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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 to 2015-09-17.

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Submitted/Recommended/Approved By

Date 2015-11-30

Number ID	Category	Reason
39	T	
NIPPARD, Mike	P	

Supplementary Occurrence Report

RCMP-GRC , B Division

Printed: 2015/09/17 15:31 by 000165725

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

Author: #000165725 NIPPARD, M.

Report time: 2015/09/08 09:46

Entered by: #000165725 NIPPARD, M.

Entered time: 2015/09/08 09:37

Remarks:

Folder 039 -Lab Exhibit Analysis Pertaining to C-414

Report:**RNC Shooting - Donald Dunphy****Mitchell's Brook, NL**

This report prepared to house all in one report the action taken regarding Laboratory Analysis of the exhibits and correspondence with the Lab staff.

APRIL 9th, 2015 THURSDAY

1100 Hrs - Cst.Nippard was assigned a task to complete a request to the laboratory to have the seized exhibits in this matter authorized for sending.

1423 Hrs - Request for Forensic Analysis C-414 Form completed and e-mailed to CPSIC laboratory for review. Cst.John Galway sent a copy as well as he is the exhibit custodian in this matter.

Items requested to be analyzed are the 4 recovered bullets and casings, the clothing of Donald Dunphy and Sgt. Joseph Smyth, the .22 calibre rifle and the .40 calibre handgun as well as the gun shot residue kit that was completed at Donald Dunphy's autopsy.

April 10th, 2015 FRIDAY

1148 Hrs - E-mail received by Cst.Nippard from Sgt.Mike Merritt from the forensic lab who had a few questions and comments concerning the exhibit request and GSR (Gun Shot Residue) evidence. Exhibits mentioned are PE 9,10 and 17. Issue regarding the probative value of these exhibits in relation to GSR.

1254 Hrs - E-mail sent by Cst.Nippard to Sgt.Merritt further discussing and replying to his questions concerning the testing of exhibits PE 9, 10 and 17.

1610 Hrs - E-mail received by Cst.Nippard from Sgt. Mike Merritt with the Laboratory. Correspondence this date with the lab has advised that all exhibits will need to be separated and given individual exhibit numbers before sending for analysis. They also advised of information concerning evidence obtained from GSR analysis and that it is not as exact and identifying as would be desired in this case. The lab simply cannot make some of the determinations that would be valuable in this case (ie. its spread isn't specific enough to be able to pin point certain areas on an individual's body). This would not be done in any investigation.

"GUNSHOT RESIDUE INFORMATION SHEET" forwarded along for the investigation. Same placed on file.

1834 Hrs - Correspondence sent to Cst. Galway advising him of the need to separate all exhibits and adjust the C-414 accordingly once completed.

April 13th, 2015 MONDAY

1416 Hrs - Cst. Galway e-mailed Sgt. Mike Merritt answering some of the questions he had concerning some of the exhibits being considered for testing. Specifically PE 9 and 10. (re: Any blood staining, what was hit by gun fire, sample DNA etc)

1514 Hrs - Cst. Galway e-mailed Cst. Nippard advising he would take care of the exhibit separation and forwarding.

April 15th, 2015 WEDNESDAY

1542 Hrs - Cst. Galway inquired with Sgt. Merritt concerning a few issues that he had. (ie. preferred way to package/send the rifle, what exhibits were desired for the officers pistol and the fact that the serial on the rifle was not able to be determined due to rust.)

April 16th, 2015 THURSDAY

1258 Hrs - Sgt. Merritt e-mailed Cst. Galway answering his concerns and advising him that instructions would be sent with the authorization for shipping. The lab would be requested to retrieve the serial number for the rifle. With regards to the officers sidearm they magazines and ammunition would need to be sent as well but in separate packaging. Sgt. Merritt asked if the firearms had been dis-assembled or test fired as well he needed the exhibit numbers for the victims 2 shirts.

1149 Hrs (Time seems to be local as the response is earlier then message being replied to) - Cst. Galway sends e-mail to Sgt. Merritt advising the exhibit numbers for the victims shirts to be added to the C-414 and also stated the firearms had not been dis-assembled or test fired. They were both unloaded and a trigger lock placed on them.

1419 Hrs - Authorization received from the Forensic Assessment Centre to send the approved exhibits for testing. Approved c-414 attached. Exhibits approved and sent are: PE 1,4,8,11,12,13,14,15,21,23,37.

1. PE1 - .40 Cal Shell casing. (4 in total) Found at the scene.
2. PE4 - .22 Cal rifle found near Donald Dunphy's body.
3. PE8 - Joseph Smyth's RNC service pistol. Sig Sauer P226
4. PE11 - Bullet Shrapnel from wound # 3
5. PE12 - Bullet from wound # 4
6. PE13 - Bullet from wound # 2
7. PE14 - Bullet from living room wall
8. PE15 - Bullet from headrest of chair
9. PE21 - Donald Dunphy's Shirt
10. PE23 - Donald Dunphy's Shirt
11. PE37 - .40 Cal bullets (20 in total) - from Joseph Smyth's service pistol magazines.

Laboratory File # 2015N-002804

1545 Hrs - Cst. Galway had exhibits packaged for sending and they were picked up at this time by Purolator at the Holyrood RCMP detachment.

April 20th, 2015 MONDAY

1122 Hrs - E-mail received by Cst.Nippard from Zain Bhaloo with the Laboratory. Bhaloo advised the exhibit shipment had been received by the Forensic Laboratory in Ottawa Ontario. **Analysis due date is August 14th, 2015.**

Address: Evidence Management

NPS Building, Loading Dock #1

1200 Vanier Parkway

Ottawa, Ontario, K1A-0R2

April 22nd, 2015 WEDNESDAY

1042 Hrs - Sgt.Osmond forwarded an e-mail from Sgt. Saunders to Cst.Galway. Sgt.Saunders had offered a list of things to be sent to the lab for testing.

April 24th, 2015 FRIDAY

1548 Hrs - Cst.Galway responds to Sgt.Osmonds request advising that the items mentioned by Sgt.Saunders were either already sent for testing or have been addressed in correspondence between Cst.Nippard and Sgt.Merritt.

All items addressed except for ammunition from the deceased rifle. This .22 round was not mentioned in the c-414 or by Sgt. Merritt.

April 27th, 2015 MONDAY

1204 Hrs - E-mail sent from Insp.Cahill to Sgt. Osmond requesting he prepare a request to the lab to expedite exhibit processing.

April 29th, 2015 WEDNESDAY

0952 Hrs - E-mail from Sgt.Kent Osmond to Insp.Cahill advising him that the request to expedite the exhibit testing would need to come from his level of rank or above.

1112 Hrs - Insp Cahill sent e-mail advising that a meeting was requested with National Operations to discuss the matter. Requested list of exhibits sent for testing.

April 30th, 2015 THUSDAY

1604 Hrs - Cst.Galway sent a list of the sent exhibits to Insp.Cahill as requested.

May 13th, 2015 WEDNESDAY

1738 Hrs - Cpl.Burke received a e-mail from Sgt.Mike Merritt at the Forensic Laboratory. Correspondence advises that due to capacity reasons and other high-profile cases that the testing for this matter can not be expedited however an un-extendable diary date could be given.

July 6th, 2015 MONDAY

1259 Hrs - E-mail received by Cst.Nippard from Sgt.Merritt. Diary Date for exhibit testing was extended. **New Diary Date September 15th, 2015.**

1433 Hrs - E-mail sent from Sgt.Osmond to Insp.Cahill advising him of the un-extendable diary date extension and that it was not acceptable to the investigators.

September 8th, 2015 TUESDAY

1050 Hrs - E-mail received from Sgt.Merritt by Cst.Nippard. Advising a Firearms Specialist caught something that should have been asked for in the first instance regarding the bullet in Donald Dunphy's rifle. Sgt.Merritt wanted to know if it would benefit the investigation to have this cartridge tested for function and classification. If so then to send the exhibit number and he would approve same for testing.

This matter discussed between Cst.Nippard and Cpl.Burke and decision made to send bullet for testing as long as it would not slow down current test results.

Cst.Nippard called Sgt.Merritt and confirmed current testing at the lab would not be delayed to await the results of the bullet testing. Sgt.Merritt given exhibit number for authorization to be prepared.

1203 Hrs - E-Mail received from Sgt.Merritt by Cst.Nippard. Exhibit PE02 is approved for testing. Authorization attached to e-mail and the amended C-414.

1206 Hrs - Authorization forwarded to Cst.Galway for action. He has possession of the exhibits.

September 15th, 2015 TUESDAY

1328 Hrs - Cst.Nippard called and spoke with Sgt. Mike Merritt regarding the report due today for this matter. He advised the report is not on file. He will contact the Forensic Specialist Greg Williams via e-mail and let me know.

1349 Hrs - Cst.Nippard was cc'd e-mail from Sgt.Merritt to Greg Williams inquiring for an update on the testing.

September 16th, 2015 WEDNESDAY

1336 Hrs - Cst.Nippard received a e-mail response from Sgt. Merritt regarding the update on progress as follows:

Progress update on file 2015N-002804

- majority of analysis is complete
- currently working on range determination (ballistic testing)
- microscopic comparison preliminary results are complete, but require verification prior to reporting
- report to be written and reviewed

Waiting on:

- autopsy results / photos
- receipt of Exhibit PE2, analysis, classification.

I'd estimate the report may be finished by early next week, depending on how long the verification and review take and on when I receive the autopsy results / photos. It appears that the cartridge, Exhibit PE2, has already been received by our Evidence Management unit and is being processed. I'll email to see if I can pick it up from them directly.

1347 Hrs - Cst.Nippard spoke to Firearms Specialist Greg Williams regarding this matter. He advised the report should be ready early next week. (Further extending the wait). Greg Williams requested the autopsy report and the scene/autopsy photo's. This so that certain determinations could be fully accounted for such as trajectory. Williams advised he had let FAC (Lab) know this but hadn't heard back.

Greg Williams - Firearms Unit Specialist, Ottawa, ON.

1424 Hrs - Autopsy report was scanned and sent to Greg Williams at this time. Cpl.Burke contacted Sgt.Chris Saunders to ensure the photos requested were given to Greg Williams by the National Imaging Unit, Williams was advised of this in the e-mail as well. Sgt.Saunders cc'd.

1435 Hrs - Sgt.Saunders replied and advising Williams of where the National Forensic Imaging office is and that he would be sending the request to have all the images burned to a disc for Williams to pick up if he can.

1447 Hrs - Sgt.Saunders sends imaging request to Melissa [REDACTED]

1554 Hrs - E-mail received from Meliisa [REDACTED] advising the images were ready for pick up.

1743 Hrs - E-mail received by Cst.Nippard from Sgt.Merritt requesting the autopsy report and images for Greg Williams. He was responded to and advised that this was already taken care of.

September 17th, 2015 THURSDAY

0918 Hrs - E-mail received by Cst.Nippard from Greg Williams advising he received both the unfired cartridge, Exhibit PE2, and the autopsy photos yesterday.

Cst. Michael Nippard 55787
RCMP Major Crimes Unit