



**IN THE MATTER OF AN INVESTIGATION INTO AN INCIDENT INVOLVING AN  
OFF-ROAD VEHICLE COLLISION IN WINNIPEG**

**FINAL REPORT OF THE CIVILIAN DIRECTOR**  
**OF THE INDEPENDENT INVESTIGATION UNIT**

Civilian Director:	Roxanne M. Gagné
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## **Introduction**

On September 10, 2023, the Winnipeg Police Service (PS) notified the Independent Investigation Unit of Manitoba (IIU) of an incident.

The written notification disclosed the following information:

*“On September 10th, 2023, at approximately 5:09 pm, a uniformed General Patrol unit was responding to an unrelated incident when they observed an off-road vehicle (ORV) on McMicken Street near Sargent Avenue.*

*The unit followed and attempted to stop the ORV (with lights and sirens) when it collided with two civilian vehicles at Ellice Avenue and Young Street. The driver (affected person) (AP) of the ORV was transported to a hospital in unstable condition and later upgraded to stable condition, but was found to have suffered serious injuries.*

*AP was also identified as having a warrant for arrest and is prohibited from driving any motor vehicles in Canada. Ownership of the ORV has not yet been determined. The drivers of the two other involved vehicles (civilian witnesses CW2 & CW1) suffered minor injuries and did not require transport to a hospital.”*

As this matter concerned a serious injury as defined in the IIU regulations, the IIU assumed responsibility for this investigation in accordance with Section 65(4) of *The Police Services Act* (PSA). IIU investigators were assigned to this investigation.

IIU investigators obtained the following information from WPS, among other items:

- 911 audio
- AP driving record, appearance notice, and arrest report;
- Witness statements of CW4 and CW3
- Police narratives X 3
- Cadet narratives X2
- Officer notes X 4
- Officer narratives X 5
- Surveillance video
- Statement of WO2
- WPS mechanical report for ATV
- Collision Reconstruction Report

The civilian director designated four witness officers. Due to a dearth of information at the outset about whether any officers were directly or indirectly involved in the cause of the AP’s injuries, the civilian director did not designate a subject officer (SO). This decision was later re-evaluated and no subject officers were ever designated.

## **Scene Examination and Canvass**

IIU investigators were assigned to this matter on September 11, 2023. No scene examination was completed by the IIU investigators on the day of the incident. WPS Traffic Services Division had attended the collision scene and completed a post collision investigation and provided a written report to the IIU detailing their findings.

On September 11, 2023, IIU investigators attended the area of Ellice Avenue and Young Street to canvass for eyewitnesses and video surveillance. The IIU was informed that five witnesses were identified and had already been interviewed by WPS members. WPS members had already canvassed the area for CCTV footage and had seized, or made arrangements to seize, the surveillance footage; this evidence was later turned over to the IIU.

IIU investigators also contacted the City of Winnipeg Traffic Services requesting any camera footage that might be available from the intersection of Ellice Avenue and Young Street on September 10, 2023; there were no cameras near this area.

## **Facts and Circumstances**

### **Affected Person (AP)**

On November 11, 2023, IIU investigators obtained a statement from AP. The AP stated that all he could remember was being pushed off the ATV and went into the on-coming street. The AP recalled flying through the air after he was hit. He does not recall riding the ATV and which street he was riding on. He does not recall seeing the police or police lights, nor hearing any sirens. He remembers being hit from behind by a vehicle and flying through the air and hitting the side or the front of a vehicle. AP stated that after the accident his memory recall has been foggy at best.

AP said he does not think that he was under the influence of alcohol or drugs that day. AP does not recall where the accident happened nor whether it was daytime or nighttime. AP saw the police for the first time when he woke up in the hospital.

AP stated that he fractured his shoulder, spine, and suffered from a brain bleed. He spent a few weeks in the hospital before he was discharged.

### **Civilian Witnesses**

#### **CW1**

On September 1, 2023, IIU investigators obtained a statement from CW1. CW1 was driving on Ellice Avenue near Young Street and proceeded through a green light when her vehicle was

struck on the front passenger side by a QUAD or ATV. Due to the impact from the collision, CW1's vehicle struck another vehicle that was travelling in the opposite direction on Ellice Avenue. The collision happened on September 10<sup>th</sup> approximately 5:00 p.m. CW1 was driving westbound on Ellice Avenue in her white Nissan Juke, travelling at the speed limit. As her vehicle was proceeding through a fresh green light, the ATV came from her right side and struck her vehicle. The ATV was travelling southbound on Young Street, not stopping for the red light. The ATV was travelling fast and the person riding the ATV was wearing all black clothing. The ATV driver ended up on the roadway.

CW1 did not see any police vehicles, police lights nor police sirens prior to the crash. After the collision, the police arrived within seconds. She doesn't know where the police came from as she was feeling dazed.

CW1 received minor injuries but nothing that required her to be taken to the hospital.

The weather was a mix of sun and clouds, and the lighting conditions were clear and bright outside. The traffic volume was light.

## **CW2**

On September 22, 2023, IIU investigators obtained a statement from CW2. She stated that it was 5:20 p.m. when she stopped at a red light at Ellice/Sherbrook. CW2 was travelling eastbound on Ellice and started moving once the light turned green for eastbound traffic on Ellice Avenue. As she was proceeding down Ellice Avenue, she could see that the traffic light was red ahead. She started slowing down but the light turned green at Young Street before she came to a stop and she started picking up speed again. As she approached Young Street, she recalled seeing an ATV coming from the left. CW2 saw that the ATV was running a red light. CW2 started slowing down at that point. The next thing she knew was that her own vehicle was struck. When she looked up, she saw a white car had struck her vehicle and that vehicle was now parked angled towards her vehicle. The white car was travelling westbound on Ellice Avenue prior to the collision. CW2 saw the ATV to the left of her vehicle and recalled seeing the driver laying in the middle of the roadway. The white vehicle hit the ATV and then ended up colliding with her vehicle. CW2 said that she could not get out her vehicle from her driver side door as the white car was parked resting against her vehicle. The ATV was travelling "pretty fast" as it entered the intersection.

CW2 does not recall seeing a police car or hearing any police sirens prior to the crash. But soon after the crash, CW2 did recall seeing a police officer checking on the driver of the ATV. The driver of the ATV was not wearing a helmet. The police were on scene quickly and CW2 was wondering where they had come from. CW2 did not hear any police sirens even moments prior to the crash occurring. Soon after, the fire department, ambulance and more police cars arrived on scene and were checking on everyone involved in the accident.

### **CW3**

On September 21, 2023, IIU investigators obtained a statement from CW3. He was travelling alone and driving westbound on Ellice Avenue. CW3's vehicle was part of a string of three vehicles travelling in the same direction and his vehicle was positioned third.

As CW3 was approaching the intersection of Ellice Avenue and Young Street, he observed an ATV that came traveling southbound on Young Street that ended up hitting a small white coloured SUV that was also travelling westbound on Ellice Avenue, just a couple of vehicles ahead of him. The impact was quite loud and there was a huge cloud of dust in the air after the collision happened. CW3 said his view was obstructed momentarily but he did notice that the white SUV that the ATV had struck ended up colliding with a white vehicle that was travelling eastbound on Ellice Avenue at the time.

CW3 said that the vehicle travelling just in front of him and his vehicle were able to stop in time to avoid the collision. The next thing CW3 observed was a police vehicle appear suddenly. He did not recall hearing any police sirens or seeing any flashing police lights prior to the crash.

The traffic light for CW3 was green at Ellice Avenue and Young Street as he was proceeding westbound on Ellice Avenue. The ATV was travelling southbound on Young Street and CW3 believed he was driving 80 KM/H when he entered the intersection, on a red light, and struck the small white SUV that was also travelling westbound on Ellice Avenue. CW3 recalled seeing the ATV driver flying through the air when he first struck the white SUV but lost sight of him momentarily with the huge cloud of dust in the air. Within moments he saw the driver of the ATV laying on the roadway.

CW3 recalled there being a bit of a time gap before he saw the first police car arriving on scene after the collision occurred. The police car was travelling southbound on Young Street when it first appeared and stopped at Ellice Avenue just north of the intersection.

### **CW4**

IIU investigators attempted to obtain a statement from CW4 on numerous occasions without any success. CW4 did provide WPS with a written statement on September 23, 2023, which was disclose to IIU investigators. In his statement, CW4 indicated that he was driving westbound on Ellice Avenue approaching Young Street, the traffic light for westbound and eastbound traffic travelling on Ellice Avenue turned green. Traffic started moving and all of a sudden, he observed an ATV travelling southbound on Young Street proceed to enter on a solid red light and crashed into vehicles travelling on a green light on Ellice Avenue. CW4 further indicated that he immediately turned northbound on Young Street and observed two marked police cars travelling southbound on Young Street without lights or sirens activated. He estimated the police vehicles to be not travelling very fast at all. CW4 did not believe that the police vehicles were chasing the

ATV prior to the crash. CW4 observed the police officers to exit their vehicles and immediately provide medical aid to the driver to the ATV as well as other motorist involved in the crash.

## **Witness Officers**

### **WO1**

On December 21, 2023, IIU investigators obtained a statement from WO1. WO1 was partnered with WO2. Both officers were wearing police uniforms and driving a marked police vehicle. Shortly after the start of their shift, their unit was assigned to a call for service on Furby Street. Their unit was in the rear lane of Furby Street, which is actually McMicken Street travelling northbound from Ellice Avenue. WO1 noticed an ATV up the lane closer to Sargent Avenue. As their unit got closer to Sargent Avenue, the ATV turned eastbound on Sargent Avenue. The ATV was operated by a male. It did not appear that he had noticed the police vehicle behind him. WO2 turned on the emergency overhead lights to conduct a traffic stop but the ATV continued travelling eastbound Sargent Avenue without making any attempts to stop or pullover. The male driver was observed to be wearing no helmet. The ATV was very loud. Once the ATV approached Young Street, the driver made a southbound turn towards Ellice Avenue. The driver never turned his head backwards to check his rear and there was no indication to suggest that the driver was aware of the police presence. The ATV was not equipped with rear view mirrors.

WO1 recalled that Young Street was very congested with parked vehicles, and he thought that perhaps the driver was looking for an open spot to pullover. Once they realized that the driver was making no attempts to stop, they aborted the traffic stop as it was only for a minor highway traffic violation; they were about two-third of the way down the block when WO2 turned off the emergency equipment. Shortly after aborting the traffic stop, WO1 recalled seeing the ATV run a red light at Ellice Avenue and collided with a westbound vehicle travelling on Ellice Avenue. The driver of the ATV was ejected and hit the pavement in the middle of Ellice Avenue. WO1 advised police dispatch of the collision. Both WO1 and WO2 got out of their vehicle and assisted the injured parties. A short time later, several other police units arrived on scene to assist with managing the collision scene. Once EMS arrived, WO1 assisted with loading the ATV driver onto the stretcher.

WO1 said that the entire incident lasted somewhere between 20-40 seconds from start to finish.

The weather and road conditions were clear at the time of the accident.

### **WO2**

On February 2, 2023, IIU investigators obtained a statement from WO2. On the day of the incident, WO2 was wearing a police uniform and driving a marked police vehicle. WO2

indicated that he made no personal notes but did generate a police narrative to detail his involvement in the incident involving AP. They were dealing with an unrelated incident on Furby Street. While driving northbound on Furby Street, WO2 observed what appeared to be an ATV near Sargent Avenue with a lone male rider. The driver of the ATV turned eastbound turn onto Sargent Avenue, followed by their unit. Once on Sargent Avenue, WO2 said their unit activated the police lights and sirens in an attempt to conduct a traffic stop. The ATV and the police unit were travelling at approximately 45 KM/H while travelling eastbound on Sargent Avenue.

Once the ATV approached Young Street, the driver made a southbound turn onto Young Street. The ATV continued to travel on the roadway while being followed in close proximity by the police vehicle. The ATV was quite loud. The driver was not wearing a helmet on his head. There were a lot of cars parked on the right side of Young Street with very little or virtually no spots for someone to pullover. The ATV was travelling at approximately 70 KM/H. The driver of the ATV did not look back the whole time he was being followed by their police unit. WO2 and his partner deliberated briefly and decided to disengage by turning off the lights and the police siren. By this time, the police unit was roughly two thirds of the way down the block.

Within moments of disengaging, the ATV proceeded to travel through a solid red light without making any attempts to stop and ended up colliding with a westbound vehicle travelling on Ellice Avenue. WO2 and his partner arrived within a few seconds of the collision and observed the driver of the ATV laying in the middle of the roadway on Ellice Avenue. They attended to the driver of the ATV as well as other motorists involved in the collision. They requested an ambulance and additional police resources to attend the scene.

WO2 estimated that the whole incident from start to finish probably lasted no more than 25-35 seconds. The total distance travelled estimated to be approximately 400-500 yards. WO2 said that there was no radio communication by him or his partner prior to the crash happening as the whole incident only lasted a few seconds. On the day of the incident, the lighting and road conditions were good.

### **WO3**

On December 12, 2023, IIU investigators obtained a statement from WO3. WO3 was working with WO4 in a marked police vehicle (E101). WO3 was driving westbound on Sargent Avenue when he noticed an off-road vehicle (ORV) travelling eastbound on Sargent Avenue being followed by a marked police vehicle. WO3 said he was unable to positively identify the police vehicle at the time. WO3 noted that the lone male rider of the ORV was not wearing a helmet. WO3 activated his emergency overhead lights and proceeded to make a U-turn in an attempt to follow the ORV and the police vehicle. WO3 thought the ORV was travelling at speeds between 30-40 KM/H when their unit had first passed him on Sargent Avenue.

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Both the ORV and the marked police unit proceeded to make southbound turn on Young Street. WO3 also proceeded to make southbound turn onto Young Street and noticed that the ORV and the police vehicle were about halfway down the block at that time. WO3 recalled the police vehicle following the ORV had its lights and siren activated. WO3 recalled that when his police vehicle was approximately one-third of a block away from the intersection of Ellice Avenue and Young Street, he observed the ORV proceed through a red light and strike a westbound vehicle on Ellice Avenue. The driver of the ORV went air born and ended up landing directly onto the roadway. As a result of the impact, the westbound vehicle ended up striking an eastbound vehicle travelling on Ellice Avenue. WO3 got out of his police vehicle and assisted with directing and managing vehicle and pedestrian traffic in the area. He also identified the drivers of the two vehicles involved and a number of civilian eyewitnesses.

#### **WO4**

On December 12, 2024, IIU investigators obtained a statement from WO4. On September 10, 2023, at approximately 5:10 p.m., their marked police vehicle (E101) was travelling westbound on Sargent Avenue near Young Street when they observed an ORV travelling at a high rate of speed eastbound on Sargent Avenue, being followed by a marked police vehicle with its emergency lights activated. WO4 was not sure if the siren had been activated. E101 proceeded to make a U-turn on Sargent Avenue and headed eastbound on Sargent Avenue. WO4 observed the ORV turn southbound onto Young Street followed by the marked police vehicle. E101 also proceeded to make a southbound turn on Young Street. He stated that the ORV and the police vehicle were approximately halfway down the block. The police vehicle still had its emergency lights activated. As E101 was travelling southbound on Young Street, and when their unit was approximately about two-thirds of the way down the block, they observed the ORV proceed through a red light at the intersection of Ellice Avenue which then collided with a westbound vehicle. WO4 indicated that his view of the intersection at Ellice Avenue and Young Street was clear and without any obstructions.

The driver of the ORV was ejected and ended up flying through the air before landing onto the pavement. WO4 could not recall if the ORV was equipped with rear view mirrors or not. The westbound vehicle that was struck by the ORV which ended up striking an eastbound vehicle. In total there were two vehicles and one ORV involved in the collision. The members from the police vehicle that had been following the ORV got out of their vehicle and immediately attended to the driver of the ORV to check on his wellbeing. WO4 and his partner got out of their vehicle and assisted with scene management by blocking traffic and identifying potential eyewitnesses to the collision. WO4 recalled seeing the driver of the ORV in serious medical distress and appeared as though he was having seizures.



## Summary of Other Evidence

### **Collison Reconstruction Report**

A Collison Reconstruction Report was created by a WPS Collison Reconstructionist. In his report, he considered the events leading up to the collision.

On September 10, 2023, between 5:37 a.m. and 5:41 a.m. two suspects attended the Weston Car Department vehicle tent on Higgins Avenue in Winnipeg. The suspects managed to steal a 2022 Polaris Sportsman 450 ATV. Later that same day, at approximately 5:07 p.m. WPS attended Furby Street regarding an unrelated matter and observed the ATV. Police activated emergency equipment (ie; lights and sirens) for the purposes of initiating a traffic stop. Speeds by the officers are estimated to be approximately 45 km/h continuing eastbound on Sargent Avenue until AP makes a southbound turn onto Young Street. Police members continued to follow AP southbound on Young Street, who began to increase speed towards Ellice Avenue. At 5:08:54 p.m. AP and a police cruiser are observed on an exterior building camera located at \*\*\* Young Street travelling southbound. The cruiser is in close proximity to AP with the emergency lights and sirens activated. At 5:09:11 p.m. a second exterior camera, mounted on the west side of \*\*\* Ellice Avenue, captures AP enter the Ellice Avenue/Young Street intersection, despite having a solid red light, making no attempt to brake. AP attempts to brake immediately prior to impacting the passenger side of the 2016 Nissan Juke. This collision causes the driver's front corner of the 2016 Nissan Juke to be pushed into the driver's side of the 2012 Nissan Altima. AP is ejected from the ATV and lands near the rear of the 2012 Nissan Altima. Police members immediately arrive on scene and attempt to provide medical attention to AP.

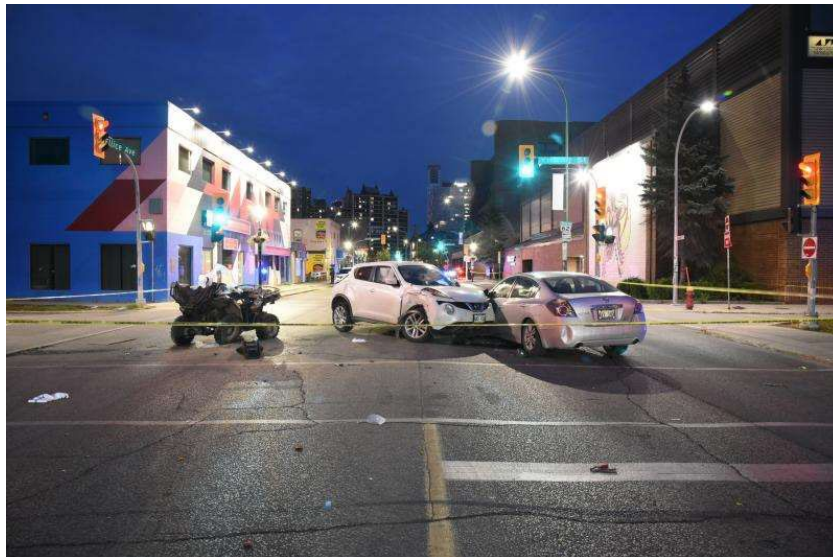


Photo above was taken on Ellice Avenue facing eastbound on the west side of the intersection.

The traffic reconstructionist report considered the issue of liability based on the series of events including the evidence observed at the collision scene, video footage and witness statements, and considered that the AP's attempt to evade police was a contributing factor in this collision. His opinion was that the AP had been operating the 2022 Polaris Sportsman 450 ATV in an unsafe manner and was actively attempting to evade police. This resulted in other motorists and pedestrians on or near the roadway being placed in danger of grievous bodily harm. As a result, AP entered a controlled intersection contrary to having a red light, making no attempt to slow or stop for the east or westbound traffic. The resulting collision caused property damage to three vehicles and serious injury to himself.

### **Mechanical Inspection Report**

On September 14, 2023, a Mechanical Inspection was completed on the 2022 Polaris Sportsman 450 ATV by WPS Vehicle Services Mechanic. The throttle and brake system were noted to be *working as intended*. All other damage on the ATV were as a result of the collision. There did not appear to be any mechanical issues with the ATV that would have contributed to the collision.

### **Medical Records - AP**

On December 8, 2023, the IIU received AP's medical records from the Health Sciences Centre (HSC). His injuries were reported as *left temporal fracture, trace temporal hemorrhage; new subarachnoid hemorrhage on Sept. 11<sup>th</sup> imaging; TBI for right scapular fracture; multiple rib fractures, trace left pneumothorax; C7 transverse process, fracture, T7 transverse process fracture*.

On the evening of September 18, 2023, AP went missing from his room at HSC. AP was later picked up by his father. He refused to return to HSC to continue with treatment.

### **Surveillance Video Evidence**

#### **5\*\* Young Street – exterior camera**

At 5:08:54 p.m. AP and a police vehicle are observed travelling southbound on Young Street. The vehicle is in close proximity to AP with the emergency lights and sirens activated.

#### **5\*\* Ellice Avenue – westside camera**

At 5:09:11 p.m. an exterior camera, captures AP enter the Ellice Avenue/Young Street intersection, despite having a solid red light, making no attempt to brake. AP attempts to brake immediately prior to impacting the passenger side of the 2016 Nissan Juke. This collision causes the driver's front corner of the 2016 Nissan Juke to be pushed into the driver's side of the 2012 Nissan Altima. AP is ejected from the ATV and lands near the rear of the 2012 Nissan Altima.

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## **Timed Trial Runs**

On February 2, 2024, IIU investigator attended to the area of the accident and conducted time and distance runs. Two separate time runs were completed between point A and point B.

A = Sargent Avenue and McMicken Street

B = Ellice Avenue and Young Street

C = Distance between point A and point B

The time to travel between point A and point B was clocked between 32-34 seconds. The total distance between point A and point B was measured at .5 kilometres.

The timed trial runs conducted by IIU investigator and the estimated times of the entire incident by WO1 and WO2 are very similar and within a few seconds.

Both WO1 and WO2 indicated that because the entire incident only lasted within a minute, they were unable to alert the police dispatch centre of the traffic stop prior to the crash occurring.

## **Conclusion**

In this investigation, the IIU's mandate is to consider whether the serious injuries suffered by the AP may have resulted from the actions of the police officers. In considering all the circumstances, I am satisfied that the very brief interaction of the officers did not contribute to the serious injuries of the AP. The police officers were in lawful execution of their duty to attempt a traffic stop given the Highway Traffic Act offences. They observed the AP over a short distance and over a brief timeframe (between 20 to 40 seconds). During this period, the officers observed, assessed, pursued, and decided disengaged before collision. This was a very brief period to assess the situation and determine what to do. There was no evidence of erratic driving, nor speeding by the police; this situation does not support a pursuit. The evidence suggests that the AP did not appear to be aware that police were attempting to stop him. The AP made the decision to run the right light at the intersection, which caused his serious injuries.

Given the totality of the circumstances, no charges are recommended against any of the witness officers, and the IIU investigation is now completed and closed.