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Document ID:

Investigation: DUNPHY – 2015-376186

Document Title

Doc Description

How Received

When Received

Date

Document Type:

Document Summary:

Supplementary Occurrence Report dated 2015-04-09.

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Vetting

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Submitted/Recommended/Approved By

Date 2015-11-30

Number ID	Category	Reason
52	T	
FOOTE, Dion	P	

**Supplementary Occurrence Report**

RCMP-GRC, B Division

Printed: 2015/05/21 12:13 by 000132482

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

Author: #000132482 FOOTE, D.

Report time: 2015/04/08 08:30

Entered by: #000132482 FOOTE, D.

Entered time: 2015/04/09 17:07

**Remarks:**

Folder 052 - Re-enactment

**Report:****2015/04/09 1707**

On Wednesday, April 8, 2015 at approximately 1250 hrs writer attended Donald Dunphy's residence in Mitchell's Brook to offer any assistance that may be required with the re-enactment of the events surrounding the shooting of Mr. Dunphy.

0830 - Requested by Cpl Burke to attend Mitchell's Brook for the re-enactment which was scheduled for 1100

0944 - 10-8 HQ with Cpl Burke

0945 - 10-17 to Mitchell's Brook. While enroute to Mitchell's Brook writer was advised by Cpl Burke the independent oversight will be attending and the re-enactment is delayed.

1050 - At Holyrood detachment. Advised by Cpl Burke that retired Judge Riche was assigned as independent overview.

1105 - Debrief at Holyrood detachment regarding consent from Megan Dunphy (deceased's daughter) to access the residence and uniform assistance to monitor the scene while the re-enactment is taking place. S/Sgt Tiller, Cpl Burke, Cpl Seward, Cst Galway and writer.

1117 - Debrief ends

1250 - At Donald Dunphy residence. Cpl Burke, Cpl Lee, Cst Nippard and Cst Galway.

1309 - Sgt Osmond and ret. judge Riche onscene.

1315 - Cst Joe Smyth and Bill James of RNC onscene.

1322 - Re-enactment begins. Present are, ret. judge Riche, Cpl Lee, Cst Smyth, Cpl Burke, Cst James and writer. **Please note - Writer heard the majority of what Cst Smyth had to say however due to the small space and the number of people present inside the residence writer observed very little of Cst Smyth's re-enactment.**

- Writer stands on the front step holding the door as Cst Smyth goes through his account.
- Cst Smyth walks up the driveway explaining that he was conducting a scan of the property, noting there were several cats on the property and that the property was in poor shape, with garbage lying around everywhere.
- Cst Smyth advised that as he approached the front window of the residence he knocked on the outside and identified himself. A few seconds later a man came to the door and he asked his name and was advised

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- by the gentleman that he was Donald Dunphy.
- He showed Mr Dunphy his credentials and Mr Dunphy invited him inside. Once inside the residence Smyth had to pause because of his memory of the overwhelming odour inside the residence.
  - Smyth eventually gathered himself and continued talking. They initially talked in the porch area for a bit and eventually Mr Dunphy went into the living room and sat in a recliner.
  - Smyth explained why he was there advising it had to do with some comments on twitter that were concerning to the police.
  - Mr Dunphy offered Cst Smyth a seat but Smyth refused because the house was filled with garbage and was extremely dirty.
  - Smyth eventually ended up in front of the fireplace/mantle advising he continued to scan the interior of the residence in case there was someone else in the house.
  - Smyth advised Mr Dunphy asked him to sit down on more than one occasion.
  - Smyth referenced the abnormal number of cats in the house along with all the garbage lying around. Advised he was disgusted by the filth in the residence.
  - As he talked us through the re-enactment Smyth continued to struggle with the odour.
  - Smyth was holding a file folder in his hands.
  - Smyth referenced the content of the tweet and used the term prick dead and also said something to the effect of dead MHA's.
  - Smyth noticed Dunphy was becoming agitated however they continued to talk.
  - Smyth noticed Dunphy was beginning to form a white foam around his lips as he got more agitated.
  - Smyth moved some paper on the floor and noticed a bug moving and advised Dunphy that he was concerned. (Writer saw Smyth act this out)
  - Dunphy at one point advised Smyth that he was an arm of the government a "puppet".
  - Smyth began writing or mimicked writing in an attempt to calm Dunphy down. (Writer saw this)
  - Smyth noticed Dunphy moving in his chair and looked in his direction.
  - Smyth observed Dunphy holding a long barrelled gun in his hands. Smyth could not say how Dunphy got the gun or where the gun came from.
  - Smyth dropped the file and put out his left hand yelling "no, no, no". (Writer saw this)
  - Smyth advised he was expecting to get shot and was waiting to feel the hurt/pain from the bullet.
  - Smyth pulled his pistol from his holster and believes he may have shot one round towards Dunphy immediately as his pistol was out of the holster and shot again as he started moving to his right to get out of the room. (Writer saw this)
  - Then shot two more rounds off.
  - Smyth could see the barrel of the gun follow him as he moved to his right.
  - Smyth shot four times in all.
  - Saw one shot hit Smyth in the forehead and then saw another shot hit Smyth in his left temple area.
  - Smyth was immediately concerned there may be more people in the residence and conducted a quick check of the residence.
  - Moved a piece of plywood away from the entrance to the kitchen.
  - Noticed marijuana plants in a couple areas of the house.
  - Was concerned someone else might have heard shots and be coming for him.
  - Yelled out several times to see if there was anyone else there.
  - Was thinking about how many bullets he had left in his gun and if he should reload.
  - Kept checking to see if anyone else was coming.
  - Looked in at Dunphy and was certain he was deceased.
  - Saw the rifle on the floor in front of Dunphy with one end resting up against something
  - Thought about clearing the gun to ensure safety.
  - Thought about checking Dunphy's vitals to see if he was deceased but is unsure if he did or not. Doesn't think he did.
  - Called RCMP telecoms as he had the number in his phone from a previous call. Advised RCMP telecoms to send members and paramedics
  - Continued to scan for any other threats.
  - Called RNC telecoms to advise of the incident
  - Was asked by RNC telecoms if air ambulance was required and advised he was confident the person he shot was deceased.
  - Waited for RCMP and ambulance to show up.
  - Seemed like he waited a long time.
  - Was extremely thirsty and went to his truck for a drink.
  - Saw a vehicle drive by so he turned on his emergency lights. Also, hoped the lights would help other responding officers.
  - Remembers dealing with RCMP cst Cox. Gave him an account of the incident.

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- Paramedics show up and went inside to check on Mr Dunphy
- Paramedics check Smyth's vitals.
- Smyth turned his gun over to the RCMP
- Smyth was eventually escorted to the RCMP Holyrood detachment

For the vast majority of the second half of the re-enactment writer was standing on the front step holding the door as it continued to move in the wind banging up against the frame and being a distraction.

This covers what writer remembers Cst Smyth say during his re-enactment.

D Foote Cpl 51545

2015-04-16 10:40

Task reviewed and concluded

CH

(S.D. BURKE) CPL

Primary Investigator