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**Supplementary Occurrence Report**

RCMP-GRC , B Division

Printed: 2015/05/21 14:35 by 000132482

Occurrence: 2015376186 Pointing a firearm 87(2) CC (FIP) @2015/04/05 14:28

Author: #000165725 NIPPARD, M.  
Entered by: #000165725 NIPPARD, M.Report time: 2015/04/22 13:26  
Entered time: 2015/04/22 13:26**Remarks:**

Folder 091 - Statement of Bill JAMES RNC

**Report:****April 22nd, 2015 WEDNESDAY**

**1255 Hrs** - I was assigned a task to obtain a statement from RNC member Bill James. This statement will be in regards to the first re-enactment that was completed by Joe Smyth on April 8th, 2015. This was recorded on video however the video was accidentally lost in its transfer to a computer. Bill James was present for this re-enactment and the statement will capture what his memory is of that event.

I obtained contact information from RNC telecom's for Bill James. He was called but there was no answer and the voicemail was full. I had the RNC telecom's call him on his cell asking him to call me back.

**1503 Hrs** - I called RNC telecom's and obtained the cell number for Bill James. He was called and a voicemail left for him to call me back on my cell.

**1717 Hrs** - Received a call from Bill James. He is on training for the rest of the week but may be able to get away to meet with me. I told him I would call tomorrow afternoon to see if he was available.

**April 24th, 2015 FRIDAY**

**1103 Hrs** - I called Bill James at the numbers provided. No answer. Message left for call back.

**1643 Hrs** - Call received from Bill James he was in training all day with no phone service. He is free Monday and we will talk then.

**April 27th, 2015 MONDAY**

**0930 Hrs** - Received a call from Bill James wanting to meet today. Told I was off today and could not meet. Time arranged to meet tomorrow afternoon.

**APRIL 28TH, 2015 TUESDAY**

**1250 Hrs** - I called Bill James. He will attend RCMP headquarters in a half an hour to provide a statement.

**1358 Hrs** - Bill James attended RCMP headquarters. Statement began with him at this time. Audio recorded

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only. The following was noted:

- Joe Smyth contacted Bill James and asked him to go along on the re-enactment.
- James role was to observe only. He is a use of force instructor and his role was to observe and determine if there were things that needed to be done different in their training of the RNC's officers
- He and Smyth drove out to Mitchell's Brook. Smyth drove
- They arrived and met with the investigators outside the residence
- They began the re-enactment. Smyth indicated that he met with Donald Dunphy first while Smyth was outside and Dunphy was at the door.
- Smyth identified himself as a police officer and showed his badge
- Dunphy invited Smyth into the residence
- Bill James described the residence then, the derelict stairs and patio outside and then the layout of the rooms inside the residence
- House condition was very poor
- Dunphy and Smyth had a conversation for several minutes in the living room. Smyth was stood up over by a fireplace and Dunphy was sitting
- Smyth recalled a stick on the floor next to Dunphy that had tape on it. Dunphy told Smyth it was for protection
- Smyth said he did not feel threatened by the stick or Dunphy. Dunphy was small in size and Smyth was confident that should things turn violent he could physically handle Dunphy
- Dunphy would get upset and then calm down. Smyth kicked a piece of garbage on the floor and bugs came out, Smyth then told Dunphy that he had concerns for him
- Smyth then seen a rifle being pointed at him by Dunphy, Smyth came up with his left hand in a stop motion. Smyth could not recall reaching for or drawing his firearm
- According to James, Smyth fired his gun twice centre mass, then twice towards his head. Struck him in the temple area on the last shot
- Smyth was firing as he was trying to get out of the room past Dunphy as there was no other exit
- Smyth shouted commands for Dunphy to drop the gun, he then "sliced the pie" to re-enter the room. He seen the rifle on the floor and then seen Dunphy
- Smyth thought Dunphy was obviously deceased, He nonetheless checked for a pulse. Dunphy was deceased
- Smyth then became very tactically aware of anyone else in the residence or a neighbour hearing the shots and coming to the residence
- Smyth called RCMP telecom's to report the shooting and then called his own telecom's as well
- Smyth was emotionally stable throughout the ordeal except on two occasions. He got somewhat upset when they first arrived in Mitchell's Brook as it began reminding him of the day in question. This happened again in the home when Smyth smelled the odour in the home. This also triggered a memory for him.
- James said that there were many cats in the residence. There was a strong odour of urine and cat food was all over the floor. There were approximately 40 cats
- Present for the re-enactment was, Joe Smyth, Steve Burke, Kelly Lee, Dion Foote, Judge Riche and himself
- He did not personally touch anything and does not recall anyone else moving or touching anything either
- During the re-enactment nothing stood out or was alarming to James
- He does recall the event being video taped by Kelly Lee
- Bill James has known Joe Smyth since Smyth first became a member
- For the past several years Bill James has been a use of force instructor with the RNC.

1419 Hrs - Statement was concluded. James escorted from the building.

Statement burned to disc and notes copied. Both placed on file.

This task concluded.

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Cst. Michael Nippard 55787

RCMP Major Crimes Unit

2015-04-30 08:53

Task reviewed and concluded.

CH

(S.D. BURKE) CPL.

Primary Investigator

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