



**NEWFOUNDLAND AND LABRADOR
REGULATION 57/16**

*Commission of Inquiry Respecting the
Death of Mr. Donald Dunphy Order*
under the
Public Inquiries Act, 2006
(O.C. 2016-205)

(Filed September 23, 2016)

Under the authority of section 3 of the *Public Inquiries Act, 2006*,
the Lieutenant-Governor in Council makes the following Order.

Dated at St. John's, September 23, 2016.

Bernard M. Coffey, Q.C.
Clerk of the Executive Council

ORDER

Analysis

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| 1. Short title | 4. Conclusion or recommendations limited |
| 2. Commission of inquiry established | 5. Final report |
| 3. Terms of reference | 6. Commencement |

Short title

1. This Order may be cited as the *Commission of Inquiry Respecting the Death of Mr. Donald Dunphy Order*.

Commission of
inquiry established

2. There is established a commission of inquiry respecting the death of Mr. Donald Dunphy and the Honourable Leo Barry is appointed as the sole member of the commission.

Terms of reference

3. (1) The commission of inquiry shall
- (a) inquire into the circumstances surrounding the death of Mr. Donald Dunphy, including
 - (i) the date, time and place of his death,
 - (ii) the cause of his death, and
 - (iii) the manner of his death;
 - (b) inquire into the reason why a Royal Newfoundland Constabulary officer attended upon Mr. Dunphy on the day of his death, including whether or not the officer was directed to do so, and if so directed, by whom and for what objective;
 - (c) ascertain what information provided the basis for the Royal Newfoundland Constabulary officer's attendance upon Mr. Dunphy on the day of his death, and the reliability, interpretation, evaluation, transmission and dissemination of that information;
 - (d) inquire into why the Royal Newfoundland Constabulary officer who attended upon Mr. Dunphy on the day of his death did so in an area of Royal Canadian Mounted Police jurisdiction, the criteria applied in reaching the decision to do so and the objective for the decision;
 - (e) inquire into the facts surrounding the command, control and implementation of any relevant police operation on the day of Mr. Dunphy's death, the actions of the Royal Newfoundland Constabulary officer during the operation and the actions of any other Royal Newfoundland Constabulary or Royal Canadian Mounted Police officers involved both before and after Mr. Dunphy's death;
 - (f) inquire into the circumstances under which the Royal Newfoundland Constabulary officer who fired the fatal shot or shots on the day of Mr. Dunphy's death came to discharge his weapon;

- (g) inquire into whether the relevant use of force protocols were properly adhered to in the circumstance of Mr. Dunphy's death;
 - (h) inquire into the relevant policies, protocols or manuals in force at the material time in either the Office of the Premier or the Royal Newfoundland Constabulary, including particularly any policies, protocols or manuals relating to
 - (i) the security of the Premier and Cabinet Ministers,
 - (ii) the monitoring of and response to social media, and
 - (iii) with respect to the Royal Newfoundland Constabulary, policies, protocols or manuals governing communications by members with the public or the media following serious incidents and during active investigations;
 - (i) inquire whether Mr. Dunphy's use of social media had any role in the circumstances of his death;
 - (j) ascertain whether there were any material deficiencies in the investigation into Mr. Dunphy's death; and
 - (k) in accordance with section 4, make recommendations that the commission of inquiry considers necessary and advisable relating directly to the matters of public concern referred to in this section.
- (2) The commission of inquiry, in carrying out the terms of reference referred to in subsection (1), shall consider the following:
- (a) the need to maintain public confidence in law and order;
 - (b) the need to protect fundamental rights of citizens;
 - (c) the powers, duties and responsibilities of police; and
 - (d) the need to ensure the safety of police officers in the execution of their duties.

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Conclusion or
recommendations
limited

4. The commission of inquiry shall not express any conclusion or recommendation regarding the civil or criminal responsibility of any person or organization.

Final report

5. The commission of inquiry shall terminate its work and deliver the final report to the Minister of Justice and Public Safety, who shall be the minister responsible for the commission of inquiry, before July 1, 2017.

Commencement

6. This Order comes into force on September 23, 2016.

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