

TRANSCRIPTS OF AUDIO STATEMENTS ARE PROVIDED AS AN *AID* ONLY. IN THE EVENT OF A DISCREPANCY THE AUDIO OR VIDEO TAPE SHALL PREVAIL.

1 Statement of Constable Joseph Smyth
 2 Occurrence 2015-48713
 3 Date June 17, 2015
 4 Time 0910 to 1116 hours
 5 Interviewed by Detective Sergeant Grant Little, Major Crime Section, Saskatoon
 6 Police Service
 7 Transcribed by Myrna Gibson, Criminal Investigations, Saskatoon Police Service
 8
 9
 10 LITTLE: Okay, so, just to begin with, it is Wednesday the 17th of June,
 11 2015, by my watch it's now ah 9:10 am, ah my name is Detective Sergeant Grant Little,
 12 I'm a member of the Saskatoon Police Service, Major Crime Unit and I'm here at the
 13 RNC or Royal Newfoundland Constabulary's Headquarters Building ah speaking with
 14 Joe Smyth, is that proper pronunciation?
 15 SMYTH: That's correct yeah.
 16 LITTLE: And is it Joseph or Joe?
 17 SMYTH: Joseph is my
 18 LITTLE: Okay, but you go by Joe is that fair to say or
 19 SMYTH: Joe or Joey
 20 LITTLE: or Joey?
 21 SMYTH: yeah.
 22 LITTLE: What's your preference?
 23 SMYTH: I, I don't really have one it's ah, friends and family tend to call me
 24 Joey.
 25 LITTLE: Okay, so is it okay if I call you Joey?
 26 SMYTH: Absolutely
 27 LITTLE: Alright,

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1 SMYTH: yeah.,

2 LITTLE: so all that said, I'm here conducting an internal investigation in
3 regards to an incident that happened, I believe it was April 5th of this year?

4 SMYTH: Yes

5 LITTLE: Ah, it didn't happen, actually in your territory and I'm, while you
6 may explain to me what areas of Newfound it, it occurred in, understand I may not
7 necessarily understand what you're talking about, or

8 SMYTH: No problem

9 LITTLE: where you're referring to, but that's not really what we're here for
10 it's the key about the policy and procedure thing so ah, just to start with, I've been told
11 that you work for the Protective Services Unit, we don't have a Protective Services Unit
12 in my police service, ah, so can you explain to me what your role is in the PSU, what the
13 PSU does, and just take your time we're here to?

14 SMYTH: Well, well I'm, I'm not there anymore

15 LITTLE: Okay

16 SMYTH: um, so um

17 LITTLE: but at the time of this incident.

18 SMYTH: at the time I was for sure

19 LITTLE: Okay

20 SMYTH: so at the time I was ah, in an acting supervisory position and had
21 been for just over two years ah in charge of that unit.

22 LITTLE: Okay

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1 SMYTH: Ah, the unit is mandated to provide ah, close protection
2 LITTLE: Mm hmm
3 SMYTH: and intelligence based investigations for elected officials in the
4 province
5 LITTLE: Okay
6 SMYTH: and would also be inclusive of any visiting um dignitaries that
7 would fall under provincial mandate such as visiting Premiers primarily,
8 LITTLE: Okay
9 SMYTH: Governors, that kind of thing.
10 LITTLE: okay, alright, so it's either from what you're saying if I understand
11 this correctly it's either the hands-on protection as in travelling with, walking with,
12 checking out venues, that kind of thing
13 SMYTH: That's right.
14 LITTLE: look for um, routes they're going in, secondary routes if necessary
15 all that type of thing?
16 SMYTH: Right so there's, that would be I guess fall under probably the
17 operational
18 LITTLE: Right
19 SMYTH: plan and component of your close protection and ah so the close
20 protection being
21 LITTLE: right
22 SMYTH: in essence, your, your bodyguard duties,

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1 LITTLE: Right

2 SMYTH: that would be kind of the, the tactical operational side of, of the
3 job, and there's the operational planning and then we also had the investigative

4 LITTLE: Right

5 SMYTH: component of it.

6 LITTLE: And the investigative component, that would be stuff as ah, as
7 threats or if this ah information comes up that their Intel on there's gonna be a
8 demonstration, something of that nature

9 SMYTH: Right

10 LITTLE: it's your role to, or one of your roles is to investigate the
11 background, what kind of threats, try to assess them, those types of things

12 SMYTH: Right

13 LITTLE: or the person making those threats is that

14 SMYTH: yeah

15 LITTLE: a fair, and I appreciate it's a generalization?

16 SMYTH: Yeah no it's, you're right, it's and it, and it is general I guess to
17 some degree, and it's, it's fairly broad, um, but yes, you're, you're applying you know a
18 risk assessment um process to individuals or groups that for ah any number of reasons
19 might give

20 LITTLE: Hmm

21 SMYTH: cause for concern

22 LITTLE: right

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1 SMYTH: to any elected, elected official.

2 LITTLE: Okay. Now you s-, you had mentioned you were working as
3 acting supervisory role in that section and how long had you been doing that?

4 SMYTH: I was doing it ah for two years, four months approximately.

5 LITTLE: Okay and how long had you been in the PSU total?

6 SMYTH: Um since two thousand and eleven.

7 LITTLE: Okay so four years, okay, four years in PSU.

8 SMYTH: It would be, it would, yeah it would be about four and a half years,
9 it'd be five years

10 LITTLE: Okay

11 SMYTH: this fall.

12 LITTLE: ah, and so, how many members work in that unit? So if you're a
13 supervisor, obviously you're supervising somebody, how many people would you have
14 under you?

15 SMYTH: It, it fluctuated

16 LITTLE: Okay

17 SMYTH: um, depending ah, you know it's a bit of a funny setup because
18 you had people that were there full time, we had, we drew people in part time

19 LITTLE: Okay

20 SMYTH: as secondary duties, depending on events

21 LITTLE: Hmm

22 SMYTH: travel, ah risk assessment,

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- 1 LITTLE: okay
- 2 SMYTH: visiting dignitary, so there, at, at any number of time, it could have
- 3 any different number of people there
- 4 LITTLE: okay
- 5 SMYTH: at, when this incident occurred, we were two people
- 6 LITTLE: okay
- 7 SMYTH: it was myself and an RCMP officer, that was it, full time,
- 8 LITTLE: okay
- 9 SMYTH: and we've had as many as ah, five full time.
- 10 LITTLE: okay. So now, you, when you say, when this incident occurred,
- 11 there's, there was you two, yourself and an RCMP officer, so are you referring to that
- 12 specific date or during that time frame?
- 13 SMYTH: During that time frame yeah.
- 14 LITTLE: Okay, so it's not
- 15 SMYTH: Yeah months leading up to that, we, we've been, we've been, two,
- 16 we were two people for, ah, two full time people for probably well close on a year.
- 17 LITTLE: Okay
- 18 SMYTH: And it's, that tends to be a little based on the wants and needs
- 19 LITTLE: Sure
- 20 SMYTH: of, um, you know our, our primary Protectee, which is the Premier,
- 21 LITTLE: Mm hmm

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1 SMYTH: and ah you know what their level of comfort is with having you
2 know any amount of security around and

3 LITTLE: Okay

4 SMYTH: while we provide recommendations they of course are the Premier
5 and take what their comfortable with.

6 LITTLE: Right, and you said the other person working with you is a member
7 of the RCMP?

8 SMYTH: That's right.

9 LITTLE: So this is an integrated unit?

10 SMYTH: It's a joint force team.

11 LITTLE: Okay, joint forces, um, and is the office or you know is the
12 headquarters office in this building, at the RCMP Headquarters where do you work out
13 of?

14 SMYTH: Ah, Confederation Building actually, which would be where our
15 legislature is located

16 LITTLE: Okay

17 SMYTH: so it's at Provincial Government ah.

18 LITTLE: so you don't specifically work out of

19 SMYTH: No, no

20 LITTLE: RNC Headquarters?

21 SMYTH: our offices were located ah, in the same building as our legislature
22 or premiers officers and all the administrative officers.

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1 LITTLE: Okay, um, this ah, this is just in regards to the, again this is
2 checking policy things, it says that officers assigned to the Protective Services Unit must
3 be able to complete all mo-, modules of use of force, have you done so?

4 SMYTH: Yes

5 LITTLE: Okay, it also says you must be able to pass something called a
6 PARE test, so you have to, this is where you have to help me out, what's that?

7 SMYTH: The, well the PARE test and I, I thought that was kind of a Na-, a
8 National test but ah, it's the

9 LITTLE: Sorry no

10 SMYTH: Physical, Physical Abilities Requirement Evaluation

11 LITTLE: okay

12 SMYTH: so that's the test that primarily they use for entry into policing

13 LITTLE: okay.

14 SMYTH: and I don't think I've, I can't I don't know if I've run it since I was
15 in police academy.

16 LITTLE: Okay, so you had to do the PARE test to, to join, the RNC

17 SMYTH: To get into the RNC

18 LITTLE: but once you're in, is it required?

19 SMYTH: No

20 LITTLE: And

21 SMYTH: well now they will, re-, potentially require you to do it depending
22 on what unit you're in and what you apply

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1 LITTLE: Okay

2 SMYTH: for or if there's, you know if there's a question around your, you

3 know your physical ability

4 LITTLE: Right

5 SMYTH: PARE test is not overly difficult.

6 LITTLE: Okay, ah, ah but you haven't done it since you joined?

7 SMYTH: Ah, I have, I have run it, but I haven't actually been officially

8 tested

9 LITTLE: Okay, that's

10 SMYTH: cause no one's

11 LITTLE: what I mean,

12 SMYTH: yeah

13 LITTLE: you haven't been officially tested, there's not record in training

14 saying oh yes on this date

15 SMYTH: No I don't think they would have a

16 LITTLE: Joey took care of this?

17 SMYTH: I don't think they have an official record of me running that since I

18 joined.

19 LITTLE: Okay, that's what and, we call a POPAT, it's not a PARE to us it's

20 a POPAT

21 SMYTH: Alright

22 LITTLE: but it's the same

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1 SMYTH: same thing yeah.

2 LITTLE: it's the same thing

3 SMYTH: yeah

4 LITTLE: yeah running and hopping over things, wrestling weights, whatever

5 SMYTH: right on, the push pull

6 LITTLE: right.

7 SMYTH: all that stuff, yeah.

8 LITTLE: Eh well, I'm, I'm, gonna guess it's gonna look identical, it's just

9 got a different name.

10 SMYTH: Probably

11 LITTLE: Ah pass a 2.4 kilometer run within 12 minutes subject operational

12 requirements. I'm, I'm assuming you've done that,

13 SMYTH: Yes

14 LITTLE: is that so?

15 SMYTH: I didn't, I haven't, again I haven't actually been officially tested

16 LITTLE: Oh, okay, so, okay

17 SMYTH: yeah, but yes I can do that with a,

18 LITTLE: Okay.

19 SMYTH: relative ease.

20 LITTLE: Alright, well, I'm not, yeah, I'm not doubting your ability, it was a

21 SMYTH: (Sound of a laugh)

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1 LITTLE: if they say, it says officers being assigned must be able to, it
2 doesn't say, yeah, how they know you're able to.

3 SMYTH: So what they, you know while that's in the policy and procedure

4 LITTLE: Hmm

5 SMYTH: it I guess allows them, then the autonomy to it they call for
6 applications to make that inclusive

7 LITTLE: Right

8 SMYTH: within that call for applications.

9 LITTLE: mm hmm

10 SMYTH: Um now they may or may not test candidates that, that apply, but
11 they have the capacity to do so,

12 LITTLE: Right

13 SMYTH: and it's expected that you, you can fulfill those requirements of
14 course.

15 LITTLE: Right, ah, it says you should successfully under Section s- 6.2
16 complete the firearms annual requalification's, are you qualified?

17 SMYTH: Yes

18 LITTLE: Okay and do you qualify annually?

19 SMYTH: Yes

20 LITTLE: Do you know when the last time you did qualify

21 SMYTH: Ah, well it was actually the, the week after that but

22 LITTLE: Oh

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1 SMYTH: bef-, previous to that

2 LITTLE: Okay

3 SMYTH: ah, I think it would have been the fall.

4 LITTLE: Okay

5 SMYTH: Probably around Novem-

6 LITTLE: fall of 2014?

7 SMYTH: yes, around, around November. That's just off the top of my head,

8 now Use of Force would have all the

9 LITTLE: Yeah

10 SMYTH: all the records of that.

11 LITTLE: and yeah, and I'm not too worried because

12 SMYTH: Mm hmm

13 LITTLE: I obviously gonna be meeting with your, your people in regards to

14 that, will have those so.

15 SMYTH: Sure

16 LITTLE: And then this a slightly ah, generic one, any other training deemed

17 pertinent to the unit, now I'm aware that you, you got training ah, like I said Protective

18 Detail Training, I'm not sure this, if it's in the, your training here, which they were kind

19 enough to provide me.

20 SMYTH: Yeah, it's a Police Protection Specialist course they do out of

21 LITTLE: It's

22 SNYTH: OPP

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1 LITTLE: called on here it says Dignitary/Judicial Protection Course
2 SMYTH: That's right
3 LITTLE: put on by the OPP and that was in November of 2012. Any other
4 specific training that they're referring to that would apply to that you can think of?
5 SMYTH: Um, I've done Threat Assessment training
6 LITTLE: Okay, alright
7 SMYTH: ah specific investigative training associated with ah threat
8 assessments
9 LITTLE: Okay
10 SMYTH: and ah, I've done Criminal Intelligence training
11 LITTLE: Okay
12 SMYTH: which would be applicable to that,
13 LITTLE: right
14 SMYTH: that unit.
15 LITTLE: Okay. And do those, are those specific courses that would appear
16 on this?
17 SMYTH: They should
18 LITTLE: Eh
19 SMYTH: Managing Target of Violence is the threat assessment course,
20 LITTLE: Okay
21 SMYTH: and Crim Intelligence, I think it's called Criminal Intelligence
22 Course.

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1 LITTLE: Umm, it may go by something else, umm, hmm, I'm gonna let you
2 just
3 SMYTH: Sure
4 LITTLE: take a quick look at that, and see if you recognize what you're
5 referring to
6 SMYTH: Yeah
7 LITTLE: and if it, sometimes those things are, um, you know there's training
8 and there's conferences kind of thing or workshops and so it may be under a different
9 spot in your, in the, in the training s-, record if you will.
10 SMYTH: No I don't see it.
11 LITTLE: Okay, would it have been something in-house or?
12 SMYTH: Oh yeah, well no it was done in, I mean it was done through the
13 RNC it was done through the Criminal ah, In-, Intelligence Service Canada, and it was,
14 you know it was a, something you had to apply it through,
15 LITTLE: Hmm
16 SMYTH: through the RNC and I actually did in Nova Scotia
17 LITTLE: Oh
18 SMYTH: it was
19 LITTLE: okay.
20 SMYTH: I think it was a fairly lengthy course.
21 LITTLE: Okay, I will have it, and ah, is, you said it in Nova Scotia, do you
22 know how long the course was when you said lengthy?

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1 SMYTH: It was two weeks. And it well yeah, and by lengthy, I mean it
2 wasn't a one day workshop or anything.

3 LITTLE: Okay, something for me to bring up to, your powers that be.

4 SMYTH: Yeah me too (sound of a laugh)

5 LITTLE: (Sound of a laugh)

6 SMYTH: it's on my resume.

7 LITTLE: Yeah, and it but,

8 SMYTH: Those things are (inaudible)

9 LITTLE: everybody has these, and

10 SMYTH: yeah

11 LITTLE: you know some version of

12 SMYTH: I think it's supposed to be there.

13 LITTLE: we call it our tombstone at our place, it's referred to as your
14 tombstone, what's on the tombstone, and, and it, but it's also something where it's hey

15 SMYTH: Pretty ominous nickname but

16 LITTLE: well, (sound of a laugh), I don't know where that came from but
17 that's what we call it our, what's on t-, on their tombstone, well the tombstone says that
18 they did this training on this date, but somebody has to enter it, it's like everything, it's
19 data entry

20 SMYTH: Yeah

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1 LITTLE: it's only as good as what you get put in. Um, the RNC Policy, ah
2 it says, and this is not obviously going to be huge, huge things, but it talks about dress
3 and deportment and ah, what is your normal attire when you work in your unit?

4 SMYTH: Um, it'd be hard to say there is one

5 LITTLE: Okay

6 SMYTH: it's kind of depending on, on what your specific duty is that
7 particular day

8 LITTLE: Okay

9 SMYTH: even down to what event you're going to.

10 LITTLE: Right

11 SMYTH: You know, you, you need to kind of dress to, you know if you're
12 doing a close protection specific duty you need to dress to what your Protectees are

13 LITTLE: right

14 SMYTH: are dressing, you know if it's a, a formal event well,

15 LITTLE: okay

16 SMYTH: you might in a

17 LITTLE: right

18 SMYTH: a three piece suit, if it's ah, you know doing a tour of a constructor
19 site, well you might be in, you know business casual work boots or

20 LITTLE: right.

21 SMYTH: I've also you know been up in Northern Labrador, in the middle of
22 the bush and been wearing cargo pants and, ah you could wear anything,

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1 LITTLE: Okay

2 SMYTH: so it's ah, you, you have to kind of dress accordingly

3 LITTLE: Okay, and that's basically how it's lays out in your policy is that

4 it's dress in business attire unless specific operation dictates otherwise.

5 SMYTH: Yeah

6 LITTLE: I think that covers to exactly that. In

7 SMYTH: Business attire being the one that most people don't want to dress

8 in so

9 LITTLE: Yeah

10 SMYTH: here's your standard,

11 LITTLE: yeah.

12 SMYTH: and we'll go down from there.

13 LITTLE: Exactly, yeah, you notice I may be wearing a tie, but I'm not

14 wearing a jacket.

15 SMYTH: (Sound of a laugh)

16 LITTLE: Um, on a normal day though when you say for, for example on the

17 day in question what would you have been wearing, what?

18 SMYTH: I was in business casual.

19 LITTLE: Okay, and, and define for me business casual what does that mean

20 to you?

21 SMYTH: I'm pretty sure I had a, a collared button shirt,

22 LITTLE: Mm hmm

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1 SMYTH: I had a, a kind of professional esque leather jacket.
2 LITTLE: Okay
3 SMYTH: Um, pants actually I think they were identical to these, a different
4 color.
5 LITTLE: Dockers or some-
6 SMYTH: yeah
7 LITTLE: something along those lines?
8 SMYTH: Yeah, just kinda Khakis
9 LITTLE: Yeah
10 SMYTH: and ah, um, casual shoes,
11 LITTLE: Yeah
12 SMYTH: not sneakers or
13 LITTLE: Okay
14 SMYTH: yeah, yeah, that's it.
15 LITTLE: Okay, so and
16 SMYTH: That, that was also a day that um, I had been talking to the Premier
17 I think that morning or the day before and I knew ah there was no close protection
18 specific duties
19 LITTLE: right
20 SMYTH: that day.
21 LITTLE: Yeah, and for what you were doing that would be for want of a
22 better term, appropriate dress,

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1 SMYTH: Yeah, for sure

2 LITTLE: and that would be normal, (inaudible)

3 SMYTH: and it wouldn't, it wouldn't even have been abnormal for me to

4 have dressed down even more in those circumstances

5 LITTLE: Right

6 SMYTH: down to jeans and

7 LITTLE: okay

8 SMYTH: a cotton, you know a polo shirt type thing.

9 LITTLE: Okay, ah, I'm just going in that same vein, I generally just carry

10 my piece of identification, cause it's got my picture on it, (sound of a laugh), on the a, on

11 a land yard, that's the easiest for me for identification, what would you carry for police

12 identification, when you go out, and again, let's talk about the, the date in question what

13 would you have been, how would you have been identified?

14 SMYTH: Well I, I have my wallet with my

15 LITTLE: Mm hmm

16 SMYTH: ID in it

17 LITTLE: okay,

18 SMYTH: and with it, it has the badge and ID

19 LITTLE: right

20 SMYTH: similar to yours, and my badge I would, would adhere to my belt

21 LITTLE: Okay

22 SMYTH: next to my firearm.

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1 LITTLE: alright, so you're wearing, you had your, you carry two badges?
2 SMYTH: Yup
3 LITTLE: Oh, they only give us one, we're cheap.
4 SMYTH: (Sound of a laugh)
5 LITTLE: So you have a badge on your belt,
6 SMYTH: And a badge in my wallet.
7 LITTLE: and a badge in your wallet. When you're normally walking around
8 is that, ah the one on your belt is that something that's readily exposed, I mean is it
9 always exposed or is it something when you pull your jacket back
10 SMYTH: I had ah
11 LITTLE: kind of thing?
12 SMYTH: I had to pull my jacket open,
13 LITTLE: Okay
14 SMYTH: or have my jacket off.
15 LITTLE: Alright
16 SMYTH: We, we tend to operate
17 LITTLE: Right
18 SMYTH: in concealment, yeah
19 LITTLE: I was just going to say, normally you wouldn't want everybody
20 seeing that?
21 SMYTH: No

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1 LITTLE: If I was doing what you're doing I probably wouldn't have this
2 strung around my neck

3 SMYTH: Yeah I know it's, it's

4 LITTLE: um

5 SMYTH: it's always there but you'd have to fully open your jacket,

6 LITTLE: Right

7 SMYTH: intentionally want to identify yourself.

8 LITTLE: Okay, now there are policy's at, at the RNC and I've had, I've
9 actually made a request to have them just um, you know dig a little deeper because ah,
10 what I'm reading in the policies and, and this is in regards to outside agencies, and
11 contacting outside agencies, and, the policy see-, seems to be in you know for serious you
12 know hey, there's a bad guy coming into your territory or there is a bad guy in your
13 territory or something of that nature, ah, it's my understanding that you had contacted the
14 RCMP in advance?

15 SMYTH: Yes I did yeah

16 LITTLE: Okay, is that just, it's a course of habit or do, are you aware of a
17 specific policy that dictates that if you're going into their jurisdiction you should give
18 them a heads up?

19 SMYTH: Well whatever's in policy I think is good common sense and good
20 judgment but

21 LITTLE: Right

22 SMYTH: I,

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1 LITTLE: but sometimes like

2 SMYTH: wasn't doing it because of Policy no.

3 LITTLE: okay, so you were doing (inaudible)

4 SMYTH: I was doing it because it's the right thing to do.

5 LITTLE: Right, ex-, exactly. So you did contact the RCMP in advance?

6 SMYTH: Yes I did.

7 LITTLE: Okay, and how, how was that done?

8 SMYTH: Telephone

9 LITTLE: Telephone, and

10 SMYTH: yeah

11 LITTLE: you phoned the local detachment the headquarters?

12 SMYTH: Yeah I just phoned their headquarters

13 LITTLE: Your partner who works in

14 SMYTH: No I wouldn't even, like I wouldn't bother him on a

15 LITTLE: Okay

16 SMYTH: you know he's off, it's

17 LITTLE: and

18 SMYTH: this is a very, would have traditionally been a very routine thing

19 LITTLE: right.

20 SMYTH: and there would be no need for me to even let him know.

21 LITTLE: And you, and you said headquarters

22 SMYTH: Right

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1 LITTLE: or?

2 SMYTH: so I'd phone their main provincial line

3 LITTLE: Okay

4 SMYTH: 7, it was (phone number vetted out)

5 LITTLE: Right

6 SMYTH: Is generally the one I always call

7 LITTLE: mm hmm

8 SMYTH: and un, unless I, I know a specific officer in a, in a particular ah,

9 LITTLE: right

10 SMYTH: region, but even then I wouldn't do that, because I don't know if

11 they're working and ah, I usually want to speak to an NCO first, let them know what I'm

12 doing, where I'm going.

13 LITTLE: Okay

14 SMYTH: So I call their main line and just asked to be put through to the

15 applicable detachment because it's hard to, I don't even know what detachments serve

16 what regions,

17 LITTLE: yeah

18 SMYTH: you know sometimes you're, you're in the middle of two, I don't

19 know their ah, you know how they're divided, so I just call their main line, what , what

20 detachment

21 LITTLE: Mm hmm

22 SMYTH: covers this community

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1 LITTLE: right.

2 SMYTH: thank you, can you put me through to them.

3 LITTLE: Okay, makes perfect sense to me, but to other it doesn't, but I get
4 what you're saying because I wouldn't know who the heck does what out here, trust me.

5 Ahh, it's a little confusing to (inaudible)

6 SMYTH: Why, you know what, we're pretty simple comparably to most
7 provinces, I look at you, or your province and wonder how the hell you guys do it.

8 LITTLE: Ah, cities have municipal police forces, which are their own and
9 everything else is rural and its RCMP do the rural and that, that simple.

10 SMYTH: You've got a lot of municipal police services right?

11 LITTLE: Ah, Saskatoon, Regina, Moose Jaw, Prince Albert, ah, Estevan is
12 maybe fifteen, Weyburn, same, um, and there's a couple municipalities, may have like a,
13 a one constable,

14 SMYTH: Mm hmm

15 LITTLE: but they're almost like villages. But yeah we don't have, we do, so
16 we've got half a dozen. The um, our's, Saskatoon is probably like just shy of 500
17 hundred members, Regina a little bit smaller, Moose Jaw and Prince Albert probably
18 around 80 members, so they're not big municipals but, we our jurisdiction is our city.

19 SMYTH: Yeah

20 LITTLE: I mean I have jurisdiction obviously throughout the province to do
21 what I do and actually several provinces I have authority but ah generally we're

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1 responsible for the policing in our city. It's, it's similar to this, except you've got, the
2 RNC covers more than just St. John's though.

3 SMYTH: That's right.

4 LITTLE: You're, you're for want of another term, almost like a provincial.

5 SMYTH: We are a provincial police service, yeah

6 LITTLE: Okay

7 SMYTH: our, you know our specific, we do have specific jurisdiction that

8 LITTLE: right

9 SMYTH: that would be, that we're responsible for um,

10 LITTLE: okay

11 SMYTH: but we are provincial police service.

12 LITTLE: okay. Ah, the criminal, and is, does what you do fall under um,
13 Criminal Investigation Division?

14 SMYTH: Yes it does.

15 LITTLE: Okay, um

16 SMYTH: We fall under the Intelligence Org-, Organized Crime Section.

17 LITTLE: Okay, so you're part of CID, Intelligence Organized Crime you
18 said?

19 SMYTH: Mm hmm

20 LITTLE: Now would they work out of the Con

21 (Sound of talking over intercom)

22 SMYTH: No

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1 LITTLE: would they work out of the same building as you, or would they
2 work out of headquarters?
3 SMYTH: They're here,
4 LITTLE: Alright
5 SMYTH: at headquarters
6 LITTLE: so it's a, while it falls under that umbrella per se, it's not like its
7 working close quarters together?
8 SMYTH: Not at all, so yeah I mean, In-, Intelligence Or-, Organized Crime
9 Division
10 LITTLE: Mm hmm
11 SMYTH: is, is you know an umbrella within the umbrella of CID,
12 LITTLE: Yeah
13 SMYTH: that covers you know our Technical Investigation Unit
14 LITTLE: Mm hmm
15 SMYTH: I think, Criminal Intelligence of course
16 LITTLE: Mm hmm
17 SMYTH: Analytical
18 LITTLE: okay,
19 SMYTH: ah, so the ah mobile supports, there's a number of units under that
20 umbrella.
21 LITTLE: Okay.

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1 SMYTH: We would work I guess, we, we can potentially work closely with
2 Criminal Intelligence

3 LITTLE: Mm hmm

4 SMYTH: depending what, you know our, our workload is, if we're
5 travelling, you know if I was on the road at any given time and our manpower, our person
6 power was

7 LITTLE: Hmm,

8 SMYTH: what it was

9 LITTLE: mm hmm

10 SMYTH: it wouldn't be uncommon for me to contact ah you know the NCO
11 in charge of Criminal Intelligence and request assistance through the Criminal
12 Intelligence Unit to do ah, you know work up on an individual or

13 LITTLE: right

14 SMYTH: group.

15 LITTLE: okay. Part of the policy in regards to and this is why I was asking
16 that, part of the policy in regards to ah CID is for weekend supervisory, duties, and the
17 only reason I ask, is obviously this happened on a weekend. Um, in your role and you
18 said you were a supervisor, an acting supervisor, ah, at the PSU at the time, um, is there
19 somebody back in headquarters in CID on a weekend that you would report to?

20 SMYTH: No

21 LITTLE: Somebody, your boss for example, I have, everybody's got bosses,
22 but you, there's no boss on the weekend, you are the boss on the weekend is that?

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1 SMYTH: Yeah, I, I re-, reported directly to the Inspector in charge of
2 Intelligence and Organized Crime
3 LITTLE: Mm hmm
4 SMYTH: um, so it, the weekend supervisor that they refer to there, while we
5 were fell under CID
6 LITTLE: Mm hmm
7 SMYTH: you know we didn't operate um as a traditional Investigative Unit,
8 and we didn't fall into their call of schedule
9 LITTLE: Right
10 SMYTH: their weekend duty roster
11 LITTLE: okay
12 SMYTH: it just is, wasn't, it's not feasible, you do it completely di-, you're
13 mandate is
14 LITTLE: right
15 SMYTH: unrelated, um, what they're referring to there is you know the
16 investigative components of CID,
17 LITTLE: Yeah
18 SMYTH: your Major Crime, General Investigation ah, Child Abuse, Sexual
19 Assault
20 LITTLE: Right
21 SMYTH: these various units, that all have a me-, either one a person on call
22 for a week period and they also have members that are assigned to work on the weekend

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1 LITTLE: Mm hmm

2 SMYTH: and so there is always some members of CID that supervisor

3 LITTLE: yeah

4 SMYTH: weekend supervisor would be supervising all those members, you

5 might have one member from each unit working ah, Saturday and Sunday, and they're

6 handling all CID related investigations that come in through you know on those

7 LITTLE: mm hmm

8 SMYTH: days, whether it be

9 LITTLE: okay

10 SMYTH: Friday evening, Saturday morning and they'll deal with those over

11 the weekend,

12 LITTLE: okay

13 SMYTH: and then they'll, they'll re-distribute those files um,

14 LITTLE: right

15 SMYTH: Monday morning, as (inaudible).

16 LITTLE: but in essence you're fairly autonomous.

17 SMYTH: Completely autonomous.

18 LITTLE: Okay,

19 SMYTH: Yeah

20 LITTLE: that's ah, and that's what I'm trying to find out.

21 SMYTH: Yes

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1 LITTLE: what, what of all these policies that they see, these are very nice
2 policies, but what of these are actually applicable to
3 SMYTH: Yeah, no that, that one
4 LITTLE: To Joey
5 SMYTH: that one wouldn't ah, wouldn't have been applicable to us. And
6 forgive me if I'm ranking, I'm just trying to,
7 LITTLE: No, no, no
8 SMYTH: paint, paint, you a picture as best I can.
9 LITTLE: no, the more, no, the more, the more the better, again, understand
10 where I come from
11 SMYTH: Mm hmm
12 LITTLE: everybody's world is, is slightly different
13 SMYTH: for sure it's going to be.
14 LITTLE: and, that's just a, so it, it does actually help me. And,
15 SMYTH: I called on, I would call on lots of people for assistance,
16 LITTLE: Right
17 SMYTH: I, I didn't get called on for assistance
18 LITTLE: okay
19 SMYTH: by other units.
20 LITTLE: I was gonna say
21 SMYTH: If I was dealing with a criminal matter
22 LITTLE: mm hmm

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1 SMYTH: it would, I would generally go to Major Crime

2 LITTLE: okay

3 SMYTH: and cause they didn't want us tied up with for the most part when

4 we could avoid a criminal matters.

5 LITTLE: Right

6 SMYTH: So if there was an actual threat, per se

7 LITTLE: mm hmm

8 SMYTH: if ah,

9 LITTLE: one that would warrant charges and arrests and

10 SMYTH: Right even if, even if ah its face value was

11 LITTLE: Hmm

12 SMYTH: criminal nature and there was an indication that it might go by way

13 of criminal charges

14 LITTLE: Mm hmm

15 SMYTH: I wouldn't even, I would initiate probably opening the file

16 LITTLE: okay

17 SMYTH: and then I would of just sent it directly to Major Crime.

18 LITTLE: okay. Under the ah, the RNC's policies ah, for Dress and

19 Deportment, and again, we've obviously spoken about your, um, your clothing specific,

20 but there's also a reference in here firearms and concealing firearms, and so clearly you

21 were wearing a side arm that day, how would, in what fashion?

22 SMYTH: It was in my, issued holster

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1 LITTLE: Okay

2 SMYTH: on my right side where I would always

3 LITTLE: okay, is that a

4 SMYTH: wear it and.

5 LITTLE: a belt holster I assuming

6 SMYTH: Yes

7 LITTLE: you're not wearing a?

8 SMYTH: No, no, it was a belt holster.

9 LITTLE: Okay

10 SMYTH: And we do have shoulder holsters I, I don't

11 LITTLE: Okay

12 SMYTH: I don't like them personally

13 LITTLE: ah, so and you say it's an, an issue holster?

14 SMYTH: Yes

15 LITTLE: What do you guys carry for a hol-, what kind of holster are they,

16 do you know?

17 SMYTH: Safari land ah is the brand, I don't

18 LITTLE: Okay, so you,

19 SMYTH: I

20 LITTLE: okay do you know the difference between ah

21 SMYTH: the levels of security

22 LITTLE: the levels of holsters

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1 SMYTH: yeah, this a level one.

2 LITTLE: It's a level one

3 SMYTH: Yeah

4 LITTLE: holster? Okay. And probably not applicable, but it's in here, in

5 some cases it is, some cases it isn't, soft body armor?

6 SMYTH: Ah, I wasn't wearing any.

7 LITTLE: Okay, ah, And from the way you're describing it, your sidearm

8 was underneath your jacket, so it was concealed as per policy?

9 SMYTH: It was.

10 LITTLE: Okay, before getting into the ah, in the really nitty gritty, some of

11 the stuff, this is just to get an overview, policy wise, I was pretty confident I knew where

12 things were at but, just can't ever assume, you have to ask the questions. The

13 information, excuse me, that you received at some juncture, was some information about

14 this individual and this is Donald Dunphy. Let's just walk through that, how, how did

15 you, get that information, in what fashion did it come to you?

16 SMYTH: It was an email from the Premier's Communications Director.

17 LITTLE: Okay

18 SMYTH: It was sent to me on the Friday, which would have been Good

19 Friday.

20 LITTLE: Okay

21 SMYTH: And ah, it was the title of the email was Tweet of Concern

22 LITTLE: Okay

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1 SMYTH: and it was in reference to a social media comment made on Twitter
2 LITTLE: Yeah
3 SMYTH: by Donald Dunphy.
4 LITTLE: Alright, and I'm assuming you have a copy of that?
5 SMYTH: I, I do
6 LITTLE: Okay
7 SMYTH: but I don't have it with me.
8 LITTLE: No
9 SMYTH: I don't even, I don't think I have it any more
10 LITTLE: I don't need it today
11 SMYTH: yeah
12 LITTLE: I'm just saying if it's available if needed.
13 SMYTH: Oh yeah
14 LITTLE: So when you, what would be ah, when you get that email how do
15 you deal with it, do you generate a file right away do you
16 SMYTH: No
17 LITTLE: do a little background thing
18 SMYTH: yeah
19 LITTLE: what's a, what's your process
20 SMYTH: I've so, so I, you know I, what I've always done when I brief the
21 Premier and
22 LITTLE: Hmm

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1 SMYTH: security staff, or not security staff sorry, his core staff

2 LITTLE: Mm hmm

3 SMYTH: um, you know we give them a general briefing on security, on

4 LITTLE: right

5 SMYTH: who we are what we do, what our mandate is and the type of stuff

6 we're looking for

7 LITTLE: Hmm

8 SMYTH: I try to keep it really simple for them, because I don't, I really

9 don't want them to try to make any type of determination of whether or not something is,

10 is ah, a threat or it

11 LITTLE: hmm

12 SMYTH: a cause for concern, I that's our job and I want to do that, so I try

13 to keep it extremely simple, you see anything of concern

14 LITTLE: hmm

15 SMYTH: anything that kind of raises your eyebrows, you know gives you

16 the chills, what have, whatever you want to call it

17 LITTLE: right

18 SMYTH: I want you to send it to me

19 LITTLE: right

20 SMYTH: and let, let us make the determination of whether or not this is ah

21 something worthy of further examination and, and that's what they do and this was ah

22 you know par for the course for the most part in terms of ah, you know I how we get

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1 information it was always kind of done in that fashion, sometimes it was a phone call,
2 sometimes it was a sticky note, sometimes

3 LITTLE: Yeah

4 SMYTH: it was a letter,

5 LITTLE: (inaudible).

6 SMYTH: that came from the Premier's office, you name it, um, and this one
7 was ah, very much fit into those,

8 LITTLE: Okay

9 SMYTH: you know those parameters, and ah it was some comments made
10 by an individual on twitter that gave their staff some concern

11 LITTLE: right

12 SMYTH: and so based on my direction she sent it to me.

13 LITTLE: Okay

14 SMYTH: Um, so under the circumstances I would usually do kind of a
15 cursory ah, investigation first, do some background, do my own kind of analysis on the
16 individual,

17 LITTLE: hmm.

18 SMYTH: what they're saying um, and try to determine on my own is this
19 even worthy of, even a file let alone

20 LITTLE: Right

21 SMYTH: ah any, any follow-up

22 LITTLE: mm hmm

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1 SMYTH: and ah, so that's what I did here, I started something I looked at
2 the, his Twitter comments, and that comment itself wasn't, it wasn't too bad, it wasn't

3 LITTLE: Mm hmm

4 SMYTH: a threat it was a you know certainly the language was I, I
5 understood why it was disconcerting, um for this individual however, what, what kind of
6 um, drawn my concern towards him is being someone I should look into it further was
7 the very lengthy grievance towards government around ah, workers compensation and his
8 perceived or otherwise persecution as an injured worker. It had been clearly been from
9 what I was reading there ongoing for a very, very long time

10 LITTLE: Okay

11 SMYTH: um, a lot of anger or frustration and you know ah, also probably
12 some components of that, that weren't necessarily grounded in reality and, and seemingly
13 expectations that weren't, weren't reasonable, and so those are you know ah, and I you
14 know forgive me, I don't know how familiar you are with the threat assessment process
15 or um, for that type of

16 LITTLE: To a, to a certain degree.

17 SMYTH: so you know for me, I look at those things, they're,

18 LITTLE: Yeah

19 SMYTH: they're red flags

20 LITTLE: okay

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1 SMYTH: you know if your grievance has been ongoing for a very long time
2 and it was not rooted in reality, then that's cause for concern, cause you're not gonna,
3 you're not getting anywhere with it.

4 LITTLE: Okay

5 SMYTH: If you, you believe you're just, but you're, you're and again, just
6 for, this is not case specific, but just for simplicity, if I want a million dollars
7 compensation because I stubbed my toe

8 LITTLE: Mm hmm

9 SMYTH: fifty years ago,

10 LITTLE: right

11 SMYTH: you know and I don't need to be an expert in the field to say,
12 you're not getting a million dollars

13 LITTLE: right

14 SMYTH: and, but if that's what you want and you're gonna continue to
15 demand it and you're not gonna get it, then what is the next step for you?

16 LITTLE: Right

17 SMYTH: Is the next step for you just giving up, or is it gonna be to escalate
18 to an act to target of violence

19 LITTLE: Right

20 SMYTH: and there, and there lies

21 LITTLE: yeah

22 SMYTH: you know crux and, and the reason for doing

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1 LITTLE: sure

2 SMYTH: any more analysis. So for me

3 LITTLE: but, yeah

4 SMYTH: I you know in those comments

5 LITTLE: Mm hmm

6 SMYTH: and his history on, on social media, you know I saw of those

7 LITTLE: okay

8 SMYTH: concerns and said he's

9 LITTLE: okay

10 SMYTH: worthy of doing some more background.

11 LITTLE: You thought, and don't get me wrong, let's back it up then, you get

12 an email, and it references the, this particular comment or

13 SMYTH: Yeah there was

14 LITTLE: this part of email saying hey

15 SMYTH: yeah it was

16 LITTLE: this person says and there's a quote?

17 SMYTH: right.

18 LITTLE: Is, is it something like that?

19 SMYTH: I think it was actually ah the link or the, or the ph-, image of it

20 LITTLE: Okay

21 SMYTH: I think it was the email, I think, I think she might of did a screen

22 capture

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1 LITTLE: Okay

2 SMYTH: I had to go back and look at the email,

3 LITTLE: okay

4 SMYTH: and it said, and so I saw the tweet in it's

5 LITTLE: Okay

6 SMYTH: in its totality.

7 LITTLE: and when you get that email do you ah, what's the known process

8 do you just ah, you know respond hey I'll look into this or and let you know or um,

9 SMYTH: Yeah

10 LITTLE: and that kinda, is that?

11 SMYTH: so this one I actually um, when I saw the name,

12 LITTLE: Mm hmm

13 SMYTH: there's a, I there isn't, the name was familiar to me, and

14 LITTLE: and when you said the name you're talking about the name of the

15 person

16 SMYTH: Donald Dunphy.

17 LITTLE: okay.

18 SMYTH: There is another social media ah character ah, you know for lack of

19 a better term

20 LITTLE: hmm

21 SMYTH: that is ah, is almost, I don't know, what do you call it, they're you

22 know a satire,

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1 LITTLE: okay

2 SMYTH: and I'm pretty sure they use the same name

3 LITTLE: Okay

4 SMYTH: and use Donny Dunphy,

5 LITTLE: okay

6 SMYTH: and when I first saw it, I thought it was this individual

7 LITTLE: Mm hmm

8 SMYTH: and I don't, I don't think he's been identified and he's never

9 needed to be, don't get me wrong,

10 LITTLE: Mm hmm

11 SMYTH: there's never been any effort, he's just, he's a social media loud

12 mouth that ah makes fun of everything, politics

13 LITTLE: Right

14 SMYTH: never been of any concern, um, when I first saw it I thought, okay,

15 this is, this nuisance

16 LITTLE: Okay

17 SMYTH: and ah, I'll look, I'll look into it as soon as I can and I even put

18 kind of a caveat in there, saying you know bear in mind, you know if,

19 LITTLE: Hmm

20 SMYTH: with social media, twitter in particular if the individual is taking

21 precautions to conceal their identity then the

22 LITTLE: Right

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1 SMYTH: likelihood in the absence of the criminal offence
2 LITTLE: Mm hmm
3 SMYTH: a serious criminal offence I'm not going to be able to, to identify
4 them.
5 LITTLE: Okay
6 SMYTH: And ah, um, they actually came back and said you, we're f-, we're
7 familiar with this guy, he's a, he's an injured worker and he's, he's not
8 LITTLE: And
9 SMYTH: he's wasn't the person that I was thinking it was.
10 LITTLE: Okay, and that was going to be my next question to ask, you went
11 from, the flags went up, not because of the comment, because of this injured worker
12 thing, I was going say, so how did you know he was an injured worker?
13 SMYTH: Yeah, the, oh yeah sorry, I'm, I'm
14 LITTLE: Okay
15 SMYTH: I'm going, I'm flipping back and forth
16 LITTLE: No, no
17 SMYTH: this was all on the Friday when I got the initial email
18 LITTLE: Okay
19 SMYTH: that was my initial thought of it and my
20 LITTLE: okay
21 SMYTH: so my reply to them was, was just ah, as I said, and then ah, I think
22 it was the chief staff that came back and said no he's, you know we know who this guy

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1 is, he's you know constantly bombarding the Premier and other staff with the grievances
2 around

3 LITTLE: Okay, so that's where that part of the intel came from, not from the
4 tweets

5 SMYTH: Oh no, and we go, when you once you look at his twitter profile

6 LITTLE: Yeah

7 SMYTH: It was obvious

8 LITTLE: right

9 SMYTH: what his grievance was and who he was,

10 LITTLE: okay

11 SMYTH: there was no effort to conceal his identity, there was no ah, you, I
12 mean right, e-, you know and I'm not sure how familiar you are with twitter, you've got
13 kind of a, a couple lines where you can describe

14 LITTLE: Hmm

15 SMYTH: yourself,

16 LITTLE: mm hmm

17 SMYTH: ah, you know Jo Smyth, ah, Supreme Commander of the world

18 LITTLE: Mm hmm

19 SMYTH: Father Extraordinaire, you know you can say whatever you want

20 LITTLE: right

21 SMYTH: his was Persecuted Injured Worker

22 LITTLE: Okay

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1 SMYTH: you eh there was no
2 LITTLE: alright.
3 SMYTH: this wasn't
4 LITTLE: Okay, that makes it, clear, clear for me,
5 SMYTH: Yeah
6 LITTLE: because we start off with you got an email and he's saying some,
7 some veiled threat kind of thing, and then all of a sudden we're, we're talking about how
8 he's the, his long term thing, I'm going how
9 SMYTH: It wasn't even a, even the comment wasn't a veiled threat, I didn't
10 LITTLE: okay
11 SMYTH: and I know the media has reported that I was investigating a
12 perceived threat, that never came from me, it never came from the RNC and it never from
13 the RCMP, that's been the media's own interpretation
14 LITTLE: Okay
15 SMYTH: and confusion around the issue
16 LITTLE: okay
17 SMYTH: I never perceived his comments as a threat.
18 LITTLE: alright, and so what did you perceive them as?
19 SMYTH: Just as she had indicated, a tweet of concern, I wouldn't have
20 classified it as anything more that
21 LITTLE: Okay

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1 SMYTH: once you know it was a Saturday before I started digging into this
2 background a little bit, look at his twitter account
3 LITTLE: Mm hmm
4 SMYTH: his previous history of a social media commentary
5 LITTLE: mm hmm
6 SMYTH: that I saw some red flags.
7 LITTLE: Okay.
8 SMYTH: Like, again there was no criminal threat there per se
9 LITTLE: Right
10 SMYTH: perceived or otherwise,
11 LITTLE: Okay
12 SMYTH: but there was enough indicators that I felt there was a requirement
13 for follow-up.
14 LITTLE: Something that needs a follow-up
15 SMYTH: Yip
16 LITTLE: something we call it drilling down, it's gotta be drilled down a
17 little bit, what the heck's going down.
18 SMYTH: You need to do, I needed, I saw I a need to do a full assessment on
19 the individual.
20 LITTLE: Okay, so the, the first you become aware of this, it was raised to
21 you and you said the Communications Director from the Premier's office, was on Friday
22 SMYTH: It was Good Friday, yeah.

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1 LITTLE: You actually start if I wanted a better term, investigating it on
2 Saturday?
3 SMYTH: Saturday
4 LITTLE: Okay, ah, so what did that entail when you say investigate so is
5 that just checking social media, do you have a, I'm assuming the RNC has a data base
6 you can go to, obviously CPIC/CNI and things like that,
7 SMYTH: All those things.
8 LITTLE: ACIIS so, were all of those done or what was done, so just walk
9 SMYTH: AC
10 LITTLE: me
11 SMYTH: ACIIS wasn't done.
12 LITTLE: I know this sounds, this is gonna sound a little over simplistic, it's
13 just from the outside in again.
14 SMYTH: Yeah no, I've I understand, ah, so yeah, it would, this would have
15 been for me the very um, initial stages of, of risk assessment, and
16 LITTLE: Okay
17 SMYTH: and it was just as you say, your CPIC our, our internal database
18 which is ICAN and it's just calls all of our
19 LITTLE: okay
20 SMYTH: our it's a versadex system
21 LITTLE: right
22 SMYTH: and ah, it covers you know any incidents within our jurisdiction

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1 LITTLE: okay

2 SMYTH: and so I queried him there, I had

3 LITTLE: Mm hmm

4 SMYTH: ah, I can't remember if I contacted the RCMP that day or not, I'm

5 thinking not, I don't think it was until the following day that I had made the initial contact

6 with them to

7 LITTLE: Mm hmm

8 SMYTH: determine what dealings they might have had with him.

9 LITTLE: Okay

10 SMYTH: Um, I had also because he was a workers compensation ah, client

11 LITTLE: Mm hmm

12 SMYTH: I had made contact with, with them to try to

13 LITTLE: Okay

14 SMYTH: find out some background on his ah, dealings with them.

15 LITTLE: Okay, and you could get ahold of Workers Compensation here

16 SMYTH: I did yeah

17 LITTLE: on the weekend?

18 SMYTH: Yeah, no problem

19 LITTLE: Oh

20 SMYTH: but you know, when you, when you do what you do you can

21 LITTLE: Okay, you have contacts there.

22 SMYTH: Yeah

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1 LITTLE: Okay, and, so CPIC, and you called it ICAN, is that you're sys-
2 SMYTH: I C A N, yeah
3 LITTLE: Okay, and that's your system, um, any other data bases or areas
4 you can look?
5 SMYTH: No I think it was
6 LITTLE: I'm thinking like ACIIS and
7 SMYTH: I didn't do ACIIS
8 LITTLE: Right
9 SMYTH: and
10 LITTLE: it's probably not applicable for this?
11 SMYTH: A, I don't have ACIIS in my office
12 LITTLE: Right
13 SMYTH: I would have had to come through Criminal Intelligence to do the
14 query
15 LITTLE: right
16 SMYTH: and I, I probably would have did it at some point in time
17 LITTLE: right
18 SMYTH: ah, just to kinda tick the box
19 LITTLE: right
20 SMYTH: I didn't feel he was, he would have probably been in there.
21 LITTLE: right, I'm just was saying that's why, I said it's probably not
22 necessary to go

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1 SMYTH: Yeah, no
2 LITTLE: to ACIIS but
3 SMYTH: ah but I would have did it never the less, but I it, it, it hadn't been
4 done
5 LITTLE: Okay
6 SMYTH: and of course naturally it hasn't been done (inaudible).
7 LITTLE: and when you say CPIC what did you check on CPIC, just a, a
8 general query CPIC
9 SMYTH: Yeah, a general query
10 LITTLE: okay
11 SMYTH: and a criminal history a criminal records,
12 LITTLE: right
13 SMYTH: um, and
14 LITTLE: any did he
15 SMYTH: current conditions.
16 LITTLE: right, anything there?
17 SMYTH: Ah there was nothing of, I think there was a, a criminal history,
18 um, I think for possession or maybe cultivation
19 LITTLE: Okay
20 SMYTH: but it was, there was nothing, no violence
21 LITTLE: okay
22 SMYTH: you know I'm usually looking for violence

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1 LITTLE: right

2 SMYTH: and ah, you know mental health history or indicators

3 LITTLE: right

4 SMYTH: there was no, there was none of that,

5 LITTLE: Okay

6 SMYTH: there was no firearms, there was no, he didn't have a firearms

7 license or any

8 LITTLE: Okay, so you did a CFRO right?

9 SMYTH: anything registered, yeah.

10 LITTLE: okay. And did he have anything on, on your ICAN

11 SMYTH: No

12 LITTLE: system? Okay, now would ICAN, does it just cover in your jur-,

13 it's just people that the RNC deal with go into the ICAN so

14 SMYTH: right

15 LITTLE: anybody who would deal, ah that the RCMP would deal with you

16 would have to contact them to check their system

17 SMYTH: right

18 LITTLE: and you're not sure if you did or at time?

19 SMYTH: I, yeah, I can't remember if I did it on Saturday or Sunday, I did it

20 before I went out there.

21 LITTLE: Okay

22 SMYTH: Yeah

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1 LITTLE: but, so and that's yeah, so it, that was checked too, the RCMP,
2 what's the RCMP system out here?

3 SMYTH: PROS

4 LITTLE: It is PROS, okay,

5 SMYTH: yeah

6 LITTLE: yeah that makes sense they're, National so. And I'm taking it so
7 for all this you're not finding anything of significant consequence about this guy, nothing
8 that's

9 SMYTH: They hadn't, they had, had ah, a number of dealings with him on
10 PROS

11 LITTLE: Right

12 SMYTH: ah, but again it was nothing of, they did deal with him for a
13 marihuana grow op

14 LITTLE: right

15 SMYTH: and he had reportedly since gotten a medical license to, to grow I
16 think up to one,

17 LITTLE: okay.

18 SMYTH: two, or x amount of plants.

19 LITTLE: So when you check PROS do you contact the RCMP or do you
20 have access to PROS

21 SMYTH: No I con-, I contacted the RCMP

22 LITTLE: so you had

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1 SMYTH: at the time.

2 LITTLE: okay.

3 SMYTH: Yeah, but we, there are, I don't have access to PROS myself at my
4 desktop

5 LITTLE: Okay

6 SMYTH: you know but my, my counterpart would of, I could of

7 LITTLE: right

8 SMYTH: but again in, giving what I was dealing with I wouldn't have called
9 him in or

10 LITTLE: right, and I take it you were the only person working that
11 weekend?

12 SMYTH: Yeah

13 LITTLE: Okay, ah, so when you get this information from PROS from the
14 RCMP I should say, that they have on PROS, ah was it simply that as in, okay, we have
15 him on our system for x, y and, z, ah, or did you follow-up with any contact to any
16 specific investigator member of the RCMP to say hey on this date you had to dealing
17 with him, can you, what can you tell me about this guy

18 SMYTH: No

19 LITTLE: do you know what I mean that sorta

20 SMYTH: Yeah no I didn't

21 LITTLE: personal touch

22 SMYTH: it was a

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1 LITTLE: if a you know a member somewhere, hey you ever deal with, you
2 know I think
3 SMYTH: Yeah
4 LITTLE: there was nothing like that?
5 SMYTH: No, it was
6 LITTLE: Okay
7 SMYTH: ah the very basic kinda, now if there had of been something there
8 of, you know that I felt that
9 LITTLE: that was warranted
10 SMYTH: was worthy of, of doing that,
11 LITTLE: right
12 SMYTH: I certainly would have,
13 LITTLE: Okay
14 SMYTH: um, but there was, the calls seemed to be relatively um, I don't
15 want to say routine they were pretty standard, again,
16 LITTLE: okay
17 SMYTH: nothing they were, that indicated
18 LITTLE: right
19 SMYTH: violence, anything for me to be concerned about ah, you know I'm
20 still ah, thinking along the lines of, I just need to do a thorough assessment on this
21 individual to
22 LITTLE: right

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1 SMYTH: determine if he's a potential risk.

2 LITTLE: right.

3 SMYTH: And, and I had almost at that, you know, based on my
4 conversations with them, ah, I'm, I really wanted to speak to him,

5 LITTLE: Hmm

6 SMYTH: I wanted to be able to sit down with him and have a candid
7 conversation where, you know there was some rapport and I was you wanted to delve
8 into the crux of his grievance,

9 LITTLE: Mm hmm

10 SMYTH: and try in that process get a determination of, of what kind of risk
11 he was if any.

12 LITTLE: Okay, at some juncture, you obviously made a decision to go out to
13 see Mr. Dunphy as you said, to speak to him. Ah,

14 SMYTH: I made that decision on Saturday, yeah.

15 LITTLE: Okay, and is there any specific reason that you went out, if you
16 made the decision on Saturday, on Sunday as opposed to Monday, as opposed to
17 Saturday itself or, how did that just all sort of fall into place?

18 SMYTH: By the time, you know I was at a point that I was ready to go out
19 and see him

20 LITTLE: Mm hmm

21 SMYTH: I wanted and kind of arrived at that

22 (Sound of voices talking on the intercom)

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1 SMYTH: we have to deal with that in here, um, came to that conclusion it
 2 was kind of late on Saturday.
 3 LITTLE: Okay
 4 SMYTH: There was no other reason, I didn't see anything there,
 5 LITTLE: okay
 6 SMYTH: no emergent per se,
 7 LITTLE: right
 8 SMYTH: ah, but ah, you know my days working were Friday, Saturday,
 9 Sunday, I wanted to
 10 LITTLE: mm hmm
 11 SMYTH: I didn't want to leave it
 12 LITTLE: right
 13 SMYTH: it was one of those things that I wanted to do you know I, I felt
 14 there a, a need to do a prudent follow-up, and, and give it the due diligence that it
 15 required, but again I didn't, I also didn't see any emergency per se, but I'm not gonna go
 16 a full Sunday and not say, not act on it
 17 LITTLE: Right
 18 SMYTH: when it, I you know I had been seized with the information, I had
 19 done the basic invest-, investigation, I felt there was a need to do that, that follow-up,
 20 LITTLE: Mm hmm
 21 SMYTH: so you know it's as much of a, a just doing what you're mandated
 22 to do,

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1 LITTLE: Okay

2 SMYTH: in an appropriate time that you're that you should do it.

3 LITTLE: Okay

4 SMYTH: Could I, if I had of, if I had of been tasked that whole, say the

5 Premier called me in Sunday morning and said we're going to Corner Brook,

6 LITTLE: Hmm

7 SMYTH: I would have gone to Corner Brook and I wouldn't have,

8 LITTLE: Right

9 SMYTH: I wouldn't have gone. It wasn't emergent enough for me to, to call

10 somebody in to go do it, but at the same time, it you know being seized with it, I,

11 LITTLE: Yeah, it's not something you'd put off, til you, feel like going

12 there

13 SMYTH: No

14 LITTLE: you deal with it as you can

15 SMYTH: right.

16 LITTLE: right? Um and you said you worked Friday, Saturday, Sunday,

17 are you saying you, Monday would have been a day off then?

18 SMYTH: Right

19 LITTLE: Mor-, okay, so, prior to going on whether it's weekly leave or stat

20 time off or whatever, Monday would have been, is Monday a stat holiday?

21 SMYTH: Hmm,

22 LITTLE: It would have been?

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1 SMYTH: I think it would have been yeah
2 LITTLE: E-, Easter Monday
3 SMYTH: yeah.
4 LITTLE: Ah why
5 (Sound of voices over the intercom)
6 SMYTH: I apologize on behalf of the RNC
7 LITTLE: No that's alright, things happen. Um, so you, you're dealing with
8 it before, for want of a better term, ah you went on days off?
9 SMYTH: Right
10 LITTLE: Alright, ah, so at that juncture you've obviously done some work
11 did you generate some type of a file?
12 SMYTH: I still hadn't generated an actual file at that point no
13 LITTLE: Okay
14 SMYTH: You know I had, I had physically started to compile
15 LITTLE: Right
16 SMYTH: the information to being put into
17 LITTLE: maybe in a file folder or something
18 SMYTH: right
19 LITTLE: but not on
20 SMYTH: there's, there hadn't,
21 LITTLE: not on the system
22 SMYTH: there hadn't been a

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1 LITTLE: not taken, drawn an occurrence number or
2 SMYTH: no
3 LITTLE: do you use occurrence numbers for, do you use?
4 SMYTH: Yes we do, yeah,
5 LITTLE: Okay,
6 SMYTH: yeah.
7 LITTLE: and so there's no number assigned, there's just, it was just you still
8 at
9 SMYTH: yeah.
10 LITTLE: base level.
11 SMYTH: I've got the, you know the email trail
12 LITTLE: Okay, good
13 SMYTH: of my work, and phone calls, all the, you know the notes and stuff
14 but, I hadn't ah
15 LITTLE: and just to say, so you would have at that point notes on, what was
16 done, when it was done and that type of thing?
17 SMYTH: Right, which would, actually would have been largely email but
18 LITTLE: Right, but
19 SMYTH: I had my own, my own notes which
20 LITTLE: yeah
21 SMYTH: I guess they're in the RCMP evidence cause I had them in my hand
22 at the time.

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1 LITTLE: Okay, alright, um, so now it's Sunday, the decision is to go out
2 there ah, to meet with him, you've done the back grounding, ah, you've contacted the
3 RCMP to let them know you're coming into their territory as it were, ah, at this end is
4 there somebody within the RNC organization you have to report to and say, like do you
5 have to let the Watch Commander know, hey I'm gonna be over here, or
6 Communications or
7 SMYTH: Yeah, I had let our Communications Centre know.
8 LITTLE: Okay
9 SMYTH: Sign on with our vehicle
10 LITTLE: Okay
11 SMYTH: and ah give them my core contact information
12 LITTLE: okay
13 SMYTH: you know sign on our own system
14 LITTLE: right
15 SMYTH: the same as a patrol car would be
16 LITTLE: right
17 SMYTH: and to let them know where I'm going.
18 LITTLE: Okay, outside of your Communications Section is there a
19 requirement or a need or to notify, a Watch Commander, a Duty Officer or anybody
20 within the administration?
21 SMYTH: No

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1 LITTLE: Okay, and when you sign on, you take a vehicle obviously an RNC
2 vehicle I'm assuming that would be an unmarked vehicle?
3 SMYTH: Yeah it is yeah
4 LITTLE: And what type of equipment would that contain
5 SMYTH: You mean
6 LITTLE: or is it just a car?
7 SMYTH: no, no it's, it that, was one of our vehicles, it was a
8 LITTLE: Okay
9 SMYTH: um, a black Yukon
10 LITTLE: okay
11 SMYTH: it had the all, it was unmarked but it had all the emergency
12 equipment, siren, police radio,
13 LITTLE: okay
14 SMYTH: lights
15 LITTLE: alright. Do you, does the police radio when you say police radio
16 and that, is that just an RNC thing or is it?
17 SMYTH: It does have the ability to communicate with the RCMP but
18 LITTLE: alright
19 SMYTH: I, I very seldom use it.
20 LITTLE: alright, it's, it's there but it's not that's not your mode of
21 communication while you're out and about
22 SMYTH: No

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1 LITTLE: that's not what you use? If you had if it had been switched on and
2 you used it, would you have been able to from where you were call back to headquarters
3 or to St. Johns?

4 SMYTH: I would say probably not, I never did check that personally,

5 LITTLE: Okay,

6 SMYTH: but I don't it would of ah, I don't think the range would have been
7 there.

8 LITTLE: So, ah, as far as the system to use the ah, the radio that would have
9 been say functional, and we don't know or you don't know would be the RCMP end of it,
10 is that fair enough?

11 SMYTH: Right

12 LITTLE: In the,

13 SMYTH: there, cause there's a, the simplex system there as well that

14 LITTLE: right

15 SMYTH: is beyond crypted section

16 LITTLE: right

17 SMYTH: which the range is different and ah, so there's an R, a dedicated
18 RNC/RCMP channel,

19 LITTLE: Okay, yeah

20 SMYTH: but again I never,

21 LITTLE: okay

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1 SMYTH: I never use it at any point in time, I haven't used that channel since
2 I was in patrol.

3 LITTLE: Alright, that's the vehicle itself, do you carry a portable radio as
4 well?

5 SMYTH: No

6 LITTLE: Alright. Um, so obviously you're again we'll get back to what you
7 were carrying at the time, you were carrying a sidearm, did you have any of the levels of
8 use of force with you at this time?

9 SMYTH: Ah pepper spray

10 LITTLE: Pepper spray,

11 SMYTH: Yeah

12 LITTLE: is that, is that the regular size, I know, like in our CID we've a
13 downsized mini or version

14 SMYTH: We don't

15 LITTLE: it's actually got a clip on the side, you can tuck it on your belt,
16 patrol members they carry slightly bigger canisters.

17 SMYTH: That's what I had.

18 LITTLE: The bigger canister?

19 SMYTH: Yeah

20 LITTLE: Okay, and is that carried in a specific carrier designed for it, or is it
21 stuffed in your jacket pocket or

22 SMYTH: No it's in a carrier, right on my belt.

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1 LITTLE: Okay, and where on, when, you say on your belt, where on your
2 belt?
3 SMYTH: On my left side.
4 LITTLE: Okay, so you're carrying it opposite to your side arm, you're right
5 handed I take it from
6 SMYTH: That's right.
7 LITTLE: that? Okay, and I'm assuming that's how you're trained to carry
8 it?
9 SMYTH: Um,
10 LITTLE: Or is that a personal preference?
11 SMYTH: I think it's personal preference.
12 LITTLE: Okay
13 SMYTH: I think the recommended, I'm trying to think now what the, I think
14 the recommendation was always for pepper spray that you, you carried it on your off side
15 LITTLE: Okay
16 SMYTH: or had access it, access to it on your off side, should you ever find
17 yourself in a situation where your firearm was drawn
18 LITTLE: Mm hmm
19 SMYTH: and you had the ability to
20 LITTLE: right, okay.
21 SMYTH: you know.
22 LITTLE: That makes sense, hmm

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1 SMYTH: Yeah, I and I don't, but I think there were
2 LITTLE: These always sound like odd questions once you get asked it was
3 like
4 SMYTH: You know I'm, I'm thinking back myself cause I, you know I think
5 there were some people that carried it, right behind
6 LITTLE: Hmm
7 SMYTH: their firearm, but then I, I might be wrong, I carried it there and
8 that was the reason why
9 LITTLE: Okay
10 SMYTH: I always did, I did it on patrol and
11 LITTLE: so you had your pepper spray, you were carrying it on, in the
12 carrier on your belt, you had your sidearm, do you carry an extra magazine for your
13 sidearm?
14 SMYTH: Yes
15 LITTLE: Okay, and, and where is that carried?
16 SMYTH: Ah, ah again on my left side, kinda behind the pepper spray
17 LITTLE: Okay
18 SMYTH: it's a little bit further back, I
19 LITTLE: Okay
20 SMYTH: got a handcuff and magazine holder.
21 LITTLE: okay, so and that's one, one of those single unit that handcuffs,
22 stuff them in,

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1 SMYTH: And the mag goes in next to it, yeah

2 LITTLE: mag, stuff it in. Okay,

3 SMYTH: yeah

4 LITTLE: so you had handcuffs, and extra mag on the left, right?

5 SMYTH: Mm hmm

6 LITTLE: Okay, I shouldn't say left right, you had it on the left side, okay.

7 Um, any other use of force level, a collapsible baton, an ASP, or anything of that nature?

8 SMYTH: That was in the car but I didn't have in on me.

9 LITTLE: Okay, alright, is that where it's normally carried your ASP?

10 SMYTH: Um,

11 LITTLE: And this is ASP, it's a?

12 SMYTH: It's and ASP yeah well I don't know if that's the

13 LITTLE: okay

14 SMYTH: brand, but it's

15 LITTLE: a collapsible baton

16 SMYTH: a collapsible baton yeah.

17 LITTLE: okay.

18 SMYTH: Ah it's so it's a full size one, the one that we carry in patrol, we

19 don't have a CID size,

20 LITTLE: right

21 SMYTH: a concealment size

22 LITTLE: right

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1 SMYTH: I didn't generally carry it on my person
2 LITTLE: right, okay.
3 SMYTH: I'm trying to think if I ever carried it, you know while plain clothes
4 duty and I think, I think the answer is no
5 LITTLE: Okay
6 SMYTH: you know I don't remember ever. But I usually took it with me
7 and put it in the door of the car.
8 LITTLE: Yeah, and when you say full size, I mean they're all.
9 SMYTH: Yeah, but you can get concealant sizes that are a couple inches
10 shorter.
11 LITTLE: Yeah, then you gotta think back when I started, it was, it was a
12 wood one so
13 SMYTH: Same here
14 LITTLE: a baseball bat kinda thing.
15 SMYTH: well, that's what I had when I first started,
16 LITTLE: Yeah
17 SMYTH: clanging off your knee, as you're running.
18 LITTLE: Um, the sidearm that you we're carrying is, is an issued to you by
19 the RNC?
20 SMYTH: Yes it is
21 LITTLE: And what do you carry for weapons here?
22 SMYTH: A SIG Sauer

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1 LITTLE: A SIG
2 SMYTH: 40 caliber
3 LITTLE: Ah, I'm gonna guess you have no idea what the serial number is?
4 SMYTH: ph, ph, ph, ph, ph, I'd be taking a guess.
5 LITTLE: Yeah, don't it's simpler to say, I don't know.
6 SMYTH: Yeah I know there was two five's in it.
7 LITTLE: I don't know what my, I don't know what the
8 SMYTH: I'd, I,
9 LITTLE: serial numbers on my pistol either
10 SMYTH: I used to know it, but, I don't anymore.
11 LITTLE: Um, do you know the model?
12 SMYTH: Two, two, six
13 LITTLE: So that is a, that's a full size sidearm, that would be the same
14 sidearm that a uniformed member would carry?
15 SMYTH: Yep
16 LITTLE: So it'll have a high capacity magazine in it?
17 SMYTH: Twelve rounds
18 LITTLE: Twelve rounds, do you carry it full?
19 SMYTH: Yes
20 LITTLE: All the time?
21 SMYTH: Mm hmm
22 LITTLE: Okay, and ah, do you carry it with one chambered?

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1 SMYTH: Mm hmm

2 LITTLE: alright

3 SMYTH: yes

4 LITTLE: okay, well some people do, I's these may sound like silly

5 questions, not all policeman do, as despite what they may, should be doing

6 SMYTH: I know

7 LITTLE: they don't always, so you've got

8 SMYTH: I remember being on a, when we first transitioned to the ah, the

9 semi-automatic, cause we were using revolver

10 LITTLE: Mm hmm

11 SMYTH: the first few years I started, I remember being on a call, and the

12 guy came out of a shed with a shotgun, and of course you know where you all go into the,

13 LITTLE: Hmm

14 SMYTH: cover mode all, and started to communicate with him and I, I heard

15 somebody you know rack their firearm and I was like, I remember thinking like wow

16 LITTLE: Yeah, that's never good.

17 SMYTH: but no I

18 LITTLE: That's the wrong time

19 SMYTH: Yeah

20 LITTLE: Um, so you'd would have had, now do you top up your mag once

21 you load your sidearm?

22 SMYTH: No

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1 LITTLE: So you just take a twelve round, do you have loading stations?
2 SMYTH: Yes
3 LITTLE: Okay, so you load it and unload it at a loading station
4 SMYTH: Mm hmm
5 LITTLE: Do you load and unload at the start of shift and at the end of shift?
6 SMYTH: Yes
7 LITTLE: Okay, so you never stick your, your sidearm in, in a holster in a
8 desk drawer and load it and then just take it out and put it on your belt?
9 SMYTH: No,
10 LITTLE: Okay
11 SMYTH: we actually have, we or, even though off site of the Confederation
12 building
13 LITTLE: Mm hmm
14 SMYTH: we still had to load up here
15 LITTLE: Okay, so and, you work out of the Confederation building, you
16 start your shift here or do you come here get your gear and then go over there is that?
17 SMYTH: Yeah
18 LITTLE: Okay
19 SMYTH: It's not far and it's
20 LITTLE: No, nothing seems to be here
21 SMYTH: No, hmm

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1 LITTLE: um, so you've got twelve rounds in the gun, one obviously eleven
2 in the mag one in the chamber and you've got another twelve, you've got a fully loaded
3 magazine, so just the two mags total?
4 SMYTH: Yeah
5 LITTLE: Okay, ammunition that you're using is, is that issued ammunition?
6 SMYTH: Yes it is.
7 LITTLE: Okay, do you know what kind of issue the RNC?
8 SMYTH: Ah, ah it's a hallow point ah, I don't know the brand or
9 LITTLE: Ranger SXT?
10 SMYTH: No I'd, I'd be taking a guess.
11 LITTLE: Okay, again, don't, don't be guessing, if you don't know, you
12 don't know
13 SMYTH: Yeah
14 LITTLE: it's as simple as this, eh, it's always the simplest, it's the
15 SMYTH: I'm not a gun guy, I know what I carry and
16 LITTLE: okay, alright. Um, this is a, ah the weapon you're referring to SIG,
17 that two, two, six is a ah double action pistol?
18 SMYTH: S-, a single double they call it?
19 LITTLE: Right, but I mean as in
20 SMYTH: yeah, yes, that's what it was.
21 LITTLE: to make it to once you draw your, your side arm, you don't have to
22 do anything to make it, you just have to squeeze the trigger, this

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1 SMYTH: Unfasten it and pull the trigger

2 LITTLE: Right, you don't have to cock it first

3 SMYTH: No

4 LITTLE: which would be, full single, okay, um, we got all the weapon, the

5 holster the ammunition, that's all the issue stuff. Okay and all the, ah, so as odd as it

6 may sound, use of force and what you do after shooting is not in the chapter on use of

7 force it's in the chapter on firearms.

8 SMYTH: Priceless

9 LITTLE: Just one of those things, for shooting incidences, um and I'm

10 gonna, I'm gonna just jump ahead of the actual incident, cause we're still talking about

11 the firearm thing, what was done with your, what did you do with your service pistol

12 following the shooting?

13 SMYTH: Gave it to the RCMP

14 LITTLE: Alright, did you make it safe?

15 SMYTH: Ah, yes,

16 LITTLE: Okay

17 SMYTH: yeah, we made it safe, right outside my vehicle.

18 LITTLE: okay,

19 SMYTH: so my vehicle ah, under the, there's a, a gun vault,

20 LITTLE: Okay

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1 SMYTH: underneath the back seat, so I lifted up the back seat, I had opened
2 up the vault, and I'd with there was an RCMP member there, who was ready to take it, I
3 dropped the mag,
4 LITTLE: Okay
5 SMYTH: and I discharged, the round in the chamber um
6 LITTLE: cycled,
7 SMYTH: cycled
8 LITTLE: not discharged.
9 SMYTH: yeah sorry and ah, you know we both observed it safe and I gave it
10 to him.
11 LITTLE: Okay, so based on and this is fairly standard practice across the
12 country, so you dropped the magazine first, there is no safety on this weapon?
13 SMYTH: No
14 LITTLE: Alright, so prior to that, ah, prior to you taking it, it's in the
15 holstered position, you're not wandering around with your gun you've
16 SMYTH: It's in the
17 LITTLE: already holstered it
18 SMYTH: holster. Yeah
19 LITTLE: Okay, ah, you remove it, he removes the magazine, cycle the
20 action to eject, the live one, is that followed up by two more cycles
21 SMYTH: Yeah
22 LITTLE: put it into a lock back?

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1 SMYTH: yeah we lock, I locked it back, we both

2 LITTLE: okay, right

3 SMYTH: observed that it was safe, empty.

4 LITTLE: and then proved to

5 SMYTH: I gave, I gave it to him,

6 LITTLE: right

7 SMYTH: while the action was

8 LITTLE; right

9 SMYTH: locked back.

10 LITTLE: and to prove it was safe was checking the chamber and the

11 magazine well, is that fair to say?

12 SMYTH: Mm hmm

13 LITTLE: I know this sound like over simplification but

14 SMYTH: no I get it.

15 LITTLE: it's just making sure we've stepped through and covered what's

16 need to be ah, dealt with. So now I'm gonna go and take you back to ah the incident

17 specific and I'm not going to spend near as in depth as ah what um, the RCMP would

18 have discussed with you in regards to the actual incident. That ground's already been

19 covered it doesn't need to be over and gone over again, but because use of force is part of

20 your policy and procedures, there are modules obviously on use of force ah, perceived

21 threats those kinds of things, it has to be covered in a bit of a more general sense. But

22 before I'm gonna, I say I'm gonna talk to you about the incident specific, ah, in terms of

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1 where to start ah, you've got, we already know you've got the stuff you drive, you go
2 down there, and you start where you think is reasonable to maybe help me understand
3 what transpired, ah, but I'm for, rough reference I would suggest when you arrive or find
4 the residence you're looking for, does that make sense?

5 SMYTH: Yeah sure

6 LITTLE: Okay, and just take your time, cause again,

7 SMYTH: Um, yeah, no problem, and so when I got ah to Mitchell's Brook

8 LITTLE: Mm hmm

9 SMYTH: um, I did, it took me a while I, but I did find ah, the residence and
10 ah, I pulled into the driveway, ah, well I, the first time I went there, there was no car in
11 the driveway

12 LITTLE: Hmm

13 SMYTH: um, I went and knocked on the door, I actually knocked on the
14 window

15 LITTLE: Okay

16 SMYTH: ah the front window of the house because the, the ah steps up to
17 the front door were precarious at the best

18 LITTLE: Mm hmm

19 SMYTH: and ah, and the house was in really, really poor shape,

20 LITTLE: Yeah

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1 SMYTH: and, and there was a sign on the front of the house that made
 2 reference to you know a persecuted worker living here political people not welcome
 3 something along those lines.

4 LITTLE: Yeah

5 SMYTH: And ah, there was cats around there was garbage and junk around
 6 everywhere um, so, you know I, I was certainly I was in a high, a little higher alert mode
 7 if you will

8 LITTLE: Mm hmm

9 SMYTH: Um, you know I knocked on the window, I backed away from the
 10 house

11 LITTLE: Mm hmm

12 SMYTH: watching both sides of the house and, and that you know pretty just
 13 normal practice

14 LITTLE: Mm hmm

15 SMYTH: um, you know unless I was going to get a witness statement or
 16 something but ah,

17 LITTLE: Mm hmm

18 SMYTH: so um, then there was no response. I looked into the window um,
 19 of the, the living room window, you know I could see garbage on the floor

20 LITTLE: Mm hmm

21 SMYTH: and um, and ah, anyway, there was, there was no response or so, I
 22 left and I went to the neighbor's house,

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1 LITTLE: Mm hmm

2 SMYTH: and the neighbor turned out to be his brother and sister-in-law, so I
3 had a fairly lengthy conversation with them, told them why I was there

4 LITTLE: Mm hmm

5 SMYTH: and um, you know I wanted to speak to him, and the reason why

6 LITTLE: Hmm

7 SMYTH: and they, you know they gave me some insight into you know a
8 troubled man that had

9 LITTLE: Mm hmm

10 SMYTH: and you know a long history of, of ah, which you know I would
11 take as, as some level of mental illness

12 LITTLE: Mm hmm

13 SMYTH: um, you know in terms of ah, just how he conducted himself, they,
14 you know they were, they were at their wits end with him themselves,

15 LITTLE: Okay

16 SMYTH: in terms of his behavior towards them, um, you know he was a,
17 seemed to be a real an-, antagonist towards them

18 LITTLE: Okay

19 SMYTH: constantly causing them problems, um,

20 LITTLE: Okay

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1 SMYTH: you know this sister in law said she wasn't even comfortable being
 2 outside when he was home, because he would watch her and um, you know make
 3 comments and just felt her, made her feel uneasy and I asked her outright
 4 LITTLE: Mm hmm
 5 SMYTH: did she feel threatened by him
 6 LITTLE: mm hmm
 7 SMYTH: and she said no,
 8 LITTLE: okay
 9 SMYTH: but he made me feel uneasy.
 10 LITTLE: okay.
 11 SMYTH: And ah, you know I asked about violence, I asked about firearms,
 12 and, and, they said no on both, um, no access to firearms and ah, you know, no, no
 13 history of, of being violent per se.
 14 LITTLE: Mm hmm
 15 SMYTH: And ah, um, you know but a, a very lengthy history of, of a, a
 16 problematic life I suppose.
 17 LITTLE: Okay
 18 SMYTH: Um towards the end he was never,
 19 LITTLE: Mm hmm
 20 SMYTH: they were estranged at, I think at best by the sounds of.
 21 LITTLE: Yeah

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1 SMYTH: And ah, at the same time they were, you know they were
2 concerned for him and, and ah, and I, you know I kind of expressed my same sentiments

3 LITTLE: Mm hmm

4 SMYTH: and told them exactly why I was there, you know not to, make his
5 life any more difficult, if anything, hopefully to get a grasp and some insight on to what
6 his issues are,

7 LITTLE: Right

8 SMYTH: and you know if it was within my capacity to put him in the right
9 direction or help then

10 LITTLE: Mm hmm

11 SMYTH: that's absolutely what I would do. Um, so I, you know I left there
12 and um, went back to the house and the vehicle was back there, and so then I drove up

13 LITTLE: Okay

14 SMYTH: and pulled up behind that vehicle,

15 LITTLE: Okay

16 SMYTH: and it was a, like an older model Jeep Cherokee

17 LITTLE: Yeah, so just, I'm just gonna pause you there for a second, when
18 you say the neighbors, you went to the neighbor, the neighbor being, turned out to be the
19 brother. I take it there is some distance between the two?

20 SMYTH: Ah, not much distance, you know there's some property between
21 the two

22 LITTLE: Right

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1 SMYTH: um, well, mostly a bank of trees
2 LITTLE: okay
3 SMYTH: you know but
4 LITTLE: but what I'm getting at is,
5 SMYTH: not, not a lot of distance
6 LITTLE: you wouldn't be able, you were not in a position to ah, see or hear
7 the, the vehicle return
8 SMYTH: no
9 LITTLE: is what I'm getting at?
10 SMYTH: no, I was inside
11 LITTLE: Okay
12 SMYTH: the house when I was talking to them.
13 LITTLE: Oh, okay
14 SMYTH: I was just inside the porch
15 LITTLE: okay.
16 SMYTH: if I had of been outside I probably would have of, you'd probably
17 hear it coming up the gravel driveway I would think,
18 LITTLE: Right
19 SMYTH: this and the distance is not great enough
20 LITTLE: but not necessarily see it?
21 SMYTH: Uh, no, you, you might of, there was
22 LITTLE: Okay

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1 SMYTH: the below part of the driveway, the trees that were there were a
2 little big sparse so you would of

3 LITTLE: Okay

4 SMYTH: you would of seen it.

5 LITTLE: Alright

6 SMYTH: Um, I'm trying to think there now, how much of the house you
7 could see, like you could, you know we come out of the brother's house walk down his
8 driveway a little bit, you could have walked to the trees quite easily.

9 LITTLE: Okay

10 SMYTH: Ah, cause I don't remember actually being after the incident being
11 in the house, thinking, okay, who's coming here now

12 LITTLE: Mm hmm

13 SMYTH: and I'll, I'll well I'll get into that I guess in

14 LITTLE: Yeah

15 SMYTH: a minute. But ah, so I went back to the house and pulled up behind
16 ah the, the Jeep that was in the driveway

17 LITTLE: Mm hmm

18 SMYTH: and in, in essence went through the same process I did originally,
19 walked up, looked in the window, again I didn't see anybody ah, but I knocked on the
20 window and again backed away from the house in the front and you know thirty seconds
21 later a minute later, the front door opened, the screen door and I moved to the, to the front
22 of the front of the house

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1 LITTLE: Okay

2 SMYTH: and saw Mr. Dunphy was had the door open, um, I took out I
 3 actually had it I already had my hand on my wallet, badge and ID and I held that up, told
 4 him who I was and I asked him if I could speak to him and he said yeah, no problem.
 5 And so then I walked up over the, the front steps and went into his house, and then I
 6 walked in and everything was, was very amicable,

7 LITTLE: Okay

8 SMYTH: um, you know I told him, you know I was here to chat to him I've
 9 got a file I was looking into and, and ah, he didn't question me too much on that

10 LITTLE: Yeah

11 SMYTH: I just got into some general conversation cause it started you know
 12 so you're RNC, and I said yeah, he said well yeah geese what are you doing down here
 13 and I told him where I worked and what I did and, and ah, he, I don't even remember
 14 what his reaction to that was, it was ah, at this point in time I'm, I'm looking around the
 15 house, the house was just in absolute deplorable condition it was, it smelled really, really
 16 bad, and you know I, you do any type any front-line policing which I know you have,
 17 you've been there

18 LITTLE: mm hmm

19 SMYTH: and you've been in those houses that stink of just, you know
 20 they're, this one was cat, cat feces and just human filth and ah, and this is what first hit
 21 me when I went in the house

22 LITTLE: hmm

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1 SMYTH: and it was, and it was the worst I'd even been in
2 LITTLE: Mm hmm
3 SMYTH: and ah, my immediate, my immediate thoughts were, oh wow this
4 guys in, he's in bad shape
5 LITTLE: Mm hmm
6 SMYTH: and, and it was, it was pure like, it was sympathy for the guy like
7 oh man
8 LITTLE: Mm hmm
9 SMYTH: this is sad, this is really, really sad, is really what I'm thinking and
10 ah, and we, you know we had some conversation around and it was just general chit chat
11 at this point, I,
12 LITTLE: Mm hmm
13 SMYTH: for me it was, I guess the, the rapport building phase, I
14 LITTLE: Right
15 SMYTH: you know I want him to, I want him to open up to me as best he
16 can and, and
17 LITTLE: Mm hmm
18 SMYTH: and I want to be able to delve into his, into what, where his mind
19 is, what his
20 LITTLE: hmm
21 SMYTH: intentions are, what his intentions will be if, you know if his goals
22 are not met ah, all these things and so this is very much full rapport building, you know

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1 LITTLE: okay

2 SMYTH: how long have you lived here, have you got any family around

3 and, you know what's going on with you, and then so we did a little bit of that, um and

4 we made pretty much he invited me right into the living room

5 LITTLE: mm hmm

6 SMYTH: and ah, he, he immediately went and sat down in his, in his chair,

7 so and I don't know if you want me to draw it out

8 LITTLE: No this describes it

9 SMYTH: so you know I walk in, I walk into living room,

10 LITTLE: Mm hmm

11 SMYTH: back wall, the fireplace and, I think it was a propane fireplace or

12 electric fireplace. It was electric now that I think about it. There was a mantle here, and

13 then right next to it where you walk into the living room would be his chair

14 LITTLE: Mm hmm

15 SMYTH: so he walked in and sat right down in that chair. There was a

16 coffee table and a couch here, I kinda walked by that couch went over to like the

17 LITTLE: Mm hmm

18 SMYTH: the mantel area where the fireplace was.

19 LITTLE: Mm hmm

20 SMYTH: And that's pretty; much where I stayed then for the rest of the, the

21 interaction. And ah, so we, you know again we, did a lot of general chit chat and we got

22 into why I was there

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1 LITTLE: Mm hmm

2 SMYTH: and you know after I don't know probably six, seven minutes, his
3 demeanor really started to change and he started getting agitated and frustrated and he
4 was telling me to sit down, he wanted me to like, every ten, fifteen seconds

5 LITTLE: Mm hmm

6 SMYTH: he was sit down, sit down, have a seat, and ah, it would, it was just
7 fucking cats it was filthy

8 LITTLE: Mm hmm

9 SMYTH: that was why I didn't sit down.

10 LITTLE: Hmm right

11 SMYTH: and cause you know what if

12 LITTLE: Hmm

13 SMYTH: if had of been clean,

14 LITTLE: right

15 SMYTH: and it would have helped calm him a bit and develop that rapport, I
16 would have sat,

17 LITTLE: right

18 SMYTH: then I wouldn't of, but it was just dirty.

19 LITTLE: right.

20 SMYTH: And ah, I'm doing a little bit of pacing in front of the, the fireplace
21 and there's garbage, there's bugs on the floor and

22 LITTLE: Mm hmm

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1 SMYTH: I was um kicking some garbage moving that around, I'm looking
2 around the house and as we're talking that's really agitating him, the fact I'm looking
3 around, the fact I won't sit down. And he's what are you looking for, what are you
4 looking at? What are you looking for, what are you looking around for? And ah, he had
5 a bat on, on the side of the chair that would be adjacent to the doorway,

6 LITTLE: Mm hmm

7 SMYTH: come in, he had that lying there, and it was like it had this duct
8 tape around it or something it was it was like a junior bat it wasn't

9 LITTLE: right

10 SMYTH: to me it clearly wasn't there for athletic purposes, and I asked him
11 about it, I pointed out the bat and I said you know what do you got the bat there for and
12 he, you know he made he told me well you never know who's gonna come in here and a
13 man gotta be able to protect himself and, and I said okay, well as long as it stays there

14 LITTLE: Mm hmm

15 SMYTH: and then well you don't gotta worry about that. And ah, we got
16 into a bit more of again why I was there,

17 LITTLE: Hmm

18 SMYTH: I had the file folder there, made reference to the tweets,

19 LITTLE: Hmm

20 SMYTH: and he, he was starting to, now he was just completely up and
21 down he'd talk about ah, you know exactly what, he you know what he says on twitter

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1 and social media he can say what he wants and I can say whatever I want and, ah he, this
2 tweet he had made that brought me there,

3 LITTLE: Mm hmm

4 SMYTH: originally or brought his attention, brought my attention to him,
5 made reference to dead MHA's, MHA's here being Members of the House Assembly ah,
6 probably MLA's in, in

7 LITTLE: yeah

8 SMYTH: your region. And ah, so he and they, he had tagged the Premier,
9 and another minister in that tweet, um, and so he just talked about ah, MHA, there's been
10 dead MHA's before they'll be dead MHAs again and, again it was not threats but it was
11 just this kind of loose kinda passive aggressive comment towards

12 LITTLE: right

13 SMYTH: politicians. And ah, then he started asking me who sent me what
14 are you doing here,

15 LITTLE: Mm hmm

16 SMYTH: even though I had told him who I was, and why I was there, he
17 would go back,

18 LITTLE: right

19 SMYTH: what are you doing here, who sent you here anyway, who sent you
20 here? And I said, nobody I'm here under my own volition and, well who sent you here,
21 and that

22 LITTLE: hmm

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1 SMYTH: this is the tone where it was going now. Now he's starting to froth
 2 at the mouth too, he'd get that ah, you know the buildup of dried saliva in the corner
 3 LITTLE: Mm hmm
 4 SMYTH: of his mouth as he
 5 LITTLE: yeah
 6 SMYTH: talking it's, you can see the strings of
 7 LITTLE: yeah
 8 SMYTH: saliva which, yeah and I wasn't threatened by him
 9 LITTLE: Mm hmm
 10 SMYTH: I was, you know I was thinking I was actually looking at the bat, I
 11 was like oh god if he picks that bat up, he'd be coming, he was just, he's not a big man
 12 LITTLE: Mm hmm
 13 SMYTH: I was thinking well, cause okay what would he do? I'm thinking
 14 like I'm gonna front kick him back down in that chair as he's getting aggressive and ah,
 15 but, you know I can, my heart's not even, like I'm not in that
 16 LITTLE: Hmm
 17 SMYTH: that zone where you're, where you're starting to become hyper-
 18 vigilant
 19 LITTLE: Mm hmm
 20 SMYTH: you know when get around an aggressive person, I'm still thinking
 21 this guy's a sad, sad case, he's got a lot, I'm still looking around his house
 22 LITTLE: Hmm

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1 SMYTH: going wow. Have, who let you get to this point and I well he's up
 2 and down and, and asking me these questions, calling, kept calling me arm of the
 3 government, you're just another arm of the government, and ah um, I kicked some
 4 garbage around and there was a bug on the floor, and I just kicked the bug, and I, I said
 5 Mr. Dunphy I have some real concerns for you and I was, my mind set was I got concerns
 6 for you because of the state,

7 LITTLE: Mm hmm

8 SMYTH: the state you're in, like whether emotionally or physically and your
 9 living conditions. I think he took it as, you know you think I'm, you got concerns for me
 10 doing something and, and he got a bit more agitated and aggressive by that, by that
 11 comment

12 LITTLE: Mm hmm

13 SMYTH: and ah, again back to, what are you looking around for, why are
 14 you looking around? And I stepped back by and this is probably now, we're probably on
 15 like twelve, thirteen minutes of, of interaction, and to me the conversation had de-
 16 escalated to the point where I'm, I'm no longer even gonna, I'm not getting anywhere
 17 with this guy.

18 LITTLE: Right

19 SMYTH: And he's, actually, he's probably given me enough for me to say
 20 ah, you know this, this person is of concern.

21 LITTLE: Right

22 SMYTH: He should be on our radar. That was it

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1 LITTLE: Mm hmm

2 SMYTH: and ah, but I'm still kinda hoping to bring him down a bit here and,

3 and

4 LITTLE: mm hmm

5 SMYTH: see what I can't do for him, and ah, so I'm back by the fireplace,

6 I'm, I got an elbow I think on the mantel and then my file folder there, and I I'd open the

7 folder up and I said okay, stop looking around, because this is

8 LITTLE: Mm hmm

9 SMYTH: driving this guy bananas and I looked down at the folder and um,

10 but I wasn't really looking at it

11 LITTLE: Mm hmm

12 SMYTH: and but I was just kinda doing that to appease him and while it's

13 there in my hand, it's kinda like now I'm, you know I'm looking at my hand but I can see

14 you,

15 LITTLE: Mm hmm

16 SMYTH: see what you're doing and see how you're, how you're sitting and

17 that's, and it wasn't necessarily on purpose

18 LITTLE: Mm hmm

19 SMYTH: and that's when I saw he's, he's sitting like this

20 LITTLE: Mm hmm

21 SMYTH: and he comes forward and he, he makes this type of movement and

22 you know, you know what it's like to see out of your peripheral vision

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1 LITTLE: Mm hmm

2 SMYTH: you're not seeing exactly what he's doing and that's when I see the
3 barrel of a gun come up, and I was like, there was, it was held like a gun,

4 LITTLE: Hmm

5 SMYTH: and then the barrel, and I heard the, you know I caught it on
6 peripheral vision and it just, then he just, I just had that, that adrenalin dump of

7 LITTLE: Mm hmm

8 SMYTH: and I know the file folder fell out of my hand and ah, and then I
9 you know focused on him, well I focused on the gun, cause I can't picture his when I
10 think back on the incident now it's, he's gonna be like a faceless person you know I

11 LITTLE: Mm hmm

12 SMYTH: I stopped seeing his face and it was just the gun and I think he was,
13 I think he was, he was still maneuvering himself

14 LITTLE: Mm hmm

15 SMYTH: to get a proper, like I don't know, I don't know where it came from
16 still to this day I don't know

17 LITTLE: Mm hmm

18 SMYTH: where it was garbage all over the floor next to him and I don't
19 know if it was fastened to the side of the chair or if it was

20 LITTLE: Hmm

21 SMYTH: under garbage or if it was you know, leaned up against the chair, I
22 don't know,

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1 LITTLE: Okay

2 SMYTH: and, and I just he came up with a barrel and he started he was

3 moving his hands around I think to properly, it was almost like he picked it up and like he

4 had to reposition his

5 LITTLE: Hmm

6 SMYTH: his hands, and I immediately started thinking get the fuck out of

7 here, get out, and but I'm also thinking oh my god you're about to be shot, and my, so

8 my, like my hum-, my human instinct was, just put my hand up

9 LITTLE: Mm hmm

10 SMYTH: is what I did, and my hand up and the gun came out and it was

11 now, it was still, it was pretty much pointed at me and I'm starting, I'm starting to move

12 LITTLE: Hmm

13 SMYTH: towards the door, like I got, this is all happening very slowly

14 LITTLE: mm hmm

15 SMYTH: extremely slow,

16 LITTLE: hmm

17 SMYTH: um, but fast at the same time, so I wasn't (inaudible)

18 LITTLE: Hmm

19 SMYTH: like under a second here my, my little, I still feel my leg coming

20 out to move

21 LITTLE: hmm

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1 SMYTH: my hand is out and you know I, and it's funny everything we do in
 2 training is always so methodical,
 3 LITTLE: mm hmm
 4 SMYTH: and and processed, you know you perceive a threat and you draw
 5 your gun and you, you know might have it low ready or you might point it
 6 LITTLE: mm hmm
 7 SMYTH: and then it's verbally address the subject
 8 LITTLE: hmm
 9 SMYTH: drop your weapon, police, there was none of that, there was none
 10 of that, it was my hand out and all I said was no, and I think it was like a, I almost like a
 11 really high pitched, like my own voice was like, it was like very high pitched and I was
 12 just no, no, no and I'm and I was, I was a-, certain to go like this I think because I
 13 remember thinking this is really gonna fucking hurt and, and ah, you do get that whole
 14 life flash bef-, before your eyes,
 15 LITTLE: mm hmm
 16 SMYTH: and ah, but I remember I could almost feel it, like I feel it before, it
 17 was like I, like when I think back on it I feel myself being shot
 18 LITTLE: Mm hmm
 19 SMYTH: and I feel like I end, I can only almost only describe it as, someone
 20 taking, I compare it more to like what I've dreamt about back on this, not eve, it's almost
 21 like someone taking a s-, like a big spike or spear and driving it into you vs a bullet and,

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1 and so I had my hand out, in hindsight I don't, I mean that's just making another hole
2 from the punching

3 LITTLE: mm hmm

4 SMYTH: but it was just, that was the instinctual side,

5 LITTLE: right

6 SMYTH: a human instinct side

7 LITTLE: right

8 SMYTH: and then it was you, your police in-, instinct side was fight back

9 LITTLE: mm hmm

10 SMYTH: you know come out of this alive and ah, the, this I didn't originally
11 remember even drawing my gun, like when they, when they f-, first were asking me
12 about it, I said you know what I don't, I know I (inaudible) my gun in my hand, and ah,
13 but I, I didn't originally remember

14 LITTLE: Mm hmm

15 SMYTH: what how I got to my gun and how it got in my hand

16 LITTLE: Mm hmm

17 SMYTH: it was almost like, there was no gun in my hand and then there was
18 a gun in my hand,

19 LITTLE: Mm hmm

20 SMYTH: and I was shooting, but since then, and since even going through a
21 bit of the debriefing, I now, I have, like I have that memory of

22 LITTLE: Mm hmm

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1 SMYTH: of I, I did, my jacket back

2 LITTLE: right

3 SMYTH: and it was just one motion and it was snap, out, and I'm, I'm pretty

4 sure, I just started like, I'm pretty sure my first shot was from down here,

5 LITTLE: Mm hmm

6 SMYTH: and I was just, I was starting to well I'm starting to move towards

7 the door, this hand is still out and I think my first shot was fired from here, and I don't

8 know if it hit him and I still don't know, I have no idea

9 LITTLE: Hmm

10 SMYTH: um, and then, I, I punched it out, and either, I can't remember if

11 this hand stayed out or if now I went into a full

12 LITTLE: Mm hmm

13 SMYTH: like kind of police response to a, an incident and, in this, I think, I

14 think my hand came in and I, I doubled up, my grip and I fired another shot to his, his

15 center mass and he's, I'm still, the gun is still there in his hand and his, I'm he's still

16 coming towards me and but I felt like, I feel like that point I was like a millimeter out of

17 its, about cause I'm moving as he's coming toward me and I still feel it, cause he had to

18 come around this way and I'm moving this way to go

19 LITTLE: right

20 SMYTH: basically by him, so he's al-, he's also gotta move in kind of this

21 awkward

22 LITTLE: hmm right

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1 SMYTH: he's still, he's still seated, I think he might have been up, he's
 2 starting to,
 3 LITTLE: wheph
 4 SMYTH: he was starting to stand I think is what he was doing cause I think
 5 he was up out of the chair and, and I started to, I, I fired, just as fast as I could fire
 6 LITTLE: hmm
 7 SMYTH: and I fired twice towards the center mass and then I fired towards
 8 his head, I didn't think that hit,
 9 LITTLE: hmm
 10 SMYTH: I didn't like I didn't feel I was on target and cause I was moving
 11 LITTLE: Mm hmm
 12 SMYTH: he was moving and, and mind you and we're close, it was close
 13 quarters
 14 LITTLE: Mm hmm
 15 SMYTH: And ah, I didn't think that head shot hit and as I'm going by him, I
 16 fire a second head shot, and I knew that one hit
 17 LITTLE: okay
 18 SMYTH: cause it ah, I could almost, I can still see it like, his head kind of jar
 19 from you know
 20 LITTLE: Mm hmm
 21 SMYTH: he had a jerking motion and then boom I was out, out
 22 LITTLE: Hmm

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1 SMYTH: of the living room, and then and I my ears were ringing and, and,
2 um, I started to ah, then I'm, I'm still thinking what I'm thinking in my head at this point
3 is, is the fight's still on

4 LITTLE: Mm hmm

5 SMYTH: He's gonna, he's on the floor or he's, now he's, I'm not, I'm not
6 even thinking that I hit him and he, although I fucking I knew I had struck him in the
7 head, but that hadn't fully processed, now I'm thinking I'm gonna come back around this
8 corner and he's gonna be s-, you know set up in the, in the ki-, in the middle of the living
9 room, or he's fumbling for the gun or he's doing something like

10 LITTLE: Yeah

11 SMYTH: to me I'm still fighting a threat

12 LITTLE: Mm hmm

13 SMYTH: and so I started coming around, cutting the pie, and I'm, now I'm
14 verbally saying drop the weapon, drop the gun, drop the gun right now and when I come
15 around I saw the gun lying it was on the floor in front of him, it was leaned up against
16 something, and because it was kinda propped up in the air, and ah, and as soon as I get,
17 come around he's, he's sat back in the chair now, and he's just like this, and he was, that
18 was it, and I came around I saw, I saw the gun, I saw him, and I stayed, I kinda moved to
19 um, I'm still in the, the doorway of the living room, I moved to the far side of it so I
20 could see the front door, I'm, I'm still checking, I don't know if there's anybody else in
21 the house, the house has never been cleared and I'm looking over my shoulder, I'm
22 trying, I'm at a point there now where I can see him and I'm still thinking in my head

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1 he's gonna, he's gonna at least reach down and pick that gun up although I didn't touch
2 it,

3 LITTLE: Mm hmm

4 SMYTH: actually I mean I, in hindsight I probably should have kicked it out
5 of the way or,

6 LITTLE: Mm hmm

7 SMYTH: but I think maybe I also probably knew he wasn't he wasn't
8 picking up the gun

9 LITTLE: Mm hmm

10 SMYTH: ah it's hard, it's hard to explain

11 LITTLE: no

12 SMYTH: ah, it's just, you, you're struggling with your own

13 LITTLE: mm hmm

14 SMYTH: ah perception of what's going on and what you, what your training
15 says to do and what, what you're perceiving and, and still being concerned like, I'm
16 looking over my shoulder but then you had, well I'm looking over my shoulder like fuck,
17 look, look back at him

18 LITTLE: Mm hmm

19 SMYTH: when I think really I probably knew that he wasn't doing anything

20 LITTLE: Right

21 SMYTH: and, but that was still where my, you're still in that hyper vigilant
22 mode,

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1 LITTLE: hmm

2 SMYTH: and ah, so I, I you know I started to kinda get my breath and um,

3 and I remember to my own, my um, I remember my mouth going pff, instantly dry,

4 LITTLE: Mm hmm

5 SMYTH: like just instant dry mouth and it was a very odd, odd feeling and

6 ah, so I thought you know I'm still, still worried about what's in the house and I'm also

7 worried now about his neighbor

8 LITTLE: Mm hmm

9 SMYTH: his brother,

10 LITTLE: right

11 SMYTH: did they just hear gunshots

12 LITTLE: Mm hmm

13 SMYTH: and is he coming over with a, with a firearm, and I'm still thinking,

14 okay, this is still on, and I do kind of a, a very quick clear of the house I'm calling out,

15 I'm yelling out police, ah anybody here, drop your weapon ah and

16 LITTLE: Mm hmm

17 SMYTH: so I did a quick there was a couple of rooms there and I saw all

18 those big marihuana plants in one room and then there was a back porch where there's

19 another like whack of mature marihuana plants and you know I think I had arrived at a

20 enough of a, a level of comfort that I felt that

21 LITTLE: Hmm

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1 SMYTH: okay there's nobody else here, um, even then I didn't, I didn't do
2 what you'd consider a thorough clearing but, enough that, I had some l-, a, a heightened
3 level of comfort that okay get back to the front door cause now I'm, now I'm worried
4 about what's coming ov-, coming over the through the trees. So I stood there in, in the
5 front door, I looked outside and it was, and I was just waiting, I was in a, well I was just
6 seeing in my head

7 LITTLE: mm hmm

8 SMYTH: men come through those trees with guns, and I'm thinking okay,
9 now you've fired, I believed at the time I fired four shots and I still think I fired four
10 shots, but they might tell me I fired twelve, but I'm pretty sure I fired four and ah, I'm
11 thinking okay, do you, do you do a tactical reload here now and, and like, but I'm now
12 also I'm just shaking like okay don't do that because you might drop what you have

13 LITTLE: Mm hmm

14 SMYTH: and you'll have nothing, or left with one round

15 LITTLE: Yeah

16 SMYTH: and it's just, okay you've got, you've got enough rounds to, to stay
17 in a fight here if you got to, and ah, and so it was another minute or so and I s-, you know
18 I said okay, I don't think there's anybody coming, pick up the phone and so my first call
19 was back to RCMP, I told them exactly what happened, and ah, then I called our
20 Communications Centre, told them what happened, and then I went back, back to that
21 position where I felt I was somewhat

22 LITTLE: Mm hmm

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1 SMYTH: I could start seeing everything, and I just watched the front door
 2 again and,
 3 LITTLE: Hmm
 4 SMYTH: I'm still looking over my shoulder, still glancing back in at him
 5 and ah, there's probably ten, fifteen minutes of, of that and then eventually I went outside
 6 LITTLE: Hmm
 7 SMYTH: and then the RCMP showed up.
 8 LITTLE: Hmm. Real quickly when you called the RCMP, you used your
 9 cell phone?
 10 SMYTH: Yeah
 11 LITTLE: Do you dial the number or 9-1-1 or?
 12 SMYTH: Ah, no I dialed their main line and I, I, I hit talk, because it was
 13 already in my previous calls,
 14 LITTLE: Okay
 15 SMYTH: so I just basically like had to hit talk twice
 16 LITTLE: Okay, alright. Um, and
 17 SMYTH: cause I remember the when you call that number
 18 LITTLE: Mm hmm
 19 SMYTH: you get a recording, if this is a police emergency hit one
 20 LITTLE: right
 21 SMYTH: I've called that number a thousand times, two, it's always you hit
 22 two,

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1 LITTLE: Mm hmm, yeah

2 SMYTH: and I was like fucking, one, this is one, hit one

3 LITTLE: Okay, so this time you hit one

4 SMYTH: I hit one (sound of a laugh)

5 LITTLE: Ah, I take it ah, did you ask for medical assistance too?

6 SMYTH: Yeah, yeah

7 LITTLE: Okay, so police and, and EMS or paramedics

8 SMYTH: That was the first thing I asked for

9 LITTLE: Okay

10 SMYTH: I told them, who I was, where I was

11 LITTLE: Mm hmm

12 SMYTH: and that I had just been involved in a shooting I need paramedics

13 LITTLE: Okay, so the first thing you asked for was the medical?

14 SMYTH: Yeah

15 LITTLE: Other than to look at Mr. Dunphy, did you do any checks of him?

16 SMYTH: I think I checked his neck

17 LITTLE: Okay

18 SMYTH: I went up, and I said that to them, too, when we went down to do

19 the reenactment, um, I couldn't quite, like I was just stood over him

20 LITTLE: Mm hmm

21 SMYTH: and I think I might of put like my thumb on his, on his neck or I

22 got really close to doing that, and I'd move around the front of him and you know I saw

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1 like what looked like pretty open wound in the front of his, or in his forehead, I don't
2 know, I really don't know how that happened. I don't know if that was my first shot

3 LITTLE: Mm hmm

4 SMYTH: that maybe grazed along the front of his head

5 LITTLE: Okay

6 SMYTH: or if my second head shot was

7 (Sound of a cell phone ring/vibration)

8 SMYTH: if he had his head turned

9 LITTLE: Mm hmm

10 SMYTH: and it maybe went in here and it came out there, I don't really, but
11 I remember knowing when I saw that

12 LITTLE: Mm hmm

13 SMYTH: like you know and you've seen enough dead bodies you know

14 LITTLE: Mm hmm

15 SMYTH: at that point I felt, this guy's dead

16 LITTLE: you were confident that

17 SMYTH: he's deceased.

18 LITTLE: he was more than likely deceased. And you said it took about ten
19 or fifteen minutes for the RCMP to get there?

20 SMYTH: Oh it was every bit of that yeah.

21 LITTLE: Okay, how about the ah, EMT's

22 SMYTH: They were there shortly after

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1 LITTLE: Well the, the RCMP arrived before the
 2 SMYTH: yeah
 3 LITTLE: that's a
 4 SMYTH: this is a pretty rural area
 5 LITTLE: yeah, and so so they, that's what the closest would have been, um,
 6 anything else ah as far as conversation following that with the, the neighbor, the brother
 7 that
 8 SMYTH: I never saw him after no.
 9 LITTLE: Okay
 10 SMYTH: I didn't speak to anybody after other than the EM-,
 11 LITTLE: Okay
 12 SMYTH: the EMT's and the RCMP.
 13 LITTLE: so once the, percei-, or the threat that you had the, the threat is no
 14 longer a threat, you've, you've now holstered your sidearm or did you keep it out for a
 15 period of time?
 16 SMYTH: I think, yeah I had it out for a while
 17 LITTLE: Okay
 18 SMYTH: and I hol-, when I decided to leave the house
 19 LITTLE: Mm hmm
 20 SMYTH: and walk outside is when I holstered it.
 21 LITTLE: Okay you had mentioned you also called the um, ah the RNC
 22 SMYTH: Mm hmm

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1 LITTLE: and that was to notify back here what had occurred. Alright.

2 Anything else that you think is pertinent that I need to know about and that's probably far

3 more detail even at this point that I, I needed and that, but it's, it's fair to say that things

4 went from zero to sixty in a very short order.

5 SMYTH: Oh yeah, absolutely.

6 LITTLE: Okay, were you able to identify what type of firearm it was? Just

7 that it was a long firearm.

8 SMYTH: It was a long rifle yeah

9 LITTLE: Yeah

10 SMYTH: it looked like a smaller caliber it was probably a 22.

11 LITTLE: Alright, so it was a rifle, more likely a rifle than a shotgun for

12 example?

13 SMYTH: It wasn't a shotgun, no,

14 LITTLE: Okay

15 SMYTH: I remember seeing a bolt

16 LITTLE: Oh it had a bolt on it?

17 SMYTH: Mm hmm

18 LITTLE: (Inaudible) shotguns with bolts

19 SMYTH: You do

20 LITTLE: Yeah

21 SMYTH: Okay, well it could have been a shotgun then.

22 LITTLE: No, not, not to worry, it, it, in your mind it was a rifle

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1 SMYTH: Yeah, yeah, it was small, small caliber
 2 LITTLE: a small caliber likely a 22?
 3 SMYTH: Yeah
 4 LITTLE: Now is that based on the observation at the time when he lifts it
 5 and points it towards you or is that based on when you see it
 6 SMYTH: Uh huh
 7 LITTLE: when you go back in.
 8 SMYTH: More so after
 9 LITTLE: Okay
 10 SMYTH: I'm at the time it was just
 11 LITTLE: it was clearly a gun and
 12 SMYTH: it was a big S rifle
 13 LITTLE: it was being pointed directly at you?
 14 SMYTH: Oh yeah, yeah
 15 LITTLE: Okay
 16 SMYTH: Oh yeah, I've, I thought I was getting shot.
 17 LITTLE: Yeah
 18 SMYTH: I still, I still look back at it and I almost I can't, I'm I'm still
 19 amazed I didn't,
 20 LITTLE: Okay
 21 SMYTH: and but I, you know I, I think maybe I was just moved just enough
 22 to stay ah, out of a point where you, you know he wouldn't have probably been

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1 LITTLE: Mm hmm

2 SMYTH: exactly on target, like if I'm you know

3 LITTLE: right

4 SMYTH: if I want to shoot somebody I guess you want, you want to be on

5 target, exactly on target

6 LITTLE: right

7 SMYTH: and I mean I don't know maybe he didn't even know I was even

8 carrying a firearm, huh

9 LITTLE: Hmm, mm hmm, anything

10 SMYTH: He's a rural,

11 LITTLE: is possible

12 SMYTH: he's in rural area

13 LITTLE: mm hmm

14 SMYTH: RNC have only been armed for you know less than twenty years

15 LITTLE: Right

16 SMYTH: and I mean he might have thought that he had all the time in the

17 world to

18 LITTLE: right

19 SMYTH: get on target for me, I don't, I don't know

20 LITTLE: besides pointing the firearm directly at you, did he articulate a

21 threat to go with that

22 SMYTH: No, no

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1 LITTLE: Alright

2 SMYTH: he didn't verbalize anything

3 LITTLE: alright

4 SMYTH: that indicated that that was gonna happen

5 LITTLE: okay

6 SMYTH: I mean other than just being agitated but again like I said, I wasn't

7 LITTLE: yeah

8 SMYTH: I didn't find that to be overly concerning behavior.

9 LITTLE: Right

10 SMYTH: Oh at the most I thought, okay, this is, this is gonna escalate to the

11 point where he might stand up and get in my face

12 LITTLE: Right, okay

13 SMYTH: I'm I, I had visioned, you, you know how you naturally go

14 through,

15 LITTLE: Mm hmm

16 SMYTH: you know you have defensive actions

17 LITTLE: Right

18 SMYTH: in any incident, at no point in time did I, was I even thinking about

19 having to draw a firearm, even with the bat on the floor

20 LITTLE: Right

21 SMYTH: I was st-, I was still thinking if he was even to go for that

22 LITTLE: mm hmm

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1 SMYTH: I'm gonna be able to you know physically impose myself on him
2 and
3 LITTLE: Mm hmm
4 SMYTH: that's not gonna be an issue, or if ah, you know ah, he's getting
5 aggressive and I think okay, he gets ah in my face and I'm gonna have to give him a
6 shove,
7 LITTLE: Yeah
8 SMYTH: back down his chair
9 LITTLE: okay
10 SMYTH: and then you know, so yeah, it was.
11 LITTLE: When he ah, and when you were describing it ah, you showed me
12 with your hands you, you have your, your left hand out
13 SMYTH: Yeah
14 LITTLE: ah, were you within range to actually touch his,
15 SMYTH: no
16 LITTLE: his, or was it a how, oh, what I'm getting at is how close were you
17 to him?
18 SMYTH: About ten feet.
19 LITTLE: Okay, alright, I don't think I have any other questions
20 SMYTH: Well I got closer to him right cause
21 LITTLE: Right
22 SMYTH: to get out of there

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1 LITTLE: right

2 SMYTH: I had to almost, run, I had run by him

3 LITTLE: you went by him.

4 SMYTH: so I'm over here, he's here,

5 LITTLE: Mm hmm

6 SMYTH: I'm say here, the door is here, so I've got to kinda go, this way, to

7 get out.

8 LITTLE: Right, um, I don't think I have any, oh, I do have a couple other,

9 some minor follow-up questions, um, then again I appreciate you explaining the, the

10 incident, and again I'm not gonna beat up on this over and over again, but again it's the

11 whole use of force continuances and all those kind of things, ah, I've been provided

12 transcripts with some of the um, ah, your, your conversations the ah, the calls that you

13 made, ah, some of them are obviously pre-incident others, ah, and this is just so I

14 understand what we're talking about you called in and asked for a ah, 28 check.

15 SMYTH: Driver's license, driver's license

16 LITTLE: Oh

17 SMYTH: check,

18 LITTLE: ah, 28 is DL, okay. 27?

19 SMYTH: Vehicle's, any vehicle's registered.

20 LITTLE: Okay, are those 10 codes?

21 SMYTH: Yeah

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1 LITTLE: Okay, um, and everybody's codes are of course different um, and
2 some of it sounds like you were trying to figure out who he is, you're doing that, ah
3 SMYTH: When is this on Saturday?
4 LITTLE: Ah, we start on actually on the yeah Saturday
5 SMYTH: Yes
6 LITTLE: the 4th.
7 SMYTH: so Saturday I was still trying to narrow down exactly who he was
8 LITTLE: Right
9 SMYTH: in terms of definitive identity, date of birth, and address
10 LITTLE: Okay
11 SMYTH: I had a Don Dunphy it wasn't until later that evening
12 LITTLE: Mm hmm
13 SMYTH: it was after supper on Saturday that
14 LITTLE: mm hmm
15 SMYTH: ah, um the Workers Compensation gentleman had called me back
16 and confirmed his, his rough age and where he lived
17 LITTLE: Okay
18 SMYTH: that I was I able to marry that up with one of the individuals I was
19 given.
20 LITTLE: and a 29?
21 SMYTH: Is a Crim Records check
22 LITTLE: Okay

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1 SMYTH: It's your CPIC check

2 LITTLE: what's that?

3 SMYTH: CPIC check

4 LITTLE: CPIC, okay. Then there's actually a mention of a CFRO check

5 right in the, in this as well. And we are getting, got information back, ah no CFRO, no

6 firearms registered so, ah, do you recall if it, if he had even a firearms license come up?

7 SMYTH: No he didn't

8 LITTLE: Nothing, okay, but that's something your checked for is what I'm

9 getting at?

10 SMYTH: Yeah, yeah I did

11 LITTLE: okay

12 SMYTH: yeah. Can I see that?

13 LITTLE: Yeah

14 SMYTH: Humane Services

15 LITTLE: What's that?

16 SMYTH: I did, I call, I called back and asked for Humane Services

17 LITTLE: Yip, that's okay, um

18 SMYTH: I remember making it yeah odd stuff goes through you

19 LITTLE: Yep, now there's one other thing I did want to ask you about which

20 I don't know is ah, necessarily um covered under the RCMP policy, or the RNC policy I

21 mean, and but I'm having that looked into too ah, to find out definitively, ah, this is

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1 something that came up as an after the fact, ah, at some point ah, and I only know this ah
 2 because I have it from the most reliable source there is and that's the ah CBC reporting

3 SMYTH: Hmm

4 LITTLE: ah, I'm being facetious now. Ah, that you had sent an email to
 5 your fellow members within the service and, and not you per se, but somebody took it
 6 upon themselves for whatever reason to release that to the media. Are you aware of any
 7 RNC rules, regulations, policies or considered practice regarding a disseminating of
 8 information within the service, in other words is

9 SMYTH: Yeah sure

10 LITTLE: if you're going to do, send an email out of, of that nature, ah, do
 11 you need, ah, can you just do it, is there any, is there any rules about it? Do you need a
 12 supervisor's approval to do it?

13 SMYTH: Like about me sending that internally?

14 LITTLE: Right, so for example

15 SMYTH: I, I don't

16 LITTLE: this is how like, we have rules and regulations regarding and
 17 obviously if you want to send out an email to all with a picture I'm looking for, anybody
 18 identify this guy

19 SMYTH: mm hmm

20 LITTLE: on the surveillance video, but if you're going to send out
 21 something of a personal nature ah that's not work related per se, then we need you know
 22 approval prior

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1 SMYTH: right

2 LITTLE: approval, and that just keeps so that people don't, it's more
3 intended I think for stopping people from trying to sell

4 SMYTH: Yeah sure,

5 LITTLE: don't sell

6 SMYTH: don't turn your internal email into a classifieds.

7 LITTLE: Into Kijiji

8 SMYTH: Yeah, I'm not aware ah, ah, I'm, I'm sure, I know there is specific
9 policy around the use of Internal

10 LITTLE: Okay

11 SMYTH: email, communications, I, I don't know specifically what it says of
12 if it would be prohibitive of, of me sending that, I'm not

13 LITTLE: Okay

14 SMYTH: sure

15 LITTLE: alright, and I'm not, I'm not suggesting there was policy

16 SMYTH: Yeah, no, I know,

17 LITTLE: it's just one of those things that, that comes up and then everyone
18 then it goes after the fact, mainly cause they end up in the hands of the media

19 SMYTH: Yeah it's one of those things that you, you, you evaluate in
20 hindsight

21 LITTLE: Yeah

22 SMYTH: but ah, you know certainly the practice

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1 LITTLE: yeah, and I'm not asking you that to be critical
2 SMYTH: no I know
3 LITTLE: of you Joey, I'm just
4 SMYTH: no, no absolutely I totally
5 LITTLE: hey
6 SMYTH: understand
7 LITTLE: did
8 SMYTH: um
9 LITTLE: a lot of these things end up ah, becoming part of the public fray
10 SMYTH: Yeah, it's there probably is something in our policy that
11 LITTLE: okay
12 SMYTH: probably prohibits that type of communication ah, and you know
13 what but our practice is certainly such that it's in, that's never been frowned up per se,
14 LITTLE: Okay
15 SMYTH: you know e-, internal messages of that nature
16 LITTLE: Okay
17 SMYTH: of, they're still, you know professional in their, their language and
18 the intent of them is professional
19 LITTLE: Hmm
20 SMYTH: based it's not
21 LITTLE: right

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1 SMYTH: to try to rent your apartment, which also does happen very oddly
 2 but those people are probably told, please don't use it
 3 LITTLE: right
 4 SMYTH: but I don't know that. Um, but you know we use it for lots of
 5 community based
 6 LITTLE: yeah
 7 SMYTH: ah, types of communications
 8 LITTLE: uh huh
 9 SMYTH: and wouldn't necessarily strictly for operational police work.
 10 LITTLE: Okay
 11 SMYTH: but again I, I don't know ah, I think, I don't know, again I don't
 12 know if it's,
 13 LITTLE: okay
 14 SMYTH: what the specifics are internally, certainly externally, absolutely, a-
 15 aside from common sense, or
 16 LITTLE: yeah
 17 SMYTH: you know we're not permitted to
 18 LITTLE: Yeah
 19 SMYTH: communicate with media we're not permitted to
 20 LITTLE: Okay
 21 SMYTH: obviously ah, disseminate confidential material
 22 LITTLE: Sure

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1 SMYTH: all that kind of stuff.

2 LITTLE: Have you um, and mentioned the media ha-, have you ah, I'm

3 gonna take a wild guess that you've likely ah seen what's in the media on this,

4 SMYTH: Oh yes,

5 LITTLE: is it, and

6 SMYTH: at least as it relates that email, I tried to insulate myself from

7 LITTLE: Well and the

8 SMYTH: a lot of it

9 LITTLE: and the incident specific or no?

10 SMYTH: I stayed away from that as best I could, cause of the,

11 LITTLE: Okay

12 SMYTH: you know there was a lot a ton of misconceptions, a lot of

13 confusion

14 LITTLE: right

15 SMYTH: which was the impetus for that, that email

16 LITTLE: right

17 SMYTH: while um, I, I don't know do you want me to get into that or?

18 LITTLE: No, not specifically I, I mean because it, this is more I think

19 without putting too fine of a point on it, I think I understand the Why's is more because

20 I'm asked to look at Policies and Procedures and if there's anything you know not done

21 that's

22 SMYTH: Yeah well

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1 LITTLE: and I don't think that's a problem per se and
2 SMYTH: Well I'll tell you the why then, just so you don't have to think you
3 know why, (sound of a laugh)
4 LITTLE: Okay
5 SMYTH: Um, you know I, I guess probably as you appreciate it was a pretty
6 emotional week and ah, I probably had four or five hundred messages
7 LITTLE: hmm
8 SMYTH: emails, texts, phone calls from co-workers, friends,
9 LITTLE: mm hmm
10 SMYTH: and they were all very supportive,
11 LITTLE: right
12 SMYTH: and but there was also a pretty common theme in there
13 LITTLE: mm hmm
14 SMYTH: and you know that, there was a, a common recommendation, Jesus
15 keep your head out of the media, don't be listening to it, because it's bad.
16 LITTLE: Okay
17 SMYTH: Of course they don't say that
18 LITTLE: Right
19 SMYTH: and then you got all these messages
20 LITTLE: mm hmm
21 SMYTH: often saying the same thing, you know we're supportive, we're
22 here for you to, you know keep your head up um, keep your head out of the media, I can't

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1 believe they're saying this, or don't listen to people when they say this. And of course
 2 like all in the same breath, and when probably what people don't realize is that you get x
 3 amount of messages, you can start to get a sense of, of what's, what's out there

4 LITTLE: Mm hmm

5 SMYTH: regardless of your efforts to try to insulate yourself on it. And it
 6 was also a lot of anger and frustration, coming from my co-workers, my friends, my
 7 family,

8 LITTLE: Mm hmm

9 SMYTH: about you know the public reaction to this, the media's coverage of
 10 it, ah, a lot of anger and frustration around our own department

11 LITTLE: Yeah

12 SMYTH: their lack of communication around it, um and ah, you know not
 13 my own I, I was a little more probably appreciative of, of the sensitivity around the issue

14 LITTLE: Mm hmm

15 SMYTH: because I've, you know I've worked in that world for a number of
 16 years and I, and realize

17 LITTLE: hmm

18 SMYTH: that that's a, it is a unique facet of policing

19 LITTLE: Mm hmm

20 SMYTH: and it comes with its own um, complexities if you will

21 LITTLE: Mm hmm

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1 SMYTH: around communications and even how what happens to you, how
 2 personnel are shuffled and moved around that mighten be performance based and so on
 3 and so forth but anyway there was a lot of frustration generally towards the media and the
 4 public,

5 LITTLE: Hmm

6 SMYTH: and their reaction to it, and I was feeling the same thing.

7 LITTLE: Mm hmm

8 SMYTH: You know I was hearing what was going on, I was getting little tid
 9 bits of all this being said in the media and I was feeling the same anger and frustration at
 10 peoples reaction to this and, and ah the confusion, the questions that were completely to
 11 me were irrelevant questions

12 LITTLE: Mm hmm

13 SMYTH: and but at the same time I, you know I somewhat my logical side

14 LITTLE: Mm hmm

15 SMYTH: understood them, why you'd ask those types of questions, but at
 16 the same time they were still

17 LITTLE: Mm hmm

18 SMYTH: they were still a little bit frustrating, and it was a, it was a
 19 Thursday, it was a Thursday following the incident, I came in here and, and I was
 20 officially told that you know you're, you gotta come out of that section you're, you're in,
 21 your supervisory capacity is gone um, and the kind of things I knew was coming

22 LITTLE: Mm hmm

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1 SMYTH: but still, it hit me like a ton of bricks, and it was hard not to feel
2 like it was punitive
3 LITTLE: Hmm
4 SMYTH: and well again my, my logical, my objective side could say, it's
5 not punitive, they just, they gotta do that
6 LITTLE: right
7 SMYTH: and you don't have any control over that, they don't have any
8 control over it,
9 LITTLE: right.
10 SMYTH: but my emotional side was, was ah emotional
11 LITTLE: Getting kicked while you're down
12 SMYTH: Yeah and that is, I felt I was kicked
13 LITTLE: Mm hmm
14 SMYTH: stomped on and
15 LITTLE: yeah
16 SMYTH: but while at the same time I knew that's not really what's really
17 going on here, but it didn't, it didn't stop me from being, feeling
18 LITTLE: Mm hmm
19 SMYTH: upset and angry and ah frustrated and disenfranchised and a whole
20 number of,
21 LITTLE: hmm
22 SMYTH: and I didn't like that, that's not,

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1 LITTLE: Mm hmm

2 SMYTH: it's not who I am, it's not normally how I would ever, even react
 3 and I didn't, I wasn't, don't get me wrong, I wasn't going around you know shouting and
 4 screaming, I just took it and said okay, and I walked out of here and I remember walking
 5 out to my car and I was just, I mean I was emotional to the point of where I was almost
 6 ready to cry or scream or and I just remember thinking like this is a bad place, you're in
 7 here right now, you need to, you need to

8 LITTLE: hmm

9 SMYTH: de-escalate yourself here, and ah, so well for me that's usually
 10 physical exercise, and I go into the gym and jump on the treadmill and just run and run
 11 and run and run and run, and all that time kind of reconciling everything that's going on
 12 and a lot of the, the concerns and frustrations and sentiments that are being
 13 communicated to me that I'm feeling, I'm really at this point now, even my own feelings
 14 trying to dissect those and,

15 LITTLE: Mm hmm

16 SMYTH: and you know ap-, apply degree of, of logic to it and,

17 LITTLE: yeah

18 SMYTH: and explain it even to myself, and ah, you know I, I arrived at, I
 19 guess the conclusion that, okay, I need to say something to my organization, to our
 20 people that are, are reacting this way um about what I'm feeling and about how I feel we
 21 should be dealing with this internally and with our community and you know again I in
 22 thinking about all the comments that were being made and the questions that were being

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1 asked, cause you know these are legitimate questions from people that are not in the
2 business, that are not in the field,

3 LITTLE: (Inaudible)

4 SMYTH: and we shouldn't have any sort of expectation that they had those
5 answers

6 LITTLE: No

7 SMYTH: and the onus falls on us to do what we do and do what we signed
8 up to do, which in this case is help educate

9 LITTLE: hmm

10 SMYTH: empathize with a, a community that's reeling ah to um, help the
11 community heal to articulate why we do what we do and ah to just be there and help our
12 community deal with this, it's not to create a further divider, divisiveness that, that is only
13 gonna make things worse, and I said, I thought to myself, okay well so, firstly I thought
14 somebody needs to say this

15 LITTLE: Mm hmm

16 SMYTH: somebody needs to, um, say this to the RNC personnel

17 LITTLE: right

18 SMYTH: civilians, sworn staff alike, and I very quickly came to the
19 conclusion that nobody can say that

20 LITTLE: Mm hmm

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1 SMYTH: except for me because even if I was to call the chief and say chief
 2 look, here's what I'm feeling I think you should what do you think about writing a
 3 message to, the organization, to this effect?
 4 LITTLE: Mm hmm
 5 SMYTH: Well immediately he's gonna be seen as being callus
 6 LITTLE: mm hmm
 7 SMYTH: and insensitive towards me
 8 LITTLE: Right
 9 SMYTH: he can't get out there and say don't worry about Joey Smyth,
 10 LITTLE: mm hmm
 11 SMYTH: he'll be fine, get out, let's get out there and do what we signed up
 12 to do which is the hard stuff
 13 LITTLE: Mm hmm
 14 SMYTH: and let's educate and empathize with our community and seize that
 15 opportunity
 16 LITTLE: Mm hmm
 17 SMYTH: to do just that, and, and build a that relationship our community
 18 instead of
 19 LITTLE: Yeah
 20 SMYTH: adding to the divide, and so he can't do it, who can do it, I can do
 21 it, I'm the only one that can do it, and that was, I went home and, and it was my wife's
 22 parents were over for supper and I went in and I drafted that, that email and I showed it to

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1 her, I emailed it to two co-workers and said, ah, here's what I'm reading I'm in a bit of an
2 emotional state here now,

3 LITTLE: Mm hmm

4 SMYTH: I want to send this to you because I don't want to do anything in
5 haste, um, what do you think of it, let me know,

6 LITTLE: mm hmm

7 SMYTH: I want to send it to the organization, and the response from both of
8 them, and my wife was, they were all the same. Well written

9 LITTLE: mm hmm

10 SMYTH: ah, well articulated, if you want to send it, then send it, and that's
11 what I did

12 LITTLE: Okay, yeah

13 SMYTH: Friday morning I sent it and ah, actually probably two hours later,
14 our media relations officer called me, and told me that CBC had it, I almost threw up, I
15 mean I was almost sick to my stomach, because I hadn't applied that lens to it,

16 LITTLE: Mm hmm

17 SMYTH: I hadn't, while luckily I wrote it

18 LITTLE: mm hmm

19 SMYTH: knowing full well that it was going to a pretty broad spectrum of
20 personalities,

21 LITTLE: Mm hmm

22 SMYTH: in, in, in so much that

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1 LITTLE: Hmm

2 SMYTH: it captures our civilian staff, our, you know our ah, our sworn staff

3 which

4 LITTLE: Hmm

5 SMYTH: you know you got a pretty, as you know you get a pretty wide

6 range of

7 LITTLE: Mm hmm

8 SMYTH: of ah, you know personalities, perceptions,

9 LITTLE: right

10 SMYTH: so you, you know I did write it with some degree of care,

11 LITTLE: hmm

12 SMYTH: but it was still meant for a, as an internal communication, so I'm

13 immediately now going holy shit what did you say

14 LITTLE: mm hmm

15 SMYTH: this is now gonna be out for public consumption

16 LITTLE: Mm hmm

17 SMYTH: what did you say, how is it going to be construed and

18 misconstrued, ah, what components of that are going to be taken out of context. Jesus

19 how are they going to report it, are they gonna report one paragraph, because you

20 LITTLE: right

21 SMYTH: I'm thinking like oh, okay, I said this line

22 LITTLE: mm hmm

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1 SMYTH: but without the previous line, that's gonna look really bad

2 LITTLE: mm hmm

3 SMYTH: or without the, the immediate line after and take certain

4 components

5 LITTLE: taken out of context

6 SMYTH: out of, out of context, and it's, it's gonna be bad for me

7 LITTLE: Mm hmm

8 SMYTH: it's gonna be bad for the organization, it's gonna be bad for the

9 incident, and that's all I could, I think of at the time I was angry that somebody would do

10 that I was like and I, and I was like that was, why did you do that you're an idiot, you're,

11 you should have known better, that given the, the political ah sensitivity to the issue, the

12 amount of public attention to it, cause there's so many aspects to this incident that created

13 such a public I mean stir it was unbelievable and ah, I just, I felt stupid, I should never

14 have did it, and I was angry at first, but,

15 LITTLE: Mm hmm

16 SMYTH: then I got, like I got a lot of really positive responses from it

17 internally, and I kind arrived at the conclusion that you know what, I don't think anyone

18 did that out of malice, there wasn't, I don't think because I don't

19 LITTLE: right

20 SMYTH: because even when you look at it, even now I read back and I'll

21 say well like, I'm pretty hard pressed to look at that and say, I'm gonna send this to the

22 media fuck Joe Smyth,

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1 LITTLE: Right

2 SMYTH: I, I don't think it's there, I think probably somebody

3 LITTLE: more than likely

4 SMYTH: I think somebody probably looked at it and said, you know, dead

5 on, you need

6 LITTLE: yeah

7 SMYTH: maybe other people should see this

8 LITTLE: you bet

9 SMYTH: not realizing that's a bad idea, I, I hope that's what it was. I don't

10 know if they'll find out, who

11 LITTLE: right

12 SMYTH: who did it they're,

13 LITTLE: mm hmm

14 SMYTH: they're still in the midst I believe of internal investigation around

15 that

16 LITTLE: yeah

17 SMYTH: but I've kinda arrived at the conclusion that well I hope they do

18 find out who did it and they get kicked in the arse but I don't

19 LITTLE: Yeah

20 SMYTH: I wouldn't have, I wouldn't hold any ill will against them now at

21 this point.

22 LITTLE: No

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1 SMYTH: I'd, I'd tell them they're a moron but
2 LITTLE: Okay
3 SMYTH: I'd get over that pretty quick. So anyway that's,
4 LITTLE: No
5 SMYTH: that was the reason for it.
6 LITTLE: which is what suspected, it was ah, obviously I've read what was,
7 have you read what was on the CBC, on it on
8 SMYTH: ah
9 LITTLE: the
10 SMYTH: yeah, that though the day
11 LITTLE: was it, was it accurate the, was it an accurate quote?
12 SMYTH: Well they,
13 LITTLE: Did you read that
14 SMYTH: they published the entirety of the letter, of the email
15 LITTLE: right
16 SMYTH: which I'm at least glad they did that
17 LITTLE: right
18 SMYTH: while you can still interpret elements of it
19 LITTLE: right
20 SMYTH: for the most part is, fairly I think relatively concise what I was
21 LITTLE: right
22 SMYTH: saying and what I was trying to say

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1 LITTLE: okay,

2 SMYTH: so I'm glad they at least just published the whole thing.

3 LITTLE: Okay

4 SMYTH: Now they had, they had quotes within the their story

5 LITTLE: Mm hmm

6 SMYTH: that you know I probably prefer they

7 LITTLE: They take out the highlights and

8 SMYTH: Hmm, yeah

9 LITTLE: part, where they like to take out the highlights and

10 SMYTH: I mean I would have been, I would have been a little more

11 confident I suppose if they just

12 LITTLE: yeah

13 SMYTH: wrote their story and said the letter, here's the email

14 LITTLE: Right. I've, I and again, in, in all the stuff that you see on the, I

15 mean this is a the media ah stuff that I was able to find, understand too we're a world

16 away in Saskatchewan, prior to our organization saying hey we need you to go out and do

17 X and here's the letter from the RNC what they're asking for I wasn't aware of this.

18 SMYTH: Oh I'm sure, Jess, I'm sure it's out of Newfoundland

19 LITTLE: I know it's a, it, but it's a big thing regionally big thing.

20 SMYTH: Of course, yeah

21 LITTLE: so um,

22 SMYTH: but I would say outside of our Provincial boarders

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1 LITTLE: right

2 SMYTH: very few know about it.

3 LITTLE: Right and it's probably known, or maybe out in the Maritimes it's

4 known, I don't know ah but

5 SMYTH: I don't, I don't know either, it's, it's a, it's ah, it would be a ticker

6 tape,

7 LITTLE: Right

8 SMYTH: story on, on CBC

9 LITTLE: yeah

10 SMYTH: Nationally but

11 LITTLE: and so they're I mean they put a, these are the kinds of questions

12 that they're going to, and from the outside looking in, I understand why people do that

13 SMYTH: Yeah absolutely

14 LITTLE: in, in our world. I can't think of anything else other than and, and

15 here's the, I guess the only thing I didn't ask you directly and I'm pretty sure again but I

16 know but I will ask you, ah, and, and there's a question that was asked ah, why did you

17 go alone?

18 SMYTH: Well, there's a number of reasons for it

19 LITTLE: Good

20 SMYTH: um, one I work alone

21 LITTLE: okay

22 SMYTH: and as police officers we go to things alone

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1 LITTLE: right

2 SMYTH: ah, that was the I guess the initial reason

3 LITTLE: Okay

4 SMYTH: um, secondly based on, all my work up on him the very cursory

5 intelligence I did, I do it, and two there was no indication of a, of a physical threat

6 LITTLE: mm hmm

7 SMYTH: and three, I, my intentions was to get there and develop a rapport

8 with him and try to get to the essence of what his issues were

9 LITTLE: mm hmm

10 SMYTH: and where he might be going with them.

11 LITTLE: Yeah

12 SMYTH: I wasn't going there to arrest him,

13 LITTLE: Okay

14 SMYTH: I wasn't going there to charge him, I wasn't going there to have an

15 aggressive interview, I wasn't going there to take a caution statement, there was gonna be

16 aggressive nature about

17 LITTLE: right

18 SMYTH: my presence there, none what-so-ever, it would be quite the

19 opposite. Here I'm, I'm here, I would like to know about this, what can I do to help you.

20 Which generally for me has historically gone very well and based on what I knew about

21 this guy he was somebody that was very much all disenfranchised with the government,

22 LITTLE: mm hmm

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1 SMYTH: which and for me to show up with a second officer, in this case it
2 would have been a uniformed RCMP officer,
3 LITTLE: mm hmm
4 SMYTH: I didn't feel that was going to lend to my ah, ultimate goal of
5 development rapport in getting information from him, and I didn't feel there was a risk
6 beyond you know I would consider you know a front line um, alarm call.
7 LITTLE: Mm hmm
8 SMYTH: that we do by ourselves day in and day out.
9 LITTLE: right
10 SMYTH: a shoplifter call
11 LITTLE: mm hmm
12 SMYTH: that we do by ourselves day in and day out of a
13 LITTLE: okay
14 SMYTH: a higher risk level than what I was going with.
15 LITTLE: right
16 SMYTH: Now we can all, we can apply hindsight to it all we want, but based
17 on the information I had at the time,
18 LITTLE: right
19 SMYTH: what my goals were in going there I wouldn't,
20 LITTLE: right
21 SMYTH: would I do it differently now, well of course I would
22 LITTLE: Would you?

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1 SMYTH: based on what I had no,
2 LITTLE: (Sound of a laugh), so okay then so.
3 SMYTH: and would I do it differently now?
4 LITTLE: Right
5 SMYTH: you know what I'm gonna say no
6 LITTLE: right
7 SMYTH: I wouldn't unless they change their policy I still don't feel I would
8 further my investigative
9 LITTLE: right
10 SMYTH: goal by going there with another uniformed RCMP officer.
11 LITTLE: right. Is it fair to say, going there, dealing with it, the way you
12 dealt with it, going by yourself, this would be the normal process?
13 SMYTH: Yes, I can give you
14 LITTLE: ah
15 SMYTH: almost, I can give you identical files
16 LITTLE: right.
17 SMYTH: where
18 LITTLE: And shy of some huge warning flags going up, you'd do the same
19 thing in the future?
20 SMYTH: Yes
21 LITTLE: And that's
22 SMYTH: unless someone tells me, no from now on

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1 LITTLE: right

2 SMYTH: protective services

3 LITTLE: these, these are the rules

4 SMYTH: or whoever

5 LITTLE: of the

6 SMYTH: you're going with two people

7 LITTLE: right

8 SMYTH: I hope they're gonna, I hope if they do that, they're gonna assign
9 more people in the unit,

10 LITTLE: That may come of this, who knows, there's a variety of things that
11 can change because of these, having incidents like this, um

12 SMYTH: It's an understaffed unit, I mean it's, it's ah, you know and ah
13 again I don't know what your scope or mandate here is but you know if you were ever to
14 compare what we do to and I, I know it's very difficult to ah, you know ah compare us, a
15 smaller police service to the OPP or say Quebec who have your most extensive
16 protective, provincial based protected details in the country or BC or Alberta, they're all
17 bigger provinces of course have bigger budgets and, and you can justify those things
18 more, but to me to be doing these to be operating that unit with ah you know one person,
19 on a shift is, not right.

20 LITTLE: Right

21 SMYTH: I've articulated those concerns in the past and but that doesn't
22 change this, don't get me wrong

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1 LITTLE: No

2 SMYTH: and that day, even if there was two of us working, I may have very
3 well gone by myself

4 LITTLE: as you say

5 SMYTH: it may have been look you stay here um, you know if the Premier
6 needs you, you're there, you're here, vs me being at Mitchell's Brooke to get a call from
7 the Premier saying

8 LITTLE: Hmm

9 SMYTH: okay look, an event came up, ah, can you pick me up in a half an
10 hour, then I would have been scrambling because I don't, physically couldn't get back in
11 time now, um, then I'd be scrambling to call somebody in to go pick up the Premier

12 LITTLE: Yeah

13 SMYTH: you know and you gotta kind of you're hoping that doesn't happen
14 of course in those type of circumstances you gotta balance between what you need to get
15 done and what might

16 LITTLE: Mm hmm

17 SMYTH: come up, but none the less they're all things that you deal with on
18 a daily basis.

19 LITTLE: and they, and I'm just to throw an end to this, there's no point in
20 second guessing these things is there?

21 SMYTH: No

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1 LITTLE: Could of would of should of, whatever, the reality is in the essence
 2 of what we do, and I say we, I mean policing in general is we act and react based on what
 3 we know at the time. It's the age old age old,

4 SMYTH: I know

5 LITTLE: people can throw whatever they want well it could have been, well
 6 it could have been a lot of things but this is what I knew

7 SMYTH: We can, we can what if, this stuff

8 LITTLE: yeah

9 SMYTH: to death and you know ah, the RCMP officer I had spoken to on
 10 the phone that morning he was actually the first guy that showed up there.

11 LITTLE: Okay

12 SMYTH: and I remember he, and he, he applied pretty good perspective to it
 13 I thought cause I ah, you know one of the first things I said to him was like, you know
 14 you should of came along, cause we, we had that conversation

15 LITTLE: yeah

16 SMYTH: and I gave him the exact reasons why no, and this is why I don't
 17 think so, and he, he didn't disagree

18 LITTLE: Mm hmm

19 SMYTH: he said, ah, you've yeah that's fine, he just said do you want me to
 20 come and ah, one of the first things I said to him it like maybe we should of, and his first
 21 thought was what so we could walk up here, me in uniform, he could pick off through
 22 the, through the window, no thanks.

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1 LITTLE: Yeah, (inaudible)

2 SMYTH: You know and so, you can what if it both ways

3 LITTLE: Exactly, and that's when

4 SMYTH: maybe he would have looked out the window and a marked

5 LITTLE: mm hmm

6 SMYTH: police car and said okay, game on

7 LITTLE: yeah

8 SMYTH: and the next thing he's shooting at us through the window.

9 LITTLE: mm hmm

10 SMYTH: Next thing you know there's a regimental funeral

11 LITTLE: Mm hmm

12 SMYTH: and, and we're all being hailed as heroes

13 LITTLE: mm hmm, right

14 SMYTH: instead, you do your job and you do it right, and you're the

15 Premier's assassin and you're,

16 LITTLE: yeah

17 SMYTH: and you're removed from duty and you're life is turned upside

18 down.

19 LITTLE: Mm hmm

20 SMYTH: Que sera, sera

21 LITTLE: I understand entirely. We've gone over a lot of stuff this morning,

22 um and again, probably more in depth than we need to in some of it, but that's totally

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1 fine, and again these are areas that need to be covered, and, and as I said to start with it's
2 not to, rehash everything and go over and over and over, is there anything else that you
3 can think of, keeping in mind that this is more, this is a policy review, is there anything
4 that you're aware of in the policies that would apply to you be of it your role, what
5 occurred that day, that type of thing that we haven't touch on?

6 SMYTH: I don't think so.

7 LITTLE: Okay, I have nothing else to ask you at this time. I may have
8 follow-up questions later, obviously I have to be talking to several people, including the
9 RCMP, um, so I may get ahold of you later, at this point I doubt that's gonna occur, so
10 unless you have something else, I'm gonna conclude this interview?

11 SMYTH: No.

12 LITTLE: Good enough, alright, so ah, it is now 11:16 am ah by my watch
13 and I'll stop the recorder.

14 (End of transcription)