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STATEMENT OF: Tom MAHONEY

INTERVIEWED BY: Cpl. Monty HENSTRIDGE
2015-04-09 12:00 PM

1 **CPL.HENSTRIDGE:** Okay, the time now is twelve o'clock, according to my watch,
2 the date is April, the ninth day of April, 2015, my name is Cpl.
3 Monty HENSTRIDGE with the RCMP Major Crime Unit out of
4 St. John's, Newfoundland and I'm currently at the office of
5 Mr. Thomas Gregory MAHONEY who is the Executive
6 Director of Worker's Services, ahm, Mr. MAHONEY, I'm here
7 to speak to you about, ah, one of your clients I believe

8 **MAHONEY:** Yes

9 **CPL.HENSTRIDGE:** By the name of Donald DUNPHY, ahm, and as you're
10 probably aware, Mr. DUNPHY was involved in a shooting,
11 ah, a few days ago, prior to speaking with you, the first thing
12 that you provided to me was, ah, a document called Access
13 to Information Protection and Privacy Act which basically
14 outlines the reasons that you're able to talk to me today
15 which I really appreciate and, ahm, I guess we'll start, if it's
16 okay with you with sort of an overview and I, I noticed you
17 have some e-mails there that you're going to reference, ah,
18 in terms of the chronology of how this all happened so, I'll let
19 you go ahead when you're ready

20 **MAHONEY:** Correct, thank you, I'd also like to add to your reference to
21 the act that it is my knowledge and awareness of the ATIPA
22 and Section 39 in particular and which gave me the authority

23 to share the information with the Royal Newfoundland
24 Constabulary that I shared

25 **CPL.HENSTRIDGE:** Okay

26 **MAHONEY:** On Sunday, so, ahm, if somebody wanted to question Tom,
27 where did you get the authority

28 **CPL.HENSTRIDGE:** Right

29 **MAHONEY:** To share information with the police, ahm, it is due to the e-
30 mails that I have and the reason why I reference the e-mails
31 officer is because I was contacted by the Chair of the Board,
32 ah, Mr. Ralph TUCKER, ahm, at about three thirty on, ahm,
33 Saturday afternoon and he contacted me as Chair of our
34 Board of Directors, ahm, because he advised me that he was
35 contacted, ahm, by some senior folks in the Premier's office,
36 obviously he's well connected, ahm, politically, he's a senior
37 person I guess in, in the party, ahm, and has been Chair of
38 our Board here for ten years. He advised me that he tried to
39 contact the CEO which is Leslie GALWAY, in the absence of
40 Leslie GALWAY and by through my job description, I, by
41 definition become the acting CEO in the absence of the CEO
42 so he contacted me under, ahm, terms of our business
43 meaning him as Chair of the Board wanted to pass
44 something on to me that was really operational

45 **CPL.HENSTRIDGE:** Okay

46 **MAHONEY:** And what that was, was a request from, ah, Joe SMYTH, J-o-
47 e S-M-Y-T-H, ahm, that they were inquiring about my
48 knowledge of a gentleman named Mr. Don DUNPHY, ahm,
49 and they wanted to know would I be aware of any threats or
50 any issues at the Commission and would I be aware of this
51 individual and I told the chair of the Board, Mr. TUCKER, at
52 that point that as Chair of the Board, I can't go through him to
53 the police, that he is not to be involved in operational issues

54 so the best thing that he could do would be to get me in
55 direct contact with, ah, with Officer Joe SMYTH. So what he
56 did, ahm, was he sent an e-mail at three thirty five PM, ah,
57 which I have highlighted in, ahm, in highlighter marker which
58 I will be giving you these sheets, this is all an e-mail thread
59 that documents it so at three thirty five he sends Ralph
60 Tucker sends to Joe SMYTH, copying Leslie GALWAY who's
61 our CEO, Helen KAVANAGH who's the Executive Assistant
62 to the Board, ahm, and Ralph TUCKER and just speaking
63 really to, to me cause he, ah, when was talking he said Joe,
64 I've been speaking with Tom MAHONEY, Executive Director
65 with the Commission and he is procuring the information for
66 you and will be in contact with you asap, please let me know
67 if there is anything else that I can do and, ahm, from that, ah,
68 e-mail here what he was advising was, ah, earlier on in the
69 thread there was a good afternoon Mr. TUCKER from Joe
70 SMYTH and he said sorry to bother you on a long weekend
71 however I am looking to speak with Mr. Don DUNPHY as
72 soon as possible and I suspect your office may be able to
73 assist me in confirming who the individual is, so they wanted
74 to know can we confirm the individual who you deal with is
75 the same person that we're talking about, he said Mr.
76 DUNPHY has made some discon, ah, disconcerting
77 comments via social media directed towards elected officials,
78 DUNPHY is apparently an injured worker which is also the
79 source of grievances towards government, towards
80 government, it is likely that Mr. DUNPHY has regular contact
81 with the Commission and I'm hoping somebody within your
82 department and in this case, I guess, Mr. TUCKER actioned
83 it to me, can assist in providing contact information so that
84 was what it was limited to, confirming who the individual was
85 and can we confirm contact information, there are multiple
86 Don DUNPHYs throughout the province so I'm hoping maybe
87 you'll expedite the process by just narrowing it down, so what
88 happened at that point was, ahm, myself and Joe spoke on

89 the phone so he said to me, do you have, oh sorry, before
90 that, ahm, I contacted my director, Craig NOSEWORTHY
91 and I said can you access the system and get for me the
92 address and the phone number

93 **CPL.HENSTRIDGE:** Yeah

94 **MAHONEY:** Of Mr. Don DUNPHY, Craig NOSEWORTHY sent me an e-
95 mail at four oh four and he said the following information is
96 on the claim, if you need anything further, let me know. All we
97 had was Don DUNPHY and a PO Box number in Mount
98 Carmel, that's all that we had so, ahm, mister, I can't
99 remember if it was mister, I can look it up on my Blackberry
100 to see if he called me or I called him but we called, we spoke
101 to each other and all I said is, I don't have a street address
102 but the Don DUNPHY we deal with down here, ahm, lives in
103 Mount Carmel, he said that's all I need to know, I said now I
104 do have two telephone numbers but they're different

105 **CPL.HENSTRIDGE:** M'hmm

106 **MAHONEY:** And I read those numbers out and he said one's a home
107 phone, one's a cell number and I said okay well I'm just
108 telling you, I got two different numbers for him so he seemed
109 to have some information in front of him, I guess on the Don
110 DUNPHYs I would be assuming and he said okay that's all I
111 need, I said do you need me to send this to you, he said no I
112 don't need that, ahm, I just needed you to confirm the
113 community where he lives in, now you're telling me Mount
114 Carmel, that's all I need to know, so then he asked me, he
115 said what are your dealings with Mr. DUNPHY

116 **CPL.HENSTRIDGE:** Yeah

117 **MAHONEY:** And I said well Mr. DUNPHY is an injured worker, ahm, and
118 my involvement as Executive Director is, I am also
119 responsible for corporate security, so, security for our staff,

120 security for our facility and certainly security as it relates to
121 any threats against property and or staff and I said Mr.
122 DUNPHY has not threatened us and Mr. DUNPHY has never
123 sent a Tweet regarding a threat but what he has done is
124 named a couple of staff members over time and, you know,
125 sees them as people who have interfered with his claim or
126 over ruled his doctor so making some kind of disparaging
127 remarks about staff in a very public forum, ahm, that may not
128 be supported by the facts so we don't have any history of
129 calling the police on Mr. DUNPHY, he Tweets about his
130 experience with the Commission, ahm, but he's never made
131 a threat nor have we contacted the police, so Joe at that
132 point said to me, so you know in terms of risk, ahm, you
133 know, this guy is he, like, someone who you gotta, concern
134 about threatening someone, I said no our concern is always
135 about escalation

136 **CPL.HENSTRIDGE:** M'hmm

137 **MAHONEY:** So I would generally see this guy as, the evidence that I'm
138 aware of, ahm, and the Tweets that come to my attention as
139 relatively low risk and I'll tell you why I see him as that, is that
140 I have asked my security folks, ahm, and investigators to just
141 read some of these Tweets

142 **CPL.HENSTRIDGE:** M'hmm

143 **MAHONEY:** And our legal counsel, Anne MARTIN, to read some of these
144 Tweets and there's nothing threatening in them so we
145 couldn't take any action so all I asked staff to do was to
146 continue to monitor the Twitter space and if you see any
147 escalation in tone, in content or language, ahm, bring it to my
148 attention and up to the moment I spoke to Joe on Saturday,
149 we had no indication that anything had changed, ahm, so he
150 said, you know, the worst thing about these situations is
151 these guys you know tend to be in their house, they tend to

152 feel the freedom to say what they like and they don't realize
153 that there are consequences for these statements and I said
154 yeah, we, we certainly deal with that through open line, we
155 deal with it through Twitter, we often deal with it through e-
156 mail

157 **CPL.HENSTRIDGE:** M'hmm

158 **MAHONEY:** Directly to us, so he basically, ahm, just indicated to me at
159 that time and this is how the conversation ended, I think I'm
160 gonna have to pay this gentleman a visit

161 **CPL.HENSTRIDGE:** M'hmm

162 **MAHONEY:** And that's how the phone call ended, I said is there anything
163 further you need, he said no that should be good, so I did not
164 share the information in e-mail to Joe

165 **CPL.HENSTRIDGE:** Right

166 **MAHONEY:** I shared it with him over the phone and all I did at the end of
167 that conversation, cause Mr. TUCKER said to me, will you
168 share with me what it is you've done and I said well really
169 Ralph, I said as Chair of our Board, you certainly aren't privy
170 to private and personal information

171 **CPL.HENSTRIDGE:** M'hmm

172 **MAHONEY:** And I have no authority to share that with you, the best thing
173 for me to do is when I speak to Joe, I will send an e-mail to
174 you all, including Joe saying I've handled it

175 **CPL.HENSTRIDGE:** Oh, okay

176 **MAHONEY:** And I sent an e-mail so you can see, this all started at about
177 three thirty, the whole thread of e-mails and phone calls
178 concludes at about four eighteen PM on the fourth and that's
179 the one word that I sent back, handled, meaning I was

180 requested by the Chair of the Board to contact Joe to get the
181 information, I provided the information over the phone, we
182 spoke on the phone and I'm sure my phone will indicate how
183 long we were on the phone

184 **CPL.HENSTRIDGE:** Right

185 **MAHONEY:** Which was probably less than five minutes in total

186 **CPL.HENSTRIDGE:** Okay

187 **MAHONEY:** Ahm, and all I did at the end of it because he said he didn't
188 need anything else, ah, I said I would just send handled

189 **CPL.HENSTRIDGE:** M'hmm

190 **MAHONEY:** And I do believe he sent an e-mail thanking everybody, ahm,
191 thanks, appreciate all the help, there was another e-mail in
192 the middle of all of this and that's, that's the entire
193 involvement of me in this until I received a phone call from,
194 ahm, Leslie GALWAY on Sunday and she had been
195 speaking with the minister or someone in the minister's office
196 and she advised me that, ahm, there had been a fatal
197 shooting, ah, in the community where Mr. DUNPHY had
198 lived. So that phone call from Ralph initiated this at, on a
199 Saturday and shortly thereafter, the e-mail thread indicates
200 the end of Saturday's activity, I never had any further
201 conversation, ah, with anybody from the Royal Newfoundland
202 Constabulary at that point, nor really the Chair of the Board, it
203 was the phone call on Sunday evening, probably around
204 seven or eight o'clock, ahm, cause I remember it was after
205 Sunday evening supper on Easter Sunday and I got the
206 phone call from the CEO advising of the situation, so that is
207 the entire thread and I have printed off all the, you can see
208 there's three e-mails here

209 **CPL.HENSTRIDGE:** Yeah

210 **MAHONEY:** E-mails from Ralph TUCKER to me

211 **CPL.HENSTRIDGE:** M'hmm

212 **MAHONEY:** E-mails from Craig NOSEWORTHY to me and an e-mail that
213 I responded to everybody

214 **CPL.HENSTRIDGE:** Okay

215 **MAHONEY:** So there's sent e-mails and received e-mails here all in that
216 narrowly construed period of time and certainly my
217 Blackberry or my computer screen can confirm, ah, that
218 these are the documents that I just printed off on my
219 computer and, ah, have just documented the thread

220 **CPL.HENSTRIDGE:** Perfect, ahm, if it's okay with you, what I'd like to do is go
221 back and recap just so that we're both clear as to what I
222 understood from you in terms of what you've said

223 **MAHONEY:** Sure

224 **CPL.HENSTRIDGE:** And if I've misinterpreted something by all means, interrupt
225 me, if, ah, there's something that comes to mind as I go
226 through my recap, ah, by all means interrupt me

227 **MAHONEY:** Sure

228 **CPL.HENSTRIDGE:** And fill in any blanks that we may have, ah, so I just want to
229 make sure I have an accurate record here, so my
230 understanding is that, ah, you are the, ah, Executive Director
231 of Workers Services and you're also responsible for
232 corporate security, is that right

233 **MAHONEY:** Correct, yes

234 **CPL.HENSTRIDGE:** Okay, it's my understanding also that under section 39, when
235 you received the request by the Chair of the Board to provide
236 some information regarding a possible client that you felt

237 inclined to explain to him that under section 39 you didn't
238 have the authority to explain to him specifically what, ah, that
239 information was but that you could speak directly to the
240 officer involved

241 **MAHONEY:** That is correct

242 **CPL.HENSTRIDGE:** Okay, so he arranges, ah, for that person I, he arranged for
243 that person to contact you directly through an e-mail, is that
244 right

245 **MAHONEY:** Yeah, he arranged, he actually, the Chair of the Board sent
246 an e-mail, ah, at, ahm, and you can see right here, at three
247 thirty-five saying Joe, I've been speaking with Tom
248 MAHONEY

249 **CPL.HENSTRIDGE:** Okay, yeah

250 **MAHONEY:** So that, he just spoke to me and then he sent an e-mail to
251 Joe trying to, the two of us together

252 **CPL.HENSTRIDGE:** He told you that

253 **MAHONEY:** He is procuring the information and we'll be in contact with
254 you asap

255 **CPL.HENSTRIDGE:** Okay

256 **MAHONEY:** So it must have been that I called him and I can check my
257 Blackberry while we're talking here

258 **CPL.HENSTRIDGE:** Sure

259 **MAHONEY:** To confirm whether I dialled that or whether he dialled in but
260 I'm pretty sure now that I see that, that, ah, Ralph TUCKER
261 would have given me a number, or I would have looked in the
262 e-mail thread and seen where the number was provided
263 because his cell number is right there

264 **CPL.HENSTRIDGE:** Oh, okay, perfect

265 **MAHONEY:** Right and it's, and I was able to confirm who I was talking to
266 because it said Joe and then it says, Joe SMYTH, Sergeant

267 **CPL.HENSTRIDGE:** M'hmm

268 **MAHONEY:** And Royal Newfoundland Constabulary and it was the
269 Protective Services Unit and he did identify to me in that e-
270 mail that it was about threats made towards elected
271 government officials so I was able

272 **CPL.HENSTRIDGE:** So you had some idea

273 **MAHONEY:** To get a great level of comfort without seeing the individual
274 and a badge

275 **CPL.HENSTRIDGE:** Yeah

276 **MAHONEY:** That I was speaking with someone of legitimate authority

277 **CPL.HENSTRIDGE:** Perfect, so you speak to, ah, do you speak to him before, ah,
278 you have one of your, ah, I forget the person that you

279 **MAHONEY:** Craig NOSEWORTHY

280 **CPL.HENSTRIDGE:** Craig NOSEWORTHY

281 **MAHONEY:** No I called Craig NOSEWORTHY as soon as I hung up the
282 phone from, ah, Ralph TUCKER and I said I need you to get
283 me the information and when you get me the information, I'll
284 call Joe

285 **CPL.HENSTRIDGE:** Okay

286 **MAHONEY:** So this happened relatively quickly

287 **CPL.HENSTRIDGE:** Of course

288 **MAHONEY:** Ahm, if you look at the time gap between my
289 communications, ahm, with, ah, Ralph

290 **CPL.HENSTRIDGE:** M'hmm

291 **MAHONEY:** And the response time it took Craig to get the e-mail to me,
292 ahm, you can see that was, you know, probably less than five
293 or ten minutes.

294 **CPL.HENSTRIDGE:** And the information that Craig provided to you was, as I'm
295 looking at it here, is basically a street address and a possible
296 phone, two possible phone numbers

297 **MAHONEY:** It was not a street address, it was actually his name, Don
298 DUNPHY, a PO Box

299 **CPL.HENSTRIDGE:** A PO Box, yeah

300 **MAHONEY:** No street address, just the community in which he lived,
301 which was Mount Carmel

302 **CPL.HENSTRIDGE:** M'hmm

303 **MAHONEY:** And a postal code as well as two numbers, one that's on the
304 system and another one that appeared on a medical report

305 **CPL.HENSTRIDGE:** Okay

306 **MAHONEY:** So that was provided to me and I did not specifically send
307 that information to anyone but I certainly, ahm, relayed it to
308 Joe

309 **CPL.HENSTRIDGE:** Yeah

310 **MAHONEY:** Verbally at his request, he, as he said his e-mail, he only
311 wanted me to narrow down which one of the Don DUNPHYs
312 this was and I said it's the Mount Carmel one

313 **CPL.HENSTRIDGE:** So, ah, so as a result of this e-mail that you received from
314 Mr. NOSEWORTHY, you are in communication, either he
315 called you or you called him

316 **MAHONEY:** Yes

317 **CPL.HENSTRIDGE:** Ah, Mr. SMYTH, SMYTH

318 **MAHONEY:** I do believe I called him

319 **CPL.HENSTRIDGE:** So you relay that information to him and at that point he asks
320 you, ahm, effectively what can you tell me about him, his
321 background and any dealings that you've had with him and
322 so on and so forth, is that information that you then provided
323 to him something that you already had in your head or was it
324 something that you had to research

325 **MAHONEY:** No, it was something that was already in my head

326 **CPL.HENSTRIDGE:** Okay

327 **MAHONEY:** Ahm, maybe if I backed it up a little bit, my, I've been here for
328 ten years as Executive Director, I'm part of a national
329 committee that focuses on security and emergency
330 management because it's not uncommon in Worker's
331 Compensation's experience we had

332 **CPL.HENSTRIDGE:** Sure

333 **MAHONEY:** People threaten staff, threaten the building and or enter
334 premises with weapons

335 **CPL.HENSTRIDGE:** Gotcha

336 **MAHONEY:** So it's not uncommon for me in, in this complicated job that I
337 have to keep issues of staff and staff security and there's a
338 relatively small number of people who sort of percolate to my
339 attention and the reason why this individual had percolated to

340 my attention was some Tweets he had made about a staff
341 member recently and so I had had those discussions real
342 recently so once somebody said to me this name

343 **CPL.HENSTRIDGE:** Yeah

344 **MAHONEY:** I knew at least who, I knew a person who had had that name
345 and I was really only providing information about the Don
346 DUNPHY that I knew who lived in Mount Carmel

347 **CPL.HENSTRIDGE:** Of course

348 **MAHONEY:** I couldn't say whether or not that was the same person who
349 had made the threats against, ah, individuals in government

350 **CPL.HENSTRIDGE:** Okay, fair enough

351 **MAHONEY:** And nor was I asked to do that

352 **CPL.HENSTRIDGE:** No

353 **MAHONEY:** Yeah

354 **CPL.HENSTRIDGE:** So, the, the nature, the nature of the Tweets that Mr.
355 DUNPHY, the DUNPHY that you understood was a client of
356 yours

357 **MAHONEY:** Yes

358 **CPL.HENSTRIDGE:** Ah, can you kind of give me some ideas what the nature of
359 those Tweets were

360 **MAHONEY:** Those Tweets were really naming a staff member here who
361 years ago back in the eighties and nineties when we had a
362 different system, it was a disability system, our system is now
363 a wage loss system, ahm, the individual in question here, Mr.
364 DUNPHY named Steve PHILLIPS as a person in Tweets
365 saying, you know, Steve PHILLIPS overruled my doctors,
366 Steve PHILLIPS didn't retrain me, Steve, so he just kept

367 naming one of and Steve PHILLIPS is a staff member here
368 currently, he's also one of the managers in my department

369 **CPL.HENSTRIDGE:** M'hmm

370 **MAHONEY:** So, when a name of a staff member

371 **CPL.HENSTRIDGE:** Yeah

372 **MAHONEY:** Sort of gets out in the public space, ahm, and if there's some
373 concern from that staff member or a concern from someone
374 in communications

375 **CPL.HENSTRIDGE:** M'hmm

376 **MAHONEY:** Ahm, and it comes to our attention, it's brought to my
377 attention

378 **CPL.HENSTRIDGE:** Right

379 **MAHONEY:** So when it was brought to my attention, I said I'd like, so I
380 said to the director, can you please, ahm, which was Craig
381 NOSEWORTHY

382 **CPL.HENSTRIDGE:** Yeah

383 **MAHONEY:** Can you please bring that up to legal and have them review it
384 and see if there's any concerns there, if there's any action
385 required on our behalf, a, to keep the staff member safe and
386 what they said to me at that point was, this is probably more
387 something that will have to do with, you know, using
388 somebody's name, ahm, I can't remember the exact legal
389 term but if you're saying something about somebody that's
390 not true

391 **CPL.HENSTRIDGE:** Slander or liable or something

392 **MAHONEY:** Those types of comments, so they, so actually there was a
393 meeting set up by our legal folks to meet with our

394 communication folks on the fifteenth of April to further explore
395 the nature of these Tweets but because there was nothing
396 threatening

397 **CPL.HENSTRIDGE:** Right

398 **MAHONEY:** Ahm, our communications director is away, so she said well
399 I'll be back and the fifteenth, yeah, sounds good so I had had
400 some recent conversations regarding this person, my
401 manager's name stood out in my mind

402 **CPL.HENSTRIDGE:** Right

403 **MAHONEY:** Ahm, but certainly, ahm, my prior experience here, I was the
404 Director of Forensics Treatment for the province, I ran all the
405 sex offenders treatments of domestic violence treatment

406 **CPL.HENSTRIDGE:** Okay

407 **MAHONEY:** The persistently violent offender treatment, I also did a lot of
408 work with the judiciary around risk assessments and these
409 things so my experience and my ability to be able to speak to
410 the issues of risk, ahm, certainly is not something that I've
411 just claimed here

412 **CPL.HENSTRIDGE:** Yeah

413 **MAHONEY:** Ah, it is part of my professional and, and work experience
414 with justice and under contract with justice

415 **CPL.HENSTRIDGE:** Yeah

416 **MAHONEY:** So I said to, ahm, the officer when I was speaking with him
417 that when you compare it to the people we've actually had to
418 charge and have convicted and have been sentenced and
419 overseen and have orders, ahm, protection orders against
420 the commission and a distance to stay away, ahm, orders for
421 treatment, etcetera, ahm, when you compare Mr. DUNPHY

422 to those folks, I said he is on the low end of the risk here
423 because he has not made any threatening statement

424 **CPL.HENSTRIDGE:** Okay, in addition to the statements that he made in relation
425 to Steve PHILLIPS and more or less, voicing his concern
426 about whether or not Mr. PHILLIPS had done his job or not
427 was effectively what he was suggesting, ah, was there
428 anything else that he brought up or anything in your research
429 of his previous communications in social media that raised
430 any concerns at all

431 **MAHONEY:** No

432 **CPL.HENSTRIDGE:** Okay

433 **MAHONEY:** No

434 **CPL.HENSTRIDGE:** So there was never any threats made

435 **MAHONEY:** No, no

436 **CPL.HENSTRIDGE:** Okay

437 **MAHONEY:** And as a matter of fact, you know, even during this process
438 when I would speak to the folks who regularly deal with his
439 claim, regularly quiet on the claim side

440 **CPL.HENSTRIDGE:** Is that right

441 **MAHONEY:** So he has people he can contact, you know, he, he wasn't a,
442 he's part of a unit that deals with our most seriously injured
443 workers as you probably may or may not know, ahm, the
444 reality is, is this individual was not able to return to work, so
445 this person would have been of what we call, what would be
446 commonly known as a long term disability

447 **CPL.HENSTRIDGE:** M'hmm

448 **MAHONEY:** So more of a permanently disabled type of status so the
449 issues that he would have, ahm, would probably be about,
450 you know, as the economy gets more demanding and as the
451 cost of things go up, you know, I don't feel that my benefits
452 are keeping pace with that

453 **CPL.HENSTRIDGE:** Oh, okay

454 **MAHONEY:** So his, his issues tended to be on, you know, I'd like to have
455 more money

456 **CPL.HENSTRIDGE:** Right

457 **MAHONEY:** Ahm, rather than, you know, you people are a bunch of

458 **CPL.HENSTRIDGE:** Right

459 **MAHONEY:** Whatever, so it was more just normal case management

460 **CPL.HENSTRIDGE:** Yeah

461 **MAHONEY:** From what I hear

462 **CPL.HENSTRIDGE:** Yeah

463 **MAHONEY:** Ahm, and to the best of my knowledge cause I did check and
464 from all reports there was, there was, you know, he was
465 obviously irritated

466 **CPL.HENSTRIDGE:** Right

467 **MAHONEY:** With the fact that, you know, our system is based upon eighty
468 percent of net to a certain maximum

469 **CPL.HENSTRIDGE:** Right

470 **MAHONEY:** And the way his wage loss was calculated but he has been
471 injured going back some, some decades

472 **CPL.HENSTRIDGE:** M'hmm

473 **MAHONEY:** So, ahm, you know, the economy certainly has changed
474 since then

475 **CPL.HENSTRIDGE:** That's right

476 **MAHONEY:** But the system is an entitlement system

477 **CPL.HENSTRIDGE:** So there was no real concern on his part or anything, or there
478 shouldn't have been that he was going to lose his existing
479 (unintelligible)

480 **MAHONEY:** Absolutely not, he's fifty nine years old, his entitlement on the
481 wage loss would continue until age sixty five

482 **CPL.HENSTRIDGE:** Okay

483 **MAHONEY:** And that's legislated, that's his wage loss benefits would stop
484 at age sixty five but medical benefits will continue for life

485 **CPL.HENSTRIDGE:** Okay, very good

486 **MAHONEY:** Yeah

487 **CPL.HENSTRIDGE:** So his concerns were primarily around inflation and the fact
488 that those benefits were not keeping up with that

489 **MAHONEY:** Correct and, and really on the financial side, you know, how
490 do you expect, like, cause he was making approximately,
491 ahm, when I looked at it, it was probably somewhere around
492 fifteen to sixteen hundred dollars tax free a month, ahm, he
493 was making allegations, you know to the case managers it's
494 harder, it gets harder and harder to live on that, now I never
495 did delve into, does he have a wife, does he have children

496 **CPL.HENSTRIDGE:** M'hmm

497 **MAHONEY:** Does he have dependents, does he own his house does he
498 pay a mortgage, I certainly as the Executive Director

499 **CPL.HENSTRIDGE:** Yeah

500 **MAHONEY:** I never go into claims like that

501 **CPL.HENSTRIDGE:** Sure

502 **MAHONEY:** Ahm, but just basically asking what is the nature of his
503 communication with the case managers in the units and for
504 the most part it was just business as usual, ahm, what he
505 was saying in Tweets

506 **CPL.HENSTRIDGE:** M'hmm

507 **MAHONEY:** Was not consistent with what he was saying, ahm, when he
508 was speaking to people here

509 **CPL.HENSTRIDGE:** Okay, so I'm just gonna go, get back to my recap again

510 **MAHONEY:** Yes

511 **CPL.HENSTRIDGE:** But I'm, I'm glad we talked about that

512 **MAHONEY:** Yeah

513 **CPL.HENSTRIDGE:** Cause that clarifies a whole bunch

514 **MAHONEY:** Okay

515 **CPL.HENSTRIDGE:** So you're speaking to ah, to Sgt. SMYTH, ah, which day do
516 you recall speaking to him

517 **MAHONEY:** I was only speaking to him on Saturday

518 **CPL.HENSTRIDGE:** On Saturday

519 **MAHONEY:** On Saturday, yeah

520 **CPL.HENSTRIDGE:** Okay

521 **MAHONEY:** It was April the fourth, ahm, yeah

522 **CPL.HENSTRIDGE:** And you, you effectively provided the, you know, a briefer
523 version, I guess, of what you've already provided to me that
524 he'd never threatened anybody, that there were, that the
525 name was familiar to you primarily because of a comment
526 that he made about a staff member

527 **MAHONEY:** Yeah

528 **CPL.HENSTRIDGE:** And that being Steve PHILLIPS and that he was dissatisfied
529 with, with Mr. PHILLIP's action on a particular

530 **MAHONEY:** Some decades ago to the best of my knowledge

531 **CPL.HENSTRIDGE:** Decades ago

532 **MAHONEY:** Yeah and defamation was the word I was thinking about
533 officer

534 **CPL.HENSTRIDGE:** Defamation

535 **MAHONEY:** Yes defamation

536 **CPL.HENSTRIDGE:** Right

537 **MAHONEY:** That is what we were looking at from here

538 **CPL.HENSTRIDGE:** Right

539 **MAHONEY:** He was potentially defaming Steve PHILLIPS

540 **CPL.HENSTRIDGE:** Right

541 **MAHONEY:** By making these comments

542 **CPL.HENSTRIDGE:** Which would have been primarily a civil matter

543 **MAHONEY:** Absolutely

544 **CPL.HENSTRIDGE:** Right

545 **MAHONEY:** There was no security issue from our perspective around this
546 from the Commission's perspective

547 **CPL.HENSTRIDGE:** Yeah, okay and you said that you were, ah, primarily not
548 concerned about any threats and that there was nothing in
549 your, ah, research that indicated that any threats had been
550 made and if, if they were, they would have certainly on the,
551 relatively low side of, ah...

552 **MAHONEY:** And I specifically remember saying in terms of risk that he
553 would definitely be, when you compare him to the people
554 who we have had threats from, he certainly would be on the
555 low side from our perspective

556 **CPL.HENSTRIDGE:** Okay, ahm, you mentioned that you had asked staff to
557 monitor the Tweets

558 **MAHONEY:** Yes

559 **CPL.HENSTRIDGE:** At what point did that occur

560 **MAHONEY:** That was, you know, some weeks ago

561 **CPL.HENSTRIDGE:** Okay

562 **MAHONEY:** Ah, probably about two weeks prior to my phone call with Joe
563 SMYTH, so it would have been around the middle to the third
564 week of March

565 **CPL.HENSTRIDGE:** Okay

566 **MAHONEY:** Ahm, just because this had been percolating

567 **CPL.HENSTRIDGE:** Okay

568 **MAHONEY:** Ahm, you know he had obviously been Tweeting but we don't
569 read Tweets to see

570 **CPL.HENSTRIDGE:** No

571 **MAHONEY:** What people are saying

572 **CPL.HENSTRIDGE:** That's right

573 **MAHONEY:** If people make things that threaten us, obviously we have to
574 take action

575 **CPL.HENSTRIDGE:** Yeah

576 **MAHONEY:** So people were wondering is this threatening because he's
577 mentioning someone's name

578 **CPL.HENSTRIDGE:** Right

579 **MAHONEY:** Ahm, and from my perspective my name, Steve PHILLIP's
580 name is on the website

581 **CPL.HENSTRIDGE:** Yeah

582 **MAHONEY:** We're employees of a public body

583 **CPL.HENSTRIDGE:** Yeah

584 **MAHONEY:** That's what I would refer to as, really, sort of business card
585 information

586 **CPL.HENSTRIDGE:** Yeah

587 **MAHONEY:** It's your name, ahm, you know, so we have to very careful
588 about being too hyper sensitive around the use of the name,
589 however we want to make sure we protect our staff

590 **CPL.HENSTRIDGE:** Sure

591 **MAHONEY:** If there's any risk, we will, but from our review there was
592 nothing threatening said beyond the name so we were
593 looking at it more from, yeah more of a civil lense around, we
594 were just trying to get him to stop saying the person's name

595 **CPL.HENSTRIDGE:** Yeah

596 **MAHONEY:** Maybe it would have resulted in a phone call saying, can you
597 please stop saying individual's names

598 **CPL.HENSTRIDGE:** Yeah

599 **MAHONEY:** And you have the right to say what you believe but, ah, the
600 name issue is a problem for us

601 **CPL.HENSTRIDGE:** So this direction to monitor the Tweets occurred
602 approximately two weeks ago and I'm only assuming that

603 **MAHONEY:** Yeah

604 **CPL.HENSTRIDGE:** That occurred as a direct result of this concern, I won't use
605 the word concerning, this Tweet, that named Steve PHILLIPS

606 **MAHONEY:** Correct, that was it

607 **CPL.HENSTRIDGE:** Okay

608 **MAHONEY:** Limited to that

609 **CPL.HENSTRIDGE:** Okay, ahm, and the Tweet that brought Sgt. SMYTH to your
610 office, you, you weren't aware of that Tweet until such time
611 as you spoke to him or you spoke to your

612 **MAHONEY:** And, and not even aware of what he said, he just said to me
613 that his responsibility was to look after senior government
614 officials and dignitaries and they became aware of a Twit, of
615 a Tweet that threatened generally some government officials
616 and their families, he didn't tell me what the Tweet was, he
617 just sort of described it in that very general way so I'm, I was
618 not aware of the nature of the threat but he did say he was
619 investigating a threat that was made

620 **CPL.HENSTRIDGE:** Okay and as a result of this conversation that you had with,
621 ah, Sgt. SMYTH, ah, which was fairly brief I think you said it
622 was probably around five minutes

623 **MAHONEY:** Yeah, and, and, or less

624 **CPL.HENSTRIDGE:** Or less

625 **MAHONEY:** And I can certainly give you confirmation of that by looking at
626 my Blackberry

627 **CPL.HENSTRIDGE:** Okay, ahm, he indicated to you, words to the effect and I'm
628 not quoting you, but words to the effect, I think I'll have to pay
629 him a visit

630 **MAHONEY:** Yeah, that's, that's pretty much the last

631 **CPL.HENSTRIDGE:** Cause he, he wasn't getting a whole lot of information from
632 your office because there wasn't a lot to get

633 **MAHONEY:** Right and he didn't really tell me anything that, that was
634 actually how the conversation went, I think I'm gonna have to
635 pay this man a visit

636 **CPL.HENSTRIDGE:** Right

637 **MAHONEY:** And that was sort of, like, you know, see ya, thanks for your
638 help kind of, end of the conversation

639 **CPL.HENSTRIDGE:** Okay and effectively that ended your involvement with the
640 whole matter

641 **MAHONEY:** Yeah

642 **CPL.HENSTRIDGE:** Until you received a call from Leslie GALWAY who is

643 **MAHONEY:** The Chief Executive Officer

644 **CPL.HENSTRIDGE:** Chief Executive Officer

645 **MAHONEY:** Of the Commission

646 **CPL.HENSTRIDGE:** So she's the CEO and she calls you on Sunday and you
647 believe it might have been somewhere around seven or
648 eight, it's not really important

649 **MAHONEY:** Yeah, right

650 **CPL.HENSTRIDGE:** Ah, and she advised you at that time that there had been a
651 fatal shooting and she advised you presumably that it may
652 have involved one of her, one of your clients

653 **MAHONEY:** Correct

654 **CPL.HENSTRIDGE:** Okay

655 **MAHONEY:** Yeah and because she had been copied, she's a copy, like, I
656 wouldn't communicate with the Chair of the Board or
657 anybody outside this organization without, I don't need their
658 permission but I certainly need her to be aware

659 **CPL.HENSTRIDGE:** Sure

660 **MAHONEY:** Of what it is that I'm saying, so she was copied on all of this
661 so she was aware of my activity and involvement on
662 Saturday which is why she would have closed the loop and
663 interestingly enough when we spoke on Sunday, she said
664 well Tom even if Ralph had of got a hold to me, I would have
665 had to pull you into this anyway

666 **CPL.HENSTRIDGE:** Yeah

667 **MAHONEY:** Because it's only you who'd be able to get access and, and
668 because I have the responsibility for corporate security,
669 ahm...

670 **CPL.HENSTRIDGE:** Okay

671 **MAHONEY:** And of course she wouldn't be even of who Don DUNPHY
672 was

673 **CPL.HENSTRIDGE:** Yeah, that's right

674 **MAHONEY:** As a Chief Executive Officer, she just wouldn't even know

675 **CPL.HENSTRIDGE:** Yeah, that's right, ah, okay, I'll just double check through
676 here to make sure I don't have any additional questions, I
677 don't think I do, ahm...

678 **MAHONEY:** So I have my cell phone opened here now

679 **CPL.HENSTRIDGE:** Yeah

680 **MAHONEY:** So I can advise you, I'll work backwards, Leslie called me at
681 six oh seven PM on Sunday to advise me

682 **CPL.HENSTRIDGE:** Six oh seven PM Sunday

683 **MAHONEY:** Yeah

684 **CPL.HENSTRIDGE:** Leslie called you

685 **MAHONEY:** Correct

686 **CPL.HENSTRIDGE:** Yeah

687 **MAHONEY:** And then, ahm, I had on Saturday, Ralph TUCKER spoke to
688 me at four fifteen

689 **CPL.HENSTRIDGE:** He called you or you called him

690 **MAHONEY:** Ahm, I must have called him back because he actually called
691 me originally at three twenty eight

692 **CPL.HENSTRIDGE:** Okay

693 **MAHONEY:** Three twenty eight, so he called me three twenty eight which
694 is in between these, as you can see will match up with these
695 time frames and then I spoke to the officer and it looks like I
696 made the phone call because if you look at this number here,
697 Constable, ahm, I just saw it there, where are we, on

698 Saturday, ahm, when is it, [REDACTED]
699 [REDACTED]
700 [REDACTED]

701 **CPL.HENSTRIDGE:** Yeah

702 **MAHONEY:** Which looks to be the e-mail here

703 **CPL.HENSTRIDGE:** M'hmm

704 **MAHONEY:** And you can see that I spoke to him at four oh seven PM and
705 then I spoke to Ralph TUCKER again at four fifteen just
706 saying I called, I dealt with it, it's all done

707 **CPL.HENSTRIDGE:** Okay

708 **MAHONEY:** Okay

709 **CPL.HENSTRIDGE:** Perfect. It's not often we get that kind of time line, impressive

710 **MAHONEY:** But again, I, you know, because I am responsible for the
711 protection of the security of information

712 **CPL.HENSTRIDGE:** Sure

713 **MAHONEY:** And this is really claimant information

714 **CPL.HENSTRIDGE:** Yes

715 **MAHONEY:** I have the responsibility to safeguard this so my
716 communications have to be documented

717 **CPL.HENSTRIDGE:** Good

718 **MAHONEY:** And, ah, you know, not only because everything ends up in
719 an investigation

720 **CPL.HENSTRIDGE:** Yeah

721 **MAHONEY:** But should a worker call me and say, who did you share my
722 information with, under what authority and what did you
723 share, I have the same obligation to individuals and citizens

724 **CPL.HENSTRIDGE:** Good to know, ah, I'm effectively happy with the information I
725 have from you at this point, is there anything else that you
726 think is relevant to this case that I've neglected to ask you for
727 any reason, anything that you think, ah, with the exception of
728 what we've already discussed

729 **MAHONEY:** No, absolutely not, I, I've tried to give you the facts as they
730 existed, ahm, I haven't left anything out nor have I
731 embellished anything

732 **CPL.HENSTRIDGE:** Okay

733 **MAHONEY:** I've tried to keep it as straight forward, the reflection of the
734 facts as they existed

735 **CPL.HENSTRIDGE:** I really appreciate your time here today, I don't have any
736 further questions

737 **MAHONEY:** Okay

738 **CPL.HENSTRIDGE:** I'm gonna conclude the statement here now the time is
739 twelve thirty PM

740

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