

INTERVIEW OF THEODORE JACK SPRUYT

Date: March 3, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 THURSDAY, MARCH 3, 2005

2 Upon commencing at 12:52 A.M.

3
4 **SERGEANT GIRARD:** All right. Sorry,
5 the date is March 3rd, 2005, the time is 12:52
6 a.m. And we are in interview room number one of
7 the Professional Standards Unit Offices on the
8 10th floor of the Confederation Building, 457 Main
9 Street in Winnipeg. My name is Detective Sergeant
10 Roger Girard and also present is Sergeant Con
11 Pearson. For the purpose of voice recognition,
12 please identify yourself?

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 TJ Spruyt; is that correct?

17 **CONSTABLE SPRUYT:** Yeah.

18 **SERGEANT GIRARD:** Regarding
19 Professional Standards Unit file number 05-017.
20 And for the purpose of voice recognition, can you
21 please identify yourself by full name and badge
22 number?

23 **CONSTABLE SPRUYT:** TJ Spruyt, 2449.

24 **SERGEANT GIRARD:** Okay. And just for
25 the purpose of this TJ stands for --

1 **CONSTABLE SPRUYT:** Theodore Jack

2 Spruyt.

3 **SERGEANT GIRARD:** Okay. Now, TJ, I

4 remind you that in accordance with service policy,
5 our conversation is being recorded, and for that
6 purpose this morning we are using an Olympus
7 DS4000 digital voice recorder.

8 You were contacted, I guess sort of in
9 a round about way, by way of a memo to your
10 divisional commander and your supervisors and
11 requested to attend for this interview today. On
12 the memo it said that we were going to arrange
13 that through your supervisor, it wasn't a specific
14 time. So that is what we have been doing this
15 evening and this morning, just arranging for crews
16 to come in and speak with us about this matter.
17 On the memo it very briefly stated what it was
18 about, and that's of course the incident involving
19 Constable Derek Harvey-Zenk, I guess in the early
20 morning hours of February 25th, regarding the
21 incident he was involved in. You arrived at our
22 office, I guess it would have been about, maybe
23 about ten minutes ago now. I met you downstairs,
24 came upstairs, you and your partner used the
25 washroom, came in the room here. And I explained

1 how this would sort of take place and explained a
2 little bit about the preamble and why we use it,
3 and then just a little bit about how the
4 interviews were going to go, as far as, you know,
5 we would turn it over to you and you can give us
6 your version of events that night, as you were
7 involved.

8 So is that an accurate account of what
9 has taken place prior to me turning on the
10 recorder?

11 **CONSTABLE SPRUYT:** Perfect, yes.

12 **SERGEANT GIRARD:** Okay. It is our
13 practice to ensure that members understand their
14 status in being interviewed by us, so I remind you
15 now that you are being interviewed as a witness.

16 **CONSTABLE SPRUYT:** Okay.

17 **SERGEANT GIRARD:** This statement may
18 be used in any criminal, civil, or service
19 proceeding, or it may not be used in any
20 proceeding at all. Okay.

21 Were any threats made to you, or were
22 any promises or hopes of reward offered to you in
23 relation to providing a statement?

24 **CONSTABLE SPRUYT:** No -- sorry about
25 that.

1 **SERGEANT GIRARD:** Okay. So, no?

2 **CONSTABLE SPRUYT:** No.

3 **SERGEANT GIRARD:** Okay. Was anything
4 said to you by anyone that might influence what
5 you might say to us in your statement?

6 **CONSTABLE SPRUYT:** No.

7 **SERGEANT GIRARD:** Okay. So, basically
8 we are going back to February 24th, I believe you
9 were working third relief. So if you can just let
10 us know what time you left work and what happened?

11 **CONSTABLE SPRUYT:** Okay. I took three
12 and a half hours of SCL, time off that evening.
13 Then I got out of there I guess roughly quarter
14 after 11:00. I went over to Branigan's, as the
15 shift invited me out. I went there, had a few
16 beers, some wings. They invited me back to Sean
17 Black's place, so I went back there afterwards,
18 stayed there for about an hour or two, and went
19 home.

20 **SERGEANT GIRARD:** Okay. So just a
21 little bit more detail now. So you left the
22 station about what time?

23 **CONSTABLE SPRUYT:** I would say roughly
24 quarter after 11:00. Like I wasn't too sure, so I
25 looked today at the station and it said I took

1 three and a half hours of SCL, so, roughly between
2 11:00, 11:30.

3 **SERGEANT GIRARD:** You were scheduled
4 to work until 0230 then?

5 **CONSTABLE SPRUYT:** Correct, yes.

6 **SERGEANT GIRARD:** Okay. So you went
7 over to Branigan's?

8 **CONSTABLE SPRUYT:** Yes.

9 **SERGEANT GIRARD:** Which location?

10 **CONSTABLE SPRUYT:** The one on Leila.

11 **SERGEANT GIRARD:** Okay. Just sort of
12 this side of McPhillips, I guess, in that mall?

13 **CONSTABLE SPRUYT:** Yes.

14 **SERGEANT GIRARD:** Okay. Who else was
15 there when you arrived?

16 **CONSTABLE SPRUYT:** Oh boy.

17 **SERGEANT GIRARD:** Did you drive there
18 by yourself?

19 **CONSTABLE SPRUYT:** I did, yeah. Kelly
20 McLure was there -- who else -- Derek was there,
21 Sean Black, Ken Azaransky -- who else was there --
22 Marnie -- who else -- Gord, a traffic fellow, I'm
23 not sure of his last name. Who else was there?
24 Sergeant Humniski was there. A couple of people
25 came later, Shaun Veldman and Daniel Mikawoz, they

1 are the recruits. Who else came -- I'm trying to
2 remember everybody's names.

3 **SERGEANT GIRARD:** Daniel --

4 **CONSTABLE SPRUYT:** Dan Mikawoz.

5 **SERGEANT GIRARD:** How long had you
6 been on the shift?

7 **CONSTABLE SPRUYT:** Just, this is the
8 start of my third set of shifts.

9 **SERGEANT GIRARD:** Okay. So you are in
10 field training right now?

11 **CONSTABLE SPRUYT:** Yes.

12 **SERGEANT GIRARD:** So these are all
13 fairly new faces?

14 **CONSTABLE SPRUYT:** Fairly new, yes, so
15 I am still trying to figure out everybody's name.
16 I am just trying to think of anybody else I can
17 think of. Sergeant Anderson came, I don't know if
18 I mentioned that already, Ted Michalik, Al
19 Williams, Tracy Fudge, Norbert Bauer, I believe
20 his name is. I'm not too sure, I think that's his
21 name.

22 **SERGEANT GIRARD:** Just so you know, my
23 partner is just taking notes.

24 **CONSTABLE SPRUYT:** Okay, that's fine.

25 **SERGEANT GIRARD:** In case there is a

1 problem with the recorder or the statement that we
2 have some kind of notes somewhere.

3 **CONSTABLE SPRUYT:** Okay, for sure.

4 Kelly's husband Sam, I'm not sure of his last
5 name; Dave Harding; another guy they call Guyot, I
6 don't know, I just know him as Guyot, I don't know
7 his real name. That's about it, or not.

8 **SERGEANT GIRARD:** Okay. Well, we will
9 move on and if you remember anybody else --

10 **CONSTABLE SPRUYT:** Okay, sure.

11 **SERGEANT GIRARD:** Okay. Now, where
12 within Branigan's was everyone sitting? I don't
13 mean individually, but just the section of the
14 restaurant?

15 **CONSTABLE SPRUYT:** The area, I guess
16 it would be -- different directions, it would be
17 the southeast, kind of the south part of the
18 lounge, we were kind of all in the back.

19 **SERGEANT GIRARD:** Okay. And how were
20 the tables set up?

21 **CONSTABLE SPRUYT:** I don't really
22 know.

23 **SERGEANT GIRARD:** Well, were you all
24 around one table?

25 **CONSTABLE SPRUYT:** No, there was about

1 four or five tables, approximately. Like I don't
2 know for sure. There was a couple -- there was
3 like a sofa off to the side with a couple of
4 people sitting there, and there was two sofas
5 behind me and there was a couple of people sitting
6 there. I don't know really.

7 **SERGEANT GIRARD:** All right. Where
8 was Derek Harvey-Zenk sitting in relation to you?

9 **CONSTABLE SPRUYT:** I was sitting --
10 sorry to use my fingers here -- I was sitting,
11 like I say if this was the area here, there was
12 sofas right here, I was sitting right here and
13 Derek was, he was across the table from me over
14 there.

15 **SERGEANT GIRARD:** Okay. How far would
16 the table be across?

17 **CONSTABLE SPRUYT:** There was, I would
18 say he was probably from me to about a little past
19 the doorway away.

20 **SERGEANT GIRARD:** Okay. So 10, 11
21 feet, something like that?

22 **CONSTABLE SPRUYT:** Sure, around that.

23 **SERGEANT GIRARD:** Okay. All right.
24 Was anyone, by your estimation, obviously
25 intoxicated at Branigan's?

1 **CONSTABLE SPRUYT:** I would say that
2 everybody was having a few drinks -- I shouldn't
3 say everybody -- everybody was having a good time.
4 From what I could see nobody was, you know,
5 intoxicated or --

6 **SERGEANT GIRARD:** So by having a good
7 time, you just mean --

8 **CONSTABLE SPRUYT:** They were just
9 interacting, enjoying themselves, and just talking
10 amongst each other.

11 **SERGEANT GIRARD:** Okay.

12 **CONSTABLE SPRUYT:** And that was about
13 it.

14 **SERGEANT GIRARD:** All right. Do you
15 know, or did you see what Derek was drinking?

16 **CONSTABLE SPRUYT:** No, I did not, no.

17 **SERGEANT GIRARD:** What about the
18 amount?

19 **CONSTABLE SPRUYT:** I have no idea.

20 **SERGEANT GIRARD:** Okay. What time did
21 you leave Branigan's that night?

22 **CONSTABLE SPRUYT:** I would say
23 approximately -- they shut it, like probably about
24 2:30 I guess, approximately, I would say. I
25 wasn't really keeping track of the time so --

1 **SERGEANT GIRARD:** Did everybody leave
2 at the same time or --

3 **CONSTABLE SPRUYT:** For the most part,
4 yeah. Like there was about fifteen of us that all
5 left together because they were closing down, so
6 everybody had to leave. There might have been
7 people that left earlier, I'm not too sure.

8 **SERGEANT GIRARD:** Was Constable
9 Harvey-Zenk one of the people that left in that
10 group that you just referred to?

11 **CONSTABLE SPRUYT:** Yes, he was.

12 **SERGEANT GIRARD:** Okay. So what
13 happened from there -- I am sorry, did you pay for
14 your own food and beverages?

15 **CONSTABLE SPRUYT:** Yes, I did, yes.

16 **SERGEANT GIRARD:** Okay. Do you know,
17 was there a tab going with any people or anything
18 like that?

19 **CONSTABLE SPRUYT:** Not as far as I
20 know. I just paid my own tab and that was that
21 so.

22 **SERGEANT GIRARD:** Okay. So what
23 happened from there then?

24 **CONSTABLE SPRUYT:** From there they
25 just said that a couple of people were going back

1 to Sean Black's place and they asked if I wanted
2 to come. So I was just trying to fit in with the
3 shift, and I went with them.

4 **SERGEANT GIRARD:** Okay. So how did
5 you get to Sean's?

6 **CONSTABLE SPRUYT:** I drove.

7 **SERGEANT GIRARD:** Okay. Were you by
8 yourself in your vehicle?

9 **CONSTABLE SPRUYT:** Yes, I was, yes.

10 **SERGEANT GIRARD:** Okay. What time did
11 you get to Sean's?

12 **CONSTABLE SPRUYT:** I'm not too sure of
13 the time. Like we just went straight from
14 Branigan's to there so --

15 **SERGEANT GIRARD:** Okay. You left
16 Branigan's about 2:30 you said?

17 **CONSTABLE SPRUYT:** Roughly around
18 there, yeah.

19 **SERGEANT GIRARD:** Was it a very long
20 drive?

21 **CONSTABLE SPRUYT:** I didn't think it
22 was, it was probably about maybe 15, 20 minutes
23 maybe, approximately.

24 **SERGEANT GIRARD:** Okay. So who all
25 went to Constable Black's residence?

1 **CONSTABLE SPRUYT:** There was myself,
2 obviously Constable Black, Ken Azaransky. Derek
3 was there. Jay Nolet was there. Who else was
4 there -- Tracy Fudge, Dave Harding, my FTO, Kelly
5 McLure. Who else was there? Norbert Bauer was
6 there, a name I'm not too sure.

7 **SERGEANT PEARSON:** Was Kelly's husband
8 there?

9 **CONSTABLE SPRUYT:** No, he wasn't, no.
10 I think that was about it -- oh, Sergeant Humniski
11 was there and Sergeant Anderson, and I think that
12 was about it.

13 **SERGEANT GIRARD:** So what happened at
14 Constable Black's residence then?

15 **CONSTABLE SPRUYT:** We were just
16 sitting around, talking, and having some arm
17 wrestling competitions, and that was about it.

18 **SERGEANT GIRARD:** Okay. Anyone
19 drinking?

20 **CONSTABLE SPRUYT:** Not that I noticed.
21 Like I don't know, I'm not going to say so and so
22 was drinking because I don't know if they were or
23 not.

24 **SERGEANT GIRARD:** Did you see anyone
25 with beverages in their hands, in general?

1 **CONSTABLE SPRUYT:** In general? There
2 was glasses out and I honestly couldn't tell you
3 if there was alcohol in them or not.

4 **SERGEANT GIRARD:** Okay. Did you have
5 anything when you were there?

6 **CONSTABLE SPRUYT:** I just had a Coke.

7 **SERGEANT GIRARD:** Okay. All right.
8 What about Constable Harvey-Zenk, did he -- did
9 you notice if he was drinking or --

10 **CONSTABLE SPRUYT:** I wasn't really
11 paying attention, I was just --

12 **SERGEANT GIRARD:** Okay. All right.
13 What time did you leave the residence?

14 **CONSTABLE SPRUYT:** That's a good
15 question. I was only there for about an hour or
16 two. So I guess, like I don't know, like this is
17 going back, like I don't know what time I even got
18 there so I don't really know what time I left.

19 **SERGEANT GIRARD:** Okay.

20 **CONSTABLE SPRUYT:** I wasn't really
21 paying attention to the time.

22 **SERGEANT GIRARD:** Do you know if
23 anyone left prior to you?

24 **CONSTABLE SPRUYT:** No, I didn't really
25 notice. No, not really.

1 **SERGEANT GIRARD:** Okay. Now, you were
2 saying that everyone was sitting around and
3 talking?

4 **CONSTABLE SPRUYT:** Yeah.

5 **SERGEANT GIRARD:** Whereabouts was that
6 occurring in the house?

7 **CONSTABLE SPRUYT:** We were just all
8 kind of just in the kitchen area, just kind of
9 standing around talking.

10 **SERGEANT GIRARD:** Okay. Was anyone
11 there intoxicated that you could tell?

12 **CONSTABLE SPRUYT:** Not really. Like I
13 mean, you know, like I say, at Branigan's we were
14 just having a good time, chatting and having arm
15 wrestling competitions and stuff.

16 **SERGEANT PEARSON:** I heard that Dave
17 Harding had a little bit too much and wasn't
18 feeling too good.

19 **CONSTABLE SPRUYT:** Yeah. Well, yeah,
20 I guess he was, but I don't really know him that
21 well, but he is a pretty boisterous guy at the
22 best of times from what I have seen so far. So I
23 don't know if he was intoxicated or not, but --

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

1 **SERGEANT PEARSON:** You stayed there
2 for a couple of hours, was the crowd starting to
3 thin out by the time you left?

4 **CONSTABLE SPRUYT:** Not that I really
5 noticed. For the most part like it seemed like it
6 was pretty well the same crew that was there. So
7 maybe one or two people might have slipped out,
8 but not that I -- I couldn't tell you who it was
9 or if they did.

10 **SERGEANT GIRARD:** And you said you
11 were there how long, about an hour?

12 **CONSTABLE SPRUYT:** I would say roughly
13 an hour, two hours if that, I'm not too sure.

14 **SERGEANT PEARSON:** Who invited you to
15 go there?

16 **CONSTABLE SPRUYT:** Actually, pretty
17 well all of them did, they just said we are going
18 back to Sean's, and they just said, you know, if
19 you want to come back, you are welcome to.

20 **SERGEANT PEARSON:** Okay.

21 **SERGEANT GIRARD:** What was the work
22 week like? Was there a lot of overtime? Just
23 generally speaking, for the shift.

24 **CONSTABLE SPRUYT:** You know what, I'm
25 not too sure, to be honest with you.

1 **SERGEANT GIRARD:** Did you have any
2 nights where you had to stay beyond 2:30?

3 **CONSTABLE SPRUYT:** Myself, no. But,
4 like I say, I can't really speak for the rest of
5 the shift so --

6 **SERGEANT GIRARD:** All right. Do you
7 have knowledge of any other information regarding
8 this matter that we haven't covered, anything that
9 we may have overlooked that you think might be
10 important?

11 **CONSTABLE SPRUYT:** No.

12 **SERGEANT GIRARD:** Okay. Anything else
13 you wish to say?

14 **CONSTABLE SPRUYT:** I'm just trying to
15 think if there was anyone else or any other people
16 that were --

17 **SERGEANT GIRARD:** Well, if you think
18 of any other names, you can let us know.

19 **CONSTABLE SPRUYT:** Okay. I guess, the
20 only thing that was I going to add is that, when I
21 was walking in, I overheard Sean say, like just
22 kind of a general statement, saying that if
23 anybody wants to spend the night, they are more
24 than welcome to. I just want to make sure that
25 you know that. I guess that is all.

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SERGEANT GIRARD: All right then.

Okay. Well, the interview is concluded. The time is 1:08 a.m. and the recorder is being turned off.

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OFFICIAL EXAMINER'S CERTIFICATE

I, CECELIA REID, a duly appointed Official
Examiner in the Province of Manitoba, do hereby
certify the foregoing pages are a true and correct
transcript of an audio recording of the above
interview of Constable Spruyt to the best of my
skill and ability.

Cecelia Reid
Official Examiner, Q.B.

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