



Royal Newfoundland Constabulary
Office of the Chief of Police

Est. 1871

June 29, 2005

R. C. Deering
Chief of Police

Sir:

Re: Internal Complaint - Constable Joseph Smyth, Reg. #610
File # 2005-21265

On May 16, 2005 an internal investigation was initiated by your office into the conduct of Constable Joseph Smyth while on vacation in the British Virgin Islands. This matter was assigned to the undersigned for investigation and was reviewed by Inspector Ab Singleton.

In conclusion of this investigation I am recommending that Constable Smyth be charged with Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations. If you agree with this disposition, I will arrange to have the required documents prepared for your review and signature.

I await your decision on this matter.

Sergeant Dean Roberts
Regimental #480
Professional Standards Bureau

cc: 2005-21265

Facsimile # [REDACTED]

May 26, 2005

[REDACTED]
Commissioner of Police (Ag.)
The Royal Virgin Islands Police Force
P.O. Box 64, Road Town
Tortola, British Virgin Islands

Re: Joseph Smyth - Internal File #2005-21265
Breaches of 265(1) Criminal Code 1997

Sir:

I am an investigator with the Professional Standards Bureau of the Royal Newfoundland Constabulary.

I am presently conducting an internal investigation into Constable Joseph Smyth, a member of our police department, for conduct unbecoming a member of the Royal Newfoundland Constabulary. This internal investigation arises out of Constable Smyth being arrested and charged with damage to property on Saturday, May 14, 2005 at Road Town in the island of Tortola in the Territory of the Virgin Islands. Constable Smyth subsequently pleaded guilty to these offences.

I would like to thank you for the copy of the formal charges and the notes of Constable [REDACTED] and Sergeant [REDACTED]. At this time, I am requesting further documentation which may be included in your file as listed below.

1. Any statements obtained from witnesses to this damage.
2. Any formal statements obtained from Constable Smyth or notes made with respect to any utterances he may have made.
3. Any further police notes regarding their findings or observations. Including their observations relating to Constable Smyth at the time of his arrest and during

incarceration.

4. Any other documents in your file, you feel may be relevant to our investigation.

These documents would assist us greatly in assessing what internal disciplinary action should be taken against Constable Smyth.

Should you require any further documentation or information I can be reached at [REDACTED]
or [REDACTED]

Thank you for your assistance in this matter.

Dean Roberts (Sergeant)
Regimental #480
Professional Standards Bureau

A. G. (Ab) Singleton (Inspector)
Officer In Charge
Professional Standards Bureau

cc: RNC File #2005-21265

CANADA

PROVINCE OF NEWFOUNDLAND

AFFIDAVIT

I, Sergeant Dean Roberts, of St. John's in the Province of Newfoundland make oath and say as

follows:

1. THAT I am a member of the Royal Newfoundland Constabulary holding the rank of Sergeant.

2. THAT on the 14th day of July, 2005 at _____ o'clock in the _____ noon, I did personally serve Constable Joseph Smyth with a true and correct copy of the following documents:

(a) Notice of Charge herein dated the 14th day of July 2005;

(b) Information sworn by Sergeant Dean Roberts on the 14th day of July 2005.

SWORN TO at St. John's in
the Province of Newfoundland
this 14th day of July
2005 before me.

Commissioner of Oaths

FORM NO. 1

CANADA
PROVINCE OF NEWFOUNDLANDINFORMATION

This is the information of **Sergeant Dean Roberts, Regimental #480** a member of the Royal Newfoundland Constabulary, hereinafter called the Informant.

The Informant says that he has reasonable and probable grounds for believing and does believe that **Constable Joseph Smyth, Regimental No. 610**, a member of the Royal Newfoundland Constabulary:

Charge No. 1:

On or about the 17th day of May, A.D. 2005 at or near Road Town in the Island of Tortola, in the territory of the Virgin Islands, did engage in conduct unbecoming a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary to wit: he was convicted in the Magistrates Court of causing damage without lawful excuse to a motor jeep, licence number [REDACTED] belonging to [REDACTED] thereby committing a breach of Section 265(1) of the Criminal Code 1997 of the laws of the Virgin Islands, contrary to Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations, thereby committing an offence contrary to Section 7(3) of the Royal Newfoundland Constabulary Regulations.

AND FURTHER THAT

Charge No. 2:

On or about the 17th day of May, A.D. 2005 at or near Road Town in the Island of Tortola, in the territory of the Virgin Islands, did engage in conduct unbecoming a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary to wit: he was convicted in the Magistrates Court of causing damage without lawful excuse to a motor bus, licence number [REDACTED] belonging to [REDACTED] thereby committing a breach of Section 265(1) of the Criminal Code 1997 of the laws of the Virgin Islands, contrary to Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations, thereby committing an offence contrary to Section 7(3) of the Royal Newfoundland Constabulary Regulations.

AND FURTHER THAT

Charge No. 3:

On or about the 17th day of May, A.D. 2005 at or near Road Town in the Island of Tortola, in the territory of the Virgin Islands, did engage in conduct unbecoming a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary to wit: he was convicted in the Magistrates Court of causing damage without lawful excuse to a motor car, licence number [REDACTED] belonging to [REDACTED] thereby committing a breach of Section 265(1) of the Criminal Code 1997 of the laws of the Virgin Islands, contrary to Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations, thereby committing an offence contrary to Section 7(3) of the Royal Newfoundland Constabulary Regulations.

AND FURTHER THAT

Charge No. 4:

On or about the 17th day of May, A.D. 2005 at or near Road Town in the Island of Tortola, in the territory of the Virgin Islands, did engage in conduct unbecoming a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary to wit: he was convicted in the Magistrates Court of causing damage without lawful excuse to a motor car, licence number [REDACTED] belonging

to [REDACTED] thereby committing a breach of Section 265(1) of the Criminal Code 1997 of the laws of the Virgin Islands, contrary to Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations, thereby committing an offence contrary to Section 7(3) of the Royal Newfoundland Constabulary Regulations.

AND THAT he will be tried by a Disciplinary Panel pursuant to the Royal Newfoundland Constabulary Regulations, on the 29th day of August, A.D. 2005 at 10:00 a.m. at the Royal Newfoundland Headquarters, St. Johns, Newfoundland.

SWORN TO before me this 14th day of

July, A.D. 2005 at St. John's

JUSTICE OF THE PEACE

SIGNATURE OF INFORMANT

FORM NO. 2

CANADA
 PROVINCE OF NEWFOUNDLAND

NOTICE OF CHARGE

TO: Constable Joseph Smyth
 Royal Newfoundland Constabulary
 Regimental No. 610

YOU ARE HEREBY NOTIFIED that you are charged with the following offences under the Royal Newfoundland Constabulary Regulations:

STATEMENT OF OFFENCES:

Charge No. 1:

On or about the 17th day of May, A.D. 2005 at or near Road Town in the Island of Tortola, in the territory of the Virgin Islands, you did engage in conduct unbecoming a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary to wit: he was convicted in the Magistrates Court of causing damage without lawful excuse to a motor jeep, licence number [REDACTED] belonging to [REDACTED] thereby committing a breach of Section 265(i) of the Criminal Code 1997 of the laws of the Virgin Islands, contrary to Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations, thereby committing an offence contrary to Section 7(3) of the Royal Newfoundland Constabulary Regulations.

AND FURTHER THAT

Charge No. 2:

On or about the 17th day of May, A.D. 2005 at or near Road Town in the Island of Tortola, in the territory of the Virgin Islands, you did engage in conduct unbecoming a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary to wit: he was convicted in the Magistrates Court of causing damage without lawful excuse to a motor bus, licence number [REDACTED] belonging to [REDACTED] thereby committing a breach of Section 265(1) of the Criminal Code 1997 of the laws of the Virgin Islands, contrary to Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations, thereby committing an offence contrary to Section 7(3) of the Royal Newfoundland Constabulary Regulations.

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On or about the 17th day of May, A.D. 2005 at or near Road Town in the Island of Tortola, in the territory of the Virgin Islands, you did engage in conduct unbecoming a police officer and liable to bring discredit upon the Royal Newfoundland Constabulary to wit: he was convicted in the Magistrates Court of causing damage without lawful excuse to a motor car, licence number [REDACTED] belonging to [REDACTED] thereby committing a breach of Section 265(1) of the Criminal Code 1997 of the laws of the Virgin Islands, contrary to Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations, thereby committing an offence contrary to Section 7(3) of the Royal Newfoundland Constabulary Regulations.

to [REDACTED] thereby committing a breach of Section 265(1) of the Criminal Code 1997 of the laws of the Virgin Islands, contrary to Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations, thereby committing an offence contrary to Section 7(3) of the Royal Newfoundland Constabulary Regulations.

AND THAT you will be tried by a Disciplinary Panel pursuant to the Royal Newfoundland Constabulary Regulations, on the 29th day of August 2005 at 10:00 a.m. in the forenoon at the Boardroom, RNC Headquarters, Fort Townshend, St. John's, Newfoundland.

YOU ARE FURTHER NOTIFIED that you have the option of invoking the provisions of Sections 11 or 12 of the Royal Newfoundland Constabulary Regulations, prior to the date set for trial.

Dated this 14th day of July

A.D. 2005 at St. John's, Newfoundland

WITNESS

COMPLAINANT

ROYAL NEWFOUNDLAND CONSTABULARY

INTERNAL INVESTIGATIVE REPORT

RNC FILE #2005-21265

Member Involved: Constable Joseph Smyth, Reg. #610

Table of Contents

TAB

Internal Investigative Report 1

Report of Sergeant Marlene Jesso, Reg. #378..... 2

Statement of [REDACTED] 3

Statement of [REDACTED] 4

Report of Inspector [REDACTED] (British Virgin Islands) 5

Report of Sergeant [REDACTED] (British Virgin Islands)..... 6

Statement of [REDACTED] (British Virgin Islands)..... 7

Statement of [REDACTED] (British Virgin Islands)..... 8

Statement of [REDACTED] (British Virgin Islands)..... 9

Statement of [REDACTED] (British Virgin Islands)..... 10

Court Documents British Virgin Islands..... 11

R5's of Sergeant Dean Roberts, Reg. #480..... 13



ROYAL NEWFOUNDLAND CONSTABULARY

Internal Investigative Report

~~RNC FILE #2005-21265~~ ~~Date Submitted: June 27, 2005~~

Re: Internal Complaint of: Inspector Wm. Brown, Reg. #279

Date of Complaint: May 16, 2005

~~Member Involved: Constable Joseph Smyth, Reg. 610~~

Nature of Complaint:

Constable Joseph Smyth was vacationing in Road Town, in the Island of Tortolla in the Territory of the British Virgin Islands when he was arrested for malicious damage to four vehicles.

Background Information:

Constable Joseph Smyth has been a member of the Royal Newfoundland Constabulary since June 20, 2002. On May 13, 2005 while vacationing in Road Town in the British Virgin Islands Constable Smyth was under the influence of alcohol and at approximately 4:00 AM on May 14, 2005 he was robbed by unknown males at knife point. The persons responsible stole his wallet which had approximately \$150 - \$200 cash, his badge, police identification and credit card. Constable Smyth was upset and commenced to cause damage to vehicles in the area with a piece of wood as a result he was arrested, detained and charged with malicious damage.

Details of Investigation

During this investigation statements and/or reports were received from Sergeant Marlene Jesso, [REDACTED] and Constable Joseph Smyth. Police reports from the British Virgin Islands and statements of civilian witnesses were reviewed.

Sergeant Marlene Jesso

1. She is the immediate supervisor of Constable Joseph Smyth.
2. On May 14, 2005 at approximately 3:00 PM she received a telephone call from Sergeant Reg Tilley who advised her that he received a telephone call from [REDACTED] a friend of Constable Smyth's who told him that Constable Smyth was in custody and being held at the lockup in the British Virgin Islands. Mr. [REDACTED] stated Constable Smyth had been mugged and in the process some vehicles were damaged.
3. At approximately 3:15 PM she called the lockup in the British Virgin Islands and was advised Constable Smyth was speaking with his counsel and was told to call back.

4. At approximately 5:15 PM she spoke with Constable Smyth by telephone. Constable Smyth appeared very shaken and scared. Constable Smyth advised he spoke with a lawyer he had not been charged with any offence yet and that they had 24 hours to lay charges and they could hold him indefinitely. He would not be able to attend court until Tuesday, May 17, 2005.
5. Constable Smyth explained that at approximately 3:00 AM he was robbed at knife point by two men. He ran after one of them and during the confrontation a flower pot and a piece of wood were thrown causing damage to some vehicles. He yelled for help the police arrived and detained him for property damage.
6. On May 15, 2005 she spoke with Superintendent [REDACTED] and explained that she was Constable Smyth's supervisor. He stated it was still under investigation but Constable Smyth was presently charged with property offences. They would not release Constable Smyth because they released people before and they left before court and he was not going to let that happen again. Constable Smyth would have to attend court on May 17, 2005.

[REDACTED]

1. He chartered a sailing boat with five (5) other people including Constable Smyth at Road Town, Tortolla, British Virgin Islands.
2. May 13th, 2005 they returned to Road Town in order to conclude their vacation and turn the boat charter in.
3. They went into town around 1400 hrs to shop and returned to the boat approximately 1700 hrs and had a few drinks. They all took a nap and at 1800 hrs they ordered supper and had some drinks. They continued drinking into the evening.
4. At 2330 hrs Constable Smyth left the boat on his own to go to the bars on the Waterfront. Constable Smyth had not returned by 0030 hrs so they went looking for him but they were unable to locate him. They returned to the boat to gather their belongings to leave in the morning. They went to bed at 0130 hrs.
5. At 0330 hrs Constable Smyth returned to the boat alone. He heard Constable Smyth in his cabin until 0345 hrs. A short time later he heard Constable Smyth on deck and then saw him leave again on his own.
6. At 0530 hrs they were notified by the police that Constable Smyth was in custody and they had to go to the police station.
7. [REDACTED] and himself attended at the police station. Constable Smyth was there with no shirt on. Constable Smyth said, *"I didn't do anything... I was mugged... someone held a knife to my throat... I shouldn't be here."*
8. He stayed with Constable Smyth in the British Virgin Islands while the rest of the crew returned home.

[REDACTED]

1. He was on vacation in the British Virgin Islands with Constable Smyth and others. They chartered a boat in Road Town.
2. May 13, 2005 they returned to Road Town in order to turn in the boat and conclude their vacation.

3. In the evening they were drinking and had a bit of a party on the boat. At approximately 2300 hrs they all went to bed except Constable Smyth. He went to the bars on the Waterfront by himself. They left the boat approximately 1 hour later to try and find Constable Smyth but was unable to locate him. Constable Smyth came back to the boat alone between 0130 - 0230 hrs. He had a brief chat with him then Constable Smyth proceeded to pack his gear. Constable Smyth left a short time later by himself.
4. While the crew was waiting for a taxi to leave for the airport the police arrived and said they had Constable Smyth in custody.
5. He went to the police station with [REDACTED] to check on Constable Smyth. Constable Smyth was in good health. He had to leave but [REDACTED] stayed behind to assist Constable Smyth.

Constable Joseph Smyth

1. He was sailing in the British Virgin Islands with a group of friends.
2. May 13, 2005 they returned to Road Town, Tortolla. In the evening he attended several night clubs and had conversed with several local residents.
3. In the early morning hours of May 14, 2005 he went to some clubs with the local residents but left because of the undesirable atmosphere. He was walking towards the main road and was attacked by two black males. One on them held a knife to his neck. He was forced to the ground and his wallet taken. The males fled on foot.
4. He ran after the suspect throwing several objects causing damage to vehicles in the process. He was unable to catch them. He had a piece of wood and struck an old school type bus breaking the glass in the bus. He was yelling and screaming at the individuals.
5. The police arrived and he explained what happened and about the damage he intentionally and unintentionally caused. He advised that he would pay for all damages. He was then taken into custody.
6. He was charged with several counts of criminal damage on May 15, 2005. His options were 1) plead not guilty and remain in custody until October or November for trial 2) wait for a couple of weeks until the complainants were paid a satisfactory amount of money at which time all charges may be dropped or 3) plead guilty and hope for the best.
7. He picked the later and plead guilty to the charges, paid the court fines and damages and was released the evening of May 17, 2005.
8. He had consumed a quantity of alcohol and was faced with an adverse and dangerous situation and acted very unfitting and inappropriately for which there is no excuse.
9. He can do little but assure that this type of behaviour will not happen again.

Inspector [REDACTED]

(British Virgin Islands)

1. They responded to a call a white male was walking around the Scotliffe Alley area with a piece of 2 x 4 wood hitting parked vehicles.
2. They searched the area and saw a caucasian male without shirt and shoes running towards the ghut while searching the area they saw a red motorcar [REDACTED] with a potted plant stuck in the passenger door with the glass broken.

3. They located the suspect, Constable Smyth, cursing to himself and making noise who appeared under the influence of drugs or alcohol. They cautioned the suspect.
4. Constable Smyth stated, *"I was mugged by two guys who held me around my neck by knife point. They took my black leather wallet from my back pocket which had my badge N610 and RNC Seal and \$150 US currency. I chased after them, throwing things at them"*.
5. Then Constable Smyth was told he was under arrest. They searched the area for the robbery suspects but no one fitting the description was seen.
6. The owners of several vehicles were interviewed and statements obtained regarding what they saw and the damages that occurred to their vehicles. A piece of wood, 1 inch by 4 inches was turned over to the police by one of the witnesses.
7. Constable Smyth was taken back to the area where he said he was robbed in order to search for his shoes, shirt and wallet but nothing was found. Statements were obtained from Constable Smyth.

Sergeant [REDACTED]

1. He spoke with Joseph Smyth at the hospital on May 14, 2005. Mr. Smyth advised he was drinking in different bars and while walking in the area he was robbed by two black males. One put a knife to his neck. They took his black leather wallet with his police identification, badge and credit card and \$150 - \$200 American money. He gave a brief description of the suspect. Constable Smyth advised when the suspect ran away he threw a pot at them and ran after them. Constable Smyth was taken back to the area to show where it occurred but was intoxicated at the time of the robbery.
2. He spoke with several persons in the area that said a noise was heard shouting for the police in the area of Violette's Bar opposite the Fire Station.

[REDACTED]

1. He owns a motor jeep [REDACTED] It was parked in his driveway. At approximately 4:00 AM he heard a banging then he saw a white male beating on his vehicle and another vehicle with a stick. He approached the male who then ran away with the stick. The windshield of his vehicle was cracked and the quarter panel was damaged.

██████████

1. He owns a motor jeep ██████████. At approximately 4:45 AM on May 14, 2005 she was in the market and her vehicle was parked in the area. She heard someone shouting in the area of the Fire Station saying, "the fuckers stole my badge". The male walked towards her car and began hitting it with a piece of 2 x 4. The car received a dent in the right rear side.

██████████

1. At approximately 4:30 AM on May 14, 2005 he saw a white male in the area of the Fire Station running like a mad man with a piece of 2 x 4 pounding it on the ground until it broke. He was shouting, "I'm goin kill them, they stole my badge, I'm a Canadian police officer." He struck ██████████ bus with the piece of wood and broke some glass. The male was dressed in short pants and nothing else. He identified the male at the police station.

██████████

1. He owns a red and black bus from which he serves food. He was notified around 5:00 AM, May 14, 2005 someone did damage to the bus. He checked the bus and observed four panes of glass broken.

Conclusion:

On May 13, 2005 Constable Smyth was on vacation in the British Virgin Islands. On this date he was on his own in the area of Road Town and was bar hopping in the local area. Constable Smyth was very intoxicated and states he was robbed at knife point by two black males.

The individuals responsible stole his wallet which contained \$150 - \$200 cash, credit card, police identification and badge. Constable Smyth was intoxicated and upset over this occurrence and commenced to run after the individuals responsible. He threw a flower pot at them and picked up a piece of wood. He started hitting vehicles in the area. Constable Smyth was subsequently arrested by the police.

The area was searched by the police for any signs of a robbery and for Constable Smyth's clothing and wallet but nothing was found. The evidence to support the robbery occurred is the statement of Constable Smyth and people in the area advising Sergeant ██████████ they heard someone calling for the police where the robbery occurred.

Constable Smyth was later detained at the lockup and held for court until Tuesday, May 17, 2005.

Constable Smyth appeared before the Magistrate on May 17, 2005 and plead guilty to four charges of property damage. The following is a breakdown of the monetary fines and compensation.

- | | |
|-------------------------|-------------------------|
| 1. \$6,000 Court Fines | 4. \$2,400 Compensation |
| 2. \$1,095 Compensation | 5. \$ 700 Compensation |
| 3. \$ 275 Compensation | |

The fact that Constable Smyth was intoxicated and robbed does not justify his actions but can be looked at as a mitigating factor.

Recommendations

The investigator recommends that the following charge be laid against Constable Joseph Smyth.

Breach of Section 7(1)(p) of the Royal Newfoundland Constabulary Regulations for four breaches contrary to Section 265(1) of the Criminal Code 1947 (Act 1 of 1997) of the laws of the Virgin Islands.

Section 7(1)(p)

A police officer shall not engage in conduct unbecoming a police officer and liable to bring discredit upon the Constabulary.

I respectfully await your decision.

I trust this report meets with your approval.

Sergeant D. Roberts
Regimental #480
Professional Standards Bureau



R5

CONTINUATION Page <u> 1 </u> of <u> 2 </u>	OCCURRENCE #	
	YEAR 2005	# 21265
	CASE HEADING:	

Surname:	G1:	G2:
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CW <input type="checkbox"/> Civilian Witness Statement	NS <input type="checkbox"/> Narrative Summary	CS <input type="checkbox"/> Cautioned Statement
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At approximately 300 PM on 05-05-14 I received a call from Sgt. R. Tilley who stated he had just received a call from a [REDACTED] who is a friend of Cst. J. Smyth. They and several other people from the St. John's area were presently vacationing gin the Carribean.

[REDACTED] explained to Sgt. Tilley that Cst. Smyth was presently in custody and being held in a lockup in the British Virgin Islands. He told Sgt. Tilley that Joe had been mugged and during the confrontation some items had been stolen and there was some damage.

Cst. Smyth was apparently being held on property damage. Sgt. Tilley was a little unsure of details so he gave me several telephone numbers 1) [REDACTED] - Room [REDACTED] and a tel [REDACTED] - Lockup.

I called [REDACTED] at the first telephone number. I was told by the receptionist that I was calling [REDACTED] in Tortolla in the British Virgin Islands.

[REDACTED] was not there so I left my name and telephone for him to call me. I've yet to get a response.

3:15 PM

I called the telephone number for the lockup and was told that it was the police station. I identified myself and asked court I speak to Joseph Smyth. The lady told me that he was speaking with his counsel and for me to call back.

5:15 PM

I called the police station again and identified myself as Sgt. Marlene Jesso of the Royal Newfoundland Constabulary. I explained I was Cst. Smyth's supervisor and they agreed to let me speak to him.

He appeared very shaken and scared. He stated he had just spoken to a lawyer and that they had not laid charges as of yet. He explained they had 24 hours to lay charges and that they could hold him indefinitely. There was a holiday on Monday so he would have to wait for court Tuesday morning.

He stated he was fine physically but not emotionally or mentally and stated, "it's a circus". He explains that at about 300 Am on Saturday morning he was robbed at knife point by two men. He ran after one of them and during the confrontation a flower pot and a piece of wood were thrown causing damage to some vehicles.

He stated he yelled for help and the police arrived. They took him to the police station and detained him for property damage.

Taken By:	Reg. No.:	Date:	MM	DD
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It was a fairly short conversation. He did say he had contacted his parents.

On 05-05-15 at approximately 12 noon I spoke to Cst. Smyth's father [REDACTED] Him and his wife were very concerned but relieved that he hadn't been killed. He stated he had spoken to Joe and was concerned he was tired and confused.

He asked me if I would try to call someone regarding the matter to see if I could get any answers.

I stated I would call later on today. 100 pm Mr. Smyth called again and stated he had spoken to Joe and it appeared nothing had changed. He stated there was an Inspector at the police station when he called.

Mr. Smyth stated he would put up a surety and was hoping his son could be removed from jail until Tuesday court.

At approximately 130 pm I called the police station I asked to speak to someone in charge they gave me a name of Superintendent [REDACTED]

I called the Superintendent and explained who I was. I explained that I was Cst. Smyth's supervisor and that I was concerned about him. I asked if he could give me some details. As he spoke English I found it very difficult to understand his accent.

He stated Joe had reported he had been robbed. He explained everything was still under investigation and that Joe was presently charged with property offences. I asked if we could pay some type of bail and that I would assure that he would be in front of the majistrate Tuesday morning. He stated they had let people do this before and that they had fled and it would not happen to him again. Because he was not from there he would have to stay in the lockup until Tuesday morning.

I requested a report, he stated he could not give me that and I would have to apply to the police commissioner.

Sgt. M. Jesso, #378

Taken By:	Reg. No.:	Date:	MM	DD
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R3 Statement
Page 1 of 2

File 2005-21265**Surname:** [REDACTED]**G1:** [REDACTED]**G2:** [REDACTED]**Address:** [REDACTED]**Business or Place Name:** [REDACTED]**Municipality:** [REDACTED]**Sex:** [REDACTED]**DOB:** [REDACTED]**Phone #:** [REDACTED]

Date: 05/06/23**Time:****Location: RNC Annex P.B.B.**

Q. [REDACTED] what can you tell me about what occurred with Cst. Smyth when you were on vacation in Road Town?

A. Const. Smyth was one of 5 other people with which I chartered a sailing vessel in Road Town. We sailed to the British Virgin Islands from May 4th till May 13th when we arrived back in Road Town, Tortola.

Upon arrival in Road Town on the 13th we checked the boat and prepared it for the Charter companies inspection.

Once the inspection was complete we went into town around 1400 hrs to shop.

We got back to the boat around 1700 hrs and began eating snacks and drinking a few beers and then took a nap till around 1900 hrs.

At 1900 hrs we had a few more drinks and we ordered supper.

At around 2100 hrs we had finished supper and began drinking and singing songs on the boat.

Around 2230 hrs - 2300 hrs Const. Smyth left the boat he said he wanted to return to the bars on the waterfront that he had visited the night of May 4th.

We said that this wasn't a good idea. Around 2330 hrs Const. Smyth left the boat to go walk around by himself. By 00:30 we had not seen Const. Smyth. We began to worry and left the boat to go looking for him in the bars on the waterfront.

We didn't find him in any of the bars that he and the other had been in.

We returned to the boat, prepared our luggage and went to bed at 0130 hrs.

At around 0330 hrs Const Smyth returned to the boat alone. We said that it would be a good idea for him to remain on the boat and get his things ready.

I heard Const. Smyth in his cabin till around 0345 hrs. I then went

R5 Continuation
Page 2 of 2

File #2005-21265
Internal Complaint

back to sleep. A short while later I heard Const. Smyth on deck. I got up to tell him to go to bed. By the time I got up he had left again on his own.

At 0500 hrs we went to the end of the dock to meet the cab to take up to the airport. We prepared Const. Smyth's things in case of his arrival. At 0525 hrs Const. Smyth was not back. At 0530 hrs the police arrived and told us that Const. Smyth was in their custody and that we had to come to the police station.

At 0545 hrs myself and [REDACTED] arrived at the police station.

Const. Smyth was in a cell, with no shirt on and was being questioned by a female officer.

I was told that Const. Smyth waved his right to silence.

I told Const. Smyth to say nothing, he said, *"I didn't do anything... I was mugged... someone held a knife to my throat... I shouldn't be here"*

I asked Const. Smyth if he had spoken to a lawyer he replied that he hadn't. We told the officers present that they shouldn't be interviewing Const. Smyth without a lawyer present.

The police then told us we had to step into an office and told us that one of us should stay to stand for Const. Smyth. I stayed.

0615 hrs I called my sister [REDACTED] to get the phone number for the dept of Foreign Affairs. The officers told me that I couldn't call out. Calls could only come in.

I contacted the dept. of Foreign Affairs. They gave me a list of lawyers I could contact. Among these was a [REDACTED] who gave me a list of lawyers in Road Town.

I returned to the police station at 0930 hrs and told Const. Smyth that I had found a lawyer, [REDACTED] Const. Smyth was stressed but had no change in his physical condition.

I returned again to the police station at 1230 hrs to see Const Smyth. At this time Const. Smyth had a large cut over his right eye and was covered in blood.

When I asked Const. Smyth what happened he said, "they shoved me into the cell". One of the officers present said, *"We did what?"* and Const. Smyth said, *"nothing... nothing happened... I fell"*.

I then left and went to the hotel for the night.

Taken By: Sergeant D. Roberts
Regimental 480

Signature: [REDACTED]

R3 Statement
Page 1 of 2

File 2005-21265

Surname: [REDACTED] **G1:** [REDACTED]
Address: [REDACTED] **Municipality:** [REDACTED]
Sex: [REDACTED] **DOB:** [REDACTED]
Phone #: [REDACTED] [REDACTED]

Date: 05/06/23 Time: 1115 hrs Location: RNC Annex P.B.B.

Q. What can you tell me about your trip with Cst. Smyth to the British Virgin Islands?

A. From first day to last day trip was normal without incident. Arrived in Road Town, picked up boat, sailed throughout islands, and had a great trip. On the last day we got up, prepared boat for a 5 - 6 mile sailed back to Road Town. Arrived Road Town around lunch time, and checked boat back in with Charter company. For the remainder of the afternoon the crew walked around the Town site seeing and shopping.

That evening we started with some pre-dinner drinks, had take-out, then played some music, proceeded to have a bit of a party in the cabin of the boat. Around 11 pm all but Joey went to bed. Joey left boat. We went down to bar (10 min walk) around an hour later to meet him. He wasn't there, so we returned. He arrived back on the boat between 1:30 , 2:30 am, had a brief chat and proceeded to pack his gear. He left again shortly thereafter.

Crew awoke about 4:15 am that morning, got ready and waited for taxi. Before taxi arrived a police car showed up with two officers. They told us Joey had been arrested for vandalism, said it may be due to a mugging. Myself and [REDACTED] went to see him at the station. He was being questioned in a open room with lots of people around (noisy and disorganized). He was in good health.

I was eventually asked to leave when questioning the officers if they were allowed to question him in that manner without giving him a chance to seek counsel.

I was told later by an officer that all Joey had to do was to pay for damages. However it was the start of a long weekend and nothing could be done until Tuesday and they would not let him leave. It was agreed that [REDACTED] would stay in Tortolla until they could both return.

An officer just getting off duty drove me to the airport.

Q. When Cst. Smyth left at 11 pm who was with him?

A. No one.

Q. When he returned who was with him?

A. No one.

R5 Continuation
Page 2 of 2

File #2005-21265
Internal Complaint

Q. When he left agin who was with him?

A. No one.

Q. Was he drunk?

A. He was intoxicated.

Taken By: Sergeant D. Roberts
Regimental 480

Signature: 



R2

NARRATIVE SUMMARY

Page of

X R E F	OCC. <input type="checkbox"/>	YEAR	#
	SOT. <input type="checkbox"/>		
	MVA <input type="checkbox"/>		
	OCC. <input type="checkbox"/>	YEAR	#
	SOT. <input type="checkbox"/>		
	MVA <input type="checkbox"/>		

FILE #
05 22808
CASE HEADING
Internal Files

(1) CR Concluding Report CS Case Summary A/O Administrative/Operational

Royal Newfoundland Constabulary
St. John's, Newfoundland
Received
JUL 25 2005
Patrol Services Division

Date & Time:

05 07 22

Copy of Written Report served on Sgt. J. Smyth.
Please send copy to Personnel file.
File Closed

Jt m. A. Jesso
#378

2005-07-29

This matter is covered under
Stat. by Sgt. J. Smyth. Copy of letter
to be sent to file.

Motor Vehicle Recovery

00 <input type="checkbox"/> Unknown	05 <input type="checkbox"/> Destroyed - not burned
01 <input type="checkbox"/> Not recovered	06 <input type="checkbox"/> Destroyed - burned
02 <input type="checkbox"/> Recovered - no damage	07 <input type="checkbox"/> Condition unknown
03 <input type="checkbox"/> Parts and/or accessories missing	09 <input type="checkbox"/> Not applicable
04 <input type="checkbox"/> Damaged	

Person who found vehicle:
Location: _____
Date: _____
Time: _____

CCJS

A <input type="checkbox"/> Unfounded	E <input type="checkbox"/> Death of accused	I <input type="checkbox"/> Accused under 12 years of age	M <input type="checkbox"/> Accused involved in other incidents
B <input type="checkbox"/> Not cleared	F <input type="checkbox"/> Death of complainant	J <input type="checkbox"/> Accused committed to mental hospital	N <input type="checkbox"/> Accused already sentenced
C <input type="checkbox"/> Cleared by charge	G <input type="checkbox"/> Beyond control of department	K <input type="checkbox"/> Accused outside Canada, cannot be returned	O <input type="checkbox"/> Departmental discretion
D <input type="checkbox"/> Suicide of accused	H <input type="checkbox"/> Diplomatic immunity	L <input type="checkbox"/> Complainant declined to lay charges	P <input type="checkbox"/> Diversionary Program

Complainant Notified upon conclusion of file Yes No Date: YY MM DD Time: Reg. No.:

How Notified (1) A In Person B By Telephone C By Letter D Message Left With:

NOTIFIED

<input type="checkbox"/> Forensic/Ident Name:	Date: YY MM DD	Time:	Will Take Action <input type="checkbox"/> Yes <input type="checkbox"/> No	Property Form <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> C.P.S. Name:	Date: YY MM DD	Time:	Will Take Action <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> Other Agency Name:	Date: YY MM DD	Time:	Will Take Action <input type="checkbox"/> Yes <input type="checkbox"/> No	

Copy of This Report Has Been Sent To:

CPIC ACTION Query Yes No Add Yes No Removed Yes No Alert Yes No

Submitted by: Reg. No.: Report Date: YY MM DD Supervisor: Reg. No.: Date: YY MM DD

Case Heading:

1. UCR EXT	List In Order Of Seriousness	2. UCR EXT
3. UCR EXT	A <input type="checkbox"/> Attempted C <input type="checkbox"/> Completed	4. UCR EXT
	A <input type="checkbox"/> Attempted C <input type="checkbox"/> Completed	

OPERATIONAL STATUS C File Concluded P Investigation Pending
D Awaiting Disposition O Other

READER: Officer Name: Reg. No.: Date: YY MM DD

No Investigative Indicators

FOLLOWUP 1 Officer Name:	Reg. No.:	Org. Unit:	Diary Date: YY MM DD	Assigned By:	Reason: 01 <input type="checkbox"/> Investigation 02 <input type="checkbox"/> Court Diary	03 <input type="checkbox"/> Property Diary 04 <input type="checkbox"/> Warrant Diary 05 <input type="checkbox"/> Other
FOLLOWUP 2 Officer Name:	Reg. No.:	Org. Unit:	Diary Date: YY MM DD	Assigned By:	Reason: 01 <input type="checkbox"/> Investigation 02 <input type="checkbox"/> Court Diary	03 <input type="checkbox"/> Property Diary 04 <input type="checkbox"/> Warrant Diary 05 <input type="checkbox"/> Other