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STATEMENT OF: Constable Jason WOYCHUK
Date: 2006-05-24
Time: 12:55 Hours

Present: Corporal Tracy KENNETT
RCMP Winnipeg Major Crime Unit
Constable Jason WOYCHUK

Proofed by Kennett, 2006-05-31 *JK*

(Corporal KENNETT and Constable Jason WOYCHUK enter interview room)

KENNETT: Have one of those chairs there.

WOYCHUK: Is it audio tape or transcript?

KENNETT: Yeah, audio and video.

WOYCHUK: Okay.

KENNETT: Okay. And for the record, it's Corporal Tracy KENNETT here with Constable Jason WOYCHUK. And today's the 24th of May, 2006 and it's 12:55, according to my watch. Alright, ahm, Jason right?

WOYCHUK: Yeah.

KENNETT: Before we get started, ahm, obviously we've been asked to, myself and Constable DOYLE have been asked to, ahm, look into some matters with regards to some disclosure that you have made to, ahm, Chief CARTER.

WOYCHUK: Okay.

KENNETT: And if you're comfortable starting at that point, we'll just go from there and you can start to tell me what that disclosure was.

WOYCHUK: Okay. True.

KENNETT: Okay.

WOYCHUK: I guess just, ah, I might...

KENNETT: I'm sorry, I'm gonna interrupt you. If you need your notes for any reference, I've got them right here with your incidental reports. So if you need to...

WOYCHUK: Okay.

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KENNETT: ...refer to those, just let me know and we'll just leave them right there for you.

WOYCHUK: Alright.

KENNETT: Alright.

WOYCHUK: I guess my concern was that - I think it was well known at the time, too - was just involving the incident, ahm, just the, I guess it was the time delay in which the accident, which I arrived at the scene and the accused was put in my vehicle. And then from that point to when it was taken to the office.

KENNETT: Um-huh.

WOYCHUK: So I guess. Can I look at these?

KENNETT: Oh, absolutely.

WOYCHUK: Just...

KENNETT: Yeah.

WOYCHUK: Alright. I guess the greatest concern was when he was brought to me. I was the second unit on the scene. I pulled up in the northbound lane turning westbound onto 101.

KENNETT: Um-huh.

WOYCHUK: Or onto 59. Ahm, Chief BAKEMA, at the time, brought him up to me, told me that he was gonna put him in my vehicle and just to hold onto him. And there was a mention there that he could be impaired.

KENNETT: There was or wasn't?

WOYCHUK: There was a mention at that time.

KENNETT: There was a mention?

WOYCHUK: From the Chief that he could be impaired. And my direction from that point was, "Just leave him in your car and we'll figure out what's gonna happen."

KENNETT: Okay.

WOYCHUK: So the accused was in my vehicle at the time and at different points I don't, I don't remember times or anything, but the Chief, I remember

asking him what he wants me to do and he said, "Don't do anything, Sergeant CARTER is coming". So...

KENNETT: Okay.

WOYCHUK: ...that's, that was my concern the time. It was before, like the preliminary trial, I didn't want to... I guess my concern was that Chief CARTER was to sort this out and find out how it was going, I guess.

KENNETT: Okay. Alright. Do you know, at that point, ahm, can you, can you just be specific with exactly what direction you were told at that time?

WOYCHUK: The direction I was given that, "This is the driver of the truck. I'm putting him in your vehicle. Keep him here. There is a possibility he could be impaired. I'm calling Sergeant CARTER. I'm gonna have him come down." So, basically, I was in RM2. That's one of our police units. I was in the vehicle with the accused in the rear seat. During which time I was in and out of the vehicle.

KENNETT: Um-huh.

WOYCHUK: I was also, as well I was looking after him, I was directing traffic. So I was in and out constantly. Like I wasn't in the vehicle the whole time.

KENNETT: Okay. So it was your understanding that, ah, Sergeant CARTER was going to be coming to deal with this?

WOYCHUK: It was my understanding. That's what I was told, that Sergeant CARTER, "Just keep him here. Don't do anything. Sergeant CARTER is, I'm phoning him at home. He's gonna be called out. He's gonna come to the scene."

KENNETT: Alright. Okay. I'm gonna get you just to draw a diagram, if you can.

WOYCHUK: Okay.

KENNETT: Just show me where you were parked and when you were approached by Chief, ah, BAKEMA at the time.

WOYCHUK: Okay. I'm not a good drawer, but.

KENNETT: That's, it doesn't matter.

WOYCHUK: (Drawing) So this would be 101 west. (Drawing) This would be 59

north. I would have been parked. The accident occurred in this area here, (drawing) I guess. I would have been parked somewhere, somewhere right around here (drawing). These (indicating on diagram) would be the three vehicles that were involved in the accident. And I don't recall exactly where the other police unit was parked at this time. I know later on there was one up here, but I'm not sure where.

KENNETT: Okay. I'm just gonna use, ah... So this, this one here that you've...

WOYCHUK: Yeah.

KENNETT: Whose vehicle is that?

WOYCHUK: So that would be me.

KENNETT: Okay.

WOYCHUK: RM2. This would be Harvey MORDEN-ZENK's vehicle (indicating). This would be the yellow vehicle, Chris COLLINS (phonetic).

KENNETT: Um-huh.

WOYCHUK: And this would be the third vehicle that was involved.

KENNETT: Alright.

WOYCHUK: And I don't recall where Chief BAKEMA and Constable GRAHAM had parked their vehicle at the time.

KENNETT: Alright. And then you said this (pointing to diagram) later on was another police vehicle that you're not sure?

WOYCHUK: Yeah, I'm thinking that was Constable PETERSON, I believe it was who came out. She was out on 59 directing traffic.

KENNETT: Alright.

WOYCHUK: To the west.

KENNETT: Okay. So back to the disclosure. Ahm, do you recall, ahm, I guess ah, the first time that you disclosed it to CARTER, is my understanding, was perhaps on the day you picked him up from the prosecutor's office?

WOYCHUK: Yeah, I recall that I would have mentioned something. I don't recall what was said because I wasn't, at the time I was given a direction...

KENNETT: Um-huh.

WOYCHUK: ...which was to keep him in my vehicle. Don't do anything, Chief CARTER - or Sergeant CARTER at the time - was gonna be called out, he's gonna come to the scene.

KENNETT: Um-huh.

WOYCHUK: And then later on that changed to, "Take him to the office. Sergeant CARTER is gonna meet you there."

KENNETT: Okay. Well why don't you start from the very minute that you arrived at the scene to exact - you know, to the best of your recollection, exactly what transpired until you got to the Detachment.

WOYCHUK: What transpired? Like basically...

KENNETT: Yeah, like basic, like from the beginning, just give me the play-by-play of what you recall.

WOYCHUK: Well I pulled up here. Just as I pull up, I wasn't even out of my vehicle yet, Chief BAKEMA was walking up to the vehicle with Harvey MORDEN-ZENK.

KENNETT: Okay.

WOYCHUK: Ahm, I got out. He came up to me. He said, "I'm gonna put him in the back of the vehicle." I don't remember exact words that were said.

KENNETT: Um-huh.

WOYCHUK: It was awhile, too, but he said, "I'm gonna put him in the back of the vehicle." He put him in there, he shut the door. He told me that there was a possibility he could be impaired. And I said, "What do you want me to do?" He said, ah, "Don't do anything yet, just leave him here."

KENNETT: Um-huh.

WOYCHUK: "I'm gonna call Sergeant CARTER."

KENNETT: Um-huh.

WOYCHUK: Ah, I guess, so I had him in the vehicle there. I didn't, I didn't even speak to, I asked him his name. He gave me his ID but I didn't ask him anything else. Ahm, at a later time - I don't know what time it was - I asked BAKEMA, I said, "Like what's going on here? What do you

want me to do here?"

KENNETT: Um-huh.

WOYCHUK: He said, "Don't do anything, Sergeant CARTER is coming out."

KENNETT: Um-huh.

WOYCHUK: That's, another time after that, I recall asking him, "What's going on? Like what do you want me to do?" He said, "Okay, Sergeant CARTER is at the office. He's on his way to the office so take him to the office."

KENNETT: Um-huh.

WOYCHUK: So I mean, that's the best of my recollection of what happened. At the time, I guess my concern was that - and I'm sure I made that clear from day one -...

KENNETT: Um-huh.

WOYCHUK: ...that when he came there and said there was a possibility he could be impaired and then gave me not to do anything, wait for Sergeant CARTER,...

KENNETT: Um-huh.

WOYCHUK: ...so I mean, there's a time delay in there that concerns me.

KENNETT: Um-huh.

WOYCHUK: So.

KENNETT: Okay. Now it concerns you why, that?

WOYCHUK: Well it concerns me if I'm gonna be subpoenaed to court to testify on a trial and I guess it concerns me. I want to make sure that everything's the way it happened and,...

KENNETT: Okay.

WOYCHUK: ...and I mean, as far as like my notes go that I looked through, like my notes are fairly accurate for that. Well they are accurate, like I really didn't get signs of impairment. Like I say, I was in and out of the vehicle. There was traffic coming up north, everybody was watching. Probably on 10 different occasions, there was cars that locked their

brakes up and just about causing other accidents. I mean, I was, every two or three minutes, I was in and out of the vehicle.

KENNETT: Um-huh. So where were you specifically in relation to your vehicle when Chief, ah, BAKEMA came over with that, ah,...

WOYCHUK: I just pulled up and he was walking up and then I got out. Then he put him in the back of the vehicle. And then he shut the door and then he, that's when he said, "Don't do anything, Sergeant CARTER is gonna come."

KENNETT: So did you have, at that time, ahm, any observations that you made of ZENK at that time when you first saw him?

WOYCHUK: No, I didn't. Just from what Chief BAKEMA said to me that there's a possibility he could be impaired. But I didn't have any observations at that time, no.

KENNETT: You didn't have any conversations with ZENK at that time or?

WOYCHUK: After Chief BAKEMA left, I was back in the vehicle and I got ID from him. I didn't know who he was. I took his ID,...

KENNETT: Uh-huh.

WOYCHUK: ...and I, to be honest with you, I really didn't make observations that would have led me to believe at that time that he was impaired.

KENNETT: Um-huh.

WOYCHUK: I mean, I didn't have a, I didn't have a strong odour of liquor coming from him or anything. I guess the main thing that was playing through my head was what Chief BAKEMA said to me.

KENNETT: Um-huh.

WOYCHUK: So I mean, I guess at some point later on I did get a slight odour of liquor but at the time, too, like I was, I was, I had a cold and I was plugged up.

KENNETT: Um-huh.

WOYCHUK: And I was sucking on Hall's all day, but, I mean, at the time, too, there was things that maybe I could have picked up on but I put them off kind of as like someone who is in shock, somebody who's just been...

KENNETT: Um-huh.

WOYCHUK: ...involved in a major accident. That's...

KENNETT: Um-huh.

WOYCHUK: I really didn't form any solid ground I wouldn't say at that point, no.

KENNETT: Okay. And was the screen. Like do you have a screen in your police car?

WOYCHUK: Yeah.

KENNETT: Was it open so that you could talk to this guy in the back?

WOYCHUK: I don't recall if it remained open the whole time. It would have been open at one point, at the point we were there. So he...

KENNETT: Okay. And he was in the back seat, right?

WOYCHUK: He was in the back seat, yeah.

KENNETT: Okay.

WOYCHUK: And also during that time there was, after the ambulance came, then the ambulance was in there talking to him.

KENNETT: Um-huh.

WOYCHUK: And they were, he refused medical treatment at that time, too, so.

KENNETT: Okay. Ahm, now do you recall specifically if, like what kind of words, ahm, Chief BAKEMA used to describe ZENK's condition?

WOYCHUK: He just said there was, he just told me it was possible that he could be impaired and I think he said that he's a WPS member, too.

KENNETT: And what does "WPS member" mean?

WOYCHUK: Winnipeg Police Service.

KENNETT: Okay. So you, so you were told he was a cop?

WOYCHUK: Yeah, I was told he was a Winnipeg Police guy, a Winnipeg Police Service member and there was a possibility he could be impaired.

KENNETT: Okay. But you were told to wait until, ah, the Sergeant...

WOYCHUK: I asked him what he wanted me to do, he just said, "Just don't do

anything, Sergeant CARTER will be called out to come here.”

KENNETT: Okay. (Clearing her throat) Do you have any notes of this disclosure that you had made to, ahm, ah, Chief CARTER, CARTER after? Like recent, the other three times that you’ve given him disclosure?

WOYCHUK: Do I have notes of,...

KENNETT: Did you have any notes of any of that conversation...

WOYCHUK: ...of me talking to?

KENNETT: ...to CARTER...

WOYCHUK: No.

KENNETT: ...after the fact?

WOYCHUK: No, no.

KENNETT: Okay. Ahm, now as far as you said that you, you thought you may have, like in hindsight - of course hindsight’s, you know how it is.

WOYCHUK: Um-huh.

KENNETT: Ahm, but you said that you had picked up on a few things that may, may have led you to make some other observations.

WOYCHUK: Um-huh.

KENNETT: What were those? And we’re talking about ZENK.

WOYCHUK: I guess at some point there, I did get a slight odour of liquor coming from him.

KENNETT: Um-huh.

WOYCHUK: I don’t recall exactly when it was. And I mean, to me, I looked. He didn’t talk, he wasn’t talking at all.

KENNETT: Um-huh.

WOYCHUK: So I mean that, to me, it was, he was in shock, possibly injured. Like this is before and after he refused medical treatment, so.

KENNETT: Um-huh.

WOYCHUK: Up to the point he refused it, I didn’t know if he was injured or hurt

there?

KENNETT: Um-huh. Did he have any marks on him or any bumps or bruises or anything like that?

WOYCHUK: I think he had a, his nose was, I know he had dried blood around his nose.

KENNETT: Um-huh.

WOYCHUK: But I can't recall for sure if he had bruises or anything like that. I don't recall any,...

KENNETT: Okay.

WOYCHUK: ...any marks.

KENNETT: Had you ever met that individual before?

WOYCHUK: Yeah. I didn't know at the time who he was but I actually did go to high school with him. We were in the same high school.

KENNETT: Okay. But you didn't realize...

WOYCHUK: At the time, I realize till it was a day or two after.

KENNETT: Okay. Did he have the same surname in high school?

WOYCHUK: No. He just went by Derek ZENK.

KENNETT: Oh, okay.

WOYCHUK: And on his ID, it was Derek Harvey MORDEN-ZENK.

KENNETT: Now did you talk to any firemen at the scene?

WOYCHUK: Um, I don't recall if I talked to firemen or I talked to medical personnel.

KENNETT: Okay. Tell me about the conversation you had with the medical personnel.

WOYCHUK: There was a, I can't remember the name of who it was right now, one of the ambulance attendants that was dealing with him there.

KENNETT: Um-huh.

WOYCHUK: Ahm, he was speaking to him. He got the sign, he got the Release of for Medical Attention, whatever.

KENNETT: Um-huh.

WOYCHUK: I believe he did say at the time, too, that there, he could be drinking.

KENNETT: Um. Okay. So he made mention, too, that,...

WOYCHUK: Yeah.

KENNETT: ...that, ah... Do you remember, like what did he say exactly or?

WOYCHUK: I think he just kind of motioned that he could be drinking. Like he said, he was drinking but he didn't like go into specifics or it wasn't a conversation.

KENNETT: Oh, okay. But he gave you the indication that there might be some drinking though.

WOYCHUK: Yeah, he was in the back seat with him at the time, too.

KENNETT: Okay. And that was...

WOYCHUK: That was...

KENNETT: What?

WOYCHUK: That was, I don't recall the time when they were. That was probably shortly before I went to, took him to the office.

KENNETT: Alright. Ahm, as far as you know, ahm, I have a couple names. Do you know where those paramedics were from, if they were from Selkirk...

WOYCHUK: Like...

KENNETT: ...or from Winnipeg or?

WOYCHUK: ...I'm not sure. I think they're Selkirk, I think. I think the one guy's name was Ted ROSSER or something, that name is familiar.

KENNETT: Yeah, that's... Okay. Ahm, that would be one and then there's another fellow by the name of FONTAINE. Did you speak to...

WOYCHUK: Okay.

KENNETT: ...both of them or just the one?

WOYCHUK: Possibly. I don't recall who exactly. I spoke to one. There's one guy

that said that to me. I'm sure at one point I spoke to both of them but there's only, I don't recall which one it was that made the comment to me.

KENNETT: Alright. And when you arrived, ahm, I understand you arrived. You weren't first on the scene, right? You weren't the first police?

WOYCHUK: I was the second car on the scene, yeah.

KENNETT: The second car on the scene.

WOYCHUK: The second, yeah.

KENNETT: Okay. So when you got there, ahm, did you... Well you said you didn't know where the other car was initially.

WOYCHUK: Yeah, I'm not sure exactly where they were parked. I think they were, no I'm not a hundred percent certain. Like I came in because... First of all, the call came in on Henderson and 101.

KENNETT: Right. Um-huh.

WOYCHUK: So I went west on the median lane onto 101. And then there's a service turn-around there for emergency vehicles.

KENNETT: Um-huh.

WOYCHUK: Then I came in that way. (Indicating on diagram) I can't remember if I cut through here (pointing to diagram) or went around this way (indicating on diagram) and came up and parked here. (Pointing to diagram)

KENNETT: Okay.

WOYCHUK: But I don't recall because I believe I was the first car going.

KENNETT: Um-huh.

WOYCHUK: And then as I was going this way, I realized it was 101 and 59. Then I called on the radio. I said, "It's 101, 59. I think they were behind me, so they probably came up somewhere in here (pointing to diagram) but I don't, I don't recall where they parked their unit.

KENNETT: Okay. And at the time of this accident, how much service did you have with East St. Paul?

WOYCHUK: I guess approximately four months.

KENNETT: Okay. And before that, is that, were you brand new to police work or?

WOYCHUK: I worked for Dakota Ojibway Police for two months on the reserve.

KENNETT: Okay. And before that?

WOYCHUK: That's basically my service. I had auxiliary work with Dakota Ojibway Police.

KENNETT: Okay. Had you ever been to a serious, ah, accident scene like this before?

WOYCHUK: No.

KENNETT: Okay. It must have been quite, ah, traumatizing?

WOYCHUK: It was different. I wasn't... Definitely, I guess I was lost as far as knowing what to do. Like I'd never been involved in something like that before, so.

KENNETT: So with East St. Paul, you'd only had two months' service at this time, right?

WOYCHUK: No, I started in October. I started October 6th, so the date is...

KENNETT: February 25th, so four months.

WOYCHUK: So yes, between 24 months' service.

KENNETT: Okay. And you were alone? You were working on your own, were you?

WOYCHUK: Yeah, I was. Actually I was just coming off the night shift. I worked till 7:00 in the morning and the call came in at a quarter after 7:00 or 10 after 7:00. And I hadn't left the building yet, so I went and got changed and came out.

KENNETT: So had you already been changed?

WOYCHUK: I don't remember. I don't recall if I, I must have not been changed because if I left right at, when the call came in at 10 after.

KENNETT: Right.

WOYCHUK: Because I believe I was the first car going out.

KENNETT: Okay. Yeah, because shift change is right at 7:00, right?
WOYCHUK: Yeah, it's right at 7:00, so I would have been probably just upstairs talking to the guys that had come in for the day shift and that.

KENNETT: Okay. Now as far as you know, once you got to the scene, ah, who was in charge of that scene, like as far as the police?
WOYCHUK: I guess Chief BAKEMA was in charge.

KENNETT: Yeah?
WOYCHUK: He was the senior member there. He was giving the direction on what to do, so.

KENNETT: Um-huh.
WOYCHUK: That's only, the only one I had contact with.

KENNETT: Ahm, have, have you, you had obviously worked with Chief BAKEMA before?
WOYCHUK: Ahm.

KENNETT: Have you been working when he's...
WOYCHUK: I don't think I've been on a call with him before.

KENNETT: Okay.
WOYCHUK: I mean, normally he's not coming out to calls.

KENNETT: Um-huh.
WOYCHUK: Normally it's the members going out.

KENNETT: Um-huh. Had you ever heard of him hanging out with any of the other members or going to calls or, prior to this?
WOYCHUK: Ah, I don't know if it was prior. I know at certain times he went to certain calls. He's been to calls since with me but.

KENNETT: Um.
WOYCHUK: But before that, I don't recall. Maybe an alarm or something. If we were going for coffee on the way in, an alarm came in.

KENNETT: Okay. Alright.

WOYCHUK: But I don't recall any specific incidences.

KENNETT: Did you, ahm, while you were out directing traffic and I guess keeping an eye on, on ZENK and your car at the same time, you were kind of doing two jobs?

WOYCHUK: Yeah, I was in and out, yeah.

KENNETT: Ah, how far would you have ever been away from your vehicle, do you think?

WOYCHUK: How far? Do you want an estimate like in feet?

KENNETT: Yeah, just an estimate approximately.

WOYCHUK: Maybe 15, 20 feet maximum.

KENNETT: Alright.

WOYCHUK: Like I was...

KENNETT: So keeping an eye on it for them?

WOYCHUK: Yeah, I was... There was traffic that was coming north on Highway 59 that there was a little bit of congestion going on.

KENNETT: Um-huh.

WOYCHUK: Everybody going by was staring so like I was watching in the mirrors.

KENNETT: Um-huh.

WOYCHUK: The side mirror and the rear-view mirror and I probably saw 10 or maybe more vehicles lock up their brakes at like 80 kilometres an hour, so I was coming out to try and slow things down a bit, too. I don't think it was doing anything, but.

KENNETT: No. Okay.

WOYCHUK: And I was also because the way I was parked, too, like I was off the direct line. But I mean I was always walking so I was concerned, I didn't want to get plowed in from the rear but.

KENNETT: Um-huh.

WOYCHUK: And there was, at some time there was cars that were trying to cut through here (indicating on diagram). They would come up around here

(indicating on diagram) and trying to cut onto 101.

KENNETT: Alright.

WOYCHUK: So anyway I was gettin' out for that, too, and trying to push them off.

KENNETT: Did any witnesses come up to you?

WOYCHUK: No.

KENNETT: And saying, you know, "I want to say I saw what happened" or anything like that?

WOYCHUK: No.

KENNETT: Alright. Okay. And as far as the conversation, back to the conversation that you had with Chief BAKEMA at the scene, ahm, he spoke to you in person?

WOYCHUK: Yeah.

KENNETT: Did, ah, what did he do after he gave you the, ah, ZENK in your car? Where did he go?

WOYCHUK: I don't know, he was gone again. He was on the scene. I don't know what he was doing. I wasn't paying attention to what he was doing.

KENNETT: Could you see the, ZENK's vehicle from where you were?

WOYCHUK: If I got out, I could. Not from the way I was parked. I was parked facing north, but.

KENNETT: Oh, you were facing this way?

WOYCHUK: Yeah.

KENNETT: Okay.

WOYCHUK: So I mean I could see it if I got out.

KENNETT: But not this way?

WOYCHUK: It was... I can't recall. It was quite a distance down and there's no link in the ditch there so.

KENNETT: Okay. And what about. I understand Constable GRAHAM was at the scene as well?

WOYCHUK: Yeah.

KENNETT: Where was he in...?

WOYCHUK: I don't recall what he was doing. Him and, him and Harry were on the scene doing whatever they were doing. To be honest with you, I don't know. I saw, a few times I looked and I could see Harry walking up and down but I didn't know what he was doing.

KENNETT: Okay.

WOYCHUK: And I didn't stop him and ask him what he was doing.

KENNETT: Um-huh. Alright. And as far as documenting, documenting your notes, how did that, was there any conversation about that, ah, between you and Chief BAKEMA?

WOYCHUK: I guess after that was another concern, ahm, not as, not as big a concern for me but I mean, I didn't make my notes at the time...

KENNETT: Um-huh.

WOYCHUK: ...when I was here.

KENNETT: Um-huh.

WOYCHUK: I made notes after and I think, I know I came off the night shift so I'm assuming that I worked the night shift that night again.

KENNETT: Um-huh.

WOYCHUK: So I worked at 9 o'clock or... I'm not sure if that was before a schedule change but anyway, so I would have been in that night. And I think I came in early and I was making notes on it. And I mean the concern that I have was that there was the paramedic that made comment to me about he could have been drinking and that wasn't in my notes obviously that.

KENNETT: Um-huh.

WOYCHUK: I mean, that was a concern of mine, too.

KENNETT: Um-huh.

WOYCHUK: That I brought forward to Norm.

KENNETT: Um-huh.

WOYCHUK: So. But I mean for any conversation I had with Chief BAKEMA, I guess it was kinda everybody had their notes made up and kind of, I'm not gonna say they were telling me what to put but it was kind of follow, follow those orders we got and everything and.

KENNETT: Well did you see their notes?

WOYCHUK: I believe I did see their notes, yeah.

KENNETT: Um-huh. And who, who is "they"?

WOYCHUK: Well Harry and Ken had notes done. I mean, I believe...

KENNETT: Okay. Ken is, Ken is Constable GRAHAM?

WOYCHUK: Constable GRAHAM. And I believe I still have... I was involved with Norm there for quite awhile, too, after I got back to the office so I mean, my notes are all... I don't know how to explain it to you. Like I don't. I guess, I guess when I made my notes when I came in that night, Harry was there and there was certain things, "Like don't..." Because I asked them, "Like what do I say about this? Like how do I make up for all this time and...?"

KENNETT: Um-huh.

WOYCHUK: They said, "Don't. Just put in there, just, just put that you have him in the back of your vehicle and you're taking him to the office."

KENNETT: Um-huh.

WOYCHUK: But I mean, for me, that was kind of a concern of mine.

Why?

KENNETT: Um-huh.

WOYCHUK: So.

KENNETT: Um-huh. And did you ask him, "What about the conversation you had with the paramedic?"

WOYCHUK: I don't recall if I asked him. Like I never asked him for any direction on what to put in my notes, but I know I had mentioned it and it was kind of, "Just don't put that in there."

What not to put in?

KENNETT: Um-huh.

WOYCHUK: So.

KENNETT: Okay. And who said, "Don't put that in there."

WOYCHUK: I believe Harry said that. Well it was Harry that I was having the conversation with, so.

What
really
put

KENNETT: Yeah. Okay. Ahm, as far as descrip... I'm gonna take you back to the scene again with BAKEMA. As far as descriptions, as far as him describing the condition of, and we're talking, when we say "Harvey MORDEN-ZENK", it's, ah, Derek Grant Harvey MORDEN...

WOYCHUK: Yeah.

KENNETT: ...ZENK?

WOYCHUK: Yeah.

KENNETT: Okay. Ahm, BAKEMA, I believe, used the words "distraught". Do you recall that word being used at all? Is that a word that he used...

WOYCHUK: It could be, I'm not...

KENNETT: ...in front of you? It's just, it's a word that I've seen, ah, in his notes that he's used. And you did bring it up, so I'm just asking you...

WOYCHUK: Yeah.

KENNETT: ...about it now, so.

WOYCHUK: I guess, I don't. You want to know if I heard him say that or?

KENNETT: Like do you recall him using that word like at the scene when he got the...

WOYCHUK: No, I don't recall him using that word at the scene.

KENNETT: Okay.

WOYCHUK: To me anyway, but.

KENNETT: Okay. But when ZENK was brought over to you, you, you didn't really give me any specifics because you said it's hard to remember but as...

WOYCHUK: Well it wasn't a long conversation. What it was, it was, "Jason, this is the driver to the truck basically..." Like and I'm not going word for word because I actually...

↑

KENNETT: No, I...

WOYCHUK: ...don't remember it word for word.

KENNETT: Yeah.

WOYCHUK: Basically it was, "Jason, this is the driver of the truck. I'm gonna put him in your car for now. Put him in there. And he's a WPS member and there's a possibility he could be impaired." And then I was, "Well what do you want me to do, Harry?" It's, ah, "Don't do anything yet. I'm gonna phone Sergeant CARTER and get him to come to the scene."

KENNETT: Um-huh.

WOYCHUK: And then at some point I was in there and I was wondering like what's going on here?

KENNETT: Um-huh.

WOYCHUK: I saw Harry close by so I called Harry over. I'm like, "Harry, what do you want me to do?"

KENNETT: Um-huh.

WOYCHUK: He said, "Don't do anything. I've got ahold of Sergeant CARTER, he's coming to the scene." And then it was shortly after, I don't recall if I approached Harry...

KENNETT: Um-huh.

WOYCHUK: ...or if he came to me and said, "Okay, Norm's going to the office. Meet him at the office."

KENNETT: (Nodding her head acknowledging she understood)

WOYCHUK: Because I mean there was, it wasn't a long conversation I had with Harry at the scene.

KENNETT: Um-huh.

WOYCHUK: I mean it was just basically, "I'm putting him in there." He just basically gave him to me, just dumped him in my vehicle and.

KENNETT: Um-huh. Did he say he was concerned about his well-being or anything like that?

WOYCHUK: Well he said, "Keep him here." There was, ah, it was brought up like,

"The ambulance is coming".

KENNETT: Um-huh.

WOYCHUK: I mean, I don't recall exactly if he said, "I'm concerned about his health" or anything, but "Keep him here. The ambulance is gonna come." I'm sure that was said to you.

KENNETT: Okay.

WOYCHUK: Like I don't recall the conversation word for word.

KENNETT: Um-huh.

WOYCHUK: Or recall the basics of it. I recall the part, the most I guess, I recall the part that concerned me.

KENNETT: Um-huh. Okay. Ahm, and as far as any con, ahm conversations with Chief BAKEMA later on, you've already indicated about the notes, the conversation that following evening when you came back to work.

WOYCHUK: Yeah.

KENNETT: That was awfully late for the Chief to still be at the office, was it, wasn't it?

WOYCHUK: Yeah, but he was there 18 hours a day anyway, so it wasn't any...

KENNETT: Oh, is that? So that would be normal for him?

WOYCHUK: It wasn't any different, no.

KENNETT: Okay. So...

WOYCHUK: He was... You know what? He was in and out and you never knew when he'd be there and...

KENNETT: Okay.

WOYCHUK: ...he'd leave at 5 o'clock.

KENNETT: A workaholic?

WOYCHUK: Basically. I don't know what he did. I don't know if you... But I mean, he'd come in. He'd leave to go home for supper at 5:00 and he'd be back at 7 o'clock and he'd be there till 10:00, 11:00, 12 o'clock some nights. Like it all depended.

KENNETT: Hm.

WOYCHUK: To me, there was no set schedule for him.

KENNETT: Okay.

WOYCHUK: So, no, I wouldn't find that weird that he'd be in there.

KENNETT: Alright. And as far as, ahm, ah, specific conversations that you've had with Chief BAK, BAKEMA since this scene happened, like since this accident happened and you were at the scene and then you went back to the Detachment, since that time what kind, what kind of conversations have you had with the Chief with regards to either your notes or the disclosure or any concerns?

WOYCHUK: I guess the only conversation would have been when I came back in that evening.

KENNETT: Um-huh.

WOYCHUK: And I was making my notes and there was, I guess, conversation going on or whatever like.

KENNETT: Um-huh.

WOYCHUK: Since then I don't, I don't recall any conversation that wasn't something like that.

KENNETT: Okay. Have you heard any, ahm, rumours around the office or any, anybody come up to you with concerns about the upcoming trial on this matter?

WOYCHUK: Um, not really. I guess probably if there were, it was probably me being concerned.

KENNETT: Um-huh.

WOYCHUK: Because I mean, I, I spoke to Norm. Like I don't recall if, I'm sure I would have said something that day when I got into the office because I wasn't, I don't think I was too happy about the whole situation like. I guess the way to put it is I was there as the second unit on the scene. I wasn't in charge of the scene. I was given orders by the Chief or direction on how to do something, and it wasn't necessarily how I would have done it.

KENNETT: Um-huh.

WOYCHUK: But I mean, I was following my direction.

KENNETT: Um-huh.

WOYCHUK: And I kinda felt after, and during that time I guess, I kinda felt that it was kinda just being dumped on me.

KENNETT: Um-huh.

WOYCHUK: So it was a WPS member, you know, like everybody's got to do what you've got to do, right?

KENNETT: Um-huh.

WOYCHUK: You can't change that. But I felt like it was being pushed onto me...

KENNETT: Um.

WOYCHUK: ...when I wasn't in charge or.

KENNETT: Um-huh.

WOYCHUK: So I guess, I'm sure I said something to Norm that day when I got to the office.

KENNETT: Like the day after the accident you mean?

WOYCHUK: The day of.

KENNETT: Oh, the day of?

WOYCHUK: The morning of.

KENNETT: Okay.

WOYCHUK: Like I returned, I went to the office, I met the Sergeant there, Sergeant CARTER.

KENNETT: Um-huh.

WOYCHUK: Then what was done there was Norm arrested him and read him all his charter and caution, his reprimand, his refusal and that.

KENNETT: Um-huh.

WOYCHUK: So I mean, and after that point I think I left the office at sometime around 11 o'clock and that I was basically, I was done with the

incident.

KENNETT: Um-huh.

WOYCHUK: Then I made my notes that day. Then I took a statement at a later time, I'm not sure what day it was,...

KENNETT: Um-huh.

WOYCHUK: ...from a witness.

KENNETT: Um-huh.

WOYCHUK: And that was basically where my involvement ended, I guess. When I left at 11 o'clock that day, my involvement basically ended.

KENNETT: Okay. So prior to 11 o'clock, before you left that day, ahm, you said you believe you, it was at that time that you thought you had a conversation with, ah, him?

WOYCHUK: Well I think I mentioned something to him that I kinda felt like it was kinda getting dumped on me.

KENNETT: Um-huh.

WOYCHUK: So I guess that's kinda how I felt then.

KENNETT: Um-huh. And what, what did he say? Do you remember?

WOYCHUK: I don't recall.

KENNETT: Hm. So you said that you felt it was being dumped on you?

WOYCHUK: I kinda felt that way. Like, ah, just how it was given to me, I mean. And then he made the comment to me that he could be impaired but not to do anything because Sergeant CARTER is being called out to come.

KENNETT: Hm.

WOYCHUK: Like I guess, to me, it would have been, "If you're dealing with this guy, Harry, and you believe he's impaired, then maybe you should arrest him or".

KENNETT: Um-huh.

WOYCHUK: Instead of just putting him in my care and then leaving it for me.

KENNETT: Um-huh.

WOYCHUK: And then telling me not to do anything.

KENNETT: Hm.

WOYCHUK: So.

KENNETT: Um-huh.

WOYCHUK: I guess if I would have mentioned something to Norm, it would have been something in regards to that then.

KENNETT: Did you tell Norm that all of this that you've just told me now on that day?

WOYCHUK: Did I tell him all that day? I don't recall exactly what I told him as far as, as far as this goes. Like I don't recall exactly what I said to Norm. I know that I probably, I really - You know what? - I really don't recall the conversation I had with Norm.

KENNETT: Um-huh. Okay. But you know you were, you were upset that you were being basically put in the middle of this and being told to act one way, right?

WOYCHUK: Um-huh.

KENNETT: Is that, is that a, is that fair?

WOYCHUK: I guess that was accurater. Yeah, that's.

KENNETT: Ahm, and you told Norm about that, that you,...

WOYCHUK: Yeah, like...

KENNETT: ...you felt that you were?

WOYCHUK: I believe I just said that. Yeah, something to that regards.

KENNETT: That you were, ah, in between or that you were being told to do something that you didn't want to do or?

WOYCHUK: Well not necessarily what I didn't want to do but I was being given direction and, not necessarily something I didn't want. I'm just trying to think how to put this. Given direction in something that basically he should have dealt with maybe because he was in charge of the scene.

KENNETT: Um-huh.

WOYCHUK: And if he wanted to give me the direction just to hold onto this guy until the Sergeant came out and not do anything,...

KENNETT: Um-huh.

WOYCHUK: ...then maybe he should have done that.



KENNETT: Hm. Okay.

WOYCHUK: Like if he would have just given him to me and not put the comment about "He could be impaired" or "He's a WPS member", I mean, I could have dealt with the stuff myself, right?

KENNETT: Um-huh.

WOYCHUK: And I probably, to be totally honest with you, I really didn't pick up on signs of impairment...

KENNETT: Um-huh.

WOYCHUK: ...at that point.

KENNETT: Um-huh.

WOYCHUK: Whether it was the fact that I had a cold and I didn't get a strong odour, or whether I was misunderstanding signs of the symptoms for, signs and symptoms of stress or just being in the accident or being injured or whatever.

KENNETT: Um-huh. So I guess at what point then did you start to see signs of impairment then?

WOYCHUK: I guess probably I got a slight odour of liquor when I was in the vehicle at one point. And I believe it was after, after the ambulance had dealt with him.

KENNETT: Um-huh.

WOYCHUK: I took him back to the office and then once he was out of the vehicle and walking, I started seeing other things, too.

KENNETT: Okay. What did you see?

WOYCHUK: Well I saw he was stumbling a little bit.

KENNETT: Um-huh.

WOYCHUK: Ahm, I guess slurring his speech a little bit. He didn't really even talk to me before that.

KENNETT: Um-huh.

WOYCHUK: And I didn't really, I didn't see him walking before that either, so.

KENNETT: Um-huh.

WOYCHUK: But I mean, at that time, too, I still could have mistaken those, those same symptoms for, of being in an accident.

KENNETT: Hm. Okay. So... Oh, go ahead. Were you...

WOYCHUK: No, just.

KENNETT: Ahm, did you have any conversations with, ah, Constable Gen, Ken GRAHAM at the scene?

WOYCHUK: No, I didn't really have any contact with him at all.

KENNETT: Do you know what he was doing?

WOYCHUK: No, I don't. I'm not sure what.

KENNETT: Okay. And how about, ahm, after, after the accident back at the office the next day or later on the next few months or whatever, what kind of conversations have you had with him?

WOYCHUK: There wasn't really much conversation at all. Like I mean, (pause) like I don't really recall any conversations regarding... I mean, I was there, we obviously probably discussed it, but I don't recall anything out of the ordinary or.

KENNETT: Okay. Was, ah, what was your relationship with Constable Ken GRAHAM?

WOYCHUK: I worked with him,...

KENNETT: Okay.

WOYCHUK: ...I guess.

KENNETT: Anything else?

WOYCHUK: No, not really. I mean I'm, I could be friends with him, I guess, like I

mean as anyone else that you work with.

KENNETT: Um-huh. Did he train you at all?

WOYCHUK: He was supposed to. I don't recall him ever training me. He was supposed to be with me for the first month but I don't recall anyone being with me.

KENNETT: So you were...

WOYCHUK: I was probably on my own for the first month, so.

KENNETT: You were by yourself but Constable Ken GRAHAM was supposed to train you?

WOYCHUK: When I got hired, I was told that, yeah, he was gonna train me for the first month. He was gonna. And I believe we were on the same shift but I don't recall ever really. I mean at some points, yeah, he was with me but I don't recall...

KENNETT: It wasn't...

WOYCHUK: ...him training me, no.

KENNETT: It was a form, a formal thing...

WOYCHUK: It wasn't...

KENNETT: ...that he...

WOYCHUK: It wasn't training in my eyes.

KENNETT: Hm. Okay.

WOYCHUK: It was kind of be with you for the first month but here's a car, go.

KENNETT: Hm.

WOYCHUK: Go learn your way around.

KENNETT: So was it then expected of you to be out on your own and just get out there and do,...

WOYCHUK: Yeah, there was no...

KENNETT: ...do your job?

WOYCHUK: There was no requirements for field training or anything there, no policy

on that.

KENNETT: And any conversation we've covered already the paramedics - Right? - between FONTAINE and, ah, ROSSER. Ah, Ted ROSSER is the one that you believed who checked...

WOYCHUK: Yeah, I recall that name. I don't, I think it's in my notes, too, there. Maybe that's why I remember it. But I don't recall if that was the one that dealt with Derek or not.

KENNETT: Okay. Would you...

WOYCHUK: There was one that was in the back seat.

KENNETT: Um-huh. Do you want to just check your notes there and see?

WOYCHUK: Sure. (Referring to his notes) Yeah, it was Ted ROSSER speaking with Derek.

KENNETT: And did you have any other conversations with any other, ah, paramedics aside from ROSSER and his partner FONTAINE at the scene?

WOYCHUK: Not that I recall, no.

KENNETT: And you did mention already that there was a later date that you did take a statement.

WOYCHUK: Yeah.

KENNETT: Ahm, and I have that dated March 14th, 2005 that, ah, it was in your, I believe it's in your incidental report?

WOYCHUK: Yeah, it's in my record here. Yeah, it's right here.

KENNETT: Ahm, that you had spoke to, ah, Don FOTTI?

WOYCHUK: No, ah, Garth SHAW.

KENNETT: Huh?

WOYCHUK: Oh.

KENNETT: I'm sorry.

WOYCHUK: Okay.

KENNETT: I'm skipping ahead. I'm talking to, about a paramedic here.

WOYCHUK: Okay, that. Ahm, yeah, I went to fire hall there on - I can't remember which street it is in Winnipeg. I guess the purp, I was supposed to go down there to get a statement or to make arrangements for a statement to be taken.

KENNETT: Um-huh.

WOYCHUK: I just, they said they never talked to him at all. They had no contact with the accused at the scene. And that was...

KENNETT: Okay. Who, who sent you down there to do that?

WOYCHUK: I don't recall. Probably Harry. I don't recall for sure though.

KENNETT: Okay. And you were asked. What was, what exactly were you supposed to ask about?

WOYCHUK: I, I recall just being asked. I was supposed to go down there and I can't remember if I was supposed to take the statement there or just try and make arrangements for them to come in and give a statement regarding any dealings they had with the accused...

KENNETT: Um-huh.

WOYCHUK: ...at the scene.

KENNETT: Alright. Ahm, well had... And did you speak to Don FOTTI personally on that day or?

WOYCHUK: Yeah, I went down to the fire hall there and I spoke to Don FOTTI.

KENNETT: And you?

WOYCHUK: And then he spoke to his partner.

KENNETT: Um-huh.

WOYCHUK: And they said that they never dealt with Derek ZENK at all.

KENNETT: Okay. And that's what you were...

WOYCHUK: They had no contact.

KENNETT: That's what you were there for, to find out...

WOYCHUK: Yeah.

KENNETT: ...if they had any contact with him?

WOYCHUK: Yeah, we were just to go find out if they had contact with him.

KENNETT: And do you know why?

WOYCHUK: To know if they did.

KENNETT: Okay.

WOYCHUK: No, I don't recall. I guess just everyone who was on the scene, I guess they wanted statements. I don't know.

KENNETT: Um-huh.

WOYCHUK: Or anyone that had contact with him, I guess. I don't know.

KENNETT: Right. Okay. And you, at that time, you said that you thought it might have been Harry's direction to go take that statement?

WOYCHUK: Yeah, I believe it was. I don't recall the exact date or what he said. I recall it being that he told me to go talk to those guys.

KENNETT: Alright.

WOYCHUK: But I don't recall. I don't recall the date that he told me or...

KENNETT: Right.

WOYCHUK: ...times or.

KENNETT: Well that's fair enough. And, ahm, as far as you knew though, as far as March 14th, 2005, which is, I guess, a couple weeks after the accident had occurred,...

WOYCHUK: Yeah.

KENNETT: ...whose file was this, the accident scene or the accident?

WOYCHUK: I guess it was Harry's or Ken's, I don't know. To be honest with you - You know what? - I basically, at 11 o'clock that day when I went home from my overtime, I came in that night. I made my report and I made my notes. And that was basically, other than going and taking this witness statement from Garth SHAW and going to the fire hall and speaking to Don FOTTI, that's all the involvement I had and I didn't really ask any more questions about it, so.

Handwritten signature: Harry or Ken

KENNETT: Um-huh. Okay. And who, who tasked you to go speak to Garth SHAW?

WOYCHUK: I believe Harry asked me to go speak to him.

KENNETT: Um-huh.

WOYCHUK: They had made, he had a prearrangement with him to go and speak to him, okay, to see him and I took a statement at his house.

KENNETT: Um-huh. Alright. And he, we've already reviewed that statement obviously, so you don't need to comment on that. But, ah, was there anything, ah, unusual that came out of that statement with Garth SHAW?

WOYCHUK: No.

KENNETT: That you recall?

WOYCHUK: No.

KENNETT: Okay. And Constable PETERSON's role at the scene, you said that Constable PETER...

WOYCHUK: Actually... Go ahead, I'm sorry.

KENNETT: Oh, Constable PETERSON, what's the first name?

WOYCHUK: Glenda.

KENNETT: Glenda?

WOYCHUK: Yeah.

KENNETT: Ahm, did she arrive after you?

WOYCHUK: Yeah.

KENNETT: Okay. And do you know what she was, what was her role there at the scene?

WOYCHUK: Just directing traffic, as far as I know.

KENNETT: Alright.

WOYCHUK: She was parked about like, I guess, a way, like ah the weigh scales (drawing) or the truck was down the middle.

KENNETT: Um-huh.

WOYCHUK: And then it'd be, the merging lane would be probably somewhere around here (indicating on diagram) onto 101 west from 59 south. So I believe she was probably parked somewhere here directing traffic west onto 101 inside the street here (indicating on diagram).

KENNETT: Did she, at any time, come over to your vehicle where ZENK was?

WOYCHUK: No.

KENNETT: Okay. And how about Constable KRAWCHUK (phonetic)?

WOYCHUK: I don't. Honestly, I don't remember Constable KRAWCHUK at the scene at all. I think that he had involvement later.

KENNETT: Um-huh.

WOYCHUK: Because I think he was a D2 shift which would have started at 11 o'clock.

KENNETT: Um-huh.

WOYCHUK: Actually, I recall me leaving as he was coming.

KENNETT: Um-huh.

WOYCHUK: So I don't, I would not.

KENNETT: Leaving the scene, or leaving the office?

WOYCHUK: No, leaving the office.

KENNETT: Oh.

WOYCHUK: So I would have no idea what his involvement was in the incident.

KENNETT: Okay.

WOYCHUK: I believe he was just at the office with, I think he actually... At the time we just had a cell, no bathroom, so I think he was involved in when he had to go to the bathroom, he took him to the bathroom, I think.

KENNETT: Um-huh.

WOYCHUK: And I don't know if he had any more involvement.

KENNETT: Okay. You have, ah, at the Detachment, you have one jail cell?
WOYCHUK: Yeah, we used... That was our old side. We're in a new building now. But at the time, there was one holding cell.

KENNETT: And that was it?
WOYCHUK: Yeah. I think there was two, but one was storage, I believe.

KENNETT: Okay. What can you tell me about a uniform shirt that was located at the scene?
WOYCHUK: I heard there was. I heard from Ken and from Harry that there was a uniform... *Uniform - shirt*

KENNETT: Um-huh.
WOYCHUK: ...taken from the truck. I never saw it. I just, and in the report, I read the report and it said that it was seized for whatever reason I don't recall. *seized*

KENNETT: Okay. But you didn't hear any conversations about that at the scene?
WOYCHUK: No, I heard it after.

KENNETT: After?
WOYCHUK: That there was a uniform that was taken from the truck.

KENNETT: Okay. And...
WOYCHUK: A Winnipeg Police uniform.

KENNETT: Alright. And did you ever see it at the...?
WOYCHUK: No, I didn't.

KENNETT: Okay. Ahm, and prior to you leaving the scene here, did you see any tow trucks on the scene at all?
WOYCHUK: Um. I don't recall for sure. To be honest with you,...

KENNETT: Um-huh.
WOYCHUK: ...they might have been there moving some of the vehicles.

KENNETT: I'm not sure either, I'm just asking. I have no idea.
WOYCHUK: Yeah, I don't recall honestly like. There was three vehicles. I know

that. I'm pretty sure this guy (pointing to diagram) was still here like. Probably not actually, like you know what? I don't recall. It's not something I recall but I mean they were there all day doing their traffic analysis, so.

KENNETT: Okay.

WOYCHUK: I mean they'd probably have been in the vehicles there for that time, too.

KENNETT: And did you observe anybody taking photographs at the scene, any police officers taking photographs?

WOYCHUK: I think Ken had a camera and was taking photos. I saw photos after.

KENNETT: Um-huh.

WOYCHUK: So there was. I'm pretty sure it was Constable GRAHAM that took photos.

KENNETT: Okay. And I think I asked you this already. But prior to this accident, had you ever dealt with an impaired driver before?

WOYCHUK: Yes, I have. Yeah.

KENNETT: Okay. How many times would you say you've dealt with an impaired driver?

WOYCHUK: Um, I don't recall for sure. I mean when I was auxiliary, I did a few times. I was never really the investigating officer or nothing, I was just riding with someone.

KENNETT: Um-huh. So you personally,...

WOYCHUK: Yeah.

KENNETT: ...did you, how many dealings have you had?

WOYCHUK: Ahm, I couldn't. You know what? Maybe four or five. I don't recall for sure.

KENNETT: Um-huh.

WOYCHUK: I don't think that's too far off. I mean, I'm sure I had a few...

KENNETT: Okay.

WOYCHUK: ...from when I did work at East St. Paul before this.

KENNETT: Um-huh.

WOYCHUK: I know I had a few in Roseau River when I was with DOPS.

KENNETT: Um-huh. Alright.

WOYCHUK: So maybe, maybe four or five, maybe six or seven. I don't know for sure. I'd have to...

KENNETT: Okay. And the day of the accident, you said already you were supposed to be off at 7:00 in the morning.

WOYCHUK: Yeah, it was a night shift.

KENNETT: You had worked during the night.

WOYCHUK: Yeah.

KENNETT: And your night shift was from what time till?

WOYCHUK: 9:00 p.m. till 7:00 a.m.

KENNETT: Okay. So that's what?

WOYCHUK: Ten hours.

KENNETT: Ten hours?

WOYCHUK: Yeah.

KENNETT: And you had four months' service at the time?

WOYCHUK: Yeah, just under.

KENNETT: You had no trainer although, I guess, technically...

WOYCHUK: Well technically I did but I really didn't have field training.

KENNETT: Um-huh. How much service did, ah, Constable GRAHAM have at that time?

WOYCHUK: I don't know for sure. Probably three plus years in total.

KENNETT: Um-huh.

WOYCHUK: He worked for Dakota Ojibway Police as well.

KENNETT: Um-huh.

WOYCHUK: So I don't know. Including both, I don't recall. Three plus years.

KENNETT: And since this has all transpired then, how would you describe your relationship with Constable GRAHAM now?

WOYCHUK: What do you mean? Since this?

KENNETT: Um-huh.

WOYCHUK: Well there's a lot of other stuff that we don't want to get into. I mean like with the Department that's gone on, but basically just my relationship with anyone is basically just a friendship with people you work with. Like I spend time with various people at work that I spend time with and there were... I never did spend time with Ken but I mean there's other guys that I work with that I fish with and...

KENNETT: Um-huh.

WOYCHUK: ...hang out with off work, too, like. So I guess it would just be a work, a work friendship.

KENNETT: A working relationship?

WOYCHUK: A work relationship.

KENNETT: Okay. And how about, ah, Sergeant CARTER?

WOYCHUK: My relationship with him?

KENNETT: Yeah.

WOYCHUK: I guess it's always just been kind of a professional you're the Sergeant and you're the Chief now and.

KENNETT: Okay. And Chief BAKEMA at the time?

WOYCHUK: It was basically just professional, our relationship as well.

KENNETT: Um-huh. So I guess, ahm, the question is then: Did anything change from before the accident with these relationships with these officers I just mentioned, to after? Was there any change that you've experienced?

WOYCHUK: Um, no, I wouldn't. I would say no probably.

KENNETT: No?

WOYCHUK: No real change. I mean I guess I don't really know how to answer that but.

KENNETT: Well were you frie, were you friends with them before the accident and afterwards you're still friends? Or has it just always been a professional relationship?

WOYCHUK: Yeah, it was always professional. But there was a friendship involved, too. I mean like the people you work with you associate with. Like I'm not saying out of work or not but...

KENNETT: Um-huh.

WOYCHUK: ...you can, I consider people I work with "my friends" so.

KENNETT: Um-huh.

WOYCHUK: But nothing changed before or after really, no. It was never, there was no turning point here for anything.

KENNETT: Ah, would you consider Constable GRAHAM a friend then, right now?

WOYCHUK: I still talk to him once in awhile. Maybe once every couple weeks he'll phone me or I'll phone him but just to see how things are going or what's new. But no, I don't. Outside of work, no, I don't. Well I guess not even at work now but...

KENNETT: Yeah, because he doesn't work there, right?

WOYCHUK: ...I don't associate with him. I don't go out with him or do stuff like that.

KENNETT: Alright.

WOYCHUK: So I mean, whatever is left of a working relationship, I guess.

KENNETT: And, but Constable GRAHAM no longer works there, is that right?

WOYCHUK: Yeah, he no longer, he resigned.

KENNETT: And the same with Chief BAKEMA?

WOYCHUK: Yeah.

KENNETT: Okay. Alright. Now I want you to go back to, ahm, as far as the

direction that you were provided at the scene, ahm, I think to, to ahm summarize it from what you've said - and please correct me if I'm wrong here -...

WOYCHUK: Um-huh.

KENNETT: ...ahm, you said that Chief BAKEMA brought ZENK over to your car and Chief BAKEMA put him into your car?

WOYCHUK: Yeah, I got out of the vehicle as they were walking up, just as they walked up.

KENNETT: Um-huh.

WOYCHUK: He said, "This is the driver of the truck, I'm gonna put him in your vehicle."

KENNETT: Um-huh.

WOYCHUK: I might have opened the door. I mean, I never told him to get in there or anything but.

KENNETT: Um-huh. Okay. And let's... He, he closes the door. Is that when he has the conversation with you about who he just put in your car?

WOYCHUK: Yeah, it was a very brief conversation. It was just that: "It's a WPS member. He's possibly impaired. Hold onto him here. Just keep him in your vehicle."

KENNETT: Um-huh. Ahm, did he mention anything about the paramedics coming at that time or anything to do with that?

WOYCHUK: Yeah, I'm not sure. I believe there was something that the ambulance is coming. I might have asked him, "Is there an ambulance coming?"

KENNETT: Um-huh.

WOYCHUK: I don't... Like just keep him here when the ambulance comes.

KENNETT: Alright.

WOYCHUK: I don't recall exactly what it was, or if it was just.

KENNETT: Okay. Did Chief BAKEMA use the words, "He's pissed"? Like the word "pissed", did he use that word at all to describe him?

WOYCHUK: No. I recall him saying that "He's impaired", "possibly impaired".

KENNETT: The words "possibly impaired"?

WOYCHUK: Yeah.

KENNETT: Not, not "pissed"?

WOYCHUK: No, I don't recall him saying "pissed".

KENNETT: Ahm, would you have used the word "pissed" to describe someone that may be impaired or is that?

WOYCHUK: Possibly, yes.

KENNETT: That's a word that you would normally use?

WOYCHUK: Yeah, it's a word that you could associate with being drunk or impaired.

KENNETT: Okay. I'm not saying that I could or somebody else could, I just mean you personally. Would that be a word that you would use to describe someone that's impaired?

WOYCHUK: Possibly. I don't recall. Like I don't, I don't know. I'm sure I've said it before. I don't know if I'd say it at work or if it's just kind of a term, whatever,...

KENNETT: Um-huh.

WOYCHUK: ...but I mean I don't. It could be possibly.

KENNETT: Okay. And so then you've got this guy in the back of your car and you said that you did try to talk to him, ah, during your activities of watching for the traffic and getting out and slowing traffic down and then going back into the front of the police car, right?

WOYCHUK: Um-huh.

KENNETT: Ahm, and you did say that you had seen his ID?

WOYCHUK: Um-huh.

KENNETT: And that would have been through the window or the slider or?

WOYCHUK: Yeah, that would have been his driver's licence.

KENNETT: Alright. Did he say any other comments to you?

WOYCHUK: He didn't say anything to me. He wouldn't talk to me at all.

KENNETT: What was he doing back there?

WOYCHUK: He was just sitting there.

KENNETT: Do you know...

WOYCHUK: It looked like he was in shock.

KENNETT: Um-huh. Like what made you...

WOYCHUK: I remember, I recall asking him, "Like are you okay? Like are you hurt?"

KENNETT: Um-huh.

WOYCHUK: I recall saying that there's an ambulance coming and stuff like that.

KENNETT: Um-huh.

WOYCHUK: We'll get you checked out.

KENNETT: Um-huh.

WOYCHUK: That was basically it. I just recall him sitting there and he was, I could see him swallowing really hard.

KENNETT: Hm.

WOYCHUK: Like I thought maybe there might have been something wrong. Like it was just kind of (pointing his hand under his chin) like a really dry kind of swallow. Like it was.

KENNETT: You're pointing to your, your chin there.

WOYCHUK: Yeah, like I could see it. Like I could see it. Like it just looked like it almost hurt when he swallowed. Like it was.

KENNETT: Hm.

WOYCHUK: Like whether he was in shock or whether he was injured or whatever.

KENNETT: Um-huh. Okay. And ahm, alright. So he doesn't talk to you and at that time you said that you, ahm, I guess you said you'd made observations of a slight odour of liquor. Ah, and at what point was that again? Where, when did you?

WOYCHUK: I don't recall exactly. I believe it was later on after the ambulance was there and so on.

KENNETT: Okay. And it was, ah, you referred to your notes, it was Ted ROSSER that checked him out and he refused...

WOYCHUK: Yeah.

KENNETT: ...treatment.

WOYCHUK: Yeah, he signed a waiver.

KENNETT: Alright. And Ted ROSSER gave you the indication. You're not sure of the wording or something like that?

WOYCHUK: Yeah, I don't recall. I think he just kind of said, he got out, kind of shut the door. I might have been, "He is done?" He's like, "Yeah".

KENNETT: Um-huh.

WOYCHUK: He told me that he refused and he said, "He might be drunk, eh" or "He could be drinking". I don't recall the wording or.

KENNETT: Okay.

WOYCHUK: It was just a brief comment, I mean.

KENNETT: Okay. And, and so from that point, what did you do?

WOYCHUK: At that point, shortly after I was instructed to take him to the office.

KENNETT: Um-huh.

WOYCHUK: And Sergeant CARTER was waiting or on, on his way.

KENNETT: Um-huh.

WOYCHUK: So that's what I did, I took him to the office. And then I arrived at the office. I pulled up to the back door. I went inside the office and I met with Norm. I believe I met with him in the... There's a back room where we had our holding cell.

KENNETT: Um-huh.

WOYCHUK: Alright. I believe I met him in the hallway maybe and then we walked to the back.

KENNETT: Um-huh.

WOYCHUK: Then I kinda told him what happened. I told him there was an accident, a fatal. I mentioned comments that were made about possible

impaired.

KENNETT: Um-huh.

WOYCHUK: And I believe I said that I got a slight odour of liquor coming from him.

KENNETT: Um-huh.

WOYCHUK: Then Sergeant CARTER came outside with me and then he started dealing with him at that point.

KENNETT: Okay. And you were with Sergeant CARTER when he was, ahm, speaking to him?

WOYCHUK: Yes, I was.

KENNETT: And that was where in the office?

WOYCHUK: That would have been in the back room. He put him into the holding cell. My notes say "holding cell one". That's the only cell we ever had.

KENNETT: Okay. And, ah, were you there when, when Sergeant CARTER read him the breath demand and the arrest for impaired driving?

WOYCHUK: Yes, I was, yeah.

KENNETT: Alright. At any time did, ahm, Sergeant CARTER ask you, ah, who the deceased was? Or did you, did you know who the deceased was at that time? Or did you know there was a deceased at that time?

WOYCHUK: I knew there was a deceased. I don't recall if he asked me. And I don't recall if I would have known the name at that time either. I knew there was someone that was deceased though.

KENNETT: Um-huh. Alright. And prior to you leaving, you said that, ah... I guess you got back to the office just shortly after 8 o'clock. And between 8:00 and 11:00, ahm, what were you doing there during that period between 8:00 and 11:00?

WOYCHUK: I was with Sergeant CARTER. Ahm, he arrested the accused. Ahm, he did a breath demand, a refusal.

KENNETT: Um-huh.

WOYCHUK: And I was just basically there. He was on, he was talking to his lawyer. And I was in the office. I don't recall exactly what I was doing

but basically just, I was observing what Sergeant CARTER was doing at the time.

KENNETT: Um-huh. Alright.

WOYCHUK: It might have even... I'm not even sure, it might have been earlier when I left. But I recall it being around 11 o'clock.

KENNETT: Um-huh. Were you there when, ah, ZENK's lawyer arrived?

WOYCHUK: No, I wasn't, I was gone.

KENNETT: So you were, it was prior to that?

WOYCHUK: Yeah. I wasn't. No one arrived while I was there. I heard after that quite a few people showed up but that was after I was gone.

KENNETT: Okay. Now, ahm, prior to you leaving, you already mentioned that you had made, you had mentioned some concerns with, ah, Norm CARTER about, ah, the direction or the, I guess, lack of dir, well the direction that you received at the scene as opposed to, ah, acting upon what you had there or?

WOYCHUK: I guess, yeah.

KENNETT: I, I'm trying, just trying to get some clarity on that...

WOYCHUK: Yeah, just...

KENNETT: ...so it's clear, that's all.

WOYCHUK: I guess some direction that I got, just I probably, like I don't recall what I said to Norm. I'm pretty sure I said something about, just that the direction wasn't really good direction from my point of view. Like it was like he could be impaired or he could be drunk or, like I don't, and then it's just, "Hold onto him, Sergeant CARTER is gonna come down. We're gonna get him, he's gonna come to the scene."

KENNETT: Um-huh. Okay. So when you first got back to the police station then and you went in the room to talk to Norm, is that when you told him what, what had happened? Is that what you filled him in on?

WOYCHUK: Well I told him, I filled him in on what happened at the accident scene and that. I don't recall the facts, when I said it or not.

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Comments
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KENNETT: Um-huh. Okay. And what did Norm say when you, when you told him that you weren't happy about this direction that you'd been given?

WOYCHUK: I don't really recall, to be honest with you, what Norm said to me.

KENNETT: Okay.

WOYCHUK: I really don't. You know what? I didn't make notes on what I said or what he said to me.

KENNETT: Um-huh. Ahm...

WOYCHUK: I don't, I just, I really don't recall that. Like I know that I've spoke to Norm on this on a few occasions.

KENNETT: Um-huh.

WOYCHUK: So.

KENNETT: Okay. So what, I just want you to look at your notes here and, just so that we're clear on everything. There they are right there. (Hands notes to WOYCHUK).

WOYCHUK: Yeah.

KENNETT: Ahm, you had said too, you had made some disclosure to Norm CARTER, and I believe it was like February something, February 24th or 5th of this year, of 2006. Ahm, when he had been on his way back from the prosecutor's office, you had mentioned to Norm some concerns, ah, that you had with regards to ah your notes and that your notes weren't yours.

WOYCHUK: Um-huh.

KENNETT: Ahm, can you...

WOYCHUK: What I'm...

KENNETT: ...explain what you mean by that?

WOYCHUK: Yeah, I might have said that more, more so of the fact that, ahm, it would have been about maybe speaking to Ted ROSSER there that I was told not to worry about that in my notes. So I mean that's not really my notes.

KENNETT: Okay. So you were told not to, to ah, worry about that. And that was

WOYCHUK: Harry that told you that?
I believe it was, yeah.

KENNETT: Yeah. Well I mean...
WOYCHUK: Like I mean.

KENNETT: Let, let's, you know, if you're not sure, you're not sure. But if you're sure, just tell me that I am sure of that.

WOYCHUK: Yeah, I spoke to Harry about my notes. I mean that's where it would come from.

KENNETT: Right. Okay. And he, the only concern that he... He didn't say why, don't be worried about that? He just said, "Don't, don't worry about that. Don't put it in."

WOYCHUK: Yeah, just don't put it in, I guess.

KENNETT: Hm. Okay. But as far as - let's just look here. (Looking at notes)

WOYCHUK: And I didn't put in my notes also, I was told not to put it in there, the comment that Harry made about he might be impaired.

KENNETT: And when was that? The same thing, the next evening, or later?

WOYCHUK: Yeah, it would have the next evening. Later on that same day, yeah.

KENNETT: But the same night?

WOYCHUK: Yeah.

KENNETT: Okay. And, and that's, Harry said, "Don't put that in there"?

WOYCHUK: Yeah.

KENNETT: Okay. Anything, is there anything else that you were told not to put in?

WOYCHUK: Not that I recall, no. Like I mean, as I look at my notes, they're very accurate. Just there's a few things that are missing.

KENNETT: Um-huh. And everything along here (pointing to notes) is, is accurate as far as you can recall?

WOYCHUK: As far as I recall, yeah, it looks accurate to me. Like I mean they're not really detailed or nothing but. This here, I met Sergeant CARTER at the

rear entrance. Like I said, I don't recall. I think I met him in the hallway kind of. If you come in one small hallway, and then there'd be another hallway into our office.

KENNETT: Um-huh.

WOYCHUK: I believe I met him somewhere in there and then we went around to the back.

KENNETT: Um-huh.

WOYCHUK: To me, this here says I met him at the rear entrance but I guess it would have been the hallway.

KENNETT: And as far as any conversations that you've had, ahm, with Chief CARTER before coming here today,...

WOYCHUK: Yeah.

KENNETT: ...ahm, did Chief CARTER give you any directions as far as, ah, what to say to, to us today?

WOYCHUK: Well he just said, "Be honest", just tell you what happened.

KENNETT: Alright. Ah, is there anything else that you have not told me today with regards to this, the instruction that you were given, or anything to do with...

WOYCHUK: No there isn't.

KENNETT: ...this fatal...

WOYCHUK: No.

KENNETT: ...motor vehicle accident?

WOYCHUK: No.

KENNETT: Ahm, and what you're telling me today, ahm, have you been a hundred percent truthful?

WOYCHUK: Yes.

KENNETT: To the best of your recollection?

WOYCHUK: To the best of my recollection. Like I'm not, I guess you could say that I came forward to Norm to bring up my concerns...

KENNETT: Um-huh.

WOYCHUK: ...about what happened because basically I don't want to get subpoenaed to a trial and go on there and basically have no idea what's coming to me. Like I want to be able to go there and I want to be honest with things that happened, right?

KENNETT: Um-huh.

WOYCHUK: So I brought that concern to Norm.

KENNETT: Um-huh. Okay. I just have to check on one more thing here and then, ah... Okay, I'll be right back. Alright?

WOYCHUK: Okay.

KENNETT: I'm gonna leave these here in case you want to have a look...

WOYCHUK: Yeah.

KENNETT: ...at those at all. And that can stay there. But I'll be right back.

WOYCHUK: Okay.

KENNETT: Now it's 10 to 2:00.

WOYCHUK: Okay.

(Corporal KENNETT leaves interview room)

(Pause - Constable WOYCHUK reading notes)

(Corporal KENNETT returns to interview room)

KENNETT: Alright. It's 5 to 2:00 and, ah, and we're back. I just have a couple more questions.

WOYCHUK: Okay.

KENNETT: And then we're all done. Did you have anything in the meantime that you wanted to...

WOYCHUK: Ah.

KENNETT: ...clarify at all?

WOYCHUK: No, I just see here that I did, in my, in my no, in my narrative I've got: "Chief BAKEMA advised earlier that he was distraught over the accident", so. But I know you were asking about that. I don't recall that word being said for sure but I mean this is over a year ago, okay.

KENNETT: Yeah, exactly. Oh, I understand.

WOYCHUK: So it's in here. Then it could have been said.

KENNETT: Okay.

WOYCHUK: I remember the specific things, I guess, but.

KENNETT: Okay. Alright. Ahm, I want to take you back to you came in, you went home at 11 o'clock after the accident approximately. You came back in that evening.

WOYCHUK: Yeah.

KENNETT: Ahm, now was it your idea to do your notes? Were you told to do your notes? How did that all kinda transpire?

WOYCHUK: Um. I guess my notes were gonna be done but I mean... Like what are you asking, I guess? Like I, you know, I was just gonna do files.

KENNETT: Well you came into work and was it just that everyone said, "Okay, the notes have to get done. Everybody get their notes done." Or did you just decide in your head that you were gonna get your notes done or?

WOYCHUK: Well I mean I was gonna do my notes more or less. But I believe when I got there, I was kind of brought in, talked, talked to by Harry about it and...

KENNETT: Uh-huh.

WOYCHUK: ...I guess I had concerns that maybe I brought up. I don't... I brought up the concern for the delay of why... Something I did when I was here, too, that kinda I recall now, too, is - it's actually in my narrative - so it is, I guess it says that: "Transported HarveyZenc to East St. Paul Police office to process an accident report." I guess that was something that would, was kind of mentioned to me after.

KENNETT: Mentioned to you that next evening?

WOYCHUK: Well that evening when I made my notes. It was said to put that in

there to make up for any delay in time or for any charter violation kind of thing. You know what I mean? Because...

KENNETT: Okay. And, and you know what?

WOYCHUK: I was given, I was never given an exact reason why I'm taking him. Like I was told, "Stay here, watch him. He's in your truck. Sergeant CARTER is coming." And I was told, "Take him to the office, Sergeant CARTER is gonna meet you there."

KENNETT: Um-huh.

WOYCHUK: So I mean, I wasn't given a reason why was I taking him there. So that was told to me later to put that in there, put that. And take him to do an accident report.

KENNETT: Okay. And, you know, this is where it's so important that you be specific. Okay?

WOYCHUK: Um-huh.

KENNETT: And, ahm, I just need you to, to tell me exactly what was said to you if, to the best of your recollection because it's very important. Okay?

WOYCHUK: I think it was that I brought up that like what do I say for the reason why I'm bringing him to the office? I mean, like he said, "Just say that you're bringing him here..." Harry said, "Just say you're bringing him here to do your TAR."

KENNETT: Um-huh. But that was the next evening?

WOYCHUK: Yeah, that was the evening.

KENNETT: Okay. But prior to leaving the accident scene when Harry said to take him to the office, what...?

WOYCHUK: Yeah, just, I'll just take him there. "Norm's gonna meet you there. Norm's en route" or "Norm's there."

KENNETT: Um-huh.

WOYCHUK: "He's gonna be waiting for you."

KENNETT: And did he tell you what to tell Norm or?

WOYCHUK: I don't recall. I guess I, I honestly don't recall if he told me to tell Norm

anything. I mean I went there and I, I guess at that point after I had an idea that Norm's coming out. Harry made the comment to me earlier that he's possibly impaired.

KENNETT: Um-huh.

WOYCHUK: And then I went in there and I talked to Norm. I told him that there were some, I told him the comment that Harry told me.

KENNETT: Um-huh. Which one?

WOYCHUK: That he could be impaired.

KENNETT: Uh-huh.

WOYCHUK: I mean so I told Norm that there's a possibility that he's impaired and obviously he talked to Harry on the phone. So I don't know what was said between the two of them.

KENNETT: Hm.

WOYCHUK: So.

KENNETT: Okay. So what do you mean, "Obviously he had talked to Harry on the phone"?

WOYCHUK: No, he phoned. Harry had phoned Norm to call him out.

KENNETT: Okay. Did he phone him directly? Or did he call... Is it, did it go through...

WOYCHUK: I guess.

KENNETT: ...Telecoms?

WOYCHUK: I have no idea. I wasn't with him when he did it.

KENNETT: Okay. So you're not sure how that...?

WOYCHUK: I'm not sure how it all transpired, how Norm...

KENNETT: Okay. Well how...

WOYCHUK: ...got word.

KENNETT: If you were at home and you were called out, ahm, you have your own Telecoms, do you guys?

WOYCHUK: No, we have dispatch service so I don't.

KENNETT: You have dispatch service?

WOYCHUK: Yeah, depending on. Yeah, we do have a dispatch service, so.

KENNETT: Okay. So if you're out at a crime scene then...

WOYCHUK: I can't say for certain that it's changed throughout the year but I can't say for certain that it would have went through a dispatch service. It very well could have though.

KENNETT: Hm. Okay. Ahm, so just so I understand in my mind. If you're at an accident scene and you don't have anybody's phone numbers at home?

WOYCHUK: Yeah, I go through dispatch.

KENNETT: You go through dispatch? And you...

WOYCHUK: And have people called out.

KENNETT: Okay.

WOYCHUK: Or the Chief notified.

KENNETT: Alright. But because...

WOYCHUK: But at the time also... At the time, we do have a new dispatch now where we use them all the time.

KENNETT: Um-huh.

WOYCHUK: Like they answer all of our phone calls.

KENNETT: Um-huh.

WOYCHUK: And at the time, it was between certain hours they answer. We use them between certain hours when the stenos aren't in and stuff, so.

KENNETT: Okay. So at 10, at 10 after 7:00 in the morning?

WOYCHUK: Yeah, there wouldn't be a secretary in first thing.

KENNETT: Right. They usually don't start till 8 o'clock,...

WOYCHUK: No.

KENNETT: ...is that about right?

WOYCHUK: That's correct, yeah.

KENNETT: Okay.

WOYCHUK: 8:00 or 9:00.

KENNETT: So between 7:00 and 8:00, there would be, would it be used, your ah, your dispatch you would use?

WOYCHUK: It could have been but Harry could have used his cell phone, too. I really don't know.

KENNETT: Okay. So either way, correct?

WOYCHUK: So I don't know if he called Norm directly or if he called through dispatch, whatever went on there.

KENNETT: Okay.

WOYCHUK: I really don't know...

KENNETT: Alright.

WOYCHUK: ...how that worked out.

KENNETT: Okay. So you got to work the next night and you're voicing concerns about the time of delay...

WOYCHUK: Yeah.

KENNETT: ...with regards to, ah, ZENK. And when you say "time of delay", let's be specific. Are you talking about the demand, or what are you talking about?

WOYCHUK: I mean just the fact that he was in my vehicle and he's arrested, what is it? He was in my vehicle at 7:43 and then he was read the charter and arrested at 8:12 basically, so that time delay for me. And I was concerned about the comment that was made to me from the Chief.

KENNETT: Um-huh.

WOYCHUK: And the direction that was gave, gave to me following that comment.

What's the problem

KENNETT: Okay. And again, be specific.

WOYCHUK: "Put him in your car. I'm gonna put him in your car. He's possibly impaired. Don't do anything. I'm gonna get Sergeant CARTER to come

out.”

KENNETT: Okay. Alright. So then you go in the next evening, you’re talking to Harry about these concerns,...

WOYCHUK: Yeah.

KENNETT: ...about your notes. Ahm, was there anyone else there talking as well?

WOYCHUK: Ahm, Ken was in the office. I don’t recall if he was in there the whole time or not.

KENNETT: Okay. Where?

WOYCHUK: And I’m pretty...

KENNETT: Go ahead.

WOYCHUK: Okay. I’m pretty sure that Ken and Harry did their report together so I don’t, like I don’t, I wasn’t there for that. I don’t recall. Like I don’t know exactly, but.

KENNETT: Why, why do you say that?

WOYCHUK: I think it was their file. They were sharing it, kind of thing.

KENNETT: Um. Why do you say you’re pretty sure they got their notes done like together?

WOYCHUK: Well I don’t know if they did their notes. I’m assuming they did their report, their report together, so.

KENNETT: Why are you assuming that?

WOYCHUK: Well that’s just the way I... I guess it was kind of their file.

KENNETT: Okay. Both of them were day shift, right?

WOYCHUK: Yeah.

KENNETT: So as, and then so you’ve identified this, whatever time frame. You said from, he was in your car at 7:42 and he was...

WOYCHUK: Yeah.

KENNETT: ...arrested at, ah?

WOYCHUK: 12:00.

KENNETT: Give me the page here. Ah, 8 something.

WOYCHUK: Yeah. Put this way, Norm's there...

KENNETT: Or you got back to the Detachment at 8:12.

WOYCHUK: ...shortly after then.

KENNETT: Oh.

WOYCHUK: 8:12, I think. 8:18. But I mean, I arrived at the Detachment. I met Norm at 12 after 8:00.

KENNETT: Okay. So was there any... What other direction was given to you then at this time, like that next night when you're doing your notes? What other direction did Harry give you as far as what not to put in or what to put in?

WOYCHUK: I guess not to put in the comment from the ambulance driver, Ted ROSSER, that he might be drinking or whatever the comment was.

KENNETT: Um-huh.

WOYCHUK: I don't remember exact words.

KENNETT: Um-huh.

WOYCHUK: And there was direction around asking like why was I transporting him to the office. I mean why was I taking him to the office. "Well you're taking him to do a TAR".

KENNETT: Hm. Alright. Now so why do you think he was telling you that? Why would he give you that direction?

WOYCHUK: I don't know, just cover everything I guess. I don't know. I'm not a hundred percent sure on it all.

KENNETT: Well what did you think at that time? What did you think? Why were you being told to, to omit some things or?

WOYCHUK: Well probably, from what I thought, was that he didn't want to be involved in it at all. From the first point that he knew it was a WPS member and that he was possibly impaired, he didn't want to have his name anywhere close to that. That's my opinion.

KENNETT: Um-huh. And...

WOYCHUK: It doesn't make it right, but that's what I thought.

KENNETT: Uh-huh.

WOYCHUK: And let's just pawn him off on the junior member here and just put him in this car and I'm not gonna talk to him so I don't get subpoenaed to testify against him.

KENNETT: Um-huh.

WOYCHUK: Because I don't want to do that because I was a WPS member, too. Like that was my personal opinion.

Lonsense

KENNETT: Um. So Harry was a WPS member before...

WOYCHUK: Yeah.

KENNETT: ...you're saying?

WOYCHUK: That's just my opinion. I'm not saying that's right.

KENNETT: Yeah.

WOYCHUK: I'm just saying that's how I felt and I...

KENNETT: Um-huh.

WOYCHUK: You know what? I've discussed that with Norm and I've discussed it with Constable MALONEY at the office. Like I mean it wasn't something that was hidden. Like I didn't hide the fact that I was not really happy with the way that worked out.

KENNETT: Um-huh.

WOYCHUK: Like what I mentioned to you before about kinda getting it dumped on me and how I felt, like that's all kind of how it works altogether.

KENNETT: Um-huh. Okay. And then at the scene, as well, ahm, you said that he had given you the di, the direction of not to talk to him, not to deal with him. You know, basically just wait for Sergeant CARTER at the time.

WOYCHUK: Right.

KENNETT: Ahm, and why do you, again why do you think he was telling you that?

WOYCHUK: I don't know why he was telling me that. I guess just let Norm deal

with it probably kind of attitude. We'll let Norm do it.

KENNETT: Do you think that he was trying to get this Harvey...

WOYCHUK: No.

KENNETT: ...MORDEN-ZENK off of any charges at all?

WOYCHUK: No, I don't. Absolutely not. You know what? I thought about that before but I really don't think that was the case. I think it was just the case that he didn't want to have his name attached to it. He didn't want to have to testify against Harvey MORDEN-ZENK. He didn't want to be the one to arrest him.

Morden?

KENNETT: Um-huh.

WOYCHUK: Whether or not he believed there was a conflict of interest there or whatever, for whatever personal reason, I just don't think he wanted to be involved in it.

KENNETT: Hm. What about, ahm, Constable Ken GRAHAM? Where is his...

WOYCHUK: I don't...

KENNETT: ...part in all of this?

WOYCHUK: I really don't know what his thing was either, so.

KENNETT: Do you find that strange that he wouldn't have been able to, ah, deal with it?

WOYCHUK: Well I think it would have been right that - You know what? - a senior member should be taking on the most important roles in an accident scene or any scene. That's what I believe. I mean I'm not, at the time I was only a member for four months.

KENNETT: Um-huh.

WOYCHUK: So maybe... Like I didn't know exactly how it went but that would be my assumption at that time.

KENNETT: Hm.

WOYCHUK: And now that I've been a member for longer, I mean if I went to an accident scene like this and there was junior members to me, I mean I'd probably, if I was in charge of the scene, I'd give direction on what to

do but I'd also be dealing with important issues myself, too, right?

KENNETT: Um-huh.

WOYCHUK: I wouldn't be throwing just, giving off orders for something that you should be dealing with yourself.

KENNETT: Um-huh. Okay.

WOYCHUK: That's just my opinion. I don't know if that's...

KENNETT: Um-huh. Yeah.

WOYCHUK: That's kind of the feeling that I had from day one.

KENNETT: Um-huh. Okay.

WOYCHUK: Just keep my name in the clear, coming from - like that's Harry's version - I just, I don't want to be involved in it for whatever, his personal reasons or so give the body to WOYCHUK and let Sergeant CARTER deal with it.

KENNETT: Did you... I'm just trying to recall. Did you say that you took the statement from Ted ROSSER?

WOYCHUK: No, I didn't. I took it from Garth SHAW.

KENNETT: Oh, right. Okay.

WOYCHUK: Then I spoke to - I can't remember the name - at the fire hall there in Winnipeg.

KENNETT: Alright. Now one more question just about your notes. Ahm, where you have written "odour of liquor"...

WOYCHUK: Yeah.

KENNETT: ...and then you put in brackets "slight",...

WOYCHUK: Yeah.

KENNETT: ...ahm, is this something that you added at a later time, the word "slight"?

WOYCHUK: I don't recall. I don't think so.

KENNETT: Do you know if that was all at the same time or?

WOYCHUK: It could have been. It wasn't anything that was added later. It might have been putting my notes and then putting it in after while I was still making my notes. I didn't add anything to my notes or.

KENNETT: Okay.

WOYCHUK: Like I mean from I recall from making my notes, it was I guess whatever you want to call it, "help" or "direction" or whatever, was not to put in what the ambulance driver said to me. "Bring, you bring him in for a TAR".

KENNETT: Um-huh. Anything else?

WOYCHUK: Not that I really recall, no. Like I don't.

KENNETT: Did you ask to say, did you ask what are you supposed to say about this odour of liquor?

WOYCHUK: Possibly. I don't really recall that though. Like I don't recall if I asked or if I was told that. Like I know I had concerns there about the time delay and why I couldn't have formed an opinion in that time.

KENNETT: Um-huh.

WOYCHUK: So like I don't recall if anyone told me. If Harry would have told me to put that or not, like the things I recall are what the ambulance driver said, then obviously not putting anything in there about what Harry said about he could be impaired. That wasn't,...

KENNETT: Um-huh.

WOYCHUK: ...don't put that in there.

KENNETT: So Harry told you not to put that in there?

WOYCHUK: Yeah, it was, "Don't put in..." Basically, it was don't, not to put in anything that's, should have led you to form an opinion or to form the grounds for impaired driving.

Allegedly told not to put anything about impaired driving

KENNETT: Ah, okay.

WOYCHUK: So.

KENNETT: That's what this was all about then?

WOYCHUK: Probably, yeah.

KENNETT: And anything that was omitted or put into your notes was to avoid any, ah, observation...

WOYCHUK: Observation...

KENNETT: ...that you could have,...

WOYCHUK: ...right.

KENNETT: ...ah, made the demand - Right? - we're talking about the breath demand...

WOYCHUK: Right.

KENNETT: ...or made the ground to arrest him...

WOYCHUK: Because I was...

KENNETT: ...for impaired driving.

WOYCHUK: Right. Basically it was that because I was directed not to do anything.

KENNETT: Alright. And as far as you know, Ken was around in the office during this conversation but...

WOYCHUK: He was in the building but he was in and out of the office. I don't recall if he was there the whole time or not.

KENNETT: Okay. But you had already, ahm, you said that you actually saw Harry's notes - Right? - he'd already had them all done up. He was, ah,...

WOYCHUK: Yeah, I believe I saw them. I don't recall if he said or I wasn't sitting there with him beside my notebook or anything like that. It wasn't that. I believe I saw them. I don't recall.

KENNETT: Um-huh. Okay. Okay, I don't have any other questions.

WOYCHUK: Okay.

KENNETT: Ahm, do you have any questions before we conclude the interview?

WOYCHUK: Um, not really, I guess, right now, no.

KENNETT: I'll just get you to initial the bottom of this page showing that that's, that's from the, we referred to that.

WOYCHUK: Okay.

KENNETT: And the time is, ah, 2:10 or 14:10 hours. Concluding interview.

WOYCHUK: I guess my only question would be: Is like, I guess just to understand. Like you guys explained to me before that you were asked to look into this by the Justice Department. What, what's the possible action being taken out of this as far as I'm gonna be?

KENNETT: As far as you're gonna?

WOYCHUK: As far as I'm concerned.

KENNETT: Ahm, as far as I know, at this stage of the game, you are a, ah, witness. This is a witness statement that we've taken today.

WOYCHUK: Okay.

KENNETT: And, ahm, all we do is, myself and Corporal DOYLE, are presenting all the facts. We're gathering all the information and then we're gonna present it to the, ah, Crops upstairs.

WOYCHUK: Yeah.

KENNETT: And then it will go to an independent, ah,...

WOYCHUK: Crown, whatever.

KENNETT: ...or something to,...

WOYCHUK: Yeah.

KENNETT: ...to decide what they're gonna do. Ahm, I think because you know, I understand you've been honest with me today and, and that's good and that's in your favour. And, and I don't, I didn't, ah, read you a warning for anything, so in, in...

WOYCHUK: Yeah, I understand that, yeah.

KENNETT: ...as far as I'm concerned, from what you've provided to me, you were given direction, you were following direction and,...

WOYCHUK: Yeah.

KENNETT: ...and ahm, you know, that's, that's where it's at.

WOYCHUK: And that's why it was all brought up in the first place. Like I mean I don't want to, like I mean everything's got to get out, right?

KENNETT: Um-huh.

WOYCHUK: And I don't want to be going to trial and testifying against someone...

KENNETT: Yeah.

WOYCHUK: ...when maybe things aren't lining up or they aren't, you know.

KENNETT: Yeah. Absolutely.

WOYCHUK: Alright.

KENNETT: Okay.

WOYCHUK: Okay.

KENNETT: Well thanks for coming in.

WOYCHUK: Okay. Thanks. (Shaking hands with Corporal KENNETT)

KENNETT: Okay. And, ah, we'll be in touch as soon as we have, ah, or you'll hear through Chief CARTER or...

(Corporal KENNETT and Constable WOYCHUK stand up and walk towards the interview room door)

WOYCHUK: Yeah.

KENNETT: ...however, all this goes and progresses.

WOYCHUK: Alright.

KENNETT: Okay?

WOYCHUK: Oh, sorry.

(Talking in background - c.u.)

KENNETT: Yeah, c'mon in. Oh. I was gonna come and get you.

DOYLE: Oh, no problem.

WOYCHUK: And, ah, I'll just sit here.

KENNETT: Yeah, go ahead.

DOYLE: And for the purposes of the audio and video that's still recording,...

WOYCHUK: Yeah.

DOYLE: ...I'm Corporal Todd DOYLE and I'm...

WOYCHUK: Yeah.

DOYLE: ...assisting Corporal KENNETT with this. Ahm, Jason, I just wanted to get, get an impression again when you're developing your notes...

WOYCHUK: Yeah.

DOYLE: ...and, and Harry said things in regards to your note development. What was your impression as to why he told you to add things or exclude things? What do you think his reasons were for telling you not to put things in or take things out.

WOYCHUK: Well I guess my impression would be that probably to align with what they wrote or what Harry wrote in his notes. And then probably also to make up for time, the time delay or for the reason why I never formed any grounds and arrested him for impaired driving.

DOYLE: Okay.

WOYCHUK: So.

DOYLE: But at, ahm, during your contact with ZENK, from the moment Harry brought you there, other than him saying, "He may be impaired", "He's a Winnipeg Police Service member",...

WOYCHUK: Yeah.

DOYLE: ..."He may be impaired", had you formed enough grounds to effect an arrest?

WOYCHUK: No, I didn't.

DOYLE: Okay. So thinking of it that way, what do you think Harry's reasons were for having you either omit or put things into your notes?

WOYCHUK: I guess it would probably just be to line up with what he wrote in his notes and how he wrote his report or,...

*Not sufficient grounds
to arrest - his
opinion*

DOYLE: Okay.

WOYCHUK: ...or how the file went.

DOYLE: Okay.

WOYCHUK: And I think to a certain degree, it was still for making up for the reason for no arrest being made by myself maybe for the fact that he directed me not to do anything or.

DOYLE: Do you think there was an opportunity at any point in the, ahm, scene, at the scene or from the, from the ah contact that Harry might have had with ZENK, that he could have formed the grounds to effect an arrest?

WOYCHUK: I guess that'd be hard to say for me because I don't really... Possibly, depending on what he saw. I mean, I don't know where... He made the comment that he might be impaired but I don't know where he came up with that.

Where did Kenneth come from

DOYLE: Okay.

WOYCHUK: I don't if someone told him that or I don't know if that was something that he determined on his own, so.

DOYLE: Other than Harry at the scene, did you see ZENK have contact with anyone?

WOYCHUK: Not that I saw, no. I believe I told you I just pulled up and I got out and...

DOYLE: Yeah.

WOYCHUK: ...Harry is walking up. As I read my notes, I, I did put out cones, like traffic cones and that, too. So that might have been part of it. I might have put the cones out and as I was near the vehicle there, he came up. But no, I didn't see ZENK have contact with anyone else, other than the ambulance attendants and myself and Harry.

DOYLE: Okay. Tracy?

KENNETT: No.

DOYLE: No? Okay. Thank you very much.

WOYCHUK: Okay.

DOYLE: That was just a couple things I wanted to clear up.

KENNETT: Okay. It's 14:15 hours. It's the end.

WOYCHUK: Okay.

(Corporal KENNETT, Corporal Todd DOYLE and Constable WOYCHUK
leave interview room)

Tracy KENNETT, Corporal
RCMP Winnipeg Major Crime Unit

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