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<b>INVESTIGATION REPORT</b> <b>RAPPORT D'ENQUETE</b>		PROTECTED « B »	
		SECURITY CLASSIFICATION/DESIGNATION CLASSIFICATION/DESIGNATION SECURITAIRE	
OTHER FILE REFERENCES AUTRES CONSULTATION DE FICHIERS	DIVISION B	DATE 2015-09-29	RCMP FILE REFERENCES CONSULTATIONS DES FICHIERS DE LA GRC 2015-376186
PCR: C-237: 2015-04-29	SUB-DIVISION – SOUS-DIVISION Provincial Policing		
	DETACHMENT – DETACHEMENT Major Crimes Unit (East)		
RE-OBJET  DUNPHY, Donald – Deceased RNC Police Officer Involved Shooting			
INFO  <b>A. Introduction:</b>  This report outlines the activity relative to File # 2015-376186, DUNPHY: Sudden Death from 2015-04-29 to 2015-09-29.  <b>B. Synopsis of investigation:</b>  On 2015-04-05 at approximately 1430 hours, investigators from the Holyrood Detachment responded to a call of a fatal shooting in Mitchell's Brook, NL. A/Sgt. Joe SMYTH of the Royal Newfoundland Constabulary, posted to the Premier Protective Detail, was conducting investigative follow-up in the area of Mitchell's Brook. SMYTH was investigating a concerning comment posted by Donald DUNPHY on the social media website Twitter, directed toward Provincial politicians. Database checks on Donald DUNPHY revealed no information of concern. Prior to attending the residence, SMYTH contacted Holyrood Detachment to request background information on Donald DUNPHY and to advise he would be making inquiries in the area. Based on a low risk assessment, SMYTH declined an offer of assistance from Holyrood Detachment. SMYTH attended and spoke to DUNPHY at his residence. While inside the residence, SMYTH stated DUNPHY presented a firearm and that SMYTH shot DUNPHY with his service weapon. DUNPHY was dead at the scene.  <b>C. Subjects of this report:</b>  The following persons and organizations are mentioned in this report:  1. NAME: DUNPHY, Donald DOB: 1956-08-23			

FPS: 437394E

ADD: Route 93, Mitchell's Brook, NL

STATUS: Deceased;

2. NAME: SMYTH, Joseph

DOB: [REDACTED]

FPS: NIL

ADD: [REDACTED]

STATUS: Complainant;

3. NAME: AVIS, Simon Dr.

ADDRESS: Office of the Chief Medical Examiner (OCME), Heath Sciences Centre, St. John's, NL

STATUS: Pathologist;

4. NAME: DUNPHY, Meghan

DOB: [REDACTED]

FPS: NIL

ADDRESS: Salmonier Line, NL

STATUS: Witness (daughter of deceased);

5. Name: LITTLE, Grant Det/Sgt.

ADDRESS: Saskatoon Police Department

STATUS: Police Officer;

6. NAME: DUNPHY, Richard

DOB: [REDACTED]

FPS: NIL

ADDRESS: Mount Carmel, NL

STATUS: Witness (brother of deceased);

7. NAME: RICHE, David Retired Justice

ADDRESS: St. John's, NL

STATUS: Independent Observer;

8. NAME: Darrell BARR

ADDRESS: Calgary Police Service, Calgary, AB

STATUS: 3D imaging.

**D. Investigation:**

1. On 2015-05-01 a Forensic Identification Report was completed revealing a loaded .22 caliber rifle at the scene along with four spent .40 caliber S&W bullet shells. Video, photos and measurements were obtained. Projectile damage was evident and documented in the area that DUNPHY was seated;

2. Between the dates of 2015-04-29 and 2015-05-07 statements were obtained from the co-workers of SMYTH revealing that SMYTH performed his duties within policy and acted appropriately in diverse situations;

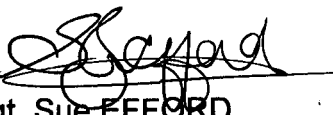
3. On 2015-06-03 the Autopsy Report from Dr. AVIS, OCME, was completed revealing that DUNPHY suffered a total of three gunshot wounds and that either one of those shots could have been fatal. Dr. AVIS reported that DUNPHY was not injured in any other way and there was no other medical evidence for cause of death.
4. On 2015-06-09 Cpl. LEE, FIS, completed fingerprint analysis on the .22 caliber seized from the DUNPHY residence; no finger or palm prints were obtained.
5. On 2015-06-09, DCAS provided the cell phone analysis and timeline report.
6. On 2015-06-17 Cpl. BURKE attended the DUNPHY residence and seized a .22 caliber bullet that was discovered at the scene by DUNPHY's daughter Meghan DUNPHY. This bullet was live and not considered relevant to this investigation.
7. On 2015-07-08 Cpl. BURKE was made aware of an internal investigation being conducted by Det/Sgt. LITTLE of the Saskatoon Police Department into SMYTH actions compared to policy within the RNC.
8. On 2015-08-05 a Subject Matter Expert (Use of Force) was engaged to provide an opinion on the level of force used by SMYTH.
9. On 2015-08-26 Cpl. BURKE interviewed SMYTH to clarify a portion of his initial statement where he used the word "couch" instead of chair. SMYTH said it was an error and he meant to say chair.
10. On 2015-09-04 Cst. NIPPARD obtained a follow-up statement from Richard DUNPHY, brother of Donald DUNPHY and the person that SMYTH visited minutes before attending Donald DUNPHY's residence. Richard DUNPHY said he did not alert Donald DUNPHY that police were in the area asking about him.
11. On 2015-09-15 Cpl. BURKE obtained an additional statement from SMYTH with regards to shot location. SMYTH said that when he detected a gun being presented by DUNPHY his actions were instinctive and based on muscle memory and training. He added that he discharged two shots at centre of mass and felt the threat still existed, and he fired two rounds at DUNPHY's head. SMYTH said he knew the last shot hit as he saw DUNPHY's head move. SMYTH said the RNC course of fire involved portions that involved targeted shooting for centre of mass and the head;
12. On 2015-09-23 Cst. NIPPARD received the Forensic Science and Identification Services Laboratory Report – Firearms Section. The report revealed that the .22 caliber rifle was operational and a firearm within the meaning of the Criminal Code; the rifle was not serial numbered; the .40 caliber pistol was operational and functioned in a semi-automatic manner; the pistol fired the spent casings found at the DUNPHY scene; the clothes worn by DUNPHY showed characteristics consistent with gunshot damage; and, no firearm discharge residue pattern was observed.

**D. Investigator's Comments:**

1. A/Sgt. SMYTH has provided his statement of events that occurred at the DUNPHY residence on 2015-04-05. Evidence obtained from the scene, autopsy report, and the forensic lab reports have been consistent with SMYTH's statement of events.

2. Between the dates of 2015-04-05 and 2015-09-29 the Independent Observer, Retired Justice David RICHE, has been provided with unfettered access and full disclosure of this file.
3. Consultation with Director of Strategic Communications on a media strategy is ongoing.
4. There are presently two outstanding tasks on this investigation:
  - i. Subject Matter Expert (Use of Force) report by Cpl. Wayne KNAPMAN, RCMP "H" Division;
  - ii. 3D Imaging scene report by Darrell BARR, Calgary Police Service.

Prepared by: Corporal Steven BURKE, Primary Investigator

  
Sgt. Sue EFFORD  
NCO i/c Major Crimes (East)

  
Insp. Pat CAHILL  
OIC Major Crimes  
2015-10-05

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