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Investigation: DUNPHY – 2015-376186

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OSMOND, Kent	P	

Kent Osmond - C-237 #3

From: Kent Osmond
To: Cahill, Pat; Chris Fitzgerald; Rod Tiller; Zettler, Jamie
Date: 2015/04/13 11:11 AM
Subject: C-237 #3
CC: Dion Foote; Nippard, Mike; Steve Burke
Attachments: SMYTH3.xfdl

Narrative below only. Please print and sign attached form and return to me.

Kent

Investigation

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

On 2015-04-07 RCMP Management arranged for the assignment of an Independent Observer to monitor the investigation to ensure transparency, professionalism and timeliness. Retired Supreme Court judge David RICHE was identified.

On 2015-04-07 Sgt SMYTH attended the scene of the shooting and performed a re-enactment which was video and audio recorded. Judge David RICHE was present during the re-enactment.

ON 2015-04-09 it was learned that in downloading the re-enactment video, FIS destroyed the recording. Despite having the computer and video camera examined by Tech Crime the video could not be recovered. The investigative team were then required to request that Sgt SMYTH participate in another re-enactment. He agreed.

On 2015-04-10 the matter was recorded for the second time. Having an Independent Observer present proved beneficial as Judge RICHE was present for both re-enactments, and can therefore speak to the objectivity of the process, similarity between the two accounts, and any differences he may have noted.

Statements have now been obtained from most relevant witnesses. The recordings from the OCC of both police agencies have been obtained. FIS tasks such as firearm examination and planned drawings have been assigned top priority. Statement transcription duties have begun.

Although it was not deemed a likely investigative avenue by the team, it was decided that a discussion with Truth Verification Section should occur to officially determine if Sgt SMYTH should be tested. In summary, it has been determined that this situation was not one where a polygraph would be of benefit. TVS reasoning made sense to investigators and was in line with their opinion.

DUNPHY's brothers indicated the rifle held by DUNPHY may have had a malfunctioning firing pin. Further inquiries indicated that DUNPHY may or may not have known about this issue, and that the weapon may have actually been capable of firing from time to time. Ballistic testing will clarify the issue of mechanical defect, but DUNPHY's knowledge surrounding the possible defect will likely never be known.

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

Follow -Up

To date, approximately 65 Tasks have been generated.

Cpl BURKE, the primary Investigator, is currently reviewing the file in its entirety. He will determine if further tasks are required, although it is thought that routine tasks such as witness interviews etc is practically complete.

Exhibits are being processed and assessed this date for submission to the Forensic Lab.

Firearm examination will occur on both involved weapons, and FIS reports are pending.

A request has been submitted to determine if there exists an investigative guideline, or checklist of sorts, from SERT in "H" Division, simply to ensure no tasks are overlooked.

Reporting to NHQ is being completed by Criminal Operations, and is being added to the hard file as required.

Media

Media interest has waned for the time being, as there appears to be little to report pending the investigational results. They did provide print and live coverage of a vigil that was held for Mr. DUNPHY and conducted various community / friend interviews.

On Friday, April 10th, Sgt SMYTH released an e-mail to members of the RNC, some members of the RCMP, as well as some people from outside the policing world. This e-mail described his perspective on police work, police's role in helping people, and his trial being held in the comment section of social and true media circles. This e-mail was leaked to the media and was the topic of reporting that day. There was nothing in the e-mail that compromised the RCMP aspect of the investigation.

Family / Community Liaison

S/Sgt Rod TILLER and Cst John GALWAY have been assigned this role. They have been in frequent contact with the daughter of Mr. DUNPHY and are addressing any concerns she has. S/Sgt TILLER will be making contact with appropriate community figures as and when required.

On 2015-04-09 Sgt OSMOND and S/Sgt TILLER met with Ms. DUNPHY (daughter of Mr. DUNPHY) and her lawyer Erin BREEN. DUNPHY was dissatisfied with certain aspects of the entire event, and also stated she had new information to share that was crucial to the investigation. OSMOND and TILLER received the new information and dealt with Ms. DUNPHY's concerns to her satisfaction and the satisfaction of Ms. BREEN. OSMOND and TILLER provided Ms DUNPHY as much information as possible on the facts known to date.

Sgt OSMOND also corresponded with Ms. BREEN later, in a pre-emptive manner when it was learned that Sgt SMYTH's e-mail would be leaked to the media. BREEN was appreciative of the efforts and open communication.

Independent Oversight

On 2015-04-13 Mr. RICH was provided, in paper format, all disclosure compiled to date.