



Banner Page

Document ID:
Investigation: DUNPHY – 2015-376186

Document Title

Doc Description

How Received

When Received

Date

Document Type:

Document Summary:

Email - Speaking Points vs Final Report – DUNPHY Family

This is a copy of a document already in the system

POC Content

Secured for Hold Back or Disclosure Issues

Vetting

Submitted/Recommended/Approved By _____

Date _____

Number ID	Category	Reason
126	T	
DUNPHY, Meghan	P	

Steve Burke - DUNPHY Family Meeting 2016-09-13

From: Steve Burke
To: Cahill, Pat
Date: 2016/09/15 2:09 PM
Subject: DUNPHY Family Meeting 2016-09-13
CC: Osmond, Kent
Attachments: DUNPHY FINAL REPORT B.docx; Dunphy Meeting.docx

Sir,

Please see attached Final Review and Speaking Points documents:

2016-09-13 @ 09:46 hours

Supt. Pat CAHILL and I meet with Meghan DUNPHY and her lawyer Erin BREEN. Supt. CAHILL opened up the meeting expressing that the death of Mr. DUNPHY was a tragedy and we were sorry for her loss. Supt. CAHILL also apologized for the length of time for the investigation but explained that such investigations take time and with the addition of the ASIRT review extended the time line further.

There seemed to be some confusion over what police were prepared to release. Ms. BREEN expected to receive the file or reports, Supt. CAHILL advised that there must have been a misunderstanding and they would be briefed on the Media Release. Ms. BREEN asked about the report of the Independent Observer, Supt. CAHILL advised that the report would not be released at this time as it was investigative material and there was a pending public inquiry.

I spoke about the investigative steps that were taken throughout the file with the caveat that it was consistent with the updates I provided Ms. DUNPHY over the course of the investigation. The following are the points I covered in the meeting:

- **Mandate** - To investigate the shooting death of your father and if the actions of the RNC member involved were criminal in nature;
- **Investigational Scope** - Why the RCMP was the investigating agency and that for any Sudden Death we are agents of the OCME under the Fatalities Investigation Act and the Criminal Code;
- **Major Crimes Unit and Major Case Management** - MCU led the investigation with Independent oversight. The rules of major case management were employed which meant there was an investigation triangle with additional investigators assistance, no one investigator was acting alone;
- **Forensic Identification Section** - FIS examined the scene and attended the autopsy. They gathered evidence from the scene and documented it by video, photos, measurements and a planned drawing;
- **Forensic Laboratory Analysis** - Basically both firearms with ammunition involved (rifle and service pistol) were as defined in the Criminal Code. Both firearms and ammunition were operational. Supt. CAHILL inserted that when the rifle was found by investigators, the action was in the open position. Police further explained that while there was a cartridge the chamber, the action being in the open position meant it was not ready to fire;
- **Autopsy** - The autopsy was performed by the Office of the Chief Medical Examiner. They list the death as a homicide. Homicide was explained as the death of Mr. DUNPHY was caused by another person.

Homicide is culpable or not culpable. Homicide that is not culpable is not an offence under the Criminal Code. The OCME listed the cause of death as gunshot wound and the manner of death was homicide;

- **Statement of the Officer involved** - Police obtained statements from the only direct witness. The investigation included confirming or refuting the version of events presented by Joe SMYTH;
- **Background Witness Statements** - Donald DUNPHY;
- **Background Witness Statements** - Joe SMYTH
- **Use of Force Subject Matter Expert** . These comments were read verbatim. The intent of the review was to determine if the actions of Cst. SMYTH were reasonable and necessary with respect to the circumstances surrounding the fatal shooting.

He (SME) concluded

"After a thorough review of the incident the writer is of the opinion that Cst. Smyth's decision to use lethal force was reasonable and necessary given the totality of the situation. Mr. DUNPHY threatened Cst. SMYTH with a rifle, he possessed the requisite weapon, intent and means to cause death or grievous bodily harm to this officer. These actions were consistent with what would be expected from a police officer of similar background and training.

- **External Forensic Analysis - Bulletproof Forensic Consulting** - Darryl BARR, is a Forensic Scientist who qualified in court as an expert on the subject of Firearms and Toolmark Identification on 61 occasions. I explained that BARR requested that he receive the physical scene evidence to analyse before he received any statements from Cst. SMYTH. BARR completed 3D images and a "fly around" of the scene. BARR concluded that, "No element of the shooting related evidence were identified that refute the account of SMYTH.";
- **Alberta Serious Incident Response Team (ASIRT)** - We explained that ASIRT completed a review of the investigation that they were present to meet with them after our meeting;

Supt. CAHILL advised that the investigation was concluded and there was no evidence to support criminal charges. Supt. CAHILL advised that the fact there were no charges was going to be released in the media.

There was discussion surrounding a possible leak to a media source and Ms. BREEN asked if it may be an RCMP member. We ensured that information / updates were provided to the DUNPHY family and the RNC officer involved only. Ms. BREEN and Ms. DUNPHY said they did not go to the media with info provided by police.

Question and Answer - Ms. BREEN or Ms. DUNPHY did not have any questions for police.

The above "speaking points" were taken the Final Report, which highlights the basis for the investigational findings. The following was not included in the meeting with the DUNPHY family:

- **Overview of the event;**
- **Time line;**
- **Initial Complaint and First Responders;**
- **Neighbourhood Inquiries.**

Signed,

Cpl. BURKE

RCMP GRC

(S.D. BURKE) Cpl.
Supervisor/Investigator
Major Crimes Unit (East)
"B" Division, St. John's, NL.
(709) [REDACTED] 231 (office)
(709) [REDACTED] 091 (cell)
steve.d.burke [REDACTED] a