at the beginning and tell us what has, ah, brought up this new information. Tell us how that all occurred.

CARTER: Okay. I'll just refer to my stuff here.

KENNETT: Yeah. (Pause) And you're referring to your police report that you...?

CARTER: I'm referring to my police report, yeah. This was a report that, ah, Martin MINUK asked me to put together for him. I believe you have a copy of it.

KENNETT: Yeah.

CARTER: In regards to a, ah, a fatal motor vehicle accident involving a Derek HARVEYMORDEN-ZENK, ahm, on February 25th, 2005. Ahm, the, ah, the accident was attended to by then Chief Harry BAKEMA along with, ah, a couple of our Constables. And the investigation was later turned over to me, ah, after the, ah, after the scene had been cleared. I did not attend the scene.

Since this time, ah, Chief BAKEMA is no longer with our, ah, Police Department. Neither is one of the Constables that was involved in this, ah, investigation.

I had, ah... Mr. MINUK had asked me to meet with him on February 17th. Ah, I wasn't able to make that date due to other commitments and an alternate date of February 20th was set. I wasn't able to meet that one either.

And on February 24th, I met with him and we discussed the case. Ah, there was some concern in regards to this case as to the amount of time it took to, ah, to charter, caution, charter and caution the accused. And we discussed that at that meeting. Ah, there had also been some rumours floating around the Police Department that another Constable was involved; Constable WOYCHUK was going to take the brunt of it due to the delay in the, ah, in that charter.

Ah, okay. On February 20..., on the same date that I met with Mr. MINUK, I had Constable WOYCHUK pick me up at his office at, ah, Mr. MINUK's office, ah, because of the parking issues. And ah, we, through casual conversation in the car, ah, Constable WOYCHUK disclosed to me that the dote, notes made on the date of the incident - and that was February 25th - on February 25th, weren't his notes, ahm, and that he was told what to write to coincide with the Chief's notes and Constable GRAHAM's notes. Constable WOYCHUK also disclosed to me that Chief BAKEMA told him at the scene that HARVEYMORDEN-ZENK, ah, was "pissed". Ah, WOYCHUK said that he was just a new Constable at the time, he had never handled something like this and was just taking instructions from the Chief of Police, ah, and he should have known better, but was only doing what he instructed to, what he was instructed to do. I didn't question him any further and, ah, but did advise that Constable WOYCHUK, that this would have to be disclosed

to, ah, to Mr. MINUK. And we didn't have any conversation after that in regards to that.

The next conversation I had with Mr. WOYCHUK was on April the 10th at about 1600 hours. Ahm, I asked him to come, to come to my office. And again, we had a brief, and it wasn't a really long discussion, a very brief discussion, again about the incident. I just wanted to see if anything changed. And he said, ahm, he again said that, ah, that Chief BAKEMA told him that, ah, the, HARVEYMORDEN-ZENK was pissed at the time and he said that Chief BAKEMA also directed him on how to make his notes. Ah, Constable WOYCHUK said that, ah, at the time of the incident, he had a cold and couldn't smell, ah, properly. He was stuffed up and he couldn't, ah, you know, really determine a strong smell of liquor on HARVEYMORDEN-ZENK's breath. He admitted that what he did was wrong and he shouldn't have done it but he was instructed by the Chief.

On April 21st, I had another conversation, ah, with him. He actually came to me and he said he had intention of speaking to me about this. Ah, he said he didn't feel that Chief BAKEMA intentionally tried to cover anything up, but he said that Chief BAKEMA and Constable GRAHAM were "chicken shit", too chicken shit to deal with ah, with this incident because MORDEN-ZENK was a cop and they were concerned as to what other cops would think. I, again, advised ah, Mr. WOYCHUK that, ah, he will have to tell the truth to Mr. MINUK and he said he would.

On April 27th, I spoke to HARVEY, I spoke with Jason WOYCHUK. And ah, he actually, again he came to my office and he wanted to know if he should be worried. I explained that, ah, there is concern that he should tell the truth and he, he said again he would. And ah, again he told me he was only, he only said what he was being told to say, ah, by Chief BAKEMA.

Again, these were just very brief conversations, two or three minutes.

On May 18th, ah, WOYCHUK, ah, spoke with me and advised that he had missed a, ah, a May 15th court date. And ah, he then asked if Mr. MINUK wanted to speak with him, ah, I hadn't, as he hadn't heard

anything yet. I advised that it will happen, and again, to tell everything. Ah, probably half an hour later, he came to my office and asked what I thought would be happening. And I advised I didn't know. I said that Mr. MINUK was meeting with the RCMP and he asked about this. And I said, "Well it's likely to speak with the Traffic Analyst."

And ah, that was my, all my conversations with Mr. WOYCHUK.

KENNETT: Okay. As far as details of these conversations - you did say they were brief - did, ahm, is it, is it Jason WOYCHUK?

CARTER: Jason WOYCHUK, yes.

KENNETT: Did Jason tell you like specific wording that the Chief, ah, said to him as far as, you know, to...?

CARTER: No, he didn't. He didn't...

KENNETT: Okay.

CARTER: ...say any specific wording. He said that he was, he was directed on how to write his notes to coincide with, with ah, BAKEMA's and GRAHAM's.

KENNETT: Alright. But he didn't go into specifics as far as what...

CARTER: No.

KENNETT: ...he was told to say...

CARTER: No.

KENNETT: ...or...

CARTER: No.

KENNETT: ...any of that?

CARTER: I don't know.

KENNETT: Alright. Okay, I'm just gonna back you up for a bit and we'll come back to this.

CARTER: Absolutely.

KENNETT: Ahm, what are the standard procedures at the East St. Paul Detachment as far as dealing with, ah, motor vehicle collisions?

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CARTER: Okay. Ah, maybe lead me to this. How do you...?

KENNETT: Sure. Ahm, you know, who would respond? Ah, well this, this accident happened at 7:00 in the morning, I believe.

CARTER: Yes.

KENNETT: That would be around shift change or something.

CARTER: Yeah, 7:00 in the morning is the start of the shift, yeah.

KENNETT: Right. Okay. So would it be, like would everyone that's on shift that day, go to the accident? Or depending on what, you know, just kinda...?

CARTER: Pretty well everybody would respond, yes, who was on shift.

KENNETT: So would it be normal, ah, or usual, that the Chief would go to a cri, to an accident scene?

CARTER: Ah, depending how many people were working, the Chief would go. In, in, ah, Harry BAKEMA's case, he, ah, he would go on a number of these calls, ah, whether it be a, it would be an accident call, he'd go on an alarm call, ah, you know, accompanying one of the officers, usually Constable GRAHAM. Ah, but, ah, under normal circumstances, ah, ahm, at the time I was a Sergeant so I would normally be called out or at least informed.

KENNETT: Alright. Okay, so are you saying that, ah,...

CARTER: I haven't said much to you and now...

KENNETT: It was kind of both sides.

CARTER: Yes.

KENNETT: Is, ah...

CARTER: Yes, I know.

KENNETT: So it was normal for the Chief at that time - which was Harry BAKEMA - to...

CARTER: It was normal for Harry BAKEMA, yes. Yes.

KENNETT: Okay. So it may not be normal for a Chief in that position,...

CARTER: No. No.

KENNETT: ...but it was normal for Harry to, to kind of be hands on where he would go to these...

CARTER: Yes.

KENNETT: ...calls?

CARTER: Yes. Yes.

KENNETT: And you said usually with Constable GRAHAM. Is there, is there a relationship there or?

CARTER: Ahm, he usually accompanied Constable GRAHAM the most. Ah, I guess there was a friendship there.

KENNETT: Um-huh. Do you know if they had a friendship like years before? Or if it...

CARTER: No.

KENNETT: ...just developed...

CARTER: No.

KENNETT: ...at that...?

CARTER: No. That developed when Harry, ah, when Harry started here, BAKEMA started at this Department two years ago.

KENNETT: Okay. Alright. So, ah, how much service does Constable GRAHAM, how much did he have at the time of the accident? So we're talking about February 25th, 2005. Do you know?

CARTER: Oh golly, maybe three, four years total. Ah, not with us. Two years with us and I believe he was a couple years with DOPS.

KENNETT: DOPS?

CARTER: Yes.

KENNETT: Department of?

CARTER: No. Dakota Ojibway Police Service.

KENNETT: Oh, okay. Alright. And as far as - let's say - the Chief... Like you said and when I say "Chief", I'm gonna refer to Harry BAKEMA...

CARTER: Yes.

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KENNETT: ...for the purpose of this interview.

CARTER: Yes.

KENNETT: Ahm, so the Chief, ah, went to an accident scene. And is it normal that he would be calling the shots at the accident scene, seeing that he is the senior, ah,...

CARTER: The, the senior man should be calling the shots.

KENNETT: Okay. And did he?

CARTER: Yes.

KENNETT: As far as you know, did that, would that be normal that he...

CARTER: I didn't attend the accident scene.

KENNETT: Okay. But with any other type of file or, ahm,...

CARTER: Every other type of file, the senior man will call the scene whether it was the Sergeant - which was myself,...

KENNETT: Right.

CARTER: ...whether it was the senior Constable or the most senior Constable on, ah, on duty, or if the Chief attended.

KENNETT: Okay. So regardless of then who was senior on the scene, does that mean if the, who, like if the Chief is the senior - let's say - at a Break and Enter, would he take that file, or would he delegate?

CARTER: He didn't, ah... Well the file would probably be delegated out. He didn't handle many files after,...

KENNETT: Right. So he...

CARTER: ...you know, even on the ongoing investigation.

KENNETT: Okay. So he just would be there initially and if he was at the scene, he would be calling the shots.

CARTER: He'd be there initially and he did, yes, he did, he may follow up a little bit but not any long-term follow-up, no.

KENNETT: Okay. So is it fair to say then that, ahm, whoever is senior at the scene, regardless if it's the Chief or a Staff Sergeant or a Corporal or, you know, whoever is senior, they will be the ones calling, that's,

that's the routine?
CARTER: Absolutely, yes.

KENNETT: Okay. And the responsibilities of the Chief then at the accident scene, being the lead or being in charge, what would he be responsible for?
CARTER: He would be responsible for all the on-scene investigation.

KENNETT: Um-huh.
CARTER: Ah, he'd be responsible for ensuring that the members were delegated certain tasks.

KENNETT: Um-huh.
CARTER: Ah, and ahm, he would ensure that ah, that ah in this particular case that all, ah, proper procedures and policies were followed in regards to, ah, any sort of prisoners that may be, ah, in custody.

KENNETT: Okay. And on that note, what is your policy and procedures when you're dealing with a potential impaired driver, like a suspected impaired driver?
CARTER: Well once the, once somebody's, once an opinion is formed that somebody may be impaired, they're immediately chartered and cautioned.

KENNETT: So would it be the responsibility of obviously whoever has made that decision or made that opinion or observation?
CARTER: Yeah, normally, normally it would be, ah, the person who has made or has formed the opinion, ah, although I guess in law, that could go in another direction, too, ah, but normally the person who formed the opinion should be the one to, ah, to charter and caution.

KENNETT: You said that Chief Harry BAKEMA had been at the, at your Detachment for two years - Did you say? - at the time of...
CARTER: Yes.

KENNETT: ...this accident?
CARTER: Yes.

KENNETT: Ahm, had he ever...
CARTER: Close. Almost, yeah.

KENNETT: Oh, approximately. Had he ever handled or, or held an impaired driving file, an impaired charge? Had he ever?

CARTER: No.

KENNETT: And I think we've kind of covered on this but the usual course of action of the file responsibility at the scene, ahm, and then the follow-up, we've, we've covered at the scene, I believe, pretty much.

CARTER: Um-huh.

KENNETT: But, ahm...

CARTER: Yes.

KENNETT: ...the follow-up investigation and involvement, ahm, so the follow-up begins basically once the scene is clear. You said that you were...

CARTER: Yes.

KENNETT: ...at that time, ahm, told that this file was gonna be your file?

CARTER: Yeah, I was. Yeah, it was naturally migrated to me, yes.

KENNETT: How did that happen though? How did...

CARTER: Well...

KENNETT: Were you told or?

CARTER: Well yeah, yeah, I was the file was turned over to me, yes.

KENNETT: Okay. By whom?

CARTER: By the Chief.

KENNETT: Alright. And when did that happen? Do you remember?

CARTER: Ah, well that same day after the scene was cleared, after I had already dealt with Mr. MORDEN-ZENK in the office.

KENNETT: Okay. And as far as, ahm, your name was on the file. You did all the file write-up - Right? - and you did all the preparation for court procedures?

CARTER: Um-huh.

KENNETT: And, ah, at what point did the Chief, I guess, pull back from the investigation? Did he stay involved in it or did he...

CARTER: Ahm.

KENNETT: ...leave it all up to you?

CARTER: No, he... There was some involvement. His involvement was, ah, ahm, he obtained some statements. Ah, he made contact with Winnipeg City Police and had them, ah, the internal, their new, ah, follow-up statements from everybody who was at the party that HARVEYMORDEN-ZENK was at.

KENNETT: Um-huh.

CARTER: And, ahm, and he received the package back from them. He also handled, ah, a police shirt that was at the scene in, in HARVEYMORDEN-ZENK's vehicle. And he, he handled that. Like, you know, I don't, I don't have first-hand knowledge of where that went.

KENNETT: Okay. Ahm, is that normal that he would stay involved and do witness statements and...?

CARTER: Is it normal for a Chief? Or was it normal for him?

KENNETT: For, for Harry. Would that be...

CARTER: Ah.

KENNETT: ...normal for him to be involved like that?

CARTER: Probably, yeah, to some degree, yes. Yes. He would, ah, he would be involved to some degree, yes.

KENNETT: So that seemed ordinary then at the time for you, for him to be involved at that, like for Harry, I should say?

CARTER: Ah, I would, yeah, I would say so. He, he was a, or my understanding is he was a street supervisor in the City so that, I guess that just kind of came with him, ahm, rather than letting, letting ah, the officers handle whatever they have to as far as investigations, sometimes he would get involved in these things.

KENNETT: Okay. So are you saying that he used to be Winnipeg Police Service?

CARTER: Yes.

KENNETT: Okay. Do you... Right before coming to East St. Paul?

CARTER: Ah, no, he worked for, I think, a year with the Public Trustees Office.

KENNETT: Okay. In between?

CARTER: Yes.

KENNETT: Okay. So, ahm, do you know what district he was in?

CARTER: Three.

KENNETT: In Three District. Do you know if he had known, ah, MORDEN-ZENK before?

CARTER: I don't know that. I don't know that firsthand, no.

KENNETT: Okay. Alright. Now as far as your involvement that morning, ah, were you on an RTO day or a day, a day off kind of thing?

CARTER: No, I just hadn't come into work yet.

KENNETT: Okay.

CARTER: I was, ah, I was at home and I, I would come in probably around 8:30.

KENNETT: Alright. So you got called in early.

CARTER: (Nodding his head indicating "yes")

KENNETT: Who did you get called by?

CARTER: Can I refer to this?

KENNETT: Oh, absolutely.

CARTER: Yeah. I got called by our Dispatch Centre. This is...

KENNETT: I've got your notes here if you'd like to refer to those.

CARTER: Yeah. You know what? I think that would be easier than me...

KENNETT: And I'm not sure if this is yours or not, I couldn't place this one in as far as the, ah...

CARTER: No.

KENNETT: Is that... That's not yours?

CARTER: No, that's not mine.

KENNETT: But this is?

CARTER: Oh okay, these.

KENNETT: That's yours?

CARTER: Yeah, these, ah... Okay, I'm gonna need to look at my clean copy notes. These were my...

KENNETT: Rough notes?

CARTER: Rough notes.

KENNETT: We weren't provided any clean, ah, notes. This is the first of them, so I'm wondering if they were missing in the package.

CARTER: Yeah, they might be missing. Let me go through my... (Goes to expansion file folder and gets a yellow file folder) I'll just refer to my narrative. At, ah... Yeah, at 7:38 in the morning, I got a call from our Dispatch Centre stating that there was an MVC, ah, on Highway 59 and the Perimeter and that it was reported one of the vehicles was split in half. Okay. Ah, so I came to the station. I was going to, ah, grab a car and go out to the scene. And, ah, I was advised, ah, by... I was advised by the Chief over the radio to wait for Constable WOYCHUK to attend to the station.

KENNETT: Okay. I'm gonna stop you there.

CARTER: Yeah.

KENNETT: So are you aware of who called Dispatch to ask you to attend the scene?

CARTER: I'm not aware of that, no.

KENNETT: And the Chief personally said...

CARTER: I, I'm assuming it's the Chief, but.

KENNETT: Okay. But not sure?

CARTER: I'm not sure.

KENNETT: Okay. But you were called later when you said you got to the office.

CARTER: Yeah, when I got to the office...

KENNETT: Right.

CARTER: ...I was gonna grab a car.

KENNETT: Right.

CARTER: I radioed that I was coming out to the scene. I was told to wait there and Constable WOYCHUK would attend.

KENNETT: And that was Chief BAKEMA that told you on the radio to stay at the scene?

CARTER: Yes.

KENNETT: Or to stay at the Detachment, I should say?

CARTER: Yes.

KENNETT: Alright. Thank you. Were you given any other information at that time why you were being told to stay at the Detachment to wait for...

CARTER: No. Not at all.

KENNETT: ...WOYCUK?

CARTER: No.

KENNETT: So you have no idea what was, what was occurring?

CARTER: Well I knew that there was an accident and I'll be quite honest, I have a sister that drives up that way and I assumed that my sister had been in the accident.

KENNETT: Um.

CARTER: So I was pretty hyped up.

KENNETT: Ah, okay.

CARTER: Yeah.

KENNETT: Alright.

CARTER: Ah, it was just indicative, almost getting a notification so...

KENNETT: Okay. And what... Then let's, we'll deal with Constable WOYCHUK.

CARTER: Yes.

KENNETT: Then he, he comes to the, back to the Detachment. And kinda go through it. There, there seems to be some confusion on where you were and where Constable WOYCHUK was.

CARTER: Yeah. Yeah.

KENNETT: Ahm, if you can be, ah, specific.

CARTER: Okay.

KENNETT: And if it's necessary to draw a diagram to show what you mean, we can do that as well. But perhaps, just explain...

CARTER: Okay.

KENNETT: ...where you were.

CARTER: We were in the old police station. Now it's kinda hard to, to remember what the old police station looked like. But, ah, Constable WOYCHUK attended the station, ah, came in, ahm, ah, into the main office, asked me to come to the back room. So I went to the back room which was our paper room, our Ident. room combined type of thing.

KENNETT: Um-huh.

CARTER: Okay. And, ah, he told me that he had, uh, a male in the rear of RM2, ah, that had been involved in an accident that resulted in a fatality of a female and that, ah, he was a policeman and that... I didn't have that, I don't have that in my main report here, so. But I was, I do recall he told me it was a policeman.

KENNETT: Okay.

CARTER: And that the subject had declined medical, ah, attention and was being transported back to complete a Traffic Accident Report. Ahm, Constable WOYCHUK said that he had detected a slight odour of liquor on the subject en route to the station.

KENNETT: Okay. So he is telling you all this separately. This is in the office.

CARTER: In, in the back room, yeah.

KENNETT: In the back room?

CARTER: Yes.

KENNETT: Okay.

CARTER: Okay. Now that was just a two-minute conversation.

KENNETT: Um-huh.

CARTER: Okay. I attended, ah, back to the car with him, ah, where I identified myself to a male in the back of our RM2, which is our Ford Explorer, to

a male identified as Derek Grant Harvey MORDEN-ZENK. I, ah, we escorted him back into Interview Room One, placed him there where I detected a strong smell of liquor on his breath. I noted him to be unsteady on his feet. Ah, he walked about 20 feet on the sidewalk, 10 feet on carpet, 30 feet on tile floor. Ah, and ah, he produced a valid Manitoba driver's licence and a Winnipeg Police picture identification card. Based upon the accid, the accident, based upon what Mr. WOYCHUK told me and my observations, I formed the opinion that he was impaired and I subsequently placed him under arrest for Impaired Driving Causing Death and Bodily Harm or some similar charge, ah, and I read him his rights.

KENNETT: Okay. Maybe you could just draw a little diagram of where the police car would have, ah, parked when it got to the office.

CARTER: Okay.

KENNETT: If you... Because you would know where it was parked because you went out to the police car. Is that right?

CARTER: I, I went out to the police car, yeah.

KENNETT: Okay.

CARTER: Okay, ahm, (drawing). Da, da, da, here. I'm trying to remember the old building. Ah, okay. (Coughing) Excuse me. Okay. (Pause - drawing) It's reminding me of, ah... (Pause - drawing)

KENNETT: So when did the Detachment, when did you switch out of the...

CARTER: Ah.

KENNETT: ...old one?

CARTER: Ah, Ap, two years ago.

KENNETT: Oh.

CARTER: Two and a half years ago or something. There's, there's a temporary door put in there. So this was closed off, okay, so there's the temporary door. And there's the parking lot. The parking lot is there. Okay. So we came in the temporary door. Here's... So here's where the police vehicle was parked. And then we continue.

KENNETT: Is this an actual garage? Or is this like the...

CARTER: No. No, just an open parking lot.

KENNETT: An open parking lot.

CARTER: You open up, here is the door here. I'm sorry, my drawing is not very good.

KENNETT: No problem.

CARTER: Ju-ju-ju-do. Ahm, in, in this door here. He spoke with me here.

KENNETT: Okay. Just put an "x" there and then we can...

CARTER: He spoke with me here. The secretary's desk was around here.

KENNETT: Um-huh.

CARTER: Asked me to come back to this room.

KENNETT: Okay.

CARTER: Okay. And then we went back out.

KENNETT: Okay. So from... This is where the, ah, police car, RM2 was...

CARTER: Yes.

KENNETT: ...with the prisoner.

CARTER: Yeah.

KENNETT: Or with, at that time,...

CARTER: Yeah.

KENNETT: ...ZENK for... I'll just call him the shorter word. And ahm, then you walked with him this way...

CARTER: Yeah.

KENNETT: ...into the office?

CARTER: With ZENK?

KENNETT: Yes. Or did you go in this way?

CARTER: No, no, no. You have to come in here. This is a hallway and come in the main office door. And then this is our Ident. room and there's also a, ah, there's also a holding room back here, too.

KENNETT: Okay. So is... Where? Is this the interview room that you put him in then?

CARTER: Yes.

KENNETT: Okay. But you had to come into the main office to get there?

CARTER: Yes.

KENNETT: Is that right?

CARTER: Yes. Yes.

KENNETT: Okay. So I see it's quite a walk, as you've described?

CARTER: Yeah, I, I've given approximations with the length and the surfaces...

KENNETT: Right.

CARTER: ...we walked on.

KENNETT: Okay. So WOYCHUK actually, ahm, you were here (pointing to diagram). He said, "Can I talk to you in the back?" You go in the back (pointing to diagram).

CARTER: Yeah.

KENNETT: Talk to him alone? Right?

CARTER: Yeah.

KENNETT: And then the both of you go back to, ah, RM2?

CARTER: And we both go back to RM2, yeah.

KENNETT: Okay. Alright. Great.

CARTER: Let me just go over this again.

KENNETT: Was there any, ahm, assistance from the support staff in the office that day as far as relaying messages between the Chief at the scene to you at the office? Or was that done directly via radio?

CARTER: No. Ah, probably there was some but I, I wasn't present when that. I had come later.

KENNETT: Um-huh.

CARTER: And then I dealt with Harvey MORDEN-ZENK. Like I didn't take any notice as to what other was taking place at the scene.

KENNETT: Okay. So do you recall approximately what time the Chief returned back to the office, ah, from the scene?

CARTER: Ahm. (Pause) No, I don't. Ah, it would have had, had to have been after, ahm, after ah, 1:37 p.m. In between 1:30 and, I'd say, 2 o'clock. 1:30/2:30 that they came back in. Because, ah, HARVEYMORDEN-ZENK left in the company of his lawyer prior to the Chief getting to the office.

KENNETT: Okay. So you, you had had your hands full basically dealing with him and...

CARTER: I was dealing with that. I wasn't noting what time he came in or, or that, yes.

KENNETT: Okay. Alright. So it was after that then when you had been assigned, ah,...

CARTER: Yes.

KENNETT: ...the file as you had said?

CARTER: Yeah. Yeah.

KENNETT: Alright. And were you directing people at that time to, ah, take interviews for you? Were you asking people to assist with the interviewing and, of the witnesses...

CARTER: At that time, no.

KENNETT: ...at that time?

CARTER: At that time, no, the Chief was still doing the directing.

KENNETT: Okay. So what time did that, when did that change? At what point?

CARTER: Ah, probably, ah, the next day. Within a day or two. I mean I just, I just took the file at that point in time. So it would be, ah... Yeah, it would be the next day.

KENNETT: And how much service did WOYCHUK have at the time of this accident?

CARTER: Ah, very little. He had, ah, he had worked for DOPS also for...

KENNETT: Um-huh.

CARTER: ...probably just a number of months. And then so probably a year

service.

KENNETT: Approximately?

CARTER: He was hired, he was hired by, by Chief BAKEMA after Chief BAKEMA, ahm, you know, started with us.

KENNETT: Alright. Ahm, did he have a trainer? Ah, WOYCHUK, did he have a trainer at the office?

CARTER: Ah, not... Well not really. Yes and no, he, he rode with... Yeah, actually, I believe, he rode, ah, and was given, you know, a short field training. We don't have long field training periods.

KENNETT: Um-huh.

CARTER: A short field training, I believe with Constable GRAHAM.

KENNETT: And that, you said "short". What do you mean? Like a couple shifts or a couple weeks or?

CARTER: It could be, it could be three weeks. About three weeks or a month.

KENNETT: Alright. So it's not really a long...

CARTER: No.

KENNETT: ...stint,...

CARTER: No.

KENNETT: ...a period of time? And how would you describe, ahm, WOYCHUK and GRAHAM's, ah, relationship with one another?

CARTER: Ahm, at, at that time?

KENNETT: Yeah. At that time, yeah.

CARTER: Ah, they, ah, I guess they were friends. But I don't expect they were buddies. Ahm, they, ah, GRAHAM was kind of acting as his field trainer on the instructions of the Chief, so.

KENNETT: Okay. And you already described that the Chief and GRAHAM were friends?

CARTER: Yes.

KENNETT: Okay. And how about the Chief and WOYCHUK?

CARTER: Ahm.

KENNETT: How did they get along?

CARTER: They, they got along okay. Ahm, you know, and I've got, I'm looking at back then...

KENNETT: That's right.

CARTER: ...in retrospect now.

KENNETT: That's right.

CARTER: Back then, yeah, they got along okay. They got along good.

KENNETT: Okay. Since that time then, I guess, obviously there's, there's been some rumours you said.

CARTER: Yes. Yes.

KENNETT: And what are those rumours? Do you... What have you heard?

CARTER: Rumours in regard to what?

KENNETT: Well you said that WOYCHUK had identified some rumours, ah, regarding this accident, how it was all gonna play out in court. I believe you said that it was...

CARTER: Oh, it was off, it wasn't... It was just office talk rumour.

KENNETT: Um-huh.

CARTER: That, ah, that you know when, you know other people had read the file and saw the, the ah, the ah, the, you know, the delay in the charter and caution and so on and so forth, that people felt that WOYCHUK would be taking the brunt of this.

KENNETT: Hm.

CARTER: Of any cross-examination in court or any issues in regards to that.

KENNETT: Um-huh. Ahm, alright. And do you know why WOYCHUK, ah, took so long to come forward with his disclosure to you? Did he give you any indication on that?

CARTER: I didn't question him on that, no.

KENNETT: Do you have any, I guess, ideas why at all?

CARTER: Well as long as, as long as Chief BAKEMA was there, I think there was maybe a little bit of a fear...

KENNETT: Hm.

CARTER: ...to, to ah disclose anything like that.

KENNETT: Okay.

CARTER: Ah, there is no relationship there, to my knowledge, any more, too.

KENNETT: And it's, and I think if I'm correct, Chief BAKEMA retired three days before he made this disclosure, before WOYCHUK made the disclosure to you. Is that accurate?

CARTER: I don't, ah...

KENNETT: Chief BAKEMA was dismissed February, ahm,...

CARTER: Dismissed, yes. He never retired or resigned.

KENNETT: Okay. I believe it was, ahm, February something, 2006?

CARTER: Yes.

KENNETT: And WOYCHUK had come forward with you with this disclosure, I believe it was just three, a few days after that?

CARTER: Ah, I believe so, yes.

KENNETT: Okay.

CARTER: I...

KENNETT: Yeah, it just, ah, it's okay.

CARTER: Okay.

KENNETT: I believe it's in your narrative though.

CARTER: Okay. Um-huh.

KENNETT: Ahm, so you think that may be a factor but you're not sure and WOYCHUK didn't mention anything to you as far as, ah...

CARTER: No, I didn't, I didn't question WOYCHUK. All my conversations were very, very brief with WOYCHUK.

KENNETT: Alright.

CARTER: I didn't question him, other than urging him to tell the truth.

KENNETT: Um-huh.

CARTER: If he's asked to come and see Martin, to tell the truth. Ahm, which he said he would. Ahm, and I... So obviously I was waiting for direction from Martin as to what, how, how to proceed.

KENNETT: And when you... Just, just for the record, when you say MINUK, that's the prosecutor in this case?

CARTER: That's MINUK, the prosecutor, yes.

KENNETT: Ahm, in the very beginning, I believe, on the day of the accident, you consulted with the Crown. Was that MINUK as well?

CARTER: That was Martin, yes.

KENNETT: Okay. Now you mentioned that WOYCHUK has had... How has the relationship been with WOYCHUK and the Chief since this accident has occurred? Have you noticed anything change or?

CARTER: Ah.

KENNETT: Between BAKEMA and WOYCHUK?

CARTER: Well they, to my knowledge, they don't, ah, speak each other, see each other.

KENNETT: Hm. That was when he was still the Chief though, is what I'm asking.

CARTER: Oh, when he was still the Chief?

KENNETT: Yeah. Like after the accident but prior to the Chief being dismissed.

CARTER: Oh, I'm sorry.

KENNETT: Yeah.

CARTER: Ahm, no, I didn't see any change in, in ah, any change in their relationship, no.

KENNETT: Okay. And what, what about WOYCHUK with GRAHAM or?

CARTER: No, I didn't see any change in that.

KENNETT: Um-huh.

CARTER: I didn't take note of it though...

KENNETT: (Nodding her head indicating "yes")

CARTER: ...at the time because I didn't know that this...

KENNETT: Right.

CARTER: ...had occurred.

KENNETT: Right. Alright. Is there anything that, ahm, has surfaced now, ah, that we've talked about that you'd like to clarify or, ahm, add?

CARTER: Not to my knowledge.

KENNETT: Okay. And I believe the only additional thing that you mentioned, ahm, with regards to what WOYCHUK told you when, ah, ZENK was brought back to the Detachment, was the fact that he had said he was a police officer.

CARTER: Yes.

KENNETT: An off-duty police officer.

CARTER: Yes.

KENNETT: I believe you were reading from your...

CARTER: Yes, I didn't, I didn't note that but that's, there was an urgency when he first came to speak with me. And then...

KENNETT: Um-huh.

CARTER: ...like I say, first of all, I thought it was a notification to me.

KENNETT: Right.

CARTER: And then secondly, ah, you know, then he indicated that he was a policeman, yes.

KENNETT: Okay.

CARTER: Ahm, I just... Ahm, maybe there's just one more thing. Ah, Chief BAKEMA submitted his notes to the file...

KENNETT: Um-huh.

CARTER: ...as, as what they're normally supposed to do, as to his involvement. Ah, then he, after he got dismissed, ah, his, he was dealt with through the Municipal lawyers,...

KENNETT: Um-huh.

CARTER: ...okay. And he was asked to submit all his notebooks to our Municipal lawyer who, in turn, submit it to us. Ah, he did submit his notebooks to the lawyer. It took me a little while to go pick them up.

KENNETT: Um-huh.

CARTER: But when I did get them, I saw that there were two sets of notes. Okay? The notes that he submitted to the file,...

KENNETT: Um-huh.

CARTER: ...ah, are different than the notes in his notebook. It looks like he, he did like a rough set of notes.

KENNETT: Um-huh.

CARTER: And as mine, I, I submit my rough set and I submit my clean set. He... It looked like he did a rough set in his notebook...

KENNETT: Um-huh.

CARTER: ...ah, with... There's not very many times attached to it or details attached to it.

KENNETT: Um-huh.

CARTER: And then did a clean set of notes a couple of pages later. And the rough set has not been submitted. And I spoke with Martin MINUK this morning.

KENNETT: Um-huh.

CARTER: I gave him a call, ah, actually on the weekend on Friday...

KENNETT: Um-huh.

CARTER: ...to let him know that these things existed.

KENNETT: Do you have a copy of those?

CARTER: I've got them over here. (Reaching into the expansion file folder)

KENNETT: Because we'll get a copy of that after this.

CARTER: (Takes a notebook out of the expansion file folder)

KENNETT: This was, this was turned over from the Chief to the Municipal lawyers

during his dismissal.

CARTER: Yes.

KENNETT: And then you were tasked with going and picking up all this, these belongings?

CARTER: Yes. I didn't know that that second set existed. Okay, this is the set of notes from Page 64. Let me just double-check here. No. No, just hang on.

KENNETT: What we were handed in was Page 77 to Page 89.

CARTER: Seven... No, maybe it should be from Page 76.

KENNETT: Or 76, pardon me.

CARTER: 76 to 89. Okay. Ah, on Page 64 to 74, has not been submitted. And the first time I saw this was just, ah, I think, Thursday.

KENNETT: Alright. Okay. So you hadn't...

CARTER: Because I received the notebook on the 18th.

KENNETT: Okay. So you've... Have you looked at these, these rough notes?

CARTER: Yes, I have.

KENNETT: Okay. Is there anything that stands out to you?

CARTER: Well no,...

KENNETT: Aside, aside from the times?

CARTER: ...no time and details, times and details.

KENNETT: Is there anything in there about conversation with, ah, MORDEN-ZENK?

CARTER: Let me see there. (Pause - reading notes) No.

KENNETT: Alright. And, ahm, I'll be right back. I just have a few more things to look at and I'll be right back.

CARTER: Okay.

KENNETT: Okay.

(Corporal KENNETT leaves interview room)

(Pause)

(Chief CARTER opens yellow file folder and flips through pages. Also flips through pages in notebook. Closes both the yellow file folder and notebook. Puts all of the reference material in the expanding file folder.)

(Pause)

(Corporal KENNETT returns to interview room)

KENNETT: It's 11:05, I'm back. Just a few more questions for you. Ahm, back to when you were called out from home to go to the accident scene.

CARTER: Um-huh.

KENNETT: And then you get to the Detachment and you were called off, basically to stay, told to remain at the...

CARTER: Yes.

KENNETT: ...Detachment. How much time approximately occurred between the time you were told to stay at the Detachment to the time WOYCHUK arrived?

CARTER: They're part of the scene. (Retrieves yellow file folder from expanding file folder)

KENNETT: Oh, after you've packed it all away.

CARTER: That's okay. It's not a problem. It wasn't a long period of time. (Pause) Ah, 8 o'clock, I arrived at the station. 8:12, WOYCHUK came to the station.

KENNETT: Okay. So what did you do during that 12 minutes?

CARTER: Just waited.

KENNETT: Just waited?

CARTER: Yeah.

KENNETT: Okay. So you were in uniform already?

CARTER: Ah, no, I don't believe I was in uniform.

KENNETT: And no other new information had been, ah, relayed to you between, ah, I guess, via radio or...

CARTER: No.

KENNETT: ...anything like that?

CARTER: No.

KENNETT: Okay. And then after, ahm, after the accident scene and after you've dealt with, ah, ZENK, Derek, ahm, what kind of conversation did you have between yourself and the Chief? Obviously, he's at the scene so you, you needed to know information to complete your report. Ahm, how did, was there anything going on with conversations between you and the Chief as far as what it was like at the scene and...?

CARTER: Not that I can recall. Ahm, we just sat down and just, we just, he described the scene, ahm, and what we have to do with the file, who we have to interview.

KENNETT: Um-huh.

CARTER: Actually, he actually made notes here as to people he wanted interviewed. This is his writing.

KENNETT: Oh, this is the Chief's writing here?

CARTER: Yeah.

KENNETT: Okay. And so we've got, ah, to take a copy of this but, ah,...

CARTER: Well some of it is my writing.

KENNETT: Up until this, this ah, black pen here, up till the first.

CARTER: Ah, okay. Now this, this will be his writing. Ah, this is his writing, his writing. I think this is mine, report the names.

KENNETT: Okay. But the rest is all, ahm,...

CARTER: Ah.

KENNETT: ...the Chief's?

CARTER: Pretty well, yes.

KENNETT: Okay. So we've got what? Vernon STEVENS.

CARTER: Yeah.

KENNETT: Ah, do you want to just read those out to me?
CARTER: Vernon STEVENS. Denise BAKOWSKI. Selkirk Ambulance attendant. I wrote, ah... No, he wrote that. Ted ROSSER. Cathy BEADY. Ah, East St. Paul Fire Department. Winnipeg Ambulance. Then first male on the scene. Dale CASPER.

KENNETT: So is that saying that the first male on the scene was Dale CASPER?
CARTER: No, no.

KENNETT: Oh, okay.
CARTER: This is just...

KENNETT: Okay.
CARTER: ...he wrote things down. I don't understand what he wrote down.

KENNETT: Okay. But...
CARTER: Ah, Ted ROSSER here. Report to M.E.'s office. Oh, probably to change Supp. blood to breath. Okay. On my Supplementary, I made a mistake and I wrote, ah, blood...

KENNETT: Um-huh.
CARTER: ...instead of breath.

KENNETT: Okay. So he, he reviewed your Supplementary Report?
CARTER: No. No, this is before any supplementals was done. This is just (pointing).

KENNETT: Okay. But this was written where then, to change?
CARTER: Later on. That was later on.

KENNETT: Oh, that was you. That was you that did that?
CARTER: No.

KENNETT: That's your writing?
CARTER: No, that's his writing...

KENNETT: Okay.
CARTER: ...later on. Somewhere along the way, he must have took the file and made some more notes here.

KENNETT: Okay. But in order to have observed that you had put blood instead of breath, he must have reviewed your...

CARTER: Yes.

KENNETT: ...file?

CARTER: Yes.

KENNETT: And it was his responsibility to review your file?

CARTER: Ahm, he didn't, usually didn't review my files, no. He, ah, I did all the file reviews.

KENNETT: Okay. But in this case, he obviously has reviewed the file?

CARTER: Yeah. Yeah.

KENNETT: Isn't that correct, if he's...

CARTER: Yeah.

KENNETT: ...made some comments here for you...

CARTER: Yeah. Yes.

KENNETT: ...to make some corrections?

CARTER: Correct.

KENNETT: Okay. Anything else that he's asked you to...?

CARTER: No, nothing unusual.

KENNETT: Alright. Ahm...

CARTER: And you asked, ah, when he got back. All, I did note when we got back.

KENNETT: Okay.

CARTER: Ah, it was sometime, like I say, after 1:30. While you were gone, I was just looking through the notes here. He indicates that he got back to the station around 4:00 p.m. which would probably be about right.

KENNETT: Okay. But in the days to come, like after, after that very first day when you said either in the next day or the day after it was completely, it was your file and you were starting to call the directions or make the decisions and...

CARTER: Well he kept involved a little bit.

KENNETT: Um-huh.

CARTER: It's not just, it's not as clear cut as it was my file.

KENNETT: Okay.

CARTER: He still kept, you know, some involvement, whether it be coming to me and saying, "Well has this guy been interviewed yet? Well we'll get somebody to interview him." Or, "He should be interviewed now." Or, you know, that type of thing. Like he did keep some involvement in there.

KENNETT: Okay.

CARTER: Ah, to some degree. But, you know, the direction the file went after that is probably, ah, I looked after that at that point in time.

KENNETT: Um-huh. Now as far as interviewing, ah, do you know who had been tasked to interview Cathy BEADY?

CARTER: He interviewed Cathy BEADY, I believe.

KENNETT: Okay. Now is that... Did he volunteer to do that or did you...

CARTER: Yes.

KENNETT: ...ask him to?

CARTER: No, I didn't ask him to. He, there's certain things he just went ahead and did and said he would be doing this.

KENNETT: Okay. And did you ask him then to interview any witnesses or did he go and just do?

CARTER: I didn't ask him to interview anybody.

KENNETT: Alright. Ahm, and then as far as WOYCHUK's actions, ahm, he gets to the office. He has a fellow in the back seat that was driving at the scene of an, a fatal MVC and he hasn't chartered or warned. What... Did you talk to WOYCHUK about this after the fact? Or has this been discussed with him at that...

CARTER: Well...

KENNETT: Later on or?

CARTER: Ah, again, we just had very short conversations as I've outlined on my, ah, there. And, ahm, we didn't discuss in depth but just basically this, this guy should have been chartered and cautioned...

KENNETT: Um-huh.

CARTER: ...the minute he was in there, ah, in the back of the car. Otherwise, was he free to go and leave? If he wasn't free to go and leave, then he should have been chartered and cautioned.

KENNETT: Um-huh.

CARTER: Ahm, and ah, his response to me, ah... Actually, his response to me, when he came and first told me the guy was in the back of the car was that, ah, the Chief wanted me to look after it because I had more experience.

KENNETT: The Chief wanted WOYCHUK or yourself?

CARTER: Me, to look after it.

KENNETT: That's what he said?

CARTER: Because I had more experience, yeah.

KENNETT: Hm.

CARTER: Because I would just kind of shuffle it on the way to...

KENNETT: Okay. And that, that's what WOYCHUK told you at that time?

CARTER: Yes.

KENNETT: Okay. So had, I guess, was there any guidance given to WOYCHUK for not dealing with it, because WOYCHUK was the middle person, basically, in this?

CARTER: At the time?

KENNETT: At the time or after?

CARTER: No.

KENNETT: No?

CARTER: No, because WOYCHUK was out of it at that point in time. He had driven this guy back to the office purportedly to, to do a TAR.

KENNETT: What do you mean by "TAR"?

CARTER: Traffic Accident Report.

KENNETT: Okay. Alright. And as far as you, or as far as he knew, that's what he was doing when he came back to the Detachment or?

CARTER: He was coming back to the Detachment to turn the guy over to me on the instructions of Harry BAKEMA.

KENNETT: But at that time, he did tell you that he had smelled the slight odour of liquor?

CARTER: The slight odour of liquor, yes.

KENNETT: Did he say that he had smelled that at the scene or en route, or do you...?

CARTER: Ah, in the vehicle. When the guy was in his vehicle.

KENNETT: Okay. He didn't say when, at what point? Just that it was when he was...

CARTER: No, I don't, I don't recall him saying at what point he smelled it.

KENNETT: Okay. But he didn't take it any further at that point?

CARTER: He didn't take it any further, no.

KENNETT: Okay. Alright. Ahm, now with these new questions, do you have anything else that you'd like to clarify or any further...

CARTER: No.

KENNETT: ...information to provide?

CARTER: No. I, ah, Martin asked me to give him a call back to let him know what's, you know, how we're gonna... And I'd like to kinda know how we're gonna be proceeding on this or what, what the instructions are.

KENNETT: Okay.

CARTER: Because I've got probably internal issues I've got to deal with in this regard, too.

KENNETT: Alright. Okay. I think that's a good place to leave this then.

CARTER: Okay.

KENNETT: It's, ah, 11:15, concluding interview.

CARTER: Do you want some photocopies?

KENNETT: Thank you. Yes, I'll just, of the statement that you, the notebook that you have, I'll get copies. And I'd like to copy the front of this, ah,...

CARTER: Yeah.

KENNETT: ...file jacket if that's alright.

CARTER: Absolutely.

KENNETT: So just come on.

CARTER: Okay.

KENNETT: Do you want that water?

CARTER: No, I'm done now. I can... Okay.

KENNETT: Well I don't think there's a garbage can so I'll just have to run(?) down with this. Maybe, ahm, I was thinking where there'd be a place for them.

(Corporal KENNETT and Chief CARTER leave interview room)

Tracy KENNETT, Corporal
RCMP Winnipeg Major Crime Unit

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