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111	T	
BURKE, Steve	P	

Supplementary Occurrence Report

RCMP-GRC , B Division

Printed: 2015/09/17 11:50 by 000101976

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

Author: #000101976 BURKE, S.

Report time: 2015/09/15 11:35

Entered by: #000101976 BURKE, S.

Entered time: 2015/09/15 11:35

Remarks:

Folder 111 - Statement of Joe SMYTH #3

Report:

2015-09-14 16:32

Cpl. BURKE obtained a statement from Joe SMYTH at the request of the SME (Use of Force) re Why SMYTH placed the shot where he did when fired at DUNPHY. The following is a synopsis of that statement as provided by monitor Victor DRAY:

- Start of interview. BURKE identifies himself for the recording. SMYTH identifies himself for the recording.
- BURKE asks for recount of seeing the firearm as presented by DUNPHY.
- saw firearm in peripheral.
- standing next to fireplace mantle.
- saw the firearm come up as well as DUNPHY coming upright.
- dropped file folder and immediately went into to the defensive position.
- put hand out saying "no,no".
- went instinctive and wanted to get towards the door.
- drew his pistol and by the time his firearm got to target the firearm was pointed at him.
- felt like he was prepared to be hit by the bullet, pain.
- recalls firing two shots towards centre mass.
- thinks he brought his second hand to the firearm.

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- took two shots centre mass, not knowing if he was on target.
- feels that it was very brief.
- felt that it was instinctive to shoot to the head, he was moving and the firearm was still coming towards him.
- he didn't feel that the first shot was on target and then took a second shot towards the head as he was running towards the door.
- saw head "jar" or that DUNPHY was turning away but thought that he hit him.
- feels that the second head shot was on target.
- just thought he needed to shot or he was going to be killed.
- describes instinctive as muscle memory, firearm qualification, re-assessing for a head shot. Felt that it was survival, "what do I have to do to make this situation shot"
- thought about this thousands of times and wonders what he could have done differently.
- even feels that getting out of the house was instinctive and wonders if he tripped or didn't get out.
- hard to articulate having someone pointing a firearm at you.
- wonders if DUNPHY remained in his sights, would he have stopped shooting. Felt that he was shooting until he was safe.
- never saw DUNPHY's firearm on the ground until he started coming back in the room.
- gave commands as he came back in the room, even knowing that he had hit DUNPHY in the head and he probably didn't have too.
- still feared for safety as he re entered the room.
- course of fire has changed the last couple years.
- instinctive shooting, not sighting target.

- last couple years he knows instinctive shooting has been two shots centre mass, one to the head.
- instinctive shooting is at closer distances, starting at 7 meters.
- always shoot at centre mass first.
- believes that %75 of time after shots to centre mass, there is a shot to the head.
- believes that there is now a longer assessment period in between shots.
- the two centre mass shots were instinctive, the heads shots were taken because DUNPHY's firearm was still pointed at him.
- felt the threat was still there after the first two shots (centre mass)
- DUNPHY's firearm was following him out of the room.
- went to the head to "stop myself from getting shot"
- describes again that it was instinctive and muscle memory.
- felt first shot to the head was not on target and knows for certain the second head shot was on target. Does not know if any of the other shots were on target.
- hard to provide a methodical explanation that happened so fast, feels that it was instinctive training.

16:51 Statement concluded.

2015-09-17 11:45

Statement proofed and printed.

CH

(S.D. BURKE) CPL.