



Derek Harveymordenzek Case:

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FREE PRESS

**City constable charged in fatal collision
Mother of three killed; officer put on paid leave
Wed Mar 2 2005
By Bruce Owen**

A Winnipeg Police Service officer was charged yesterday with impaired driving causing death after a crash last Friday killed a mother of three.

Const. Derek Harvey-Zenk, 31, was also charged with refusing a breathalyser test, dangerous operation of a motor vehicle causing death and criminal negligence causing death.

Crystal Taman, 40, was killed when her 1991 Chevrolet Sprint convertible was rear-ended by a 1995 Dodge Dakota pickup truck as she waited at a red light at Lagimodiere Boulevard and the north Perimeter Highway.

Winnipeg police Chief Jack Ewatski said yesterday he has put Harvey-Zenk on paid administrative leave until the charges, which were laid by East St. Paul police, are reviewed. Harvey-Zenk was off duty when the crash occurred.

Police sources said that before the crash, a group of officers from District 3 station on Hartford Avenue in West Kildonan had gone for drinks at a north Winnipeg bar after work at around midnight. Police call such get-togethers "shifters."

"They're frequently here," an employee, who did not want to be named, said yesterday.

"They're good patrons. They never cause problems. They never over-drink. If anything, they've been really fun with us."

It's believed Harvey-Zenk, a police officer of three years, and other officers left the bar for an unknown location in the East St. Paul area.

Harvey-Zenk was returning to the city alone on Highway 59 at about 7 a.m. when the crash happened.

Const. Bob Johnson confirmed the police service's professional standards unit, at the request of East St. Paul police, is investigating events leading up to the fatal crash to see if other officers had been with Harvey-Zenk in the early-morning hours before the

collision. Coincidentally, the wife of a senior Winnipeg Police Service duty inspector was slightly injured in the crash when the force of the collision sent Taman's car slamming into hers. She suffered minor whiplash-type injuries.

Her police-inspector husband refused to comment yesterday.

Robert Taman, Crystal's husband, said yesterday he could not comment on the police internal investigation.

"We need our time to mourn. We need to get through tomorrow," he said, referring to his wife's funeral at 2 p.m. today at Cropo Funeral Chapel.

Loren Schinkel, president of the Winnipeg Police Association, said the union will get involved in Harvey-Zenk's defence only if his employment is affected. "It's a tragedy all the way around for everyone," Schinkel said.

Ewatski has said in the past that an officer convicted of an offence should not be a member of the Winnipeg Police Service.

If convicted as charged, Harvey-Zenk faces a maximum penalty of life in prison.

The charges against him come a week after Const. William Anastacio was convicted of assaulting an intoxicated man in the Main Street Project on Aug. 8, 2002. Anastacio was fined \$350 and is appealing.

Ewatski has put him on desk duty, where he has no contact with the public, pending the outcome of his case. Anastacio and Harvey-Zenk worked together as uniform general patrol officers in the city's North End.

The internal police investigation of last Friday's crash comes as the Supreme Court of Canada is set to hear a case in which it will be argued that people who let house guests drink too much alcohol should be held financially responsible for harm their impaired guests may cause.

The case involves a 23-year-old Ottawa woman who was paralysed in a head-on crash involving a drunk driver on Jan. 1, 1999. One person died and two others were seriously injured.

Mothers Against Drunk Driving will ask the Supreme Court for intervener status in the case, as it believes the courts should impose a "duty of care" on hosts of social events.

The Taman family has asked that instead of flowers, donations be sent to MADD in Crystal's memory.

The last Winnipeg police officer involved in a fatal drunk-driving case was Const. Robert Lesuk in 1997. He was later granted an absolute discharge that erased an earlier dangerous-driving conviction in a motorcycle accident that killed 26-year-old Koreen Wood. He was fined \$500 for refusing a breathalyser test and is still employed by the Winnipeg Police Service.

WINNIPEG SUN

Cop faces charges

Accused of drunk driving causing death

Wed, March 2, 2005

By CARY CASTAGNA, POLICE REPORTER

The off-duty Winnipeg police officer involved in a three-vehicle crash last Friday that killed a 40-year-old mother is charged with impaired driving causing death. Derek Harvey-Zenk, 31, also faces charges for refusing a breathalyser, dangerous operation of a motor vehicle causing death and criminal negligence causing death.

Robert Taman, the grieving husband of Crystal Ann Taman, 40, declined to comment yesterday, after East St. Paul police officially laid the charges.

"I want to get through the next few days and devote my time to my family and I may have something to say after that period," he told The Sun.

ADMINISTRATIVE LEAVE

Harvey-Zenk, a five-year member of the Winnipeg Police Service, was placed on paid administrative leave yesterday, Chief Jack Ewatski said in a statement issued through spokesman Const. Bob Johnson.

Ewatski didn't return calls yesterday.

Harvey-Zenk, who also goes by Harvey-Morden-Zenk, had been working as a constable out of the District 3 police station at 260 Hartford Ave., in West Kildonan.

He is a former correctional officer who last worked at Headingley Jail in 2000 before becoming a cop.

Sources said Harvey-Zenk, who is married, is an avid runner and plays on a hockey team made up of corrections officers. A former co-worker said he wasn't a heavy drinker.

"It's disappointing an individual in that position has made a bad decision like that, if it turns out the allegations are all true. It's such an avoidable thing," local Mothers Against Drunk Driving president Rod Sudbury said, offering condolences to the Taman family on behalf of his organization.

Sudbury, a retired 28-year veteran of the Winnipeg Police Service, said anyone -- whether they're a "police officer or John Q. Citizen" -- should know they're flirting with disaster if they drink and drive.

One cop said the Winnipeg Police Service has been rocked by the allegations against Harvey-Zenk. Another cop described the situation as ugly. "And it's going to get uglier," the officer told The Sun.

East St. Paul police Chief Harry Bakema said although the case involved a fellow police officer, it was handled like any other investigation.

"It doesn't matter who it is you're dealing with. Everybody has to be treated the same," said Bakema, who met with the Taman family prior to issuing a media release early yesterday afternoon. East St. Paul police are continuing to investigate.

Dental assistant Crystal Ann Taman was stopped at a red light in the southbound lane of Highway 59 north of the Perimeter Highway about 7 a.m. Friday, when her 1991 Chevrolet Sprint convertible was rear-ended by a 1995 Dodge Dakota truck. She was pronounced dead in hospital.

In the chain-reaction crash, Taman's convertible rammed into the rear of a 2000 Hyundai, which was driven by the wife of a Winnipeg police staff sergeant, sources said.

The officer's wife was treated for injuries.

Due to Harvey-Zenk's position, the case will be handled by outside Crown attorney Marty Minuk, a justice official said.

WINNIPEG SUN

Dismal catalogue of needless fatalities

Wed, March 2, 2005

By STAFF

- February 22, 2005: Amy Bone, 22, whose blood-alcohol content was almost three times the legal limit when she caused a crash that killed 24-year-old Gregory Sinclair, was given a conditional sentence of two years less a day. On April 11, 2004, 24-year-old Sinclair was killed when Bone lost control of a Ford Explorer and rolled into the ditch along Jefferson Avenue.
- January 12, 2005: A judge handed down a two-year conditional sentence to Brian Shave, who was driving drunk when he crashed his car and caused the death of passenger Kandace Kovalik, 22, in August 2003.
- June 12, 2004: A judge sentenced Lindsay McCaughan to 18 months to be served in the community. On Aug. 15, 2003, a vehicle driven by McCaughan, who was impaired, struck Winnipeg Free Press carrier Michael Antosh and killed him.

FREE PRESS

Cross of flowers, tears of grief for mother of three

'We want to get through this day'

Mar 03 2005 (02?)

By Bruce Owen

A cross of purple and yellow flowers was placed yesterday near the site where Crystal Taman was killed in a horrific crash on Friday.

Her family and friends erected the cross at the junction of Highway 59 and the north Perimeter Highway in a simple but moving ceremony.

A Winnipeg police officer has been charged with impaired driving causing death in the crash that killed the mother of three.

Shortly after Taman's afternoon funeral yesterday, her husband, Robert, her three adult children, family and friends gathered for the roadside ceremony.

Few words were said. The choking back of tears was enough to convey the grief of a family, each of whom wore a Mothers Against Drunk Driving lapel pin.

Only the Lord's Prayer was recited as East St. Paul police blocked traffic on the busy highway.

"Sometimes a person is forced to step up," Robert Taman said, explaining he and his family invited the Free Press to the scene to send a message about the horror of drinking and driving.

"We want to get through this day," he said. "We will have more to say."

Const. Derek Harvey-Zenk, 31, has also been charged with refusing a breathalyser test, dangerous operation of a motor vehicle causing death and criminal negligence causing death following the crash Friday night at Lagimodiere Boulevard and the north Perimeter Highway. He was off duty at the time. Taman was waiting at a red light in her convertible when she was rear-ended by a 1995 Dodge Dakota pickup truck.

About 700 people crowded into a Winnipeg funeral chapel earlier yesterday to pay their last respects to Taman, 40.

Many visitors arrived at Cropo Funeral Chapel, 1442 Main St., with the red MADD ribbons tied to their car aerials. The ribbons were also handed out inside the chapel.

"I hope love can drown the pain that losing you has thrown at all of us," Taman's sister, Cory Encontre, said in a letter read to the congregation by Rev. Don McIntyre. "You were the true heart of our family."

On Perimeter

McIntyre said he was driving on the Perimeter at the time of the accident, although it wasn't until later that he found out what had happened.

"How do we go on living knowing that this could happen to any of us?" he asked. "Life is not always fair."

However, he said it would be a mistake to live with fear and hatred. "It's important that we focus on the love we have -- love that is stronger than anger and fear."

McIntyre said the family invited the public to place a rose at the scene of the accident in memory of Taman.

East St. Paul police Chief Harry Bakema said yesterday the investigation into Taman's death remains open and that it's possible further charges could be laid.

Bakema, a former Winnipeg police officer of 32 years, said his small municipal department is being helped by the Winnipeg Police Service's professional standards unit, the unit that investigates allegations of police wrongdoing.

Bakema said he requested their help to get more information about Harvey-Zenk's actions before the crash.

"I have no idea where he was coming from at this point," Bakema said.

The crash also injured the wife of a Winnipeg police inspector who was in another car.

Bakema said Harvey-Zenk was distraught at what had happened, but was not hurt in the collision.

Harvey-Zenk, an officer of about three years, was taken from the crash site back to the East St. Paul police office, where he contacted a lawyer.

His truck was also searched, but Bakema would not discuss what, if anything, was found.

However, he added, investigators had enough information to lay charges, even though Harvey-Zenk is accused of declining to provide a breathalyser sample.

"If he showed no signs of drinking, we wouldn't have laid the charges," he said.

The charges were authorized by special prosecutor Marty Minuk.

Police sources have said Harvey-Zenk and other officers left work early sometime late Thursday night or early Friday morning to go to a lounge in northwest Winnipeg.

The bar closed at about 1 a.m. Friday.

Police sources have also said Harvey-Zenk and other officers then went to a fellow officer's house in East St. Paul to continue to socialize.

Harvey-Zenk was coming back into the city alone on Hwy. 59 at about 7:10 a.m. when the collision happened.

Winnipeg police Chief Jack Ewatski has placed him on paid administrative leave pending a review of the charges. Ewatski has the authority to suspend Harvey-Zenk without pay or fire him outright before the case goes to court.

Bakema also said police could not comment on how fast the pickup truck was travelling, or if there was any sign of braking, before it hit and crushed Taman's small convertible. The speed limit is 80 km/h.

An RCMP accident analyst is still putting together a report on the crash.

Bakema added East St. Paul police (668-8322) would also like to speak with any witnesses about the crash.

Bakema and Sgt. Norm Carter also said the intersection has seen about a half dozen collisions in the past three years. The traffic control lights are temporary as the province builds a new cloverleaf.

Bakema said Harvey-Zenk's position as a police officer never entered into the equation of how Taman's death was investigated.

"That's our job -- to get to the bottom of what caused an accident. We have to separate ourselves from what we have to do."

FREE PRESS

In Brief

Suspended without pay

Mar 31 2005

A city police officer charged with criminal negligence causing death in a Feb. 25 crash has been suspended without pay, police said yesterday.

Const. Derek Harvey-Zenk, 31, was suspended at a recent hearing, police spokesman Sgt. Kelly Harrington said.

Harvey-Zenk has also been charged with refusing a breathalyser test and dangerous operation of a motor vehicle causing death.

Crystal Taman, 40, was killed as she waited for a red light at Lagimodiere Boulevard and the north Perimeter Highway. She was rear-ended by a 1995 Dodge Dakota pickup truck. Harvey-Zenk was off-duty at the time.

FREE PRESS

Off-duty officer charged

Thu Sep 15 2005

A city police officer was charged with impaired driving and refusing to give a breath test early yesterday following a minor two-car collision in St. James, police said yesterday.

Const. Darren Cote, a police officer for seven years, is to appear in court Nov. 8. Cote was off duty at the time.

Police spokesman Const. Pat Chabidon said a suspension hearing will be held shortly to determine Cote's employment status.

Chabidon said he could not comment on the nature of the crash or where Cote is stationed.

No one was hurt in the mishap, which happened shortly after 8 p.m. at Bruce Avenue and Ferry Road.

Driving impaired Cote was charged with one count of driving impaired, and one count of refusing a breathalyser test.

Cote is the second police officer in Manitoba to be charged with impaired driving in a week.

Selkirk RCMP Cpl. Robert Holland, 51, was charged with impaired driving and driving over the .08 blood-alcohol limit in connection to an off-duty incident Sept. 6 in St. Andrews.

Holland, an officer of seven years, was suspended with pay.

Last April, another city police officer was charged with refusing a breathalyser. Const. Derek Harvey-Zenk was suspended without pay in relation to a Feb. 24 crash at Lagimodiere Boulevard and the north Perimeter Highway that killed Crystal Taman, 40.

Harvey-Zenk was also charged with criminal negligence causing death and dangerous operation of a motor vehicle causing death. Harvey-Zenk was also off duty at the time.

WINNIPEG SUN

Cop in collision faces drunk-driving rap Incident surprises fellow officers

September 15, 2005

By CARY CASTAGNA, POLICE REPORTER

A seven-year veteran of the Winnipeg Police Service has been charged with impaired driving and refusing a breathalyser in connection with a minor two-vehicle collision Tuesday night in St. James.

Darren Cote, 36, was off-duty shortly after 8 p.m., when the vehicle he was allegedly driving collided with another vehicle at the intersection of Bruce Avenue and Ferry Road, police said yesterday.

He was arrested following the subsequent investigation.

Cote was described as "well-respected" by fellow officers.

"It shows it can happen to anybody," one cop said on condition of anonymity.

COMPETES IN TRIATHLONS

"I'm really surprised," another colleague said.

Beyond his duties as a constable, Cote competed in triathlons with the Ironcops, raising money for Cops For Cancer.

He completed the 2002 Ironman Canada Triathlon in Penticton, B.C., in 14 hours and 18 minutes -- well under the 17-hour time limit.

Cote was also a member of the Winnipeg police colour guard and a petty officer first-class with the Naval Reserves.

He is slated to appear in court Nov. 8.

A suspension hearing will be held in the near future to determine Cote's employment status, police said.

Another Winnipeg constable was suspended without pay earlier this year following an accident that claimed the life of a 40-year-old mother.

Derek Harvey-Zenk, 31, was charged with impaired driving causing death, refusing a breathalyser, dangerous operation of a motor vehicle causing death and criminal negligence causing death in connection with a Feb. 25 crash on Hwy. 59 near the Perimeter that killed Crystal Taman.

WINNIPEG SUN

Evildoers kept police busy

December 27, 2005

By PAUL TURENNE, POLICE REPORTER

There are a few things that you can count on happening in Winnipeg every year.

It will get very cold and CAA will get extremely busy. Mosquitoes will come and people will get mad about spraying for them. There will be some kind of controversy involving either the Blue Bombers' coach or quarterback situation.

And, unfortunately, there will be some major crimes.

This year was no different.

The year 2005 was bookended by a couple of high-profile, police-related shootings of aboriginal men. In both cases, the victim brandished some kind of weapon, be it a screwdriver or a knife. In both cases, police felt they had no choice but to take the men down with a bullet.

There was outrage from some, plenty of questions and support for both sides.

A look at some of the other major crime stories that happened in Winnipeg this year:

Jan. 16 -- A thug armed with a samurai sword and a metal pipe crawls through a drive-thru window at a Pembina Highway McDonald's restaurant. He orders four employees to the floor at swordpoint, lets in an accomplice, gets the manager to give up some cash, then binds the four employees with duct tape and leaves. Three people were arrested on March 7, including Jose Moto, 18, and two 17-year-old males.

Feb. 24 -- Police announce they've intercepted a shipment of \$137,000 in cash that was bound for Vancouver as down payment for 15 kilograms of crack that was expected to arrive in Winnipeg. The cops bust four independent drug dealers in relation to the shipment.

Feb. 25 -- Winnipeg police officer Derek Harvey-Zenk is involved in a three-vehicle crash on Highway 59 that kills 40-year-old Winnipeg mother Crystal Ann Taman. Harvey-Zenk is charged with impaired driving causing death.

March 4 -- Police raid a home at 38 Forest Cove Dr. and bust a \$1.1-million marijuana grow operation. A 40-year-old Winnipeg man with suspected ties to Asian organized crime is arrested.

March 11 -- Hells Angels member Billy Bowden is shot in the leg at the Corydon Avenue bar Dirty Laundry. The unidentified gunman was wounded in the torso when a friend of Bowden's shot back. Bowden was banned from Brandon later this year after allegedly threatening a police officer who tried to arrest him for wearing his colours in a Brandon bar on May 21.

May 17 -- Cops arrest a man who applied for a credit card at a Staples Business Depot using fake ID. The arrest is significant because it brings to light a new and growing problem for city police: Junkies are breaking into cars and stealing IDs to alter and use to obtain credit to buy drugs. It's a new twist on the old crackhead-rops-gas-bar-for-drug-money story.

June 5 -- Linda Rudnicki, 39, is killed when her car is hit by Sunday night cruisers racing down Portage Avenue. Her death prompts an increased police presence during cruise nights and sparks a raucous public debate on the issue of cruising.

Sept. 13 -- Police officers armed in riot gear shut down Maryland Street at rush hour to lay siege to a house that is suspected to be a hangout of the Mad Cowz street gang. Five people are arrested in connection with a string of incidents that included an abduction, armed robbery, assault and thefts.

Oct. 25 -- Mayor Sam Katz and Police Chief Jack Ewatski announce Operation Clean Sweep, an initiative that includes 45 police officers dedicated to cleaning up the West End. The sweep is prompted by the shooting death of 17-year-old Phil Haiart, whom police say was innocently caught in the crossfire of a gang shootout. Clean Sweep officers have arrested dozens of people since the operation began in late November.

Oct. 28 -- Police announce they have arrested two women suspected of running a child prostitution ring out of a West End home. More than 20 victims between 12 and 16 years old are interviewed by police in connection to the alleged pimping.

Dec. 15 -- Police announce they've arrested a 50-year-old man who plied a 13-year-old girl and her 14-year-old boyfriend with booze and drugs, then videotaped himself raping the girl while her boyfriend threw up in the bathroom. Police raid his suite and find several tapes of him having sex with other young girls.

WINNIPEG SUN
Impaired charge
Mounties arrest Winnipeg officer
May 3, 2006
By PAUL TURENNE, POLICE REPORTER

A Winnipeg cop with eight years on the job has been placed on administrative leave after allegedly being caught drinking and driving by Selkirk RCMP last weekend.

Const. Dean Lambert, 32, has been charged with one count each of impaired driving and driving with more than the legal limit of alcohol in his blood.

SUSPENSION HEARING

Lambert allegedly failed a breathalyser test at an RCMP checkstop on Main Street near the Perimeter Highway about 1 a.m. Saturday, an RCMP spokesman said.

"A suspension hearing will now be conducted by the executive to determine what the constable's status will be prior to the court proceedings," said Sgt. Kelly Dennison, a spokesman for Winnipeg police, noting the officer has been placed on paid administrative leave.

Lambert has been released from custody on an appearance notice and is scheduled to appear in a Selkirk court May 16.

He is the third member of the Winnipeg Police Service to be charged with impaired driving in the past 14 months.

Darren Cote was charged with impaired driving and refusing a breathalyser last September after he was involved in a minor collision at the corner of Bruce Avenue and Ferry Road in St. James.

Derek Harvey-Zenk was charged with impaired driving causing death, refusing a breathalyser, dangerous operation of a motor vehicle causing death and criminal negligence causing death in connection with a February 2005 crash on Hwy. 59 near the Perimeter that killed Winnipegger Crystal Taman.

He was placed on unpaid leave following the incident.

WINNIPEG SUN
Police arrest own
Veteran cop faces charges of harassment
July 16, 2006
By JOYANNE PURSAGA, STAFF REPORTER

Winnipeg police have put a fellow officer behind bars. Shortly before 4 a.m. yesterday, a 25-year veteran officer was arrested in the Charleswood area.

Police said the arrest followed a domestic incident with the alleged offences committed while the officer was off duty.

The officer was charged with two counts of breach of a protection order and one count of criminal harassment.

He is now in custody at the Winnipeg Remand Centre.

Police were tight-lipped about the incident, releasing no details about the officer's past, age, rank, duties or identity.

"We don't release the identity at all in a domestic incident. We have to protect the victim," said Sgt. Kelly Dennison.

Dennison said detention in the remand centre doesn't necessarily relate to the severity of the crime committed. Instead, it could relate to the breach charge.

TO FACE SUSPENSION HEARING

"The majority of times when someone is breaking a court order, they would go to the remand centre," said Dennison.

He said the officer will face a suspension hearing. His first court date is tomorrow.

At least five other Winnipeg cops have been charged during the past three years on a variety of offences.

Former gang cop Const. Bruce Huynen was arrested on Sept. 15, 2004, and charged with five counts of criminal breach of trust, five counts of attempting to obstruct justice and four counts of unauthorized use of a police computer.

Const. Derek Harvey-Zenk was charged with impaired driving causing death, refusing a breathalyser, dangerous operation of a motor vehicle causing death and criminal negligence causing death in 2005.

Crystal Ann Taman was stopped at a red light on Highway 59 just north of the Perimeter Highway about 7 a.m. on Feb. 25, when the Dodge Dakota truck Harvey-Zenk was driving rear-ended her Chevrolet Sprint.

He was off duty at the time of the crash.

Another Winnipeg police officer, William Anastacio, pleaded guilty to assault in 2005 after he kicked and kneed a non-violent intoxicated man.

Const. Darren Cote was charged with impaired driving after refusing a breathalyser after he was involved in an off-duty minor collision at the corner of Bruce Avenue and Ferry Road in September 2005.

And most recently, Const. Dean Lambert was charged with impaired driving after he failed a breathalyser test at an RCMP checkstop on April 29.

FREE PRESS

Officer guilty in collision that killed 40-year-old mom

Wed Jul 18 2007

By David Kuxhaus

A Winnipeg police officer pleaded guilty to dangerous driving causing death Tuesday as family members of the victim shed tears.

Const. Derek Harvey-Zenk, 33, will be sentenced next month.

Three charges including refusing a breathalyser, impaired driving causing death and criminal negligence causing death were stayed. Crown attorney Marty Minuk would not comment on why those charges were dropped.

Defence lawyer Richard Wolson said his client takes full responsibility for the horrific accident that claimed the life of Crystal Taman. The 40-year-old mother of three died when her convertible was rear-ended by a 1995 Dodge Dakota pickup truck while she was waiting at a red light at Lagimodiere Boulevard and the north Perimeter Highway.

Grief-stricken family members declined to comment Tuesday. So, too, did the Winnipeg Police Service when asked what impact the guilty plea will have on Harvey-Zenk's career.

The officer was suspended without pay following a hearing shortly after the collision in 2005.

Harvey-Zenk was off duty at the time of the incident.

According to police sources he and other officers were at a lounge in northwest Winnipeg.

After the bar closed, Harvey-Zenk and the other officers went to a fellow officer's house in East St. Paul to socialize. Harvey-Zenk was coming back to the city alone on Highway 59 about 7:10 a.m. when the collision happened.

Investigators at the time would not comment on how fast Harvey-Zenk was travelling or if there was any sign of braking. The impact of the collision crushed Taman's small convertible.

The crash also injured the wife of a Winnipeg police inspector who was in another vehicle at the intersection.

About 700 people attended Taman's funeral. Many tied red MADD (Mothers Against Drunk Driving) ribbons to their car aerials.

A memorial of flowers, placed by family members shortly after the crash, remains at the site.

WINNIPEG SUN

Cop pleads guilty

Admits role in death of woman hit at red light

July 18, 2007

By DEAN PRITCHARD, SUN MEDIA

A Winnipeg cop has pleaded guilty to dangerous driving causing death in connection with a crash that killed 40-year-old mother of three, Crystal Taman.

Derek Harvey-Zenk, 33, pleaded guilty yesterday in a packed courtroom before Chief Judge Ray Wyant on what was supposed to be the first day of his preliminary hearing into the February 2005 crash.

"He understands the nature and quality of the allegations," said Harvey-Zenk's lawyer Richard Wolson. "He takes responsibility for the accident."

The maximum penalty for dangerous driving causing death is 14 years in prison.

Taman's husband Robert and other family members left court without speaking to reporters.

PLEA BARGAIN

A plea bargain saw the Crown stay charges of refusing a breathalyser test, impaired driving causing death and criminal negligence causing death.

Tossing the alcohol-related offences didn't sit well with the Manitoba chapter of Mothers Against Drunk Drivers, which has lobbied hard for stiffer drinking and driving penalties.

"It has a tendency of destroying that deterrent effect we are trying to create," said president Rod Sudbury.

Crystal Taman was stopped at a red light in the southbound lane of Highway 59 just north of the Perimeter Highway about 7 a.m. when her 1991 Chevrolet Sprint convertible was rear-ended by a 1995 Dodge Dakota truck.



A family friend of Crystal Taman prepares to leave flowers in March 2005 near the place where Taman was killed. JASON HALSTEAD/SUN MEDIA FILES

Harvey-Zenk will return to court Aug. 22 for sentencing. He is currently on administrative leave from the Winnipeg Police Service.

A police spokeswoman said Harvey-Zenk's job status will be re-evaluated at sentencing.

"We can't speculate at this point," the spokeswoman said. "We will be watching proceedings and looking into his status."

CANADIAN PRESS

Relatives of Winnipeg woman killed by off-duty police officer "shattered"

Aug 22 2007 (23?)

Steve Lambert

WINNIPEG (CP) _ Jordan Taman fought back tears and struggled to keep his voice from cracking as he faced the former police officer who killed his mother in a car crash on a clear winter morning.

"You didn't just hit my mom. You took away one of my best friends, my confidante," Taman, 22, said Wednesday while reading a victim impact statement at a sentencing hearing for Derek Harvey-Zenk.

"I really hope you're not able to sleep at night."

The same mix of anger and anguish came from Taman's older sister.

"I hope that every day (Harvey-Zenk) has to think about this ... about the lives he has destroyed," Kara Taman told the court.

Harvey-Zenk pleaded guilty earlier this year to dangerous driving causing death in the February 2005 crash that killed Crystal Ann Taman, 40.

Off-duty at the time, Harvey-Zenk was returning to Winnipeg from a night of partying with friends just north of the city when his truck rammed into the rear of Taman's car which was stopped at a red light.

Court was told there were no skid marks at the scene, indicating that Harvey-Zenk made no effort to brake. He suffered head trauma and doesn't remember what happened, although his lawyer suggested he may have fallen asleep.

The Crown and defence are jointly recommending a conditional sentence, which would allow Harvey-Zenk to serve his time at home under a curfew instead of behind bars.

The former constable had an unblemished five-year record with the Winnipeg police force and had no previous criminal or traffic offences, defence lawyer Richard Wolson said.

He suggested Harvey-Zenk has already been penalized by losing his job. He now works at a propane company in Brandon, Man.

Provincial court Judge Ray Wyant reserved his decision.

Harvey-Zenk apologized in court, telling the Taman family he takes full responsibility for the crash.

"I know that I have caused a great deal of pain and sorrow. I know that I hurt you all so deeply and I wish I could take away that pain," he said.

Outside court, the victim's husband said he isn't pleased with the proposed conditional sentence. He's also unhappy that other charges, including impaired driving causing death and refusing a breathalyzer test, were dropped as part of the plea bargain.

"I believe it's a slap in the face to Crystal," Robert Taman said.

"All we're dealing with now is section such-and-such (of the Criminal Code) instead of an actual crime."

The widower said he didn't even listen to Harvey-Zenk's apology.

"He really has nothing to grieve about. He can grieve about punishment, but we live the eternal punishment, not him. That's why I hear nothing he has to say."

Independent prosecutor Marty Minuk indicated there is little evidence to show how much alcohol Harvey-Zenk had consumed prior to the crash.

FREE PRESS

Secrecy untenable

Thu Aug 23 2007

Editorial

THE plea-bargain deal offered to a former Winnipeg police officer Wednesday has sparked outrage and given fresh fuel to those who regard Manitoba's courtrooms as sympathetic to criminals.

While it is not unusual for victims' families to demand stiff retribution, the secrecy surrounding the deal the Crown struck with Derek Harvey-Zenk is untenable. It threatens to grossly undermine the public's confidence in the justice system.

Indeed, chief provincial court Judge Ray Wyant expressed dismay that he was given no good explanation for the deal by either the lawyer acting as prosecutor -- Marty Minuk was appointed by the Crown to step in to eliminate the perception of conflict of interest -- or the defence lawyer, Richard Wolson. Mr. Harvey-Zenk escaped the more serious charges of dangerous driving causing death and refusing a breathalyzer after Mr. Minuk agreed to accept a guilty plea to dangerous driving causing death. Crystal Taman died in February 2005 after Mr. Harvey-Zenk drove, without braking, into the back of her car, which was stopped at an intersection at about 7:10 a.m. The incident occurred after Mr. Harvey-Zenk spent a night of drinking with fellow officers, court was told.

The family of Ms. Taman says it has been given no explanation for the deal, but report they were told the investigation was botched. The public and the judge were given less than that in court. Mr. Wyant has put off his deliberations on sentencing.

It is often tough to unravel the legal labyrinth that plays out in the halls of justice every day. The rights of the accused are well-entrenched in the codes of law, to protect both the guilty and the innocent from an arbitrary exercise of power. Charges that cannot be supported by the evidence, or that are undermined by the manner in which evidence is collected, should not proceed to trial. This can be hard to understand and harder to swallow, but it is the only way to ensure justice is done.

But justice, as they say, must also be seen to be done and that is where Mr. Minuk has failed in this case. The secrecy around the deal for Mr. Harvey-Zenk invites disdain for the justice system. The judge asked for accountability, greater transparency in court, and it was refused. The public and the family deserve more.

The judge can refuse to accept the jointly recommended conditional sentence that leaves Mr. Harvey-Zenk in the community, but there seems little he can do about the staying of the charges. Mr. Minuk was standing in place of the Crown; he owes the court a full, open explanation of what went awry. It is the only way the public can demand that mistakes are not repeated.

FREE PRESS

Plea deal 'messed up'

No jail time for ex-cop in death of mother of 3

Thu Aug 23 2007

By Mike McIntyre

A botched investigation by East St. Paul police sparked a controversial deal with a former Winnipeg police officer that spares him a jail sentence for driving after a night of drinking and killing a mother of three, the *Free Press* has learned.

Manitoba justice officials were forced to drop drunk driving charges against Derek Harvey-Zenk because of concerns over the way police handled the probe into the February 2005 crash, justice sources and the victim's family said.

Harvey-Zenk, 33, pleaded guilty to a lesser charge of dangerous driving causing death and is now facing a conditional sentence that would allow him to remain in the community.

"This is so messed up. The system has let us down in a way that is so bizarre," Robert Taman, the husband of victim Crystal Taman, told the *Free Press* Wednesday in an interview.

Justice officials -- including the special Crown prosecutor hired by the province -- haven't told the family what went wrong.

"We're being kept in the dark here, but we know this is as a result of the East St. Paul police. I don't know what happened here, but you start to wonder about the brotherhood that exists among police officers," Taman said.

He said the drunk driving charges should have stuck against Harvey-Zenk unless police "put a gun to his head" in making a demand for a breathalyser -- which he refused.

"They made that law so that people can't just refuse and get away with it," Taman said.

He recalled the words of the former East St. Paul police chief who assured him: "He refused a breathalyser, he's guilty," following the arrest.

"Had all of the evidence been shown in this case, we wouldn't be dealing with a joint-recommendation here," Taman said.

"I'm very disappointed. I believe this is a slap in the face to Crystal."

Crystal Taman, 40, died after her convertible was rear-ended by Harvey-Zenk's pickup truck while she was waiting at a red light at Lagimodiere Boulevard and the north Perimeter Highway.

Court heard Wednesday that Harvey-Zenk and other officers had gone to a lounge in northwest Winnipeg following the completion of their shift the night before the crash. After the bar closed, Harvey-Zenk and his colleagues went to a fellow officer's house in East St. Paul to continue partying. Harvey-Zenk admitted to having some drinks but he denied being drunk.

Harvey-Zenk was coming back to the city alone on Highway 59 about 7:10 a.m. when he failed to brake and smashed into Taman's vehicle. The impact crushed her small convertible and was witnessed by her two daughters who drove by moments later.

Taman, who had been on her way to work as a dental assistant, died of massive head injuries. The crash also injured the wife of a Winnipeg police inspector who was in another vehicle.

Special prosecutor Marty Minuk, along with defence lawyer Richard Wolson, made a joint recommendation Wednesday for a two-year conditional sentence.

Chief provincial court Judge Ray Wyant expressed concern about the deal and reserved his verdict until mid-September.

He said there should be a "higher standard of conduct" from those involved in the justice system and also questioned the fact Harvey-Zenk refused a breathalyser.

Both Wolson and Minuk told the judge he must disregard that because the Crown dropped the charge, along with charges of impaired driving causing death and criminal negligence causing death.

Minuk didn't give an explanation as to why the charges were dropped.

However, he said there were problems with the case that forced it to drag along for nearly two-and-a-half years. Minuk admitted he also recommended an "independent investigation" be done on the East St. Paul police probe.

Wolson told the *Free Press* he believes East St. Paul police made the breathalyser demand on his client without evidentiary basis for it. Wolson said Harvey-Zenk may have fallen asleep just prior to the crash and added that alcohol wasn't a factor.

East St. Paul police Chief Norm Carter -- whom the Taman family said was the lead investigator - wouldn't comment.

Harvey-Zenk, who joined the Winnipeg Police Service in 2000, was suspended without pay shortly after the crash. He has since resigned and moved to Brandon with his wife and son.

"I've taken someone away who was so loved and cherished and for this I'm profoundly sorry," a stone-faced Harvey-Zenk said in a brief statement in court.

Web poll

Should a judge ignore a joint recommendation for a conditional sentence and impose a jail term on a former Winnipeg police officer in the death Crystal Taman in a 2005 motor vehicle accident?

Cast your vote at

www.winnipegfreepress.com

Police rap sheet

It's not the first time the East St. Paul police department has been hit by controversy.

June 2006: The author of a confidential review of the East St. Paul police department, retired RCMP officer Robert Tramley, said he found unprofessional behaviour by officers, poor police practices and use of excessive force. Tramley said he also discovered some officers had downloaded pornography onto East St. Paul office computers.

June 2006: A 20-year-old resident of East St. Paul alleged he was beaten by a former officer in January 2006. A resident of the RM of St. Clements made a similar allegation against the same former officer.

June 2006: Michael Sandham, a former member of the police force, was one of six people arrested and charged with the mass murder of eight Bandidos bikers in Ontario. Sandham was fired from the force in 2002 for providing security to bikers.

February 2006: The chief of police, Harry Bakema, was dismissed during an in-camera meeting of the municipality's council.

FREE PRESS

**Taman family's 'heart' torn out
Court filled with tears during victim's stories
Thu Aug 23 2007**

TARA, Kristin and Jordan Taman spent their mother's 43rd birthday Wednesday in a Winnipeg courtroom reliving the horrific February 2005 day she was stolen from them.

The trio, along with their father, aunt and grandmother, had a packed gallery in tears as they read powerful victim impact statements at the sentencing hearing of former Winnipeg police officer Derek Harvey-Zenk.

Several extra boxes of Kleenex had to be brought in midway through the two-hour hearing.

Tara, 24, and Kristin, 23, said they are forever haunted by the image of "the heart" of their family being pulled from the twisted wreckage of her convertible, her tiny body battered and broken.

"Seeing my mom's car was the most horrifying experience. She didn't have a fighting chance," Tara said.

It had been just moments earlier that Crystal Taman had left their house on her way to work.

"I constantly wonder what if, as my mom was hugging and kissing us goodbye, we had kept her five minutes longer. She wouldn't have been there," Tara said.

Many of the family's comments were directed at Harvey-Zenk, who was behind the wheel of the truck that killed Taman.

"Life is not fair. My mother, a loving, kind, compassionate person was killed. And Derek Harvey-Zenk is still here," Kristin said.

"You didn't just hit my mom. You took away one of my best friends, my confidante. I really hope you're not able to sleep at night and you have nightmares about killing my mom," said Jordan, 22.

Tara said she initially hoped for "terrible" things to happen to Harvey-Zenk but now hopes he lives a long life filled with memories of what he did.

"I hope he thinks every day of how many lives he's destroyed," she said.

Kristin said she'll never forget having to be pulled away from her mother's body inside Concordia Hospital.

"I was yelling 'Mom, just wake up, please.' But she didn't. I felt for her pulse but there wasn't one," she said.

Jordan said he turned 20 the day after his mom died and he will never again celebrate his birthday.

"I'm extremely angry, sad and confused," he said.

Robert Taman said he lost his wife in the "blink of an eye" -- something he thinks about whenever he closes his at night. "It just replays every night in my head. It never goes away."

"I will live the rest of my years with this nightmare, with my children's nightmare."

Victoria Sveinson, Crystal's mother, said losing your child is like "having your heart ripped out."

"I can only wish she was killed instantly. Imagining her laying there in excruciating pain is more than I can bear," she said.

WINNIPEG SUN
'Profoundly sorry'
But ex-cop's words have little impact
August 23, 2007

By DEAN PRITCHARD, SUN MEDIA

A former city cop fought back tears as he apologized to the family of Crystal Taman, the 40-year-old mother of three killed when he plowed into her car at a stop light more than two years ago.

"I don't know what to say to someone after taking away their most precious gift," said Derek Harvey-Zenk, 33, who pleaded guilty earlier this summer to dangerous driving causing death.

"I have taken away someone loved and cherished and for that I am profoundly and sincerely sorry ... I know I have hurt you deeply and wish I could take away that pain."

Harvey-Zenk's words had little immediate impact on Crystal Taman's family.

DISAPPOINTED

"It didn't enter my mind," said Crystal's husband Rob outside court. "I don't need to hear about his grieving."

Chief Judge Ray Wyant adjourned sentencing to consider a Crown and defence recommendation that Harvey-Zenk receive a two-year conditional sentence to be served in the community.

Rob Taman said he was disappointed with the proposed sentence.

"Had all the evidence been shown, we wouldn't be dealing with a joint recommendation," he said.

Crystal Taman -- who would have turned 43 yesterday -- was on her way to work, stopped at a red light in the southbound lane of Highway 59 just north of the Perimeter Highway about 7 a.m. on Feb. 25, 2005, when her 1991 Chevrolet Sprint convertible was rear-ended by a 1995 Dodge Dakota truck.

There was no evidence Harvey-Zenk applied his brakes before crashing into Taman's car, said lawyer Marty Minuk, acting for the Crown. Police crash analysts were unable to determine how fast Harvey-Zenk was driving at the time of the crash.

Court heard Harvey-Zenk had finished work at 11 p.m. the previous day and spent the next few hours with co-workers at a city lounge. When the lounge closed, Harvey-Zenk joined his co-workers at the home of a fellow officer, where he remained until nearly 7 a.m.

Harvey-Zenk was originally charged with refusing a breathalyzer test, impaired driving causing death and criminal negligence causing death. Those charges were stayed by the Crown.

Minuk said there was "anecdotal" evidence of drinking that night from other cops, but nobody could say how much alcohol Harvey-Zenk consumed.

Minuk provided no explanation why the Crown dropped the charge of refusing a breathalyzer, eliminating any suggestion -- at least in the law's eyes -- that alcohol was a factor in the crash.

Defence lawyer Richard Wolson reminded Wyant he can't consider the charge at all because it has been stayed.

"Impairment is not an issue in the accident," said Wolson.



Rob Taman (right), outside Law Courts yesterday with daughter Kristen and son Jordan, isn't happy the man whose out-of-control pickup killed his wife Crystal may avoid jail time. (Marcel Cretain, Sun Media)

Wolson described Harvey-Zenk as a community-minded man "who made an extremely tragic mistake."

Nearly 50 people filled the courtroom, divided evenly between Taman's family and friends and Harvey-Zenk's supporters. Many sobbed loudly and wiped away tears as members of Taman's family read from emotionally wrenching victim impact statements.

A final date for sentencing will likely be set for early fall.

A FAMILY'S GRIEF

Excerpts from victim impact statements of Crystal Taman's family:

- "I still don't sleep. It just replays in my head. It will never go away ... I got the call just after 7 a.m., a call from my girls, panic, fear, crying: 'There's been an accident. It's bad, Dad, really bad.'"

-- Taman's husband Rob

- "No child should have to see that. The scene of the accident replays in my head every single day ... I hope (Harvey-Zenk) knows how many lives he destroyed ... I am so hurt it will never go away."

-- Daughter Tara Taman, who -- with sister Kristen -- came upon her mother's wrecked car moments after the collision

- "You didn't just take away my Mom, but one of my best friends and confidantes. My parents raised us like a team and on Feb. 25, 2005, Derek Harvey-Zenk took the captain of our team away."

-- Son Jordan Taman

FREE PRESS

**East St. Paul cops investigated
Mishandling of drunk-driving case was the last straw
Fri Aug 24 2007
By Mike McIntyre**

MANITOBA Justice Minister Dave Chomiak has called for a sweeping review of the East St. Paul police department following its botched handling of a high-profile criminal case against a former Winnipeg police officer.

Chomiak said the investigation of Derek Harvey-Zenk, along with a handful of other recent controversies, "have called into question the operation of the East St. Paul police department."

"At this point I feel it is necessary that a review be done to ensure that the operations of the police force are conducted in an appropriate manner and to restore public confidence," Chomiak said in a letter sent late Thursday.

In the most recent case, Harvey-Zenk, 33, stood accused of drunk driving charges in connection to the February 2005 accident on Lagimodiere Boulevard and the north Perimeter Highway that killed Crystal Taman, a 40-year-old mother of three.

He pleaded guilty Wednesday to a lesser charge of dangerous driving causing death and is now facing a conditional sentence that would allow him to remain in the community.

At the time of the accident, Harvey-Zenk was a Winnipeg police officer.

The *Free Press* has learned of a link between Harvey-Zenk and the East St. Paul police officer who led the investigation into the crash, Harry Bakema. He was the chief of the East St. Paul police force at the time.

Harvey-Zenk and Bakema worked together in the North End district for Winnipeg police prior to Bakema joining East St. Paul in 2005.

Manitoba justice officials were forced to drop drunk driving charges against Harvey-Zenk because of concerns over the Bakema-led probe into the crash.

Chief provincial court Judge Ray Wyant reserved his verdict following Wednesday's sentencing hearing.

Senior officials from East St. Paul met with the *Free Press* Thursday to discuss their role in the Harvey-Zenk case and other recent troubles.

Deputy Reeve Michael Wasylin, who also works as a defence lawyer in Winnipeg, said the administration welcomes Chomiak's call for a review.

"There's a bit of a crisis in confidence here," Wasylin said.

He admits major mistakes were made in the handling of Harvey-Zenk's case. "What happened here is inexcusable. For our part in that we feel sorry," he said.

Wasylin confirmed the February 2006 firing of Bakema was a direct result of his failure "to follow proper investigative techniques" while probing the fatal crash.

Another key officer involved in the case also resigned last year.

"The people who were involved in this are no longer here. The person who was responsible for this has been dismissed," Wasylin said.

It was actually members of the East St. Paul police -- led by then-sergeant Norm Carter -- who exposed the misconduct that had occurred, he said.

"The people involved certainly didn't bring it forward. If it wasn't for Norm Carter, this wouldn't have come to light and then you could say we had a coverup," Wasylin said.

Carter has since replaced Bakema as police chief.

East St. Paul already launched a review of its police department last year, with retired RCMP officer Robert Tramley finding evidence of "unprofessional behaviour by officers, poor police practices and use of excessive force."

He also discovered examples of some officers downloading pornography onto police computers.

Wasylin wouldn't provide specific details of the botched investigation into Harvey-Zenk's case -- citing the pending provincial review -- but said there was no evidence of "malicious" behaviour on the part of police.

"We felt there were procedural aspects of the case not properly followed," said Wasylin.

They include the way Harvey-Zenk was handled immediately after the crash, the administration of his rights and the demands for a breathalyser test.

"There's nothing as scurrilous as planting evidence, or hiding evidence, nothing like that," Wasylin said.

Wasylin said there's nothing to suggest Harvey-Zenk was given special treatment by the East St. Paul investigators because he was a Winnipeg police officer at the time.

The *Free Press* has also learned that RCMP were called in to investigate East St. Paul police and their handling of Harvey-Zenk's case last year.

The Mounties then forwarded their finding to an independent lawyer, who ruled that no criminal charges should be laid.

"There were some issues, they were very serious, that it was felt should be looked at," deputy attorney general Don Slough said Thursday.

He didn't want to disclose details of the "issues" while Harvey-Zenk's case remains before the courts.

Still, the damage was clearly done and left the Crown in a difficult position to proceed with all the charges against Harvey-Zenk.

Marty Minuk, a local defence lawyer, was brought in as special Crown prosecutor. He decided earlier this summer there were no grounds to proceed with the impaired driving charges against Harvey-Zenk.

As a result, a deal was struck to have Harvey-Zenk plead guilty to dangerous driving while more serious charges of impaired driving causing death and refusing a breathalyser were stayed.

That made it easier for Crown and defence lawyers to make the joint-recommendation Wednesday for a conditional sentence.

Harvey-Zenk has since resigned from the Winnipeg police and is living in Brandon with his wife and young son.

The family of Harvey-Zenk's victim has expressed anger at the reduced charge and frustration with the lack of information they've been given by justice officials.

Taman died after her convertible was rear-ended by Harvey-Zenk's pickup truck while she was waiting at a red light.

Harvey-Zenk and other officers had gone to a lounge in northwest Winnipeg following the completion of their shift the night before the crash.

After the bar closed, Harvey-Zenk and his colleagues went to a fellow officer's house in East St. Paul to continue partying. Harvey-Zenk admitted to having some drinks but he denied being drunk.

He believes he may have fallen asleep, his lawyer told court.

FREE PRESS

Is breathalyser test avoided by officers?

Refusal means key piece of evidence withheld from court

Fri Aug 24 2007

By Aldo Santin

DID ex-Winnipeg Police officer Derek Harvey-Zenk follow an unwritten rule among police when he refused a breathalyser test after his pick-up truck plowed into a small convertible and killed Crystal Taman in February 2005?

Harvey-Zenk is the third Winnipeg police officer in the past 10 years who has risked a criminal record by refusing to take a breathalyser test following an accident.

By not taking the test, a suspect legally withholds key evidence that could be used against them.

"I don't know if police have figured this out on their own," said University of Manitoba law professor David Deutscher.

Deutscher said the consequences for refusing to take a breathalyser test is the same as someone who scores over .08 blood-alcohol on the test -- a minimum \$600 fine and one year's suspension of their drivers' license.

But Deutscher said that by refusing to take the breathalyser, a suspect removes evidence that would solidly confirm the individual had been impaired.

"It removes one piece of evidence that the individual was impaired at the time," Deutscher said. "Refusal is a criminal offence but, by doing so, it doesn't prove impairment by alcohol."

Deutscher said that without having the scientific evidence of a breathalyser, a trial judge would have to rely on the observations of the arresting officer that the suspect was acting and moving in a way that indicates he was impaired.

A Winnipeg defence lawyer said Winnipeg Police Association lawyers used to routinely tell police during seminars the type of evidence that would be produced if they took a breathalyser test and how that evidence would be used against them.

"No one would actually tell them not to blow (take the test) but they could figure it for themselves," the lawyer said.

The lawyer said that if an individual wasn't impaired or only slightly impaired, then it would be to their advantage to take the breathalyser test.

But if a person believed they were heavily impaired, a high reading could be taken as an aggravating factor during sentencing, the lawyer said.

"If you don't blow, there is no evidence of impairment," the lawyer said.

Harvey-Zenk pleaded guilty this week to a charge of dangerous driving causing death following a plea deal with special prosecutor Marty Minuk that saw other charges dropped, including failing to take a breathalyser, impaired driving causing death and criminal negligence causing death.

Court was told this week that Harvey-Zenk went out drinking with other officers when his shift ended and when the bar closed, the group went to an officer's home in East St. Paul where they drank all night. Harvey-Zenk was on his way home at 7:10 a.m. when he plowed into Taman's small car, which had been stopped at a red light on Highway 59 and the north Perimeter Highway.

Harvey-Zenk admitted to having a few drinks but denied being impaired. His lawyer, Richard Wolson, said Harvey-Zenk may have fallen asleep and added that alcohol wasn't a factor.

Minuk and Wolson made a joint recommendation that Harvey-Zenk be given a two-year conditional sentence. When Chief provincial court Judge Ray Wyant expressed concern over the deal and noted that Harvey-Zenk had refused a breathalyser, Minuk and Wolson said he can't concern himself with that because the charges were dropped. The judge has reserved his sentencing decision.

Officers who took, refused test

Police officers who refused to blow and those who agreed to take the breathalyzer:

Const. Derek Harvey-Zenk, February 2005, refused to take a breathalyser test after the truck he had been driving plowed into a car stopped at a light, killing Crystal Taman. Harvey-Zenk had been drinking at a lounge with fellow officers when his shift ended and then went to an officer's home where he continued drinking.

Const. James Richard Gibb, April 1999, refused to take a breathalyser test after he was involved in a minor accident when leaving a parking lot on Corydon Avenue. He was later charged with impaired driving and refusing to take a breathalyser test.

Const. Robert Lesuk, September 1997, refused to take a breathalyser test, after losing control of his motorcycle on Roblin Boulevard. A female passenger, Koreen Deana Wood, whom he had just met at a bar, was killed when she was thrown from the bike. Convicted of dangerous driving and refusing a breathalyser; acquitted of charges of dangerous driving causing death and

impaired driving causing death. Received a \$500 fine and an absolute discharge. Penalty and conviction upheld by Manitoba Court of Appeal.

Const. Daniel Gerard Aminot was charged with driving impaired causing bodily harm, driving over .08 and criminal negligence causing bodily harm. The charges are in connection to a single-vehicle crash last May 8 on McGillivray Boulevard east of Kenaston Boulevard. Aminot has been with the service for two years and has been placed on leave.

Const. Dean Lambert was charged by Selkirk RCMP with one count each of impaired driving and driving with more than the legal limit of alcohol in his blood. Lambert allegedly failed a breathalyser test at an RCMP checkstop on Main Street near the Perimeter Highway about 1 a.m. April 29, 2006.

FREE PRESS

Poll Results

Should a judge ignore a joint recommendation for a conditional sentence and impose a jail term on a former Winnipeg police officer in the death Crystal Taman in a 2005 motor vehicle accident?

Yes  87%

No  13%

Total Votes: 1538

FREE PRESS

TOP TEN STORIES

Thu. Aug 23 2007

- 1) Plea deal 'messed up'
- 2) Shooting victim Samantha Zeemel hoped to work with inner-city kids
- 3) Poll Results: Should a judge ignore a joint recommendation for a conditional sentence and impose a jail term on a former Winnipeg police officer in the death Crystal Taman in a 2005 motor vehicle accident?
- 4) Police say stabbing victim a would-be thief
- 5) Victim impact statement: Robert Taman
- 6) Portage Ave. apartment yields drug haul
- 7) Co-owner of Red Top will be missed by many
- 8) Victim impact statement: Kristin Taman
- 9) Teen stabbed on Sargent
- 10) Victim impact statement: Jordan Robert Taman

WINNIPEG SUN

Will sentence fit?

Plenty of precedents in killer drivers

August 24, 2007

By TOM BRODBECK

Chief provincial court Judge Ray Wyant will have plenty of precedents to cite if he wants to reject the conditional sentence recommended for former cop Derek Harvey-Zenk, who killed Crystal Taman -- a mother of three -- when he plowed into her car at a stop light in 2005.

The question is, will Judge Wyant do the right thing?

Harvey-Zenk pleaded guilty to dangerous driving causing death.

And while there's plenty of controversy swirling around a number of other charges dropped against Harvey-Zenk, Judge Wyatt -- who was asked Wednesday to consider a conditional sentence for the ex-cop -- can still hand down a fit sentence.

He has the statutory authority to do it: dangerous driving causing death carries a maximum 14 years in prison.

And he has the precedents to do it, which judges need in order to hand down similar sentences for similar types of crimes.

Here are a few examples in Canadian law:

* The Manitoba Court of Appeal in 2005 overturned a two-year conditional sentence for Jason Joseph Eckert, who pleaded guilty to dangerous driving causing death after he slammed his motorcycle into the car of Gloria Robertson, killing her. Eckert was speeding recklessly out of a back lane and struck Robertson as she was driving along the street.

Manitoba's highest court called the conditional sentence "unfit" and said the judge "gave inadequate weight to the principles of deterrence and denunciation." Eckert got two years in jail.

* A St. Albert, Alta., man was given 2 1/2 years in prison in 2004 after driving recklessly, hitting a lamp post and killing his passenger friend.

Jason Cowan, 22, was convicted of dangerous driving causing death for the September 2002 crash that killed Donovan Genge, 17.

Calgary Court of Queen's Bench Justice Blair Mason rejected Cowan's bid for a conditional sentence, saying "it would not be in keeping" with sentencing principles.

Mason said despite Cowan's youth, remorse and lack of criminal record, the crime was aggravating because he was driving at almost twice the speed limit.

* Here's one that's eerily similar to the Harvey-Zenk case.

High River, Alta., resident Michael Scott Ernst was convicted of dangerous driving causing death after the dump truck he was driving plowed into the car of Calgary mom Lorraine Faren, who was waiting at a red light. She was killed.

Ernst got 33 months in prison for the 2003 killing.

Queen's Bench Justice Marsha Erb said a sentence for this type of crime, given the circumstances, was in the two-year range. She upped it to 33 months because Ernst had a special responsibility as a professional driver, she said.

* A Kingston, Ont., mother of two got eight months in jail for dangerous driving causing death after she struck a police cruiser on a busy Ontario highway in 2004.

Heather May Summer was dangerously pulling out of her lane while attempting to pass cars during a busy holiday weekend.

She narrowly missed hitting a pickup truck head-on during one of her passes.

During her last pass attempt, she lost control of her Chevrolet Impala, veered into the gravel shoulder and shot back onto oncoming traffic, broadsiding the vehicle of OPP officer Tyler Boutilier, killing him.

Superior Court Justice Michael Quigley rejected Summers' request for a conditional sentence, even though she had no criminal record, saying he would have imposed a stiffer jail term if Summers wasn't the sole caregiver of her two daughters.

The precedent cases are there. And the community will be watching to see if Judge Wyant does the right thing.

FREE PRESS

Police under fire

East St. Paul insists force is cleaning up its act

Sat Aug 25 2007

By Mike McIntyre

They have been called incompetent, unethical and incapable of handling even the simplest of assignments.

One local radio commentator compared them to the gun-toting buffoons portrayed in the popular *Police Academy* movies.

Others have suggested they should hang up their handcuffs for good and make way for a "real" police service such as the RCMP.

So how are you sleeping these days, East St. Paul police and administration?

"It's been a rough week," admitted Michael Wasylin, the deputy reeve of the municipality that oversees the operations of its police service.

"It seems like everyone who's ever got a parking ticket from us is now coming out of the woodwork with a complaint."

The 10-officer East St. Paul detachment -- with a history dating back to 1916 -- finds itself the subject of intense public scrutiny and a pending judicial review that will likely put its future on trial.

Manitoba Justice Minister Dave Chomiak -- citing a series of recent controversies and scandals -- said the only way to "restore public confidence" is with a thorough review of the force's operations.

The icing on the cake was the botched handling of the February 2005 crash investigation in which Winnipeg police officer Derek Harvey-Zenk smashed into the back of a car stopped at a red light, killing Crystal Taman, a 40-year-old mother of three.

Harvey-Zenk, 33, admitted to being out partying during the night with colleagues from the police service and he admitted he'd consumed alcohol.

The Crown dropped drunk driving charges -- including refusing a breathalyser -- in exchange for a plea to the lesser charge of dangerous driving causing death and has recommended a conditional jail sentence.

Provincial court Chief Judge Ray Wyant reserved his decision until next month.

East St. Paul police and administration admitted they dropped the ball with the Harvey-Zenk probe, welcomed Chomiak's call with open arms and said the public will be surprised by what they see.

"We want our residents to have the respect they should for their police department. We've implemented a number of recommendations, policy changes, all for the better," Wasylin said during an exclusive interview with the *Free Press*.

"But we want to know that our policies make sense, that the people we have in place are the right people and that our officers can be counted on."

He said the old-boy's-club mentality that dominated for years is gone, giving way to a fresh perspective.

Police Chief Norm Carter, Reeve Lawrence Morris, Chief Administrative Officer Jerome Mauws and citizen's protection committee member Gerry Jennings, a retired Mountie, were also at the interview.

"It's important to know that council has full confidence in Norm and his department," Wasylin said.

Wasylin, who works as a defence lawyer, did the bulk of the speaking. He said senior East St. Paul officials are confident in their message: Their police detachment has changed from two years ago.

One of the biggest changes, said Wasylin, is the screening process used to hire new members.

This became a major issue following the embarrassing revelation in June 2006 that one of their former members, Michael Sandham, had been arrested and charged with murdering eight Bandidos bikers in southern Ontario in April 2006.

Wasylin said what many members of the public forget is that Sandham was fired from the force in 2002 after it was learned he'd been secretly providing security for local biker events.

"As soon as we found that out he was gone within a day," Wasylin said.

Still, the stench of employing a man who would eventually become a high-ranking biker and allegedly get involved in one of the worst mass killings in Canadian history lingers.

Wasylin said another troubling issue for East St. Paul was a sudden rise in Law Enforcement Review Agency complaints against its officers.

"We had probably gone about 10 years with maybe one or two complaints, but all of a sudden, in a short period of time, we had like eight or nine," he said.

"That indicated to us we had a significant problem."

The complaints from members of the community largely involved excessive use of force. Several were settled out of court, a few were dropped and a couple are pending.

Wasylin and his fellow administrators pointed the finger of blame squarely at Harry Bakema, a former Winnipeg police officer who took over the East St. Paul detachment in 2004.

Bakema was fired in February 2006 following an in-camera meeting of the municipal council. Wasylin said Bakema's actions during his short tenure as chief left them no choice.

"He no longer had the confidence of his officers. He certainly didn't have the confidence of the administration," Wasylin said.

Another officer who was the subject of many of the LERA complains also resigned last year, he said.

The Harvey-Zenk controversy has been brewing for nearly 30 months and bubbled over this week when the case hit the courts and details became public.

Although Wasylin and other community members, including the present police chief, wouldn't disclose what went wrong, they said Bakema, who was the lead investigator, failed "to follow proper investigative techniques."

"What happened here is inexcusable. For our part in that we feel sorry," Wasylin said.

Bakema fired back on Friday through his lawyer, Hymie Weinstein. He denied any wrongdoing in the Harvey-Zenk case.

Weinstein said his client spoke briefly with Harvey-Zenk at the scene of the fatal crash, observed him to be in a "state of shock" but didn't smell any alcohol.

He turned Harvey-Zenk over to another East St. Paul officer and remained at the scene for the rest of the day, Weinstein said.

Bakema said he recognized Harvey-Zenk, having worked with him in the North End district of the Winnipeg Police Service prior to working in East St. Paul.

However, Weinstein said his client never worked directly or socialized with Harvey-Zenk.

He said suggestions from East St. Paul police and administration that Bakema was fired based on his actions in the Harvey-Zenk case are false.

"That was a whole different issue," said Weinstein, who didn't want to provide any further details.

Bakema is now selling real estate.

Wasylin said it was Carter -- then a sergeant in East St. Paul -- who first voiced concerns about Bakema's conduct and other problems within the service.

He said that alone should give the public confidence that serious changes have been made.

East St. Paul launched a review of its police department last year, with retired RCMP officer Robert Tramley finding evidence of "unprofessional behaviour by officers, poor police practices and use of excessive force."

He also discovered examples of some officers downloading pornography onto police computers.

RCMP were also called in to investigate East St. Paul police and their handling of Harvey-Zenk's case last year. The Mounties forwarded their finding to an independent lawyer, who ruled that no criminal charges should be laid.

FREE PRESS

Justice department stands behind prosecutor

Sat Aug 25 2007

By Mike McIntyre

THE private lawyer hired by Manitoba Justice to prosecute former police officer Derek Harvey-Zenk in a controversial drunk driving case has previously defended police officers as part of his practice.

Marty Minuk also has a close relationship with Harvey-Zenk's lawyer, Richard Wolson -- the two were co-counsel on a manslaughter case earlier this month in which three Winnipeg bouncers were cleared in the death of a bar patron.

Minuk is a highly respected lawyer and there is no suggestion he has done anything wrong -- but details of his legal connections are important given the reasons justice officials cite in handing him the Harvey-Zenk file.

It's all about optics.

Don Slough, Manitoba's deputy attorney general, said his department hired a private lawyer to handle the case in order to avoid a perception of a conflict of interest, which might exist by having an in-house prosecutor deal it.

"Theoretically we have this close relationship with the Winnipeg Police Service," he said.

Slough agreed some may question whether Minuk was the best choice given his previous history with police and very recent history with Wolson.

"The timing is not great, having just been on a case together. But we don't have a huge pool to draw from," Slough said.

Minuk hasn't represented a police officer for at least 15 years and has become Manitoba's main hired gun, having prosecuted at least half a dozen other police officers.

As prosecutor in the Harvey-Zenk case, Minuk struck a deal in which drunk driving charges were dropped in exchange for a guilty plea to dangerous driving causing death in the February 2005 crash that killed Crystal Taman.

Minuk joined Wolson in recommending a conditional sentence that would allow Harvey-Zenk to avoid jail time.

He cited problems with the way East St. Paul police handled the case, especially with regards to making a breathalyser demand -- something Harvey-Zenk refused.

Taman's family is angry with the plea bargain, while Justice Minister Dave Chomiak has called a review into the operations of the East St. Paul police.

Chief provincial court Judge Ray Wyant reserved his decision until mid-September.

Minuk declined to comment on the case while it remains before the courts.

Slough said Minuk had complete authority to handle the case as he saw fit and didn't consult with any members of the prosecutions branch before striking the deal with Harvey-Zenk's defence.

Normally, a Crown attorney consults with senior staff members before making any decision about plea bargains and sentences, Slough said.

"It's very clear this is Marty's decision, otherwise the process wouldn't be independent," he said. "But we have confidence in Marty and will continue to use him. I think we think this is a fair way to do it."

Minuk's last prosecution of a police officer also resulted in a conviction following a plea bargain.

Bruce Huynen pleaded guilty last fall to unauthorized use of a police computer after admitting to looking up classified information that made its way to a Hells Angels associate seeking payback for a drug deal gone bad.

Huynen was fined \$1,000 after Minuk made no specific recommendation for penalty. The maximum sentence was 10 years in prison.

Minuk stayed 13 other serious charges that involved other allegations of corruption, including one that alleged Huynen disclosed the identity of a confidential Winnipeg police informant to one of the targets of a police operation.

Huynen was represented by defence lawyer Hymie Weinstein. Minuk has often worked with Weinstein on cases, including the just-completed bouncer trial, along with Wolson.

WINNIPEG SUN

E. St. Paul cops face scrutiny

Incidents fuel investigation

August 25, 2007

By PAUL TURENNE, SUN MEDIA

In the wake of several questionable incidents -- including the high-profile investigation of a fatal crash involving a Winnipeg cop -- the East St. Paul police service will have its operations probed by the province.

Justice Minister Dave Chomiak sent a letter to East St. Paul Reeve Lawrence Morris Thursday advising him the municipality's 13-member police force will be subject to a review in light of "several incidents in recent years which have called into question the operation of the East St. Paul Police Department."

One of those incidents is the 2005 investigation into an accident that saw Derek Harvey-Zenk, a Winnipeg cop at the time, slam into a car driven by Crystal Taman, killing the woman.

Harvey-Zenk pleaded guilty to dangerous driving causing death and at a sentencing hearing earlier this week the Crown and defence jointly recommended he serve a two-year conditional sentence. The Crown stayed more serious charges, including impaired driving causing death.

Chomiak's letter does not specifically refer to the case but notes "I do not want to interfere with any case currently before the courts, so it would not be my intention to call the review before sentencing in a case has been determined."

Harvey-Zenk's sentence is expected to be announced early next month.

Other incidents in recent years include the mysterious firing in February 2006 of Harry Bakema, who was then chief of the Harvey-Zenk investigation.

Only a month after Bakema was fired, another East St. Paul officer resigned amid allegations of excessive use of force.

In June 2006, Mike Sandham, who had served on the force for two years before quitting in 2002, was charged with first-degree murder for his alleged role in the massacre of eight men with ties to the Bandidos biker gang.

"At this point I feel it is necessary that a review be done to ensure that the operations of the police force are conducted in an appropriate manner and to restore public confidence in the East St. Paul Police Department," Chomiak wrote Thursday.

A spokesman for Chomiak said the review is part of a provision under the Provincial Police Act which gives the justice minister the power to take "whatever measures the minister considers necessary" to ensure a community is properly policed.

The spokesman said the province will also review the act itself.

Tory justice critic Kelvin Goertzen suggested the province should amend the act to demand standardized training for all police in the province. Goertzen adds he supports the decision to review the East St. Paul Police.



Robert Taman with daughter Kristin and son Jordan gather at a cross where his wife Crystal was killed when her car was hit by a truck driven by an off-duty Winnipeg cop in 2005. (Brian Donogh/Sun Media)

WINNIPEG SUN

Victim's family must live in shadow of 'flawed investigation' by police

August 25, 2007

By DEAN PRITCHARD, SUN MEDIA

Rob Taman picks his words carefully as he describes his reaction to news Manitoba Justice will review the East St. Paul police service and its botched investigation into the death of his wife Crystal.

"It was really disappointing to hear all this was going on," Taman said yesterday. "But we are really happy that they are looking into this and the truth will come out about what happened that day."

Former Winnipeg cop Derek Harvey-Zenk pleaded guilty to dangerous driving causing death after his pickup truck plowed into Crystal Taman's car as she waited at a red light north of the Perimeter on Highway 59 on Feb. 25, 2005.

On Wednesday, the Crown and Harvey-Zenk's lawyer jointly recommended he receive a two-year-less-a-day conditional sentence. The deal came after the Crown was forced to stay charges of refusing a breathalyser test, impaired driving causing death and criminal negligence causing death.

Dropping the charges eliminates any suggestion in the law's eyes that alcohol was involved in the crash.

Chief Judge Ray Wyant expressed reservations about the recommendation and adjourned the case to next month.

Taman said he learned a year ago that there "were some problems" with the case, but justice officials would provide no specific details.

At the time of the crash, lead investigator and then-East St. Paul police chief Harry Bakema "personally told us that (Harvey-Zenk) refused a breathalyser," Taman said.

When the Crown dropped the charge "it took away the entire message that was coming out of this court case," he said. "It was extremely disappointing. Disappointing is an understatement."

Taman said the "flawed investigation" has likely destroyed any chance his family has to heal.

"You need proper justice to be done to get real closure," he said. "We will have to wait and see if proper justice is done."

WINNIPEG SUN

Call renewed for review of breathalyser enforcement

August 25, 2007

By DEAN PRITCHARD, SUN MEDIA

The case of Derek Harvey-Zenk is raising questions about toughening up laws requiring that suspected drunk drivers provide a breath sample to police.

Rod Sudbury, local president of Mothers Against Drunk Driving (MADD) suggests looking south where some U.S. states have passed "implied consent laws" that virtually eliminate a suspect's wiggle room to refuse a breath test.

"It's something I think should be looked at in Canada," he said yesterday.

Under the laws, a motorist provides automatic consent to provide a breath sample under certain circumstances when he or she renews their driver's licence.

Police would still need to read a suspect their rights and have grounds to believe they are impaired, Sudbury said.

"But I think implied consent demands under certain circumstances would be justifiable," he said. "The legislators can decide what level will trigger that demand." But a prominent Winnipeg defence lawyer said its unlikely implied consent laws would fly in Canada, constitutionally speaking.

"I don't think you can take away a person's right to refuse if they have a lawful excuse," said Hymie Weinstein, admitting "there aren't an awful lot of them." Weinstein, who regularly defends police officers charged with criminal offences, said lawyers don't advise clients whether to provide a breath sample.

"That's not proper," he said. "Usually if a cop is charged, he calls me after he has taken it or after he has refused it and has been charged."

As a tactical move, refusing a breath demand can benefit an accused, Weinstein conceded.

"I wouldn't say it's an advantage to an accused, but it's one less piece of evidence that the Crown would have in court," Weinstein said.

WINNIPEG SUN

Probe 'long overdue'

Rural police under cloud

August 25, 2007

By JOYANNE PURSAGA, SUN MEDIA

EAST ST. PAUL -- In just over a year, past and present members of their police force have been accused of murder, shoddy police work and failing to promptly warn the public about a killer. Yesterday, East St. Paul residents welcomed a provincial review of the unit, with several calling the move "long overdue."

This week, the force was accused of investigative errors that led the Crown to stay some charges against former Winnipeg cop Derek Harvey-Zenk as he faced trial for the fatal crash that killed Crystal Taman.

On Feb. 25, 2005, Harvey-Zenk's vehicle slammed into Taman's vehicle, which was stopped at a red light on Highway 59 north of the Perimeter.

Jordan Balzar said concerns about the fatal crash justify the review.

"They should look into it," said Balzar. "I think our justice system is pretty messed up right now."

Balzar said he's suspicious about the lack of detail police gathered from the crash site, such as what speed Harvey-Zenk was driving.

Taman's family said public outrage about the case is comforting after more than two years of grieving alone.

Tears streamed down daughter Kristin's face as three family members met at the site of the crash yesterday.

One motorist gave a "thumbs up" sign to Crystal's husband Robert and said, "keep up the good work."

"This week has been a flood of support. People understand now what this is about," said Robert. "For 2.5 years we've been alone. But every time we come back now we get horns honking."

At least one officer has been replaced since the crash but residents say the controversies continue.

MURDER SUSPECT

Some question a police decision not to warn the public that murder suspect Jason Harvey McDowell was on the loose until more than 24 hours after they discovered Samantha Zeemel's body in a McGregor Farm Road home on Sunday.

McDowell turned himself in to police a few hours after his photo and name were released Tuesday.

"I think in light of these issues a (review) is totally warranted," said Kevin Jones. "It seems like one thing after another keeps happening."

"From everyone I talk to there is a general discontent with how the police reflect us as a community," added Jones. "I'm surprised it took so long for an independent party to look into this."

The latest public complaints follow a string of accusations against East St. Paul police.

In March, a Birds Hill man sued the RM of East St. Paul and two former cops, alleging police assaulted him during a roadside stop.

In June 2006, Michael Sandham, a former East St. Paul cop, was charged with eight counts of first-degree murder in connection with the Ontario slayings of men linked to the Bandidos outlaw motorcycle gang.

Just two area residents said a review was unnecessary. Both declined to give their names.

"It's already past that point (of investigation)," said one man, noting an RCMP investigation last year. "It's already been done."

CBC WEBSITE

Justice minister orders review of small Manitoba police force

Municipal officials welcome review

Last Updated: Friday, August 24, 2007 | 5:42 PM CT

Manitoba's justice minister has called for a review of the East St. Paul police force, saying there have been several incidents which have called into question how the department is being run.

Councillors in the R.M. of East St. Paul, 20 kilometres north of Winnipeg, were notified by letter late Thursday of Justice Minister Dave Chomiak's intention to review the force.

In the letter, Chomiak says the review is necessary "to ensure that the operations of the police force are conducted in an appropriate manner and to restore public confidence."

Chomiak said several controversies have called the operation of the department into question, the latest involving allegations of police improprieties surrounding the investigation the car crash that killed Crystal Ann Taman, 40, in 2005.

Former Winnipeg police officer Derek Harveymordenzenk, also known as Derek Harvey-Zenk, pleaded guilty in July to a single charge of dangerous driving causing death in the case.

Charges of refusing a breathalyzer, impaired driving causing death and criminal negligence causing death were dropped.

CBC sources say the Crown was forced to drop the charges because former East St. Paul police chief Harry Bakema didn't advise Harveymordenzenk of his constitutional rights at the scene.

East St. Paul deputy reeve Mike Wasylin says the actions of Bakema were questionable at best — and were uncovered by other officers on his force.

"There were some procedural irregularities that were actually investigated and uncovered by our police force," he told CBC.

There were also improprieties with police notes of the accident investigation. Wasylin said he could not discuss the matter because he says it could jeopardize the province's upcoming review.

Bakema was dismissed from the force in the spring of 2006.

Controversy dogs police force

The questions raised surrounding the investigation into the crash that killed Taman are the latest in a series of controversies the small force has faced.

Complaints of police brutality put the municipality's police force in the spotlight last year.

Between September 2004 and January 2006, seven people lodged complaints with Law Enforcement Review Agency, the body that investigates police misconduct in Manitoba, about East St. Paul officers. Past annual reports show the force usually receives no more than one complaint per year.

Last year, the municipal council hired retired RCMP officer Robert Tramley to review the nine-member police department's operations.

Tramley wrote that when Bakema conducted some investigations, he required only "minimal note-taking" and showed "a lack of interest in promoting the rights of suspects with junior officers."

The report also indicated an examination of the force's police computers in February 2006 found pornographic material, some of it "very disgusting," on roughly half of the machines.

Last summer, it was revealed that a former police officer on the force had been charged with eight counts of first-degree murder in connection with a biker massacre in Ontario earlier in the year.

Municipal officials welcome review

Wasylin said the provincial review will find the municipality has overhauled its police department with the new policies and some new officers.

"It's something that we welcome as a council because what we want to do is reinforce the confidence we have in our new police chief," he said.

"We've taken some disciplinary matters into our own hands and changed policies, procedures. We're hoping that an independent review that the minister is now proposing is going to confirm the confidence that we've placed in our police department."

The province's review won't begin until the case against Derek Harveymordenzenk has concluded.

Harveymordenzenk was expected to be sentenced Wednesday; Crown and defence lawyers agreed on a recommendation for a conditional sentence.

However, Chief Justice Raymond Wyant told the court he requires more time to "reflect" on the sentence. The sentence is now expected in September.

FREE PRESS

Chief accused of interference

Officers say they were ordered not to refer to suspect's drinking in notes on fatal crash

Tue Aug 28 2007

By Mike McIntyre

FORMER East St. Paul Police Chief Harry Bakema was accused by fellow officers of ordering them in advance not to refer in their notes about Winnipeg police officer Derek Harvey-Zenk's alcohol consumption following a deadly 2005 crash, the *Free Press* has learned.

A justice official- speaking on the condition of anonymity - shed new light Monday on a high-profile case which has now triggered Manitoba Justice Minister Dave Chomiak to call a public review of the East St. Paul police operations.

"(The officers) said they were told not to put anything in about the alcohol, to go light on what they saw at the scene. Harry (Bakema) told them what to put in their notes," said the source.

"It was because he (Harvey-Zenk) was a city cop."

And the retired RCMP officer who spearheaded a review of the municipal detachment following Bakema's firing last year, says last week's controversial plea-bargain with Harvey-Zenk is a "travesty".

"If there's going to be an inquiry here, (the province) should look at their own department and how they handled this case," Robert Tramley told the *Free Press* in an exclusive interview.

Bakema, through his lawyer Hymie Weinstein, declined to comment Monday on any allegations.

Tramley believes the case should have gone straight to trial where the truth about what happened would have come out. The victim's family -- angered by a plea bargain that would spare Harvey-Zenk a jail term and saw all impaired charges stayed -- agree.

The source said the revelation about Bakema influencing the police notes came on the eve of Harvey-Zenk's preliminary hearing in 2006 from Norm Carter, who took over as East St. Paul chief after Bakema was fired. As the *Free Press* revealed last week, Bakema is a former Winnipeg police officer who worked in the same north end district as Harvey-Zenk before he left to go to East St. Paul.

Bakema, through his lawyer, denied working directly with Harvey-Zenk but said he recognized him at the scene of the crash.

Crystal Taman, 40, a mother of three, died after her car was hit by Harvey-Zenk's truck while stopped at a red light in February 2005 on Hwy. 59 at the Perimeter Highway.

Harvey-Zenk admitted he'd been out partying with police since the previous evening and had consumed alcohol. He has denied being drunk and believes he may have fallen asleep. There were no skid marks at the crash site.

Special Crown prosecutor Marty Minuk and defence lawyer Richard Wolson agreed to adjourn Harvey-Zenk's preliminary hearing indefinitely following Carter's surprising disclosure about the police notes last year.

Minuk also had the RCMP begin a criminal probe of the East St. Paul police service.

Results of the RCMP probe were forwarded to an independent lawyer and a recommendation was made that no charges to be laid against Bakema.

East St. Paul council voted to fire Bakema and also brought in Tramley to conduct a thorough review of their operations. The review -- which has not been made public -- looked at many cases including Harvey-Zenk's and noted that a paramedic at the scene of the crash believed alcohol was involved.

"The paramedic noted a strong odour of alcohol from Harvey-Zenk," the paramedic told Tramley and a fellow retired Mountie who worked on the review, according to the source.

The justice source said the case against Harvey-Zenk was in trouble because of the fact Bakema -- the lead investigator at the crash scene -- didn't make a breathalyzer demand.

In a statement through his lawyer last week, Bakema said he didn't have any grounds to ask for one and believed that Harvey-Zenk was "in shock".

Harvey-Zenk wasn't brought back to the East St. Paul detachment until at least 45 minutes after the crash. It was there that Carter -- then a sergeant -- made a breathalyzer demand which Harvey-Zenk refused.

"He observed what he felt were signs of impairment," said the source.

"I don't know why (Harvey-Zenk) wouldn't have been exhibiting any signs to Bakema. He certainly was to Norm Carter."

Police initially laid charges of refusing a breathalyzer, impaired driving causing death and dangerous driving causing death.

However, Minuk stayed the alcohol-related charges after Harvey-Zenk pleaded guilty to dangerous driving. Minuk and Wolson then made a joint-recommendation for a two-year-less-a-day conditional sentence to be served in the community.

The deal - which has angered the victim's family - is now being considered by Chief provincial court Judge Ray Wyant. A verdict is expected by mid-September.

Tramley said he doesn't understand why Carter's demand, along with the observations from the paramedic, couldn't have still resulted in a strong impaired case against Harvey-Zenk.

It's believed Harvey-Zenk's lawyer was going to fight the case on the grounds Carter had no right to ask for something which Bakema, a superior officer, clearly felt wasn't necessary.

Michael Wasylin, deputy reeve of East St. Paul, credited Carter last week with bringing to light serious concerns about the police service under Bakema's watch. He wouldn't discuss specifics of matters that came to light.

Tramley's 2006 review of the East St. Paul operations cited two incidents where Bakema ripped up traffic tickets given out by his members to a Winnipeg police officer and the son of a city cop, the justice source said Monday.

Tramley took aim Monday at Manitoba justice officials for turning to Minuk as special prosecutor, given his previous history of defending police officers and working closely with Harvey-Zenk's lawyer.

"That doesn't smell very good to me," he said.

Deputy attorney general Don Slough said his department farms out cases against police officers to avoid a perception of a conflict of interest, given that police and the Crown often work together.

He defended the choice of Minuk, who has done several other cases against cops, and said he will continue to be used in the future.

WINNIPEG SUN
Why, Mr. Chomiak?
Crystal Taman's mom has some tough questions
August 28, 2007
By TOM BRODBECK

The mother of 40-year-old Crystal Taman, who was killed when Derek Harvey-Zenk slammed his car into her while she was waiting at a red light in 2005, has written Justice Minister Dave Chomiak demanding to know why charges against Harvey-Zenk were stayed and why her family has been left in the dark during all stages of the case.

"Any information we requested was denied," wrote Taman's mother Victoria Sveinson in her letter to Chomiak, obtained by Sun Media.

"We could barely find out when the court date was."

Sveinson said her family received no explanation from the Crown on why several charges against Harvey-Zenk, including refusing a breathalyser test, were stayed.

She said her family was not consulted on any decisions related to the case.

"We were left in the dark," she said yesterday.

It's a far cry from what the Doer government promised victims and their families when they passed their Victims' Bill of Rights in 2000.

Then-justice minister Gord Mackintosh promised Manitobans would have sweeping new powers during the court process, including full disclosure from the Crown on the status of their case and the right to be consulted before charges are stayed.

But that hasn't been happening, at least not in some cases.

"Most of our inquiries were treated with disdain and arrogant superiority," Sveinson wrote in her letter.

Chomiak announced last week his department will be probing the conduct of the East St. Paul Police Service to investigate allegations they botched the Harvey-Zenk case.

While he's at it, he should also review how the Victims' Bill of Rights is working and whether police and the prosecutions branch are actually following it.

Sveinson also wants to know why she was not allowed to read certain sections of her victim impact statement in court.

The Victims' Bill of Rights guarantees victims can read their statements in court.

But apparently there are certain things they can't include in their statements, like criticism of the court process.

Here's one segment Sveinson was told she had to delete from her statement:

"The drawn-out lengths of time it takes for many of these cases to get to court prevents the healing process from even beginning."

She also had to take out the following:

"The crime that destroyed their loved one was treated like a misdemeanour and their precious deceased relative was made totally inconsequential."

Apparently you can't say that, which is ludicrous.

I suggest Chomiak also review what criteria justice officials are using to edit people's victim impact statements.

Obviously there are some things you can't allow people to say, like making defamatory statements.