

REPORT TO AG 338 - PAGE 2

CIRCUMSTANCES UNDER WHICH DEATH OCCURRED

SEE ATTACHED ADDENDUM

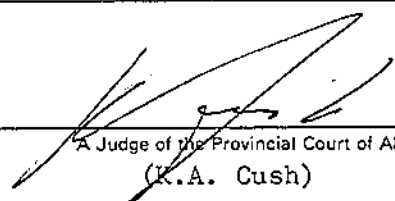
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RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS

NONE

No. of additional pages attached _____

DATED this 29th day of April, 19 98



A Judge of the Provincial Court of Alberta
(K.A. Cush)

CIRCUMSTANCES UNDER WHICH DEATH OCCURRED

On Monday, June 2, 1997, Christina Faye Hartwig, an employee of the Stony Plain Husky Service Station, arrived to open the business shortly before 5:30 A.M. A young man, Dion David VISSIA [hereinafter referred to as "Dion"], was waiting at the pumps in a late model white vehicle, later specifically identified as a 1991 Cadillac Sedan deVille, four door. Dion told her that he had been waiting for gas since 3:00 A.M.. She entered the building, turned off the alarm system and this enabled the young man to start dispensing gas into the Cadillac. Shortly thereafter, the young man entered the Service Station holding a rifle. He had dispensed \$35.00 worth of gas and said he was running away from home. He appeared to her to be 16 or 17 years of age. He said, "I have to do this." He then took a bag of potato chips and a 2-litre bottle of 7-Up from a display and didn't pay for anything. He didn't threaten her with words or point the gun. She said, "You need help." Dion said, "I know." He then left. She took down the license number of the vehicle which was Alberta KPC 227 and phoned 9-1-1. The vehicle headed north down the 5th Meridian Road. The 9-1-1 call came in at 5:20 A.M. It was then almost fully daylight.

The R.C.M. Police obviously gave the matter the highest priority and every officer available was deployed to attempt to apprehend Dion. Cst. Halbach went north on the 5th Meridian Road to Highway 16 as fast as his vehicle could go and then west on Highway 16 to its interchange with Highway 16A where he came upon Dion's vehicle as it entered Highway 16 to proceed west. The Dion vehicle travelled the 110 km speed limit as it proceeded west on Highway 16 with Cst. Halbach following. As it passed Highway 43 Cst. Halbach had asked Edmonton Operational Communication Centre (hereinafter referred to as "Telecomms") to keep the line open. Cst. Fitzgerald, who was in charge of the watch as the Senior Constable, and Cst. Eagles were both speeding down Highway 16 to catch up to Cst. Halbach and assist him in the

apprehension. After 10 to 12 kilometres at normal speeds Dion signalled a left turn at Range Road 32 which leads southbound to Duffield. As a shoot-out was certainly a possibility, Cst. Halbach was directed to try and stop the vehicle and wait for help before confronting Dion. The reasoning being that if there was to be a shoot-out it would be best if it were not in the more populated Duffield area. Cst. Halbach employed his vehicle's overhead lights and wig wags in an attempt to do this. As they entered onto Range Road 32 Dion did pull over and slow down to as low as 10 km/hr as though he were stopping but then sped off. Cst. Halbach set off after him and they reached speeds exceeding 190 km/hr down this road which is paved with one lane in each direction and no shoulders. The Dion vehicle bottomed out at a bridge a few kilometres south of Highway 16 at an estimated speed of 170 to 180 km/hr and had to cross railroad tracks near Duffield. There was no traffic on the roadway which is hilly south of Duffield. They proceeded in a southerly direction a further distance of approximately 10 kilometres towards a T-intersection where it joins secondary Highway 627. About a kilometre north of this intersection the Dion vehicle had slowed to around 140 km/hr when the vehicle's brake lights came on and it left the road entering the west ditch crashing through a barbed wire fence and coming to rest against a substantial tree. From the time it left the road to its place of rest the vehicle travelled 83.1 metres as evidenced by the track in the grass as testified to by the Accident Reconstruction Investigator Cpl. Sowers. There seemed to have been no braking or corrective action taken until it crashed into the tree at an estimated 20 to 25 km/hr. In his experience this is the type of track that is often left by a driver of a car who has fallen asleep or for whatever reason has not taken any evasive action. After analyzing all the data that he was able to discover, Cpl. Sowers concluded that Dion's vehicle was travelling at 100 to 120 km/hr when it left the highway.

Cst. Halbach, within minutes of the crash and when he had brought his vehicle to a stop on the highway adjacent to the crash site, heard a popping noise which he believes was a gun shot. Cst. Eagles shortly arrived on the scene and the

two constables, after first trying to hail Dion out of the vehicle, cautiously approached the crashed vehicle with shotguns drawn. Cst. Eagles approached from the side and Cst. Halbach from the rear. It was difficult to see inside because of the tinted windows. Dion was observed by Cst. Eagles to be in the driver's seat which was in the reclined position, a shotgun between his knees with the barrel pointing at the throat area. There was a hole in the throat area with some gun powder and other material displaced around it. This means that most of the barrel was touching the skin at the time of the firing except for a small gap that allowed this displacement. There was an expended shotgun shell on the dashboard and an expended shotgun shell in the single-shot shotgun. It was obvious that he was dead. The time was 5:55 A.M. There was no exit wound and all the shot remained in his head. There was, however, an exit hole made by a bullet in the roof of the car in the same position that the bullet would have exited the roof of the car had it continued on in the same trajectory. Cst Halbach only heard the one popping noise which he took to be gun fire but a lot was happening when he reached the crash site with all the radio communication then going on and the expectation of a gun fight impending.

The firearm expert, Bruce Norman Gunn, has testified that the shotgun would not fire unless there was a minimum of 4.5 pounds of pressure on the trigger. There is also evidence from Dr. Bannach that Dion was of a height that would easily enable him to reach the trigger of the shotgun in the position it was in when found by police. John Leo Vissia, Dion's father, confirms that there was no bullet exit hole in the vehicle when he went to bed on the night of June 1, 1997.

One can never be certain when the other shot was fired but the obvious likelihood is that Dion fired once and missed having regard to the cumbersome position he had placed himself in to fire the shot with very little margin of error. At the time of the fatal firing the barrel, except for a small gap, was in complete contact with the skin.

This was a dangerous pursuit and the R.C.M. Police has an elaborate policy with respect to dangerous pursuits and a procedure afterwards to determine whether the dangerous pursuit was carried out in accordance with the procedures. Although regrettably it ended so tragically, I would have to agree with them that the pursuit in these circumstances was a proper one and in accordance with established procedures.

Dion's father knew his son better than anybody and does not believe he deliberately set out to commit suicide. His son was an exemplary boy and he openly shared himself with his father. On June 1, 1997 they had had a wonderful day shared by the whole family inclusive of his grandfather and grandmother.

Unfortunately the economic fortunes of the family had recently taken a downturn with the father losing his farm and declaring bankruptcy. On June 2, 1997 the Cadillac, as part of the bankruptcy proceeding, was to be repossessed and on the night of June 1 Dion and the father were taking the license plate off the car. The gas gauge of the vehicle was near empty. Mr. Vissia is still haunted by the words which he said to his son, "You know I would like to take this car and just take it and fill it full of holes and give it back to them" and say, 'Here you are, you suckers.', and give it back." And then I told him, "I was only joking."

What ensued was that in the early morning of June 2, Dion removed his bedroom window and snuck out of the house. He had with him his father's brother-in-law's shotgun which had been stored in the basement where the brother-in-law lived. He also took 35 shotgun shells. He then drove the Cadillac, with the license plate re-affixed and using the car keys that had been left openly displayed in the house, to the Husky Service Station.

Certainly it may well be that Dion misguidedly was going to do what his father had said he would like to do but obviously knew would be wrong to do.

Once the chase began things just happened too fast for anyone let alone this 14-year-old troubled, but exemplary, child to make reasoned decisions. Everything just happened too fast. He died too soon and is deeply missed by all who knew him.