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Judge talks about Dunphy report

David Riche sheds new light on Mitchell's Brook shooting



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**I did it, and some of it
was really bothersome,"
retired judge David
Riche told The Telegram
Friday.**

As questions continue to swirl
around the killing of Donald

**"I'm sorry I couldn't tell
you the contents of my
report, except to say that**

Dunphy, Riche shed new light on the 2015 tragedy, but his 23-page report remains under wraps.

In the days immediately after Dunphy was shot by RNC Const. Joe Smyth, the RCMP retained Riche to provide oversight and ensure the investigation was suitably impartial and independent.

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No charges in death of Don Dunphy

Smyth was part of the police protective detail assigned to then-premier Paul Davis, and he went to Dunphy's house in Mitchell's Brook to assess a possible threat based on Dunphy's postings on social media.

In the wake of the shooting, Riche was given access to the police investigation materials to review, as the investigation was unfolding, and when the RCMP wrapped up its work in January 2016, he wrote a report on it all.

Speaking to The Telegram Friday, Riche revealed previously unreported information about what happened in Mitchell's Brook that day.

Riche said that when Smyth arrived at Dunphy's house, there was nobody home, so he waited outside in the car until Dunphy came home.

Riche also said he was personally present in the days after the shooting, when the RCMP took Smyth to the Mitchell's Brook house and had him walk them through a recreation of the shooting.

In fact, Riche said they had to do it twice on two different days, because the first time the RCMP did the recreation of the shooting with Smyth, the video camera recording it didn't work.

Riche's report was included as part of the investigative file that was sent to the Alberta Serious Incident Response Team (ASIRT), an independent civilian-led agency that investigates possible serious crimes involving police.

Earlier this week, ASIRT provided a report to the RCMP, and the police announced no charges would be laid against Smyth.

The RCMP is refusing to release either the ASIRT report or Riche's report.

Riche said he expected his report would be made public; the reason he was hired was to provide oversight and public assurance that there was no bias in the police investigation.



RCMP vehicles were parked in the driveway and on the road outside shooting victim Donald Dunphy's home in Mitchell's Brook, St. Mary's Bay Easter Monday.

Glen Whiffen/The Telegram

“You’ve got a police person who did the shooting. You had a police body — the RCMP — reviewing it, and then you had it sent to another police body to look at it again. All of these people are police,” he said.

“My report, I would say, would be the only one what you might call non-police. I looked at it as an independent person.”

Riche said he was given broad access to police materials, but he was still frustrated with the job. In particular, he was only provided police transcripts of interviews.

“It was the most difficult thing I ever did, because I didn’t have as much evidence as I would have liked,” he said.

“When an RCMP officer questions somebody and all I get is a transcript, then that’s what I’ve got to deal with. I’m not there. It’s not like in court where I turn around after the lawyers are finished and say, ‘Now b’y, now I’m going to ask a few questions. ...’”

Riche said the final report was critical of the police in some areas, and positive about other aspects of the investigation.

He said he wasn’t sure of the exact dollar figure, but he was paid about \$20,000 for the work.

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