

**REPORT TO THE ATTORNEY GENERAL
PUBLIC INQUIRY
THE FATALITY INQUIRIES ACT**

CANADA
PROVINCE OF ALBERTA

WHEREAS a Public Inquiry was held at the Law Courts

in the City of Edmonton
(City, Town, etc.) (Name of City, Town, etc.)

on the 13th, 14th, 15th, 16th & 17th days of February, 1995 and on the 28th, 29th & 30th days of March, 1995 and on the 8th, 9th, & 10th days of August and the 11th, 12th, 13th & 14th days of September 1995, before

The Honourable Judge E.J.M. Walter, a Provincial Court Judge.

A jury was was not summoned and an Inquiry was held into the death of

RYAN HANNWEBER 20
(Name in Full) (Age)

of 13104 - 42 Street, Edmonton, Alberta and the following findings were made:
(Residence)

Date and Time of Death May 12, 1994 at approximately 1:00 a.m.

Place 170 Street & 87th Avenue, Edmonton, Alberta

Medical Cause of Death ("cause of death" means the medical cause of death according to the International Statistical Classification of Diseases, Injuries and Causes of Death as last revised by the International Conference assembled for that purpose and published by the World Health Organization — The Fatality Inquiries Act, Section 1(d))

Blunt Cranial Trauma

Manner of Death ("manner of death" means the mode or method of death whether natural, homicidal, suicidal, accidental or undeterminable — The Fatality Inquiries Act, Section 1(g))

Accidental

INTRODUCTION

At the commencement of the inquiry the parties requesting standing at the inquiry introduced themselves for the record. Mr. Meikle appeared as counsel for the Attorney General, Mr. Rauf appeared as counsel for the Hannweber family, Mr. Grue appeared as counsel for the Edmonton Police Service, Mr. Chwok appeared as counsel for Constable Bagan and Constable Normand and Mr. Hladen appeared as counsel for Constable Bult and Constable Crosby.

At the outset of this my report I should say that I am grateful to all counsel for the thorough and professional way they brought forward and canvassed all matters relevant to this inquiry respecting the circumstances under which the death of Ryan Hannweber occurred.

REPORT TO THE AG

CIRCUMSTANCES UNDER WHICH DEATH OCCURRED

Ryan Hannweber (hereinafter referred to as Mr. Hannweber) was a 20 year old male living and employed in the City of Edmonton, at the time of the accident.

On the 12th day of May, 1994, shortly after 12:00 o'clock midnight Mr. Hannweber and some friends had left Kelsey's Restaurant at approximately 149 Street and Stony Plain Road. Mr. Hannweber had eaten there with his friends. It should be noted that no alcohol was imbibed at the restaurant by Mr. Hannweber or his friends. Mr. Hannweber and his friends, Mr. Darin Sprake and Mr. William Wells were riding motorcycles with Mr. Hannweber's motorcycle being a Honda CBR600 motorcycle. The group of three motorcyclists had travelled west on Stony Plain Road to 178 Street where they turned left and proceeded south on 178 Street. Mr. Sprake and Mr. Wells both had passengers on their bikes. Mr. Hannweber was alone on his motorcycle. The three motorcycles proceeded south on 170 Street riding two abreast at times with some changing of positions. The three motorcyclists were travelling at about the speed limit as they proceeded south on 178 Street towards the intersection at 87th Avenue. (The speed limit at this point on 178 Street is 60 km. per hour)

Constable Bagan was operating a marked police car with Constable Normand in the passenger seat proceeding south on 178 Street when at approximately 95th Avenue they observed the three motorcyclists proceeding southbound ahead of them. Constable Bagan and Normand observed the three motorcyclists for about 5 blocks and at 90th Avenue decided to initiate a traffic stop for what they perceived to be violations under the Highway Traffic Act. Constable Bagan activated the overhead lights and two of the motorcyclists appeared to slow and pull over responding to the police traffic stop. The third motorcyclist, Mr. Hannweber pulled away from the other two motorcyclists and quickly accelerated going through a red light at the intersection of 178 Street and 87th Avenue. Constable Bagan pursued Mr. Hannweber's

motorcycle, slowing at the intersection of 87th Avenue to ensure it could be crossed on a red light in safety and then accelerating after the Hannweber motorcycle. Neither Constable Bagan or Constable Normand had been able to ascertain the license plate on Mr. Hannweber's motorcycle and Mr. Hannweber's motorcycle was accelerating quickly enough that the police lost ground in the pursuit and could not catch up with Mr. Hannweber. Mr. Hannweber's motorcycle turned left off of 178 Street onto 81st Avenue. Constable Bagan's police vehicle at this point was at least some three or more blocks behind Mr. Hannweber's motor vehicle and still losing ground. Constable Bagan turned left at 81st Avenue and continued to pursue the Hannweber motorcycle. At some point prior to the intersection of 175th Street and 87th Avenue, Constable Bagan appeared to abandon the pursuit not having seen Mr. Hannweber's motorcycle since it turned on 81st Avenue. The radio transmissions from Constable Bagan and Constable Normand indicating they had a speeding motorcycle were picked up by Constable Bult and Constable Crosby who were on 170th Street proceeding south towards the intersection of 87th Avenue in a marked white police vehicle with Constable Bult operating the same. When the Hannweber motorcycle reached the intersection of 175th Street and 87th Avenue it turned right proceeding east on 87th Avenue towards 170th Street at a speed of approximately 80 kilometres per hour or slightly faster. The speed limit on 87th Avenue at this point is 60 kilometres per hour. Constable Bult and Crosby had stopped their vehicle on the northwest corner of 170th Street and 87th Avenue facing south when they saw Mr. Hannweber's motorcycle as it turned east onto 87th Avenue and immediately communicated this observation over the radio. Constable Bult activated his overhead emergency lights, activated his wigwag lights and proceeded slowly into the intersection watching for other traffic (Constable Bult's police vehicle had a video incident catcher system camera which is activated when the overhead emergency lights are turned on. It was not engaging in this way prior to the collision and Constable Bult had not turned it on manually which was an option available to activate the camera). Constable Bult proceeded through the intersection into the eastbound lanes of 87th Avenue at approximately a 45 degree angle heading for a small island on the

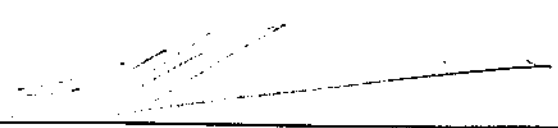
southwest corner of the intersection which forms a white lined triangle. It was Constable Bult's intention to take up a position in the white lined triangle to cause the motorcyclist to stop or slow sufficiently to get the license number. At this point 87th Avenue has two eastbound lanes (for clarity the most southerly of which would be the #1 lane and the other being the #2 lane) and a left turning lane for eastbound traffic next to the #2 lane. The eastbound and westbound lanes on 87th Avenue are separated by a cement median at this point. There is also a southbound turnoff leading to 170th Street at this location. 87th Avenue in this area is paralleling the West Edmonton Mall and is very well lit with street lights. The intersection of 87th Avenue and 170th Street is a major intersection and very well lit with street lights. Constable Bult's vehicle had reached the #1 lane and was in it a 45 degree angle pointing southwest when he suddenly realized the motorcyclist was in the #1 lane moving quickly towards him. Constable Bult was travelling approximately 20 kilometres per hour at this point and immediately turned his vehicle west and slightly north to give the motorcyclist as many options as possible to avoid a collision. Constable Bult's vehicle was straddling the solid white line separating the #1 and #2 eastbound lanes with his right tires just over the line into the #2 eastbound lane pointing west and slightly north when the collision occurred. When Constable Bult's vehicle turned to the right to straighten out in a westerly direction, Mr. Hannweber's motorcycle which was in the #1 lane eastbound at the same instant turned to the left thus a mirroring effect and the collision. The Hannweber motorcycle was travelling between 50 and 70 kilometres per hour when the collision occurred. The police vehicle was travelling between 15 and 20 kilometres per hour when the collision occurred. The collision occurred in the #1 lane. There was no evidence of brake skidmarks from either vehicle. Constable Bult's police car came to rest facing northbound across the #2 lane with the front of the vehicle partially in the left turning lane for eastbound traffic and the rear of the vehicle partially in the #1 lane. The Hannweber motorcycle came to rest to the west of the police car in the left turning lane for eastbound traffic. Mr. Hannweber's body came to rest in the left turning lane for eastbound traffic just south of the centre median in front of the police vehicle and slightly to the east.

Numerous police vehicles, both marked and unmarked arrived quickly at the accident scene. An ambulance at the Misericordia Hospital with two emergency medical technicians was dispatched and responded at the scene within two minutes of receiving the call. The ambulance attendant assessed Mr. Hannweber's condition and there was no respiration or pulse. Mr. Hannweber was taken by ambulance to the Misericordia Hospital and pronounced dead at the hospital.

RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS

1. That the Edmonton City Police Service ensure on an ongoing basis that officers of the City of Edmonton Police Department are completely knowledgeable with respect to the Edmonton Police Service Pursuit and Roadblock Policy;
2. That for the safety of the public and the police the movement of a police vehicle into or across the path of an oncoming vehicle should only be undertaken when this movement can be made in complete safety and then only in the most serious of cases, in terms of the need to stop or slow the oncoming vehicle.

DATED this 16 day of October, 1995.


A Judge of the Provincial Court of Alberta