

Protected B

Royal Canadian Mounted Police  
"B" Division



PROS FILE 2015376186  
B Division Major Crime Unit East  
2015-06-09

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## **Background**

During the afternoon of 2015-04-05 Holyrood RCMP were advised of a complaint of shots fired by attending Royal Newfoundland Constabulary Sergeant Joseph SMYTH. Initial reports indicate that in the performance of his duties as a member of the Premier's Protective Detail, Sgt. SMYTH had discharged his service firearm; fatally wounding Mr. Donald DUNPHY (D.O.B 1956-08-23) of Mitchell's Brook. Writer was assigned to assist RCMP Major Crime Unit East (MCU East) in an analytical capacity. Through conversations with Corporal Steve Burke of MCU East, it was determined that temporal analysis would lend much to the understanding of the case. Writer advised that a graphical representation of the time line of events would be created from the available information.

## **Methodology**

Writer reviewed available documents associated to PROS file 2015376186. This included telephone call history, written statements, audio recordings and video recordings of statements and scene re-enactments of the events surrounding DUNPHY's death. By cross referencing witnesses' estimation of time, with documented time stamped events, the writer created a time line to approximate the actual time series of events on the day in question. The resulting chart can be reviewed in Appendix A: Time Line PROS 2015376186. It should be noted that activities that occur over a range of time, or those that do not impart clarity to the specific time of events, have been recorded in general terms i.e. Morning. Similarly, events that have no distinct associated time stamp are listed as approximate. These events have, however, been assigned a date and time solely for the purpose of maintaining their chronological order.

To further enhance understanding of the precipitating events and actions/re-actions of the persons involved in the investigation, writer reviewed cell phone data extracted from the cells phones of SMYTH and DUNPHY by RCMP Technical Crime Unit. These were labeled as PE038 (SMYTH's Blackberry) and PE5 (DUNPHY's iPhone). Writer reviewed the content of the extracted data for each phone; specifically under the Timeline tab in the Excel workbook. This spreadsheet contains a chronological list of outgoing and incoming communications to the cell phone including emails, text messages, telephone calls and Blackberry messages (BBMs). Where available, information such as the number dialed, text message content and email content are displayed in this spreadsheet. This information was screened for data pertinent to the investigation and all unrelated entries deleted. Similarly, any columns containing meta data such as file size, type, tags or operating system were trimmed from the resulting spreadsheets. The remaining documents were then corrected to Newfoundland Daylight Time from Coordinated Universal Time (NDT=UTC-2:30) and used to enhance and validate the information on the timeline draft. These documents can be reviewed in Appendix B: Cell Phone Data PE038 Excerpt (Blackberry, SMYTH), and Appendix C: Cell Phone Data PE5 Excerpt (iPhone, DUNPHY).

## **Findings**

SMYTH, acting upon an email with the subject line "Tweet of concern", begins an investigation to determine the level of risk generated by the Tweet originator and Twitter account holder Donald DUNPHY. SMYTH conducts research into DUNPHY's police contact history and records no indicators of violence or firearm offences.

On 2015-04-05, SMYTH travels to the DUNPHY residence in Mitchell's Brook in hopes of speaking to DUNPHY in person to accurately assess the risk. SMYTH arrives at the residence of Donald DUNPHY at approximately 1322hrs but finds that DUNPHY is not at home.

SMYTH then goes to a neighbour's home and speaks with Richard DUNPHY, brother of Donald, and Richard's wife, Debbie. He is told that Donald is "difficult to deal with". Richard said that his brother is

not a hunter and that there should be no firearms in his residence. The conversation lasts about 20 to 25 minutes (estimate 1330-1355hrs).

Upon leaving the neighbouring residence SMYTH returns to the residence of Donald DUNPHY and finds him at home. DUNPHY is cordial and makes small talk with SMYTH in the area just inside the front door of his home. They speak for approximately two minutes and then move into the living room (estimate 1400-1402hrs).

DUNPHY takes a seat in a chair adjacent to the living room door way. SMYTH remains standing and moves across the room towards the fireplace, which is on the wall opposite DUNPHY. The conversation continues for several minutes and is generally congenial until DUNPHY's tone changes and he asks why SMYTH has made this visit. SMYTH takes note of the garbage strewn about the living room and the insects that it has drawn into the residence. SMYTH talks to DUNPHY about the message on social media and the concern that he has for DUNPHY's poor standard of living. DUNPHY grows more agitated but remains seated; ranting about government and asking SMYTH who sent him there.

The conversation continues to deteriorate with DUNPHY now squirming in his chair. He has started to froth at the corners of his mouth. SMYTH makes a pretense of writing notes to train his focus away from the surroundings (estimate 1402-1413hrs).

In his periphery, SMYTH recognizes the barrel of a rifle moving in his direction from DUNPHY's right hand side. SMYTH immediately drops his folder and raises his left hand, open, facing DUNPHY and yelling "No" repeatedly. He draws his service weapon. SMYTH discharges his weapon four times at DUNPHY while simultaneously moving toward the door. SMYTH's fourth and final shot makes impact with the side of DUNPHY's head. SMYTH later recollects that from the time he sees the barrel of the gun until he exits the living room, two seconds have elapsed.

SMYTH re-enters the living room. The rifle is now on the floor and DUNPHY appears to be deceased. SMYTH retreats to the cover of the entryway to prepare for any possible subsequent threat. At 1427hrs 01 sec, SMYTH calls the RCMP to advise shots fired and request member and paramedic attendance. At 1430hrs 47sec SMYTH contacts RNC dispatch to request that the RNC Duty NCO be advised.

SMYTH remains in the residence for approximately another fifteen minutes. He does a tentative clearing of the residence and does another cursory check on DUNPHY. SMYTH reassesses the immediate threat situation, holsters his weapon and goes outside to his vehicle to retrieve some water to drink.

After a few minutes SMYTH activates the emergency lights on his vehicle to assist first responders in locating the scene. At 1455hrs 06 sec, RCMP Constable Adrian Cox arrives on scene. At approximately 1502hrs RCMP Cpl. Trevor O'Keefe arrives on scene and at approximately 1505hrs secures SMYTH's firearm.

SMYTH is escorted to the Holyrood detachment of the RCMP and is met by Holyrood Non-Commissioned Officer in Charge Staff Sergeant Rod Tiller (estimate 1645hrs). SMYTH is brought to a vacant office and allowed to speak with Royal Newfoundland Constabulary member support personnel from the RNC Police Association.

Cpl. Monty Henstridge of RCMP MCU East speaks with SMYTH briefly (estimate 1730hrs) and notes that SMYTH is eager to give a statement but will wait until the following day as counselled by his representative.

SMYTH attends B Division RCMP headquarters on 2015-04-06 and gives a statement to Cpl. Henstridge. In addition, SMYTH provides a hand drawn diagram which depicts the relative position of himself and DUNPHY in the room and also his location for each time he discharged his weapon.

SMYTH agrees to perform a reenactment of the events and does so on 2015-04-08. After an accidental erasure of the video that contained the reenactment SMYTH agrees to perform it a second time. On 2015-04-24 SMYTH provides his cell phone to Constable Kent Luther of the B Division RCMP Technical Crime Unit for analysis.

### Summary

The information contained in this document and the adjoined appendices were created to impart clarity and understanding of the events of 2015-04-05. By reviewing the statements of witness, Sgt. Joseph SMYTH, the writer created a timeline to depict the events surrounding the sudden death of Mr. Donald DUNPHY. The resulting timeline was then compared and contrasted with other witness statements and known time stamped events. As of the date of this document the writer has found no conflict between the account given by SMYTH and the data available at this time.

  
\_\_\_\_\_ Date: 2015-06-09  
CM Kyle Strong, Criminal Analyst Coordinator, DCAS, B Division, HQ

  
\_\_\_\_\_ Date: 2015-06-09  
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