

REPORT TO THE ATTORNEY GENERAL
PUBLIC INQUIRY
THE FATALITY INQUIRIES ACT

CANADA
PROVINCE OF ALBERTA

WHEREAS a Public Inquiry was held at THE PROVINCIAL COURT OF ALBERTA
in the TOWN of VEGREVILLE
(City, Town, etc.) (Name of City, Town, etc.)
on the 10th day of APRIL, 19 91 (and by adjournment
on the _____ day of _____, 19____), before
His Honour K.A. CUSH, a Provincial Court Judge.

A jury was was not summoned and an Inquiry was held into the death of
Edward KUHN and Gerardus CALVELAGE 41 yrs and 26 yrs
(Name in Full) (Age)
of Andrew, Alta and Sherwood Park, Alta and the following findings were made:
(Residence)

Date and Time of Death November 26, 1990 at 9:07 A.M.

Place Nine miles south of Andrew, Alberta on Secondary #855

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))

Multiple Blunt Injuries

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

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CIRCUMSTANCES UNDER WHICH DEATH OCCURRED

See Attached

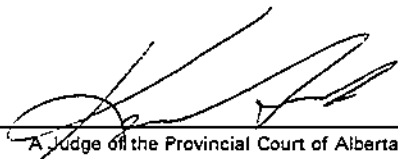
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RECOMMENDATIONS FOR THE PREVENTION OF SIMILAR DEATHS

None

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DATED this 13th day of May, 19 91


A Judge of the Provincial Court of Alberta

The deceased Gerardus (Gary) Calvelage had been separated from his wife Jodi Calvelage for about a week on November 26, 1990.

Jodi Calvelage was staying with a girl friend in Sherwood Park. At 7:00 A.M. on November 26, 1990 Gary (and I will hereinafter refer to him as Calvelage) showed up at the Sherwood Park residence and offered her a ride to work which she accepted. Instead of going to her work in Edmonton Calvelage headed out into the country. He wanted to go to a cabin and discuss their marriage and come to some sort of agreement.

They arrived at the end of a gravel dead end road near the Scraba farm located ten miles north of Hwy #45 near Andrew, Alberta. In attempting to back up, his vehicle got stuck in the ditch.

There were two farm houses located there: one belonging to Peter Scraba, a 70-year old retired farmer, and one belonging to his son, Irvin. Mr. Peter Scraba agreed to help Calvelage get his vehicle out of the ditch. Jodi wished to phone her new employer to tell him that she would be late. Calvelage and Jodi had a physical confrontation as he wished to prevent her from making the telephone call. Mr. Scraba told Jodi to go into the house and asked Calvelage why he had beaten up his wife that way.

Calvelage slashed Mr. Scraba with a knife in his rib area causing him to bleed profusely. Mr. Scraba ran and hid behind some

granaries. Calvelage then took Mr. Scraba's truck which was being warmed up and took off.

Edmonton R.C.M.P. Control was very soon informed by the Scrabas and they were from that moment on the look-out for Calvelage who was reported to have stabbed Mr. Scraba and was escaping in the truck stolen from Mr. Scraba.

This information was relayed by R.C.M.P. Control to the Andrew detachment at 8:56.33 A.M.

Andrew is a satellite detachment under the Two Hills Detachment which is some 48 km distant.

Constable Wilkowski, on duty in Andrew, drove the one mile from the detachment to the intersection of Hwy #45 and Secondary 855 and positioned himself just north of the intersection. He had a spike belt with him, which is used to deflate automobile tires, which he had not sufficient time to use.

As he got there he could see two vehicles approaching southbound from the direction of the Scraba farm. One was going much faster than the other. All the emergency equipment on the police vehicle was activated with the exception of the siren. As well, the headlamps were being flashed on and off but the vehicle went through the stop sign at Hwy #45 at 50-60 mph. As he went by, Calvelage looked directly at Cst. Wilkowski. At 9:01.54 A.M.

R.C.M.P. Control was advised that Calvelage had just gone by headed southbound on Secondary 855.

Immediately Cst. Wilkowski set out in pursuit. From Hwy #45 Secondary 855 is a 100 kph zone and then in the limits of Andrew there is a 50 kph zone followed by a 30 kph school zone which would be in effect at 9:02 A.M. By the time Cst. Wilkowski crossed Hwy #45 Calvelage was entering Andrew a kilometre away. Cst. Wilkowski sped up but slowed to 70 kph in the Town limits. After exiting town Cst. Wilkowski sped up to 180 kph and some two miles south of Town he was a half mile behind. At that time Calvelage overtook and passed a southbound vehicle.

Cst. Wilkowski then engaged his siren as a safe pass of this southbound vehicle was prevented by an oncoming car and neither vehicle had pulled over enabling him to complete the pass in safety. He completed the pass and turned off the siren. He sped up to 170-180 kph and caught up to Calvelage about three-and-a-half miles south of Andrew. He backed off and paced him at 140 kph. Other detachments that might help were being notified. At 9:05 A.M. Corporal Harrington, the officer in charge of Two Hills, was being advised of the chase. As Calvelage approached Secondary 637 which is some seven miles from Andrew, Cst. Wilkowski backed off to a distance of three-quarters of a mile to enable Calvelage to turn in safety if he wished to do so. Secondary 855 has the right-of-way. Calvelage went straight through in a southerly direction and thereafter Cst. Wilkowski drew to within 150-200

meters and was travelling at approximately 140 kph. There is a slight valley there. It would appear from crest to crest it is a distance of 1600 meters. The Calvelage vehicle was now overtaking a southbound automobile driven by Shirley Anne Kinneberg which was travelling at or near the 100 kph speed limit. A northbound vehicle came into sight. It was a Ford Ranger truck being driven by Edward Kuhn. The Calvelage vehicle rapidly overtook the southbound Kinneberg vehicle, signalled, braked momentarily and then crossed the centre line and struck, virtually head-on, the Kuhn vehicle which had veered to the right in an attempt to avoid the collision. The collision was on the east edge of the roadway. The Calvelage vehicle ended up on the roadway. The Kuhn vehicle ended up in the East ditch and the force of the collision had pushed it backwards from the point of impact a distance of approximately 40 feet. Cst. Wilkowski, who was travelling at 140 kph some 200 meters behind the Calvelage vehicle, first attempted to brake to avoid the collision and ultimately took to the West ditch in an attempt to avoid being involved in the collision. The vehicles had exploded in smoke on impact and it was difficult to see where they both were. Cst. Wilkowski's vehicle ended up some 50 feet south of the point of impact.

Both the Calvelage and Kuhn vehicles burst into flames and it is safe to say that both drivers died instantly.

There has been placed in evidence the R.C.M.P. Hazardous Pursuits Policy. Sergeant Eddleston personally conducted an

investigation to determine whether the Policy had been complied with and testified that in his opinion it had been. There may have been a slight breach with respect to keeping the siren on at all times but that was explainable in the circumstances. Inspector Slade is in charge of this Policy for the R.C.M.P. in Alberta and he testified that he also had concluded that the pursuit was performed within the confines of current policy.

It is certainly a terrible tragedy when two people were killed during a police pursuit, one of whom was completely blameless and innocent of any wrongdoing and who just happened to be in the wrong place at the wrong time.

In the circumstances of this case, I also conclude that the pursuit was carried out in accordance within the guidelines of the comprehensive pursuit policy.

Short of banning police pursuits entirely, which I am not prepared to recommend, I am not able to recommend anything additional to the extensive policy already in place which might have the effect of preventing future fatalities.