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Supplementary Occurrence Report
Cpl.Monty Henstridge

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Submitted/Recommended/Approved By

Date 2015-11-30

Number ID	Category	Reason
25	T	
HENSTRIDGE, MONTY	P	
SMYTH, JOSEPH	P	

Supplementary Occurrence Report

RCMP-GRC , B Division

Printed: 2015/05/20 16:09 by 000132482

Occurrence: **2015376186 Pointing a firearm 87(2) CC (FIP) @2015/04/05 14:28**Author: #000089634 HENSTRIDGE, M.
Entered by: #000089634 HENSTRIDGE, M.Report time: 2015/04/06 13:50
Entered time: 2015/04/06 13:50**Remarks:**

Folder 025 - Statement of Joseph SMYTH

Report:

2015-04-05

1750 hrs. I spoke briefly with Cst SMYTH in a vacant office at Holyrood Detachment. There were several other RNC officers there with him for support including Warren SULLIVAN (RNC Police Association). I explained that I would like to get a statement from him. He stated that he will certainly provide an account and was eager to do so but under the advise of his representative, he would like to wait until tomorrow to provide his statement. I had no issue with this and am aware of research which indicates that a persons' memory is most clear hours after a critical incident. There was no indication from SMYTH that he was avoiding me and in fact appeared to be very cooperative.

2015-04-06

1225 hrs. I received a call from Cst SMYTH who noted that he was currently at the RNC HQ and would be taking part in a critical incident debriefing at 1400 hrs. He was also going to be speaking to legal counsel [REDACTED] prior to attending for the interview but believed he'd be available at 1600 hrs. I advised him that this would be fine.

1520 hrs. I received a call from Cst SMYTH who advised he was enroute to provide his statement.

1530 hrs. I was advised by the Commissionaires that Cst SMYTH was at the entrance. I initiated the recording and introduced the interview on both my audio and video recorder.

1533 hrs. Cst SMYTH enters the interview room and provides his account of the events of April 5th, 2015. Cst SMYTH provided the following information:

- On Friday afternoon he received an email from a communications assistant (Donna IVEY). The subject "Tweet of concern". Their office has been advised to turn over any information they receive which is a concern. He looked at the tweet something like "two prick dead MHA's" he felt the threats were ambiguous but given his previous online history and his grievances toward Workers Comp and government, he determined to investigate further by way of an "intelligence file" to determine a Threat Assessment.
- On Saturday he was able to identify the individual as Don DUNPHY. He had no previous dealings with this individual and reviewed some of his existing tweets (There were in excess of 27,000). While there was aggressive language the only one that was concerning was the one he had been advised of the day before. He checked MRD and ICAN (ICAN had nothing and there were numerous Don DUNPHY's throughout the province) and was able to ultimately locate his address through Tom MOHONEY at Workers Comp. MAHONEY also indicated they had concern with the individual as well. On Sunday he determined to attend and assess Mr DUNPHY.
- Mid-Morning Sunday, he completed a full indices check through CPIC CFRO and there was nothing of concern. He then contacted Adrian COX at 11:22 hrs. and advise him he would be attending. He also asked COX to run a Pros check as well. There was little that concerned him. There was an uttering threats from several years ago involving a family member in which the charges were withdrawn. There

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were no lengthy firearms complaints or other indicators of firearms or violence. COX offered to attend with him but he felt given his low risk assessment that a uniformed member would likely hinder his ability to build rapport with DUNPHY and was not required.

- He eventually found the house at 1322 hrs. and noted that the house was derelict and noted a sign on the house (Which was not uncommon in the types of people he deals with). The sign said something about the house being in a state of poverty because of workers comp and something about no political figures welcomed. He noted numerous cats and he felt empathy towards him because of the conditions he lived in. He knocked on the window but there was no sign of anyone being there.
- He then went to the house next door to gather intel to determine what DUNPHY had been up to and whether they have had ongoing issues with him. The female identified herself as the sister-in-law and described a lengthy history she'd had with him over property disputes. She described him of being a recluse, being antagonistic, having a grudge against the world, no friends, no family. She said he didn't see his daughter often but that she suspected that would be where he was at this time. She told him where the daughter lived. She mentioned that he had been charged with threatening her but that it turned into a Peace Bond and he never really abided by it. He asked her if he was fearful of him hurting her and she replied "No he just makes me uneasy. I don't like being outside when he's outside." He specifically asked both the female and the brother about firearms and other weapons and they responded that no he didn't have any firearms and that he wasn't a hunter. His plan was then to travel to Salmonier and try to locate him there. He believes he may have been at that residence for about 20-25 minutes.
- As he backed out of the neighbours he decided to make another attempt at his residence and noted that there was a vehicle parked in the driveway. He entered the driveway and again assessed the house from the outside. He walked towards the door and knocked on the window. (He noted there appeared to be a stump and a step of some kind leading to the front door so he wasn't sure if that was in fact the entryway that was typically used.). He noted that there was a lot of cats and garbage inside but he couldn't see the subject. When DUNPHY came to the door, he identified himself by name and that he was a police officer with the RNC and showed him his badge and ID (SMYTH was still standing on the grass at that time). SMYTH asked if he minded if he came in to speak to him. He said "Ya, no problem" and was cordial. DUNPHY asked why the RNC was out there given this was RCMP territory. He told him he was there to discuss some comments he'd made. SMYTH then engaged him in some rapport building and talked a bit about an injury he had sustained when he was struck by a dump truck.
- DUNPHY entered the living room and sat in the chair in which he was found. DUNPHY was adamant that he sit down and kept asking him to sit down. SMYTH noted that he refused to sit not because of any tactical decision but simply because the house was so dirty he simply didn't want to sit. He felt bad to offend him but it was really dirty. DUNPHY asked him where he was from and the conversation was cordial and DUNPHY was fine. SMYTH was reviewing his file and engaging him in conversation. Then DUNPHY's tone turned and he said "So what are you here for". He responded "Some things that were said on twitter" and read out the tweet in question. Dunphy said he could say whatever he liked on the Internet. laughed it off and said something to the effect of "Fuckin MHA's" "Dead MHA's died before and MHA's will die again". SMYTH asked to explain what he meant by this. DUNPHY became more agitated asking "Who sent you here, Who sent you here anyway". He told him no one had sent him there and he simply wanted to talk about the comments. Again DUNPHY went into "MHA's die, MAYNARD died". DUNPHY then said "Who sent you here anyway" "Your just an arm of the government, a fuckin puppet". SMYTH told him that he was not there to arrest him or anything and that he should calm down. DUNPHY was 'squirming around' in his chair. He becomes more agitated when SMYTH is looking around the house because of the condition of the house in terms of the filth. DUNPHY was upset and kept asking "What are you looking for, what are you looking for?" Despite his agitation, SMYTH still doesn't feel particularly alarmed as he felt if DUNPHY tried anything he'd easily be able to deal with him physically. SMYTH notes a bat or a piece of wood to the left of DUNPHY's chair and he asked him about it. DUNPHY said it was for protection. SMYTH said "OK as long as it stays where it is". He noted at this point, DUNPHY's mouth began to froth and this concerned about him somewhat because he recognized it as a threat cue but he still was not concerned because of DUNPHY's size. DUNPHY kept ranting and laughing about things indiscernible and saying "Arm of the government" and "What are you looking at?" (SMYTH acknowledged he was looking around primarily because DUNPHY's behaviour made him question whether there might be someone else in the house). At one point, SMYTH noted some garbage on the floor and when he kicked it, he saw bugs running around. He noted to Don that there was a lot of bugs down there. DUNPHY replied "Ya that's because of the state you put me in, the governments put me in. They don't care for injured workers". SMYTH said "I've got real concerns here" referencing the state of the house. SMYTH believes that DUNPHY may have taken this as he had a problem with him when in fact he meant that he had concerns for him living in squalor. DUNPHY then returned to "Dead MHA's, your an arm of the government, you a fuckin puppet"
- He was leaning against a mantle opposite DUNPHY in the room. He began to write in his notes as a way

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of calming DUNPHY and show that he wasn't looking around the house. It was an attempt to de-escalate. In his peripheral vision, he saw the barrel of a rifle which came from the right side of Dunphy's chair (He couldn't see exactly where it came from but knew it was coming from the right). He noted a small barrel and a bolt. He said from this point everything was so fast and instinctive (He estimates less than a second from the time he spotted the rifle to the last shot he fired). He noted that everything happened so quickly and didn't resemble any training he received in Protective Policing simply because of the timing. After he saw the rifle, he dropped the paper, held his hand up and drew his pistol. He recalled moving toward the door and the rifle following him. He yelled "no no no, no no no" and fired two shots toward center mass. DUNPHY was still moving and the weapon was still in his hands. As he continued to move toward the door and the rifle continued to be pointed at him he fired again toward his head (He was unsure if it connected) and then he fired the last shot and saw it impact the side of his head as he was going through the entry way. During the shooting, SMYTH never raised the firearm to his eye level. He was low himself as he moved and shot from the waist area. As he was shooting DUNPHY was not standing but moving in the chair with the gun following him. DUNPHY didn't say anything that he remembers. He estimates that from the time he entered the house to the time he fired his final shot was about 15 minutes but he couldn't be sure.

- Because he still thought the threat was still there, he edged his way back into the room (Cut the pie) and was concerned that he might still have the gun aimed at him. As he looked again, he realized that the gun was now on the floor and DUNPHY's head was up. He looked deceased immediately. He checked for breathing and noted none. He's not sure if he checked for a pulse. He wasn't sure if DUNPHY's gun went off or not. He was very amped up and then went into protective mode. He considered whether he should perform a tactical reload as he felt that he had fired 4 times which left him with 8 rounds. His concern now was that the family heard the shots and would be coming over and possibly pose an additional threat toward him. He attempted to find cover in the entryway. He's looking to see if there was anyone else in the house.
- He then calls RCMP telecoms and relays that there were shots fired and he needed paramedics and officers. He then called his RNC comms center as well and told them to notify the Duty NCO. He stayed in the entryway for what felt like an eternity. He paces between DUNPHY and the door and is now confident that DUNPHY was dead. He tries to do a house clearing by yelling out verbal commands but admits it wasn't a very good house clearing. He went into the kitchen and noted a grow op and he took down a piece of plywood in the kitchen which was obstructing a window. He doesn't believe he touched the firearm (He notes that he now feels that he probably should have made the firearm safe but didn't think of that at the time)
- He believes he may have been in the house approximately 15 minutes after the shot was fired before he eventually went out to his vehicle and turned on the emergency lights so that members would more easily locate him. He believes that DUNPHY's brother and sister in law may have driven by at this time but he is not certain. He recalls his mouth became bone dry so he got a bottle of water from his vehicle. He believes it was approximately 30 minutes from the time he called to the time COX arrived.
- He recalls Telecoms calling at one point to inquire if an air ambulance was required. He responded that he didn't believe there was any chance of him being alive.
- When Adrian COX arrived, he gave him an account of what happened, that there was a firearm on the ground. He told them that he didn't do a thorough proper clearing.
- He recalls turning over his firearm and pepper Spray to a member named "Trevor". and returned to Holyrood Detachment with another member after getting checked over by the paramedics.
- He was questioned about DUNPHY's head position during and after the shooting but he couldn't be sure. He said his head was more or less upright after the shooting.
- He advised that he is a good shot and typically scores either a perfect score or within a couple of points of a perfect score. He last re-cert for firearms was this past fall. At the time of the incident, SMYTH had his firearm, pepper spray and handcuffs. He was not wearing his vest. He asked what the RNC was up to down there.
- He doesn't have any way of knowing if DUNPHY could have been tipped off prior to his arrival but he reacted as would be expected if someone showed up at anyone's door.

1640 hrs. SMYTH agreed to provide a diagram of his relative position and that of DUNPHY in the living room. The drawing also shows approximately where he believes each round was fired from. Prior to concluding the interview, SMYTH asked if DUNPHY's firearm was loaded (After consulting with Sgt OSMOND and Cpl BURKE) I advised him that there was a round in the chamber. This was provided as it was felt that it did not compromise the investigation but would possibly give SMYTH some relief knowing that

1706 hrs. Statement concluded.

This report, my handwritten notes, 3 DVD containing the video recorded statement and the diagram prepared by Cst SMYTH turned over to Cpl BURKE for his review.

This task recommended for conclusion here.

Monty HENSTRIDGE

2015-04-09 12:24

Task Reviewed. Member also present for statement and concur with synopsis.

CH

(S.D. BURKE) Cpl.

Primary Investigator

This report, my handwritten notes, 3 DVD containing the video recorded statement and the diagram prepared by Cst SMYTH turned over to Cpl BURKE for his review.

This task recommended for conclusion here.

A handwritten signature in black ink, appearing to read 'Monty HENSTRIDGE', is written above a horizontal line.

Monty HENSTRIDGE