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Kent Osmond - Dunphy C-237 #5

From: Kent Osmond
To: Cahill, Pat; Chris Fitzgerald; Dion Foote; Galway, John; Rod Tiller, ...
Date: 2015/04/29 2:50 PM
Subject: Dunphy C-237 #5
Attachments: SMYTH5.xfdl

Insp CAHILL,

Please print document, sign original, and return to me through channels

Force #14
 Sgt. Kent Osmond
 NCO i/c
 RCMP "B" Division
 Major Crimes Unit(East)
 P.O. Box 9700
 St. John's, NL A1A 3T5
[Signature]

Investigation

Major Crime Unit East, in conjunction with Holyood Detachment, Avalon East GIS, and FIS are continuing the investigation.

Nearly all witness statements have now been obtained.

Inquiries are continuing to locate and employ a use of force expert to examine the actions of Sgt SMYTH in the context of police training and use of force intervention options.

Inquiries regarding the possible production of a re-creation style video of the event have been conducted. It has been determined that effective and relevant analysis of the scene can be completed by Mr. Darrell BARR of Calgary Police Service. Mr. BARR has over 25 years of forensic experience working with the RCMP, and currently specializes in analysis of shooting scenes working for the Calgary Police Service. He will obtain all relevant data and interpret the FIS scene measurements, statements, etc to determine if the facts as presented by Sgt SMYTH match the scene details. He will then create 3D static images of his analysis to best illustrate his findings.

Confirmation of Mr. BARR's assistance is pending a request from RCMP management and approval from Calgary Police Management. This assistance request will be made in the next day or so.

DCAS has been assigned to analyze the cell phone of Mr. DUNPHY and Sgt SMYTH, and a request for them to create a time line has been made.

The request for the training and personnel records of Sgt SMYTH has been submitted. Those records are expected to be received by tomorrow, April 30th.

Exhibits

Exhibits have been processed and sent to the lab for relevant testing. A mid-August diary date has been assigned by the lab, and Inspector CAHILL has been tasked with determining if the lab work can be expedited.

Media

Media interest continues to focus on the desire / need for a public inquiry. Provincial politicians have commented on radio and television, some stating that an inquiry is needed and some stating that the results of

the RCMP investigation should dictate next moves.

DUNPHY Family Concerns

On behalf of Mr. DUNPHY's daughter Ms. BREEN has recently addressed further correspondence to the RCMP and the Provincial Government requesting that the RCMP be removed from the investigation in favour of an out-of-province police agency.

The foundation of Ms. BREEN's concerns stem from the condition of Mr. DUNPHY's eyeglasses, and her arguments extrapolate from that issue to other claims of investigative lapses, biases, and general concerns. Ms. DUNPHY feels the broken condition of the glasses indicates a struggle may have occurred between Sgt SMYTH and DUNPHY. On the direction of Ms. BREEN, Ms. DUNPHY took photos of the glasses as she found them in her father's home. These photos were taken well after police had processed the scene and departed, thereby releasing continuity of the eyeglasses and the home. In comparing the RCMP scene photos to Ms. DUNPHY's photos, investigators noted that the eyeglasses are in a different position on the coffee table than in the RCMP photos. It was noted that items have been moved from, and added to, the table, and the scene had been cleaned up somewhat. The glasses appear to be in worse condition than they were on the day the police entered the home and took photos of the scene, moments after the event occurred. One lense appears to be well outside the frame, where it had been taped in previously, and the glass portion of the eyewear appear to be 'flattened out' in a manner not seen in the RCMP photos. In the RCMP photos taken moments after the event, the glasses appear to be wearable but in such poor condition that any inadvertent movement or handling could have caused any number of damages. They appear to be literally held together with medical tape.

Aside from the eyeglasses, in considering the notion that a physical struggle occurred, one must also consider that, while the living room was in deplorable condition, with garbage strewn everywhere, there were small items on the round coffee table that remained upright and undisturbed. That table is within inches of Mr. DUNPHY's legs and would be expected to have been upset, or moved in some manner if a struggle occurred, knocking over the items. Despite the disarray in the home, there would be expected to be some visible signs of a struggle but there was not. Had there been a struggle of some sort, some evidence should exist other than further damage to an already fragile set of eyewear. Mr. DUNPHY had no injuries that would indicate a struggle having occurred, nor did Sgt SMYTH.

Ms. BREEN raised concerns regarding a perceived lack of attention toward Mr. DUNPHY's personal history and movements on the day in question before the event occurred. It was explained to her that Ms. DUNPHY's original statement was an initial interview only, and was taken hours after the event when few facts were known by anyone. It was also explained that background style, more comprehensive, interviews normally occur at a later stage (as with Sgt SMYTH's coworkers, spouse etc). These statements are designed to include both the 'what' 'why' questions that emerge as the investigation progresses. It is also designed, and timed, to reduce the amount of times family members have to speak with police and re-live their grief. It was explained that Ms. DUNPHY had been offered unfettered access to RCMP personnel, that specific personnel had been designated to address any concerns, and any calls from her would have been promptly accepted and returned. Following that conversation with Ms. BREEN, now knowing how Ms. DUNPHY felt about this issue, Cpl BURKE made several attempts to contact her to immediately conduct a follow-up interview. He was denied the interview and was told Ms. BREEN would be assisting Ms. DUNPHY with a written document that would address what she wanted the police to know.

On 2015-04-28 the written document was received from Ms. DUNPHY and her husband Mr, CORCORAN. Besides the opinion that Mr. DUNPHY was not suicidal, the reasons why they felt that way, and certain facts about his eyeglasses, these statements provided no information that was relevant to what specifically occurred in the residence.

Family / Community Liaison

S/Sgt Rod TILLER and Cst John GALWAY continue in this role. S/Sgt TILLER recently met with the mayor of Mt. Carmel and briefed several community leaders on the investigation.

Cpl BURKE, due to his direct involvement in the investigation is also in very frequent, cordial, contact with Ms. DUNPHY.

On 2015-04-28 Ms. DUNPHY contacted Cpl BURKE to inquire if any new media releases will soon be issued. She wished to know this, as she is being subjected to numerous e-mails from people she does not know asking about the investigation and police findings. She feels these people are from all over Canada and perhaps beyond our borders.

Independent Oversight

Mr. RICHE is currently on vacation. The second round of disclosure for his review will be prepared by week's end, for immediate delivery upon his return.

Mr. RICHE will also be provided all correspondence from Ms. BREEN, so that he can conduct his review with her concerns in the forefront of his mind.