

INTERVIEW OF DANIEL MIKAWOZ

Date: March 2, 2005

Held at 10th floor Confederation

Building, 457 Main Street,

Winnipeg, Manitoba

1 WEDNESDAY, MARCH 2, 2005

2 Upon commencing at 11:00 P.M.

3 **SERGEANT EPP:** Today's date is March
4 the 2nd, 2005. The time according to my watch is
5 11:00 p.m. We are actually in the lunch room of
6 the Professional Standards Unit, which is on the
7 10th floor of the Confederation Building, 457 Main
8 Street in Winnipeg. My name is Detective Sergeant
9 Angela Epp. Also present is Sergeant Doug
10 Roxburgh. For the purpose of voice recognition,
11 Doug, could you please identify yourself by name?

12 **SERGEANT ROXBURGH:** Doug Roxburgh.

13 **SERGEANT EPP:** We are both members of
14 the Professional Standards Unit. This is an
15 interview with Daniel Mikawoz regarding PSU file
16 05-017. For the purpose of voice recognition,
17 Daniel, will you identify yourself by name and
18 badge number?

19 **CONSTABLE MIKAWOZ:** Daniel Mikawoz,
20 2444.

21 **SERGEANT EPP:** Thank you very much.
22 Daniel does not have counsel present, as he is a
23 witness in this matter and it is not required. I
24 remind you, Daniel, that you can see we have
25 turned on the recorder. That little red light

1 tells us that it is working fine. And that in
2 accordance with service policy our conversation is
3 being audio-taped, and for that purpose we are
4 using an Olympus DS4000 digital recorder.

5 You were contacted by letter, I
6 believe, and also there was a shift briefing
7 yesterday, and that was your first day back which
8 was March 1st. You were advised the reason that
9 you were to attend this interview. Just to tell
10 you that our Professional Standards Unit has been
11 formally requested to assist the East St. Paul
12 Police and that's why we are conducting these
13 interviews.

14 The reason that we are here is
15 regarding an incident that happened on
16 February 24th at about 7:00 am in the morning.
17 One of our members was involved in a traffic
18 accident, a fatal traffic accident. So that's the
19 reason that you are here today.

20 You arrived at our office a short time
21 ago with your partner, Constable Jacek Kapka, and
22 we are interviewing -- doing the two of you at the
23 same time. We provided you with some water. We
24 explained that everything is going to be
25 audio-taped. We had just a brief conversation to

1 make sure that you didn't have any questions
2 before we started. Would that be an accurate
3 account of what was taken place before the tape
4 recorder was turned on?

5 **CONSTABLE MIKAWOZ:** That's correct.

6 **SERGEANT EPP:** It is our practice to
7 ensure that members understand their status when
8 being interviewed. I will just remind you that
9 that you are being interviewed as a witness in
10 this matter. This statement may be used in any
11 criminal, civil, or service proceeding, or it may
12 not be used in any proceeding at all.

13 Danny, were any threats made to you,
14 or were any promises or hopes of reward offered to
15 you in relation to providing a statement?

16 **CONSTABLE MIKAWOZ:** No.

17 **SERGEANT EPP:** Was anything said to
18 you by anyone that would influence what you might
19 say to us in this statement?

20 **CONSTABLE MIKAWOZ:** No.

21 **SERGEANT EPP:** All right then. Can
22 you please tell us what you know about this
23 matter, starting from what you left, or booked off
24 from duty on February 24th, 2005?

25 **CONSTABLE MIKAWOZ:** Me and my partner

1 were off duty, I believe, around 12:30. I headed
2 over to Branigan's. The majority of the people on
3 the shift that worked late were there. I had a
4 few beers and was leaving Branigan's at 2:15 in
5 the morning.

6 **SERGEANT EPP:** Okay. Now you
7 mentioned your partner, who was your partner that
8 evening?

9 **CONSTABLE MIKAWOZ:** Shaun Veldman,
10 badge number 1995.

11 **SERGEANT EPP:** Okay. Now, you said
12 pretty much everyone from the shift was there. Do
13 you remember everybody that was there and --

14 **CONSTABLE MIKAWOZ:** I don't know
15 everyone's name because I'm new to the shift,
16 however, face-wise I recognized them.

17 **SERGEANT EPP:** Now, Daniel, how long
18 have you been on this shift?

19 **CONSTABLE MIKAWOZ:** Starting my third
20 week, I have been on all days and evenings.

21 **SERGEANT EPP:** Okay. So you have gone
22 through, this is like your first rotation of
23 midnights?

24 **CONSTABLE MIKAWOZ:** Correct.

25 **SERGEANT EPP:** And you are just

1 getting to know everybody on the shift?

2 **CONSTABLE MIKAWOZ:** That's correct.

3 **SERGEANT EPP:** Do you have a regular

4 partner, is Shaun your regular --

5 **CONSTABLE MIKAWOZ:** Shaun is my field

6 trainer.

7 **SERGEANT EPP:** And you guys booked off

8 duty at 12:30, which Branigan's did you go to?

9 **CONSTABLE MIKAWOZ:** On Leila, it is on

10 Leila, I'm not sure of the address.

11 **SERGEANT EPP:** Now, I've been to that

12 establishment once before, and it has got sort of

13 an L-shaped bar, if I remember correctly. Were

14 you guys in the bar or were you in the restaurant

15 portion?

16 **CONSTABLE MIKAWOZ:** The lounge, I

17 guess it is called the lounge, off in the corner.

18 **SERGEANT EPP:** Okay. How many tables

19 would your group have been seated at?

20 **CONSTABLE MIKAWOZ:** Six maybe -- I'm

21 not sure, they were kind of combined.

22 **SERGEANT EPP:** Okay. So how many

23 people all together? Would you be able to give us

24 an estimate?

25 **CONSTABLE MIKAWOZ:** 20, 25.

1 **SERGEANT EPP:** Okay. Now you said you
2 had a few beers. Can you give us a more
3 definitive answer, do you remember how many you
4 had?

5 **CONSTABLE MIKAWOZ:** I had three.

6 **SERGEANT EPP:** Okay. Now, were you
7 drinking draft or were you drinking bottled beer?

8 **CONSTABLE MIKAWOZ:** The pints, so
9 that's a glass, I guess, of draft.

10 **SERGEANT EPP:** Okay. Do you remember
11 how you paid?

12 **CONSTABLE MIKAWOZ:** Cash, I paid for
13 me and my partner.

14 **SERGEANT EPP:** Okay. And can you tell
15 us how much Shaun had had to drink that evening?

16 **CONSTABLE MIKAWOZ:** I believe it was
17 only one beer, because there was four on my bill.

18 **SERGEANT EPP:** And in these kind of
19 situations, and in this particular investigation,
20 we need to ask you if you had -- how close were
21 you sitting to Mr. Harvey-Zenk?

22 **CONSTABLE MIKAWOZ:** When I first got
23 there, he was approximately across from me.
24 However, the tables were stacked in front, so it
25 was four feet maybe.

1 **SERGEANT EPP:** Okay.

2 **CONSTABLE MIKAWOZ:** And I ended up

3 moving around, so I didn't really pay attention to

4 where everyone was switching spots afterwards.

5 **SERGEANT EPP:** Can you tell us what he

6 was drinking that evening?

7 **CONSTABLE MIKAWOZ:** No idea actually,

8 I believe it was beer, but I don't know.

9 **SERGEANT EPP:** Okay. And you know

10 what, as everybody gets talking and stuff and we

11 get busy with our own conversations, would you

12 have been in a position to say how many beverages

13 he had that evening?

14 **CONSTABLE MIKAWOZ:** No. I'm kind of

15 quiet, and I was speaking more to my field trainer

16 and the other guy on my shift that's a recruit as

17 well, TJ. So it was really more distant from the

18 all kinds of chatter.

19 **SERGEANT EPP:** Right. It is kind of

20 hard when you are new, you have so much to learn

21 and you are just trying to fit in. Okay. 2:15,

22 did you leave by yourself?

23 **CONSTABLE MIKAWOZ:** I was.

24 **SERGEANT EPP:** And you left by

25 yourself?

1 **CONSTABLE MIKAWOZ:** Left by myself,
2 yeah.

3 **SERGEANT EPP:** Can you tell us who
4 else left at that time?

5 **CONSTABLE MIKAWOZ:** Just me at that
6 time. I'm not sure if anyone else -- I know my
7 partner, he was saying he was going to leave right
8 away. I went to pay for the bill, went back and
9 said I took care of your bill and I am going, said
10 good-bye to everyone and then I left. I never
11 really paid attention.

12 **SERGEANT EPP:** Now, it is our
13 understanding that there was a party afterwards.
14 Did you know anything about that?

15 **CONSTABLE MIKAWOZ:** No.

16 **SERGEANT EPP:** Were you involved in
17 discussions about that?

18 **CONSTABLE MIKAWOZ:** No.

19 **SERGEANT EPP:** When did you find out
20 what happened?

21 **CONSTABLE MIKAWOZ:** Shift briefing,
22 I -- I read in the newspaper there was an accident
23 involving an off duty cop, but that's all I knew
24 until I got to work.

25 **SERGEANT EPP:** Okay. When you were at

1 the bar, and you say you had three beers, was
2 there food being consumed as well?

3 **CONSTABLE MIKAWOZ:** Yes, it is wing
4 night, so we had a great deal of wings coming out.
5 I'm not sure who, but there was a lot of wings
6 coming out.

7 **SERGEANT EPP:** So, wings, we could go
8 in number of wings, but those are hard to count,
9 are they coming in pounds or are they coming in
10 big baskets or --

11 **CONSTABLE MIKAWOZ:** They come in
12 twelves, I believe, most guys were ordering them
13 in twelves, but how many people were getting them,
14 I have no idea.

15 **SERGEANT EPP:** Would you be able to
16 estimate the number of baskets on the table?

17 **CONSTABLE MIKAWOZ:** No. It is kind of
18 removed pretty quick. I didn't really pay
19 attention.

20 **SERGEANT EPP:** Okay. Did you have
21 wings that night?

22 **CONSTABLE MIKAWOZ:** No, my partner
23 did, I didn't. I just ate prior to going to
24 Branigan's.

25 **SERGEANT EPP:** All right. Were you

1 privy to any discussion prior to the shift
2 briefing about what had happened, in the locker
3 room, any of those kind of things?

4 **CONSTABLE MIKAWOZ:** No. The shift was
5 pretty quiet at the beginning, said our usual
6 hello and I went to shift briefing.

7 **SERGEANT EPP:** Okay. I think that's
8 pretty much everything that we need to cover. I'm
9 just going to --

10 **SERGEANT ROXBURGH:** Daniel, how was
11 the group paying for their bill, do you know?

12 **CONSTABLE MIKAWOZ:** No idea.

13 **SERGEANT ROXBURGH:** Did you ask for
14 your bill, or did you have to go up to the front
15 and get your bill?

16 **CONSTABLE MIKAWOZ:** I went up to the
17 front.

18 **SERGEANT ROXBURGH:** And did they know
19 what you had or did you have to tell them what you
20 had?

21 **CONSTABLE MIKAWOZ:** She asked me what
22 I had and I told her what I had, plus what my
23 partner had, because I told her I'm going to pay
24 for him.

25 **SERGEANT ROXBURGH:** Was it all, do you

1 think it was all being tallied on one bill then,
2 or can you answer that?

3 **CONSTABLE MIKAWOZ:** From what it
4 looked like, it was all together, and I guess she
5 was kind of punching in whatever I said, from what
6 I had, she just punched in it and said what you
7 owed.

8 **SERGEANT EPP:** You mentioned she.
9 Most people that work in a restaurant have a name
10 badge, or if you guys are regular there, she might
11 have a name?

12 **CONSTABLE MIKAWOZ:** I'm not a regular
13 there, and I looked at the bill last night
14 actually to make sure to make sure what time I
15 went home, and I don't remember now, I forget.

16 **SERGEANT ROXBURGH:** Was there a name
17 on the bill?

18 **CONSTABLE MIKAWOZ:** There was, yes.

19 **SERGEANT ROXBURGH:** Yeah?

20 **SERGEANT EPP:** And you still have
21 that?

22 **CONSTABLE MIKAWOZ:** I do.

23 **SERGEANT ROXBURGH:** And was there just
24 one waitress serving the group table?

25 **CONSTABLE MIKAWOZ:** Just the one.

1 From the time I got there, it was just the one.

2 **SERGEANT ROXBURGH:** How would you

3 describe her?

4 **CONSTABLE MIKAWOZ:** As in features?

5 **SERGEANT ROXBURGH:** Yeah, tell me what

6 you remember about the waitress?

7 **CONSTABLE MIKAWOZ:** White female,

8 blonde, mid twenties, she had glasses on at

9 certain points of the evening. That's about it --

10 a regular Branigan's uniform.

11 **SERGEANT EPP:** Were you able to tell

12 how tall she was?

13 **CONSTABLE MIKAWOZ:** Five eight.

14 **SERGEANT EPP:** And you mentioned

15 glasses. There are lots of different styles of

16 glasses. Would you be able to describe those?

17 **CONSTABLE MIKAWOZ:** If I remember

18 correctly, they were black, round framed.

19 **SERGEANT EPP:** Did she have freckles?

20 **CONSTABLE MIKAWOZ:** Not that I

21 noticed. I didn't pay attention that closely.

22 **SERGEANT EPP:** Okay.

23 **SERGEANT ROXBURGH:** Daniel, in terms

24 of the group, do you remember any one person being

25 more inebriated than anybody else?

1 **CONSTABLE MIKAWOZ:** No.

2 **SERGEANT ROXBURGH:** No? How would you

3 describe the group?

4 **CONSTABLE MIKAWOZ:** Cheerful, I guess

5 there was conversation about work, outside of

6 work, talking about the week coming up, because I

7 know a bunch of guys are playing hockey in some

8 tournament, so we talked about that. That's about

9 it.

10 **SERGEANT ROXBURGH:** Would you describe

11 them as rowdy or pretty tame?

12 **CONSTABLE MIKAWOZ:** Oh, no, they were

13 pretty tame.

14 **SERGEANT ROXBURGH:** Okay. All right.

15 Any other food other than the wings?

16 **CONSTABLE MIKAWOZ:** Not that I

17 remember.

18 **SERGEANT ROXBURGH:** All right.

19 **CONSTABLE MIKAWOZ:** Don't recall.

20 **SERGEANT ROXBURGH:** And, again,

21 obviously the focus of this interview is Derek.

22 Do you recall if Derek consumed some wings or

23 anything like that? Do you remember him eating?

24 **CONSTABLE MIKAWOZ:** I didn't really

25 get a chance to look, I wasn't really paying

1 attention to one person, I was kind of trying to
2 take in the whole atmosphere. Being new, I didn't
3 really stare at anyone, watch what they were
4 doing.

5 **SERGEANT ROXBURGH:** Okay. And how
6 well do you know Derek?

7 **CONSTABLE MIKAWOZ:** Not very well,
8 just kind of introductions and welcome to the
9 shift kind of thing, and that's about it.

10 **SERGEANT ROXBURGH:** Okay. Have you
11 socialized with him off hours prior to this?

12 **CONSTABLE MIKAWOZ:** No.

13 **SERGEANT ROXBURGH:** And I'm assuming
14 you just met him three weeks ago, along with the
15 rest of the shift mates?

16 **CONSTABLE MIKAWOZ:** Yes.

17 **SERGEANT ROXBURGH:** And, again, you
18 took EDL at what time, 12:30 was it?

19 **CONSTABLE MIKAWOZ:** 12:30 I believe,
20 that's when we left, 12:00, 12:30, something like
21 that. We were the last crew to leave.

22 **SERGEANT EPP:** Daniel, do you think
23 there is anything that we haven't asked you that
24 you think might be important?

25 **CONSTABLE MIKAWOZ:** No.

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SERGEANT EPP: Well, then I'm going to
end this interview at 11:15.

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2 OFFICIAL EXAMINER'S CERTIFICATE
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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 Mikawoz to the best of my
11 skill and ability.
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15 -----
16 Cecelia Reid
17 Official Examiner, Q.B.
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