



COMMISSION OF INQUIRY RESPECTING THE DEATH OF  
DONALD DUNPHY

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Transcript

Volume 1

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*Commissioner: Honourable Justice Leo Barry*

Monday

9 January 2017

**MS. SHEEHAN:** I declare this Commission of Inquiry opened.

Commissioner Leo Barry presiding.

Please be seated.

**THE COMMISSIONER:** Be seated.

Good morning. Today, we're starting public hearings of the Commission of Inquiry Respecting the Death of Mr. Donald Dunphy. I'm Leo Barry, the Commissioner. I have to say that there's been a lot of work done already to get prepared for this day.

Commission counsel have been interviewing witnesses and, for the most part, I think there are a few which still remain to be interviewed. For the most part, witnesses have been heard and transcripts of what they propose to say prepared.

I will ask counsel – well, first of all, I'll introduce introduce co-counsel, Sandra Chaytor, and Ms. Kate O'Brien. And then counsel beginning from my left, if you would start by introducing yourself and we'll go around the table.

**MR. SIMMONDS:** Bob Simmonds.

**MS. BREEN:** Erin Breen.

**THE COMMISSIONER:** And we might show who you are acting for as well, Mr. Simmonds –

**MR. SIMMONDS:** Dunphy.

**THE COMMISSIONER:** Ms. Breen, yeah –

**MS. BREEN:** Meghan.

**THE COMMISSIONER:** Thank you.

**MR. FLAHERTY:** Cletus Flaherty from the Don Dunphy Community Coalition.

**THE COMMISSIONER:** Thank you.

**MS. RASMUSSEN:** Lori Rasmussen and Mark Freeman with the RCMP.

**THE COMMISSIONER:** Welcome.

**MR. AVIS:** (Inaudible) Nick Avis with the Royal Newfoundland Constabulary.

**THE COMMISSIONER:** Mr. Avis.

**MR. DROVER:** Good morning, Mr. Commissioner.

John Drover, on behalf of the Royal Newfoundland Constabulary Association.

**THE COMMISSIONER:** Good morning.

**MR. KENNEDY:** Good morning, Commissioner.

Jerome Kennedy, on behalf of Constable Smyth.

**THE COMMISSIONER:** Good morning.

**MR. WILLIAMS:** Good morning, Mr. Commissioner.

Tom Williams, on behalf of Mr. Paul Davis.

**THE COMMISSIONER:** Mr. Williams.

Okay, I think that's everybody we have that we're looking for.

So I welcome all those present in the court room – sorry, in the hearing room. I've got to watch that. It's not a court hearing; it's an inquiry. And I also welcome those joining us online by webcast.

The hearings will start today and, at the present time, we're estimating they should be finished by March 7. This may change. I will be attempting, as we proceed, to speed up the process, but not at the cost of thoroughness. We'll make sure we try and do a thorough job and – but, at the same time, we can be efficient in the way we deal with witnesses, hopefully. We'll have to try and avoid repetition. And counsel, I think, for the most part, are aware of my concerns in that regard.

Hearings will be open to the public and are live streamed. They'll take place every weekday. We won't be sitting Friday afternoons, however. So we're going to be live streamed through our website at [www.ciddd.ca](http://www.ciddd.ca) and transcripts of the public hearings will also be posted on our website.

During my opening address at the hearing for standing and funding applications on October 19, 2016, I reviewed what a public inquiry does. I won't repeat myself today, but I remind you the Terms of Reference state what is to be done by the Commission and they can be found on our website. And to reassure counsel, I won't be leaving the hearing every day and giving a press release, I deliberately decided – although we had previously noted there would not be a policy of press releases. I decided that it would be good for the information of the general public, if nothing else, to have an understanding of what the purpose of the inquiry was and what our schedule was, who the witnesses would be and so forth. That has been done, and unless something exceptional happens, for the most part that's all you'll hear from me until I bring in my report or – I should add the reservation that I may need to make some public statements when it comes to how we're dealing with Phase 2 of the inquiry.

Since October – sorry, before that; although I'll make recommendations with respect to the matters covered by the terms of reference which we found at our website, as I noted, the Commission does not act as a court and I will not express any conclusion or recommendation regarding the civil or criminal responsibility of any person or organization. Now, this is a fine line because there will be testimony regarding whether or not there are errors of judgement by anybody involved in the incident or following the incident, but that is a requirement of the *Public Inquiries Act* because that's important protection for individuals, that they not be found liable or guilty in a civil or criminal inquiry proceeding without having the opportunity to address the matters.

Since October the Commission has received, and Commission counsel have reviewed, in excess of 2,900 documents. Counsel have also conducted over 50 witness interviews. All of this activity was directed to ensuring that at this stage of the inquiry Commission counsel would be in a position to present a full and balanced picture of events and to do so as efficiently as possible.

Commission counsel will call witnesses and ask them questions to elicit their testimony. After Commission counsel has finished questioning a witness, other counsel with standing will have an opportunity to ask questions. The public hearings are not bound by the strict rules of evidence and procedure that are used in courts. Lawyers will have flexibility in the types of questions they ask and the lines of questioning they pursue. All of this of course is subject to the basic principle that as a Commissioner I have to act fairly; I have to treat all parties and witnesses fairly.

The public hearings will see exhibits entered into evidence that will be posted on our website. In some cases they will be redacted or have deletions to remove personal or other sensitive information. During the testimony, public exhibits referenced by witnesses will be displayed on the audience monitors in the hearing rooms. Confidential exhibits entered into evidence will not be posted on our website or on the audience monitors. These exhibits will be those of a sensitive or confidential nature. Confidential exhibits may not be photographed or recorded in any way.

The public hearings will commence each day at 9:30 a.m. Today we're starting at 9 because that's what we had initially advertised, but I've been persuaded by counsel that they need a little bit of time to get the business of a normal office routine dealt with and so forth before we start involving them in the hearing.

So we'll go from 9:30 and we'll finish at 5 o'clock. That's going to be our target. In some cases we may run a little later than 5 in order to complete a witness's testimony. We'll take an hour break for lunch between 12:30 and 1:30, and there'll be a 15 minute break each morning and afternoon at a convenient time. I'm setting it at roughly 11:15, and we'll see in the afternoon how witnesses are going and decide then. Break times will be strictly adhered to as we have a tight schedule. So if we say we're going to have a 15 minute break, that's not going to be 20 minutes or 25 exact. It tends to eat into the time of the hearing.

If we have to cancel due to bad weather, we will post notice on our website. Generally, we're going to follow the court system, the direction of the courts, and the courts generally will let us know by, I think it's around 7 a.m., as to whether or not they're going to be open that day. If the courts are closed, then, for the most part – unless, again, there's something unusual – the inquiry will be closed as well. We'll try and keep everybody properly advised.

The hearings that we're starting today are Phase 1 of the inquiry and this is referred to as a fact-finding phase. Phase 1 will be followed by Phase 2, referred to as a policy phase, which we anticipate taking place in late March. We will provide more information on Phase 2 in due course.

Please remember to silence your cellphones and respect that this is a scent-free environment.

Thank you for your attention.

I'll now ask Commission counsel to give an opening address.

Ms. Chaytor.

**MS. CHAYTOR:** Good morning, Commissioner.

I would ask, please, that exhibits P-0010, P-0035, P-0065 and P-0066, which I will reference during my opening address, be entered into evidence.

**THE COMMISSIONER:** I should have added, by the way, two things when I think of it. I think we can only have four mics on at the same time. If we have more than that we're going to get into technical

problems. So we'll try and remember to turn off our mics when we stop speaking, and I'll leave the other thing for now.

**MS. CHAYTOR:** Okay.

So, Commissioner, I have asked, please, if those exhibits could be entered into evidence.

**THE COMMISSIONER:** So ordered.

**MS. CHAYTOR:** We begin this morning with an opening address to outline the evidence you may expect to hear over the next several weeks during the course of Phase 1 of this inquiry. Through testimony of over 50 witnesses a story will unfold. It will not be a fictional story; rather it will be one based on fact, not speculation. It is nonetheless a tragic story.

For the most part, the story will be told in a chronological manner. You will hear from people who knew Donald Dunphy: his daughter, Meghan, his family doctor, other family members, friends and neighbours.

This is the inquiry respecting the death of Donald Dunphy, and you have been asked to inquire into the circumstances regarding his death. You will hear from the Chief Medical Examiner, Dr. Simon Avis, who will speak to the manner and cause of death. The circumstances surrounding his death, however, are much broader than any information or detail contained in the autopsy report. In fact, to fully examine the circumstances of Donald Dunphy's death you will need to examine aspects of his life, how he lived, how he came to be disgruntled with government and the provincial Workers' Compensation system and, indeed, how during his lifetime he communicated profusely about that grievance.

There is no doubt, Mr. Dunphy lived in poverty. His humble conditions are evident from the many photos of his house depicted in exhibit P-0010, which is a series of photographs taken by the forensic investigation officers during their examination of the scene after his death.

Perhaps, Madam Clerk, you could display photo number 030 contained in P-0010.

**THE COMMISSIONER:** Yes, I should (inaudible) apologize, to start off – thank you, counsel.

I should start off by making counsel aware, and I'm sure they know already, that they're entitled to object if there's anything that's proposed to go in with which they have a problem. So these are general setting-the-scene photos, as I understand, but if either counsel has any comment in that regard, feel free to raise your objection.

The other thing I want to say is that we have a pretty high-end system here of recording, both audio and video. There will be transcripts of the testimony as well. But I'll apologize in advance if we find the technology is ahead of our particular technological skills.

So we've had counsel, assistance of administrative individual staff working throughout the weekend to eliminate any bugs that were in the system. There were a few found and dealt with, but as I say, I'll apologize in advance. I'm sure it will get smoother as we move on. But if there's some delay today, understand that this is a new system that we're trying to become familiar with.

Okay, so we have photograph – Ms. Chaytor, what is it again?

**MS. CHAYTOR:** Yes. So this depicts the exterior of Mr. Dunphy's house as of April 5, 2015, the date of his death. There's also no doubt that Mr. Dunphy was vocal about his circumstances and who he blamed

for his poor living conditions. He had a sign on the exterior of his house declaring it to be a Workers' Compensation poverty house since 1984.

Madam Clerk, could you please show P-0065. This signage was but one of the many ways in which Donald Dunphy publicly communicated his discontent with respect to how he perceived he had been treated by government officials. He wrote letters, he called in to radio shows, and in recent years he became a prolific user of Twitter to voice his concerns.

You will hear evidence that on April 3, 2015, one of the thousands of his tweets caught the attention of Donna Ivey, a communications assistant in the Premier's office at the time. You will hear how she communicated about this tweet with Constable Joe Smyth, a Royal Newfoundland Constabulary officer assigned to the protective service unit. There will be evidence, including from officers who also worked in that unit, regarding the mandate of the unit to provide security for the Premier and also its role in gathering intelligence.

If there is a theme to this story, perhaps it is communication. Woven throughout many aspects of the evidence that you will hear are issues – the root of which is largely communication. Issues that relate to how we communicate with one another and perhaps how we do not; how communication in this day of social media may complicate what we say and how we say it; how small errors or oversights in all forms of communication or misinterpretation of communications may have significant consequences; how police forces communicate, or don't, with the public in the aftermath of serious incidents and during active investigations.

Indeed, your mandate includes inquiring into the policies and protocols of the Royal Newfoundland Constabulary governing such communications with the public and media. As well, you are asked to inquire whether Mr. Dunphy's use of social media had any role in the circumstances of his death.

You will hear from Chief Bill Janes of the Royal Newfoundland Constabulary. He will address various policies, protocols and manuals of the RNC that are relevant to your mandate. You will hear the position taken by the RNC in terms of public communications in the wake of the shooting, and the RNC's rationale for their communication strategy. You will hear from those in command of the RNC who, in the ensuing months, made decisions related to the incident and with respect to Constable Smyth.

Evidence will be adduced of how Constable Smyth himself communicated about the shooting in the days immediately following and how he became increasingly frustrated when he felt the RNC did not speak publicly on issues that he felt should and could have been addressed.

You will hear from the RCMP officers who took statements during the investigation and how, in particular, they dealt with and communicated with Constable Smyth during times in which he gave his statements. Meghan Dunphy will also give evidence as to how she became increasingly frustrated with the investigation and the manner in which she was communicated with by those responsible for the investigation.

You will also hear evidence from former premier Paul Davis and members of his staff as to their knowledge and the timing of their knowledge with respect to the circumstances leading up to and surrounding the shooting. There will also be evidence as to the practice of monitoring and responding to social media by the Premier's office staff at the time and the existence of any policy or protocol that may have been relied upon in doing so.

Constable Smyth will speak to the steps he took upon being advised of Mr. Dunphy's tweet, including inquiries he made in conducting a risk assessment prior to visiting Mr. Dunphy. He will also provide

details of his account of what transpired during his brief, tragic encounter with Mr. Dunphy, from the moment he first knocked on Mr. Dunphy's window until the fatal shots were fired.

You will hear how he identified himself to Mr. Dunphy and what he says he communicated to Mr. Dunphy about the purpose for his visit. He will also describe how Mr. Dunphy became agitated during their discussion and how he responded to that situation. Constable Smyth will also provide his account of what he did in the immediate aftermath of the shooting. You will hear evidence of the calls he placed to both the RCMP and the RNC.

Constable Smyth's testimony is anticipated to take three days of hearing time. It is expected that there will be a detailed and thorough examination of his testimony, as it is crucial, given that he is the only person who can give an account of what happened that day, that his evidence be subjected to careful scrutiny.

You will hear from the first responders on the scene, what they observed, what they heard. Friends and colleagues of Constable Smyth who provided support to him in the aftermath of the critical incident will also give evidence. You will hear details of the investigation carried out by the RCMP, led by Corporal Steven Burke.

Corporal Burke's evidence is also expected to take three days of hearing time, as it will be important for you to have a detailed evidence regarding the scope and execution of the RCMP investigation in order to be able to answer the Term of Reference that requires you to ascertain whether there were any material deficiencies in the investigation into Mr. Dunphy's death.

There will be testimony from the RCMP forensic identification officers as to how they went about collecting and analyzing evidence from the scene, including from Sergeant Christopher Saunders, who took many photographs of the scene. And perhaps, Madam Clerk, you could bring up, please, in exhibit P-0010, photo number 038.

This photograph depicts the living room of Mr. Dunphy's house on the date of his death. It's viewed from just inside the entrance to the room. You will hear much evidence about this scene, including evidence from Constable Smyth, as to where he and Mr. Dunphy were positioned in the room during their meeting; evidence about the yellow file folder that you see here in the centre of the photograph on the coffee table; and evidence about the rifle, shown leaning against the blue container in the foreground of the photo.

Sergeant Saunders also prepared a floor plan of Mr. Dunphy's house, which will be referred to throughout the evidence of various witnesses.

P-0035 please, Madam Clerk. This is the floor plan prepared by Sergeant Chris Saunders. And he will give more detail on this throughout his evidence and other witnesses will also be referred to it.

While most of the evidence, again, will concentrate here in the living room area, you can see that it is the floor plan of the entire house. Sergeant Saunders noted, if you can see here in the living room area, there are red dots which indicate the various items which were seized as physical exhibits by the RCMP. And some of those exhibits will be presented during the testimony of various witnesses.

For example, you'll see the dot on the yellow file folder and you see the dot on the rifle. We do have the rifle and the stick in the hearing room with us today. If you look at this elongated object, as you come in the door, this is the stick which we have in the hearing room today. Several witnesses, including Meghan Dunphy, will speak to you about the significance of that stick.

You also see on this floor plan other rooms in the house, including what is labelled in the back of the house as a cat room. And this is joined to a room labelled as being an addition. You will hear evidence about how Mr. Dunphy loved cats and the number of cats that were observed in the house by members of the RCMP after his death and, in fact, during the examination of the scene.

You will also note on the floor plan back into the living room, I'm not sure if you can see that there today, but there's a red dot that extends over here and ends with a dot right here just to the right of the front porch. Sergeant Saunders and Corporal Lee will speak to this as representing the trajectory of one bullet fired from Constable Smyth's firearm.

You will hear further evidence of that nature from Darryl Barr, a forensic scientist. He will speak to the analysis he conducted to determine if there was any physical evidence to either support or refute the account of Constable Smyth, including his analysis of the location and direction of projectile impact damage in the living room.

Madam Clerk, if you could bring up, please, P-0066. This is an extract from Darryl Barr's report. And it shows one of the many diagrams prepared by Darryl Barr which will be of assistance in explaining his evidence and the conclusions that he reached.

Commissioner, you are also mandated to inquire into whether the relevant use of force protocols were properly adhered to in the circumstances of Mr. Dunphy's death. To assist you in your examination of this you will hear from individuals with expertise in use of force. Those include: Wayne Knapman of the RCMP, and Sergeant Bill James, the RNC Use of Force Instructor who has overseen Constable Smyth's use of force training for a number of years. Sergeant James will speak to the RNC course of fire and use of force policy and training manual.

You will also hear evidence from an expert retained by the Commission, Sergeant Michael Massine, the Use of Force Coordinator with the police academy of the Justice Institute of British Columbia. You will hear from Justice David Riche, who was retained by the RCMP to fulfil his role as an independent observer of their investigation.

Evidence will also be led regarding the review carried out by the Alberta Serious Incident Response Team and the RNC policy review carried out by Sergeant Grant Little of the Saskatoon Police Service. The hearings will conclude with the experts retained by the Commission.

In addition to Sergeant Massine, we have Gareth Jones, a former investigator with the Attorney General's Special Investigations Unit of Ontario, where he was involved in approximately 500 criminal investigations into the conduct of police officers involved in deaths or serious injuries. Approximately 100 of those investigations involved police shootings.

Second, you will hear from Dr. Terry Coleman, a former Chief of Police of Moose Jaw Police Service, who holds a PhD in police studies. Dr. Coleman will speak to issues of risk assessment as well as effective de-escalation strategies for police officers, particularly in reference to interactions with persons in crisis. It is expected that these experts will provide you with opinions that will assist you in fulfilling your mandate and in providing insight that may also be utilized in Phase 2 of the inquiry.

Overall, while it is indeed a tragic story that is about to be articulated. It is one that once fully told, tested and analyzed, it is hoped may provide answers to many of the troubling and persistent questions that have publicly been expressed about the circumstances of Mr. Dunphy's death. It is also hoped that it may lead to valuable lessons learned and a positive way forward for all involved.

Thank you, Commissioner. Those are my opening remarks. I will now turn things over to my learned co-counsel, Kate O'Brien, who will call our first witness.

**MS. O'BRIEN:** Thank you, Commissioner.

I'd like to start by calling Meghan Dunphy to the stand.

**CLERK:** Meghan, do you solemnly affirm that the evidence to be given by you shall be the truth, the whole truth and nothing but the truth?

**MS. M. DUNPHY:** I do.

**CLERK:** Please state and spell your full name.

**MS. M. DUNPHY:** Meghan Dunphy, M-e-g-h-a-n D-u-n-p-h-y.

**MS. O'BRIEN:** All right. Thank you, Ms. Dunphy.

Before I start asking you some questions, I'm going to ask the Commissioner to enter some exhibits into evidence, all right?

**MS. M. DUNPHY:** Okay.

**THE COMMISSIONER:** Just before you –

**MS. O'BRIEN:** Yes.

**THE COMMISSIONER:** Ms. Dunphy, first of all, on behalf of the Commission I want to express my condolences concerning the death of your father. I'm sure you realize that – sorry, the first thing I have to do is remember to turn on my mic.

You realize that we have to put some difficult questions to you in order to – as we will other witnesses – get a full picture here. But remember, we're not forgetting – even though it may seem to an observer at times – we're not forgetting that at the bottom of this inquiry we have to remember that there's a person who died, who was your father, and we are sympathetic to the effect this has had on you. But as a Commissioner, I cannot let sympathy influence the way I deal with the matter. I have to be fair to all participants and I have to keep in mind that we also have the lives of other individuals who were affected, although not to the extent of your father by the incident that occurred.

So I'll try and be fair in the approach that we take. I'll have Ms. O'Brien proceed when you're ready. If you need a break at any time, just let me know.

**MS. M. DUNPHY:** Thank you.

**MS. O'BRIEN:** Thank you.

Commissioner, I ask that you order the following exhibits be entered into evidence: P-0001 to P-0009, C-0001, C-0002, P-0036 to P-0065, P-0067 and P-0094.

**THE COMMISSIONER:** Okay, now these are being dealt with as a group initially upfront so that the Clerk will be able to get them ready, get them up on the screen and on her screen so that they can be

brought onto our screen. Unless counsel has concerns, it may be better to wait for particular objections for the photo that's about to come up.

And the fact that I ordered them now will not foreclose counsel from raising concerns and questions as to whether they should, in fact, be admitted. So provisionally, I guess we should say, I'll order that these documents be admitted.

**MS. O'BRIEN:** Thank you, Commissioner.

Ms. Dunphy, I'm going to begin with a few questions about your personal background. We know that Donald Dunphy was your father.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** What was the name of your mother?

**MS. M. DUNPHY:** Louise.

**MS. O'BRIEN:** Okay. And we understand that she passed away when you were quite young.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Do you recall how old you were?

**MS. M. DUNPHY:** I was three.

**MS. O'BRIEN:** Okay.

Where do you live now? And I do not need the actual number on your house, just the road and community.

**MS. M. DUNPHY:** Yeah, Salmonier Line, Holyrood.

**MS. O'BRIEN:** And how long have you lived there?

**MS. M. DUNPHY:** About four years.

**MS. O'BRIEN:** Okay, so you were living there in April of 2015.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** All right. Who lived with you at that time?

**MS. M. DUNPHY:** Billy Corcoran.

**MS. O'BRIEN:** Okay, and he's your common-law spouse.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** All right. Does Mr. Corcoran still live with you now?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** All right. How old were you in April of 2015?

**MS. M. DUNPHY:** Twenty-seven.

**MS. O'BRIEN:** Okay. So are you 28 now?

**MS. M. DUNPHY:** Yeah, I'll be 29 the end of the month.

**MS. O'BRIEN:** Okay.

I'm going to ask you just a couple of questions just to get a brief overview of your education and employment history. What year did you graduate high school?

**MS. M. DUNPHY:** 2006.

**MS. O'BRIEN:** And do you have any post-secondary education?

**MS. M. DUNPHY:** Yeah, I went to MUN for a couple of years. I done some general studies. I done a couple of courses at CAN, and last year I finished business admin at CNA.

**MS. O'BRIEN:** And you're currently working with Eastern Health, is that right?

**MS. M. DUNPHY:** Yes. Yeah.

**MS. O'BRIEN:** All right. Ms. Dunphy, do you have any children?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** I'm going to ask you a couple of questions now about the early – your early years with your parents.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** Where were your parents living when you were born?

**MS. M. DUNPHY:** Mitchells Brook.

**MS. O'BRIEN:** And were you an only child?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And you already told us your mother died when you were three years old. Just briefly, what were the –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – circumstances of her death?

**MS. M. DUNPHY:** She had an ‘aortic’ aneurysm. She had some other complications as well, like diabetes and stuff like that. And she ended up with a heart issue and just died suddenly.

**MS. O’BRIEN:** Okay. Where did you and your father live after your mother passed away?

**MS. M. DUNPHY:** In Mitchells Brook.

**MS. O’BRIEN:** Okay. And the same house your father lived up right until his death?

**MS. M. DUNPHY:** Yes.

**MS. O’BRIEN:** Right. Did anyone else live with you and your dad after your mother passed?

**MS. M. DUNPHY:** No.

**MS. O’BRIEN:** And approximately how old were you when you moved out of your father’s house?

**MS. M. DUNPHY:** I’d say I was about 19 but, you know, I was back and forth. If I lived in town, I was home – I could be home for a few months or I could come home on the weekends. If I moved to a different apartment, I could have been home for a little while. So about 19, I guess, I moved out, but four years ago probably – well no, I’m not 100 per cent sure really how to explain it, but I would be back and forth –

**MS. O’ BRIEN:** That’s fine.

Thank you.

**MS. M. DUNPHY:** – from about the time I was 19, I guess.

**MS. O’BRIEN:** All right; I think you explained it well.  
Did anyone else move in with your father after you moved out?

**MS. M. DUNPHY:** No.

**MS. O’BRIEN:** So he was living alone on April 15, 2015, was he?

**MS. M. DUNPHY:** Yes.

**MS. O’BRIEN:** I’m going to ask some questions now just about your father’s work history and his workplace injury.

**MS. M. DUNPHY:** Sure.

**MS. O’BRIEN:** I understand that your father was a truck driver and heavy equipment operator.

**MS. M. DUNPHY:** Yes.

**MS. O’BRIEN:** All right.

And we know that your father suffered a significant workplace injury in 1984 –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – which was before you were born.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** But are you able to tell us just briefly what happened?

**MS. M. DUNPHY:** Yeah, he got squished between two pieces of heavy equipment. His pelvis was crushed and his legs and all that kind of stuff. I believe he was in a body cast for a few months in hospital and, since, you know, he's had very bad back issues and stomach problems, bowel issues.

**MS. O'BRIEN:** Okay.

Was he able to work after that accident?

**MS. M. DUNPHY:** Yeah. I'm not sure where he worked immediately after that, but he did work in Bull Arm, Hibernia for a while. He worked with the Department of Highways. He drove trucks. That's all I really remember.

**MS. O'BRIEN:** Okay.

Do you know what his last job was?

**MS. M. DUNPHY:** Department of Highways.

**MS. O'BRIEN:** All right.

And I think I saw some record that he worked there from between 1990 and 2004. Does that sound right to you?

**MS. M. DUNPHY:** Yeah, that sounds about right.

**MS. O'BRIEN:** Do you know why he stopped working at that?

**MS. M. DUNPHY:** Yeah, he just got – I'm not sure if he got another injury, if he slipped. I remember something about him slipping at work, but I think due to his previous injury he was too sick and his back was too bad and that to be able to work.

**MS. O'BRIEN:** All right.

So how did he support himself after that?

**MS. M. DUNPHY:** He – I guess he got money through workers' compensation right after he went off work. I assume and I think he got some sort of disability.

**MS. O'BRIEN:** Okay.

I'm going to come back to a few more questions on your father's health and injuries in a few moments.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** But right now I'd like to talk a little bit about who your father was, what he was like as a person.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** So can you describe your father's personality for us?

**MS. M. DUNPHY:** Dad was really funny, very comical. He was really vocal and opinionated. He didn't hold back about anything he thought or anything like that. He was really kind. He loved animals, obviously. He had a really big heart, you know. He took care of me after my mom died and then he took care of my pop – sorry.

**MS. O'BRIEN:** That's okay.

Ms. Dunphy, at any time you need a break, all you need to do is say so.

**MS. M. DUNPHY:** You know, he cared for me from the time I was three years old after my mom died – sorry, I didn't think this was going to start this quick.

He was really, really funny. He was sarcastic. I'm very sarcastic; I got that from him. Not always a good thing I guess. I didn't like it when he was sarcastic with me and he didn't like when I was sarcastic with him but, overall, he was really friendly. Wherever he went, he was always laughing and carrying on.

I remember he'd go to the doctor and he'd pretty much talk to everyone that was there. He could always bring up something to talk about and carry on with pretty much anyone around. Everyone that I've talked to, basically, who has come talk to me since, has always said, you know, he was always so friendly. He could talk to anyone about anything.

**MS. O'BRIEN:** We know that he had a long-standing grievance with the workers' compensation – workers' health and compensation commission, which is now known as WorkplaceNL.

Could you tell us a little bit about that? What was his grievance with WorkplaceNL?

**MS. M. DUNPHY:** Well, obviously, he was beat up pretty bad when he was really young. I think he was like 28. So that obviously caused a lot of negative impacts on his life. He couldn't work the jobs that we wanted to work at and make that money that he wanted to make. So I guess he couldn't have the life that he wanted. He didn't have the life to provide me that he wanted and he couldn't keep up with things.

He was a single man too. So if he had to have another income – if my mother had still been alive, it might not been as hard on him. But he struggled with the money that he got from workers because it wasn't enough to keep everything going and then he couldn't go back to work and get another job to, basically, supplement income.

**MS. O'BRIEN:** Okay.

How did he air those grievances? So what kind of things did he do to let people know about his upset with –?

**MS. M. DUNPHY:** Yeah, he always freely, like openly talked about it, no matter really where he was. Before he died, he was on Twitter. I'm not exactly sure how long he was on there but he was on there for, I think, for a couple years. He talked about it very openly on that.

Back, I guess, when it first happened, he wrote a lot of letters to different, like, politicians, government officials, stuff like that. I know he worked with one of the volunteers, Trish Dodd. I think she was some type of worker for workers' comp. He met with her a few times to get help, I guess, with his case and stuff like that so – he was vocal. He was on *Open Line* – sorry, I forgot about that one. And I think that's –

**MS. O'BRIEN:** Okay.

And we saw a sign on his house –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** – obviously, so that was another, I guess, public display –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – of his grievance.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Okay.

So you've touched on it a little bit already, but maybe a little bit more about what your relationship with your father was like.

**MS. M. DUNPHY:** Yeah. Well, obviously, me and Dad were really close. You know, my mother died when I was young; I don't remember anything about her. So my whole life, growing up, it was just me and Dad. I didn't have any siblings – well, I did have a sibling that passed away. I don't think I brought that up. Anyways, he was only a day old, I believe.

It was a typical father-daughter relationship. We did argue a lot. Me and him were a lot alike, so I guess that caused some arguments, type thing. And he done everything he could for me. I was – I pretty much got everything I wanted when I wanted it, and the fact that my mother died when I was younger, I guess, helped that along type thing.

He came to basketball games. He brought me to piano lessons, whatever he could do. I remember when I was a kid, there was a pizza place in around home and he'd come home from Bull Arm and we always went to the pizza place. And we'd go there and the lady was one of my friend's moms who owned it, and Dad would always just tell me to order whatever I wanted. And if I wanted an extra-large pizza and then he'd order one for himself. It didn't matter. Whatever I wanted is what I got. He was a really good father. I didn't want for anything, and whatever I needed he was there.

**MS. O'BRIEN:** Now, after you – obviously, when you lived at home with him you would have seen him every day, I understand that, but – or every day –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – he was in the house. But once you moved out, and so sort of more recently –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – how often would you see your dad?

**MS. M. DUNPHY:** I definitely seen him weekly. Whenever he went to town, he'd stop to my house; it was along the way. I usually went down and visited on Saturdays. I'd go to Dad's and then I'd go to my aunt's, or vice-versa type thing.

Anytime Dad passed by, he stopped in. If he was in town and I was in town, we'd meet up. A lot of times, like if he was going for groceries after he got his cheque – I think it was Tuesdays, he'd go for groceries. If I was home that day, I'd go with him. Doctors' appointments, he came with me; I went with him. So I did seem him quite often.

**MS. O'BRIEN:** And on the days you didn't see him, were you speaking to him?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Every morning I'd call Dad when I got up. If he needed anything, he'd call me. I always called before we went to bed. Anything that happened during the day – like if there was something on the go in the news, he'd call or I'd call about it. If I had something going on with school and I needed him for it, I'd call him and tell him about it. If I was angry about something, I'd call him, that sort of thing.

**MS. O'BRIEN:** So you were speaking to him –

**MS. M. DUNPHY:** A lot.

**MS. O'BRIEN:** – several times a day.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Okay.

And how did you speak to him? Was it on cellphone or did he have a landline?

**MS. M. DUNPHY:** He had a landline up until probably a year before he died. I wanted him to have a cellphone for when he was going back to town without me and stuff like that, and he didn't have a lot of money, so we just got rid of the landline and he kept the cellphone.

**MS. O'BRIEN:** Okay. And did you text or Facebook message him or any other ways of communication?

**MS. M. DUNPHY:** I used to text him. I think he signed up for Facebook but he didn't use it. Like he used Twitter and not Facebook, type of thing. So, no, there was never anything on Facebook.

**MS. O'BRIEN:** Okay. Did you follow your dad's Twitter feed?

**MS. M. DUNPHY:** No, not until he died. I still don't really understand Twitter.

**MS. O'BRIEN:** Okay. Now, we know your father was quite severely injured.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Would it be accurate to say that he was living in a lot of pain because of those injuries?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** What was his day-to-day, in looking at the time just – before he died, what was his day-to-day with his injuries?

**MS. M. DUNPHY:** Sure. When he got injured at first, he was obviously prescribed a lot of pain medication. That ended up being really hard on his stomach, which is why he went off on medical marijuana basically. He had really bad stomach problems, really bad bowel issues which made him sick pretty well all the time. Dad was sick pretty much my entire life. He urged and threw up pretty much every morning. He couldn't move his bowels on a regular basis. He always had issues there, and then on top of all of that, you know, one of his legs was really bad. He couldn't get to walk very well with that, and he always had back problems. Then I guess as he got older his elbows got bad, his neck got bad, his shoulder got bad. So he was always in a pretty bad state.

**MS. O'BRIEN:** Okay. Do you know whether he suffered from headaches? We had some –

**MS. M. DUNPHY:** Yeah, he did have headaches a lot. I'm not sure if it's because of medication or how it was or anything like that but – and I think headaches are prone to us, too. I have bad headaches quite often and Dad did as well.

**MS. O'BRIEN:** Okay. Now I'm going to talk a little bit about his character. You said earlier in your testimony today that your dad was vocal and he was opinionated. I think you said he didn't hold back.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** I know that in one of the statements you gave – and Madam Clerk, I do not need you to bring up this exhibit. But Commissioner for your reference, that statement that Ms. Dunphy gave on April 5, 2015, has been entered into evidence as P-0036, that statement that you gave to the officers that night, the night of your father's death.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** And in that time you described your dad as very vocal and opinionated.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And he can be flighty. Like confrontation, he can be flighty.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Can you tell the Commissioner what you would mean by that?

**MS. M. DUNPHY:** What I meant by that was that – when Dad was say in conversation with someone and he was telling them his opinion on it, he would be sitting at the edge of his seat probably and moving his arms. He talked with his arms a lot. Like, if he was giving you his opinion he was moving around and stuff like that. Just on the edge of his seat, basically.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Like, he wouldn't sit back and just tell you basically like – if he said I don't like this or that I don't like that, he wouldn't be sitting back and saying it. He'd be on the edge of his seat saying I don't like this very much, in that sort of way.

**MS. O'BRIEN:** Okay. You use the word “confrontation” there too –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – like confrontation.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Is that what you're describing or is that something a little different?

**MS. M. DUNPHY:** I guess that's something a little bit different. Like, he wouldn't hold back at all. If I said something and he didn't like it, he'd tell me exactly what he thought about it, and he was like that with everyone. It didn't matter who it was, what occupation they were, anything like that. If he had an opinion about it, he was going to tell you. And he didn't care what anyone thought of it. It was his opinion and he was entitled to it.

**MS. O'BRIEN:** Okay. And in the same statement that I just referred to, you said, you know, I know what makes him flighty. I can set him off his head quite easily.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** So tell me about – what were the types of things that made him flighty?

**MS. M. DUNPHY:** If I nagged on him about cleaning up the house, he used to get mad at me. Not mad, he just wanted me to leave him alone. And I did nag on him quite a bit about that. You know, I wanted the house cleaned up. I understand more now that he couldn't do it – sorry.

Basically, if I said to him, you know, he should be doing this – Dad used to stay up in the nighttime a lot. Like, he'd be up all night watching TV or on Twitter or something like that, and then the next day I'd call him and he'd be in bed. And I'd be like, you know, you have to get on a routine of things and stuff like that and he was like, well, I was sick last night and all this. So I guess I was hard on him, but he would get angry and say, you know, leave me alone or if you felt the way I felt, you wouldn't be saying this and that sort of thing.

**MS. O'BRIEN:** In one of your statements – and it was a statement that was recorded by a police officer in the police officer's notes. And again, Madam Clerk, I do not need you to bring it up but for your reference, Commissioner, it has been entered into evidence at P-0067. And this was one of the police officer recording in his notes after he'd had a conversation with you.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** And that officer recorded that you had acknowledged that your father had a temper.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And that he would go from calm to high level when there's something he doesn't like.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So can you – is that accurate and can you tell us about that.

**MS. M. DUNPHY:** Yeah, you know, if I was sitting down having – like in a conversation with Dad, it would just be back and forth talking normal, say as we are now. And if he got into a topic that, say, made him angry, say, Workers' Comp or something like that, he could go from, say, talking low and normal to talking loud and moving his arms a lot and stuff like that.

He just – he was very enthusiastic with how he spoke and he showed it. It wasn't that he was angry at the person, it was just how he was and he was like it his whole life.

**MS. O'BRIEN:** Okay, and one more note. I just want to bring you to – and, again, it's the same officer in that same exhibit. And he has – that officer recorded you as saying, when he decides – when he – now this would be your father, right.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** When Mr. Dunphy decides you're out of the residence, you will know it is time to leave.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** She – that would be you –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – noted that he, her dad, escorted her out of the residence by the arm a number of times.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So can you tell the Commissioner – explain that to the Commissioner.

**MS. M. DUNPHY:** Yeah, it was never in, like, an angry, like haul me out of the room or anything. It was just, he was sick of listening to me nagging at him. So he'd say, okay, it's time to go home now; you go on home. And probably even before I got home he was after calling saying, you know, do you want to go to town tomorrow, or something like that.

It was just – he didn't care to listen to people. If something was annoying him, or he didn't like what someone was saying, he didn't feel he had to listen to it in his own home. So he would just say, okay, I've had enough of this, now you can go on, carry on and go home.

**MS. O'BRIEN:** Now, you gave us some evidence a few minutes ago about the different, you know, the different – how your father's physical health –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – the different problems he was suffering. Who was his family doctor?

**MS. M. DUNPHY:** Dr. McGarry in Trepassey.

**MS. O'BRIEN:** And would he have seen Dr. McGarry fairly regularly?

**MS. M. DUNPHY:** Yeah, uh-huh.

**MS. O'BRIEN:** And we are going to hear some testimony from Dr. McGarry.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** I don't need the list of medications –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – that your father took at all, but do you know if he took any medications to manage his pain?

**MS. M. DUNPHY:** Yes he did, yeah.

**MS. O'BRIEN:** Okay.

And you already mentioned it, but he used medical marijuana –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – is that right?

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And we know that he had a permit to grow that in the house.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And was he growing marijuana in the house?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Right. Do you know how frequently your dad smoked the marijuana?

**MS. M. DUNPHY:** He smoked marijuana a lot. You know, in the morning when he got up it helped him be able to eat so that he could start to feel better. I guess it coated his stomach and stuff. I don't know exactly the amount or how much, but you know after he had something to eat or before he had something to eat he might smoke some marijuana. And it was a common thing, basically. You know if I was there – he didn't smoke it while I was there, because I'd ask him not to. If I was coming down I'd probably call and say, can you not smoke weed in the living room now, I'm coming down, I don't want to leave smelling like weed. But it was pretty common. You know it'd be morning, afternoon and before he went to bed.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Did your father drink alcohol?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** And did he use any non-prescription drugs?

**MS. M. DUNPHY:** I think at one point he used some herbal stuff or something like that, tried it. I don't think he found it any benefit, so he didn't continue with it.

**MS. O'BRIEN:** Okay, so he wasn't using – he wasn't a user of any other street drugs?

**MS. M. DUNPHY:** No, no, no –

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** – no.

**MS. O'BRIEN:** All right. Did your father have any mental health issues?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay. And I'm going to, again, bring you to one of your statements –

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** – so you can explain what you meant. And again, Madam Clerk, I do not need you to bring up this exhibit, but, Commissioner, for your reference, it's the first statement that Ms. Dunphy gave on April 5, 2015, and as I noted earlier, that's been entered as P-0036.

Ms. Dunphy, in that statement the RCMP officers asked you if your father had any mental issues.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And as part of your answer you said, and I'm going to quote: I won't say that he had mental issues; it's just that he spent a lot of time by himself –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – and he wasn't well off and you could see – and he blamed Workers' Comp and all that kind of stuff. So I guess I'm conflicted, but I won't say mental issues. I would just say he had a rough time and this is how he dealt with stuff.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So can you explain for the Commissioner what you meant when you said that and, in particular, where you said I guess I am conflicted, but I wouldn't say mental issues.

**MS. M. DUNPHY:** Okay.

I said I was conflicted because, obviously, Dad's house wasn't in good condition at all. It wasn't tidy on the inside at all. When I moved out, it just got worse. But he was always in good humour. He was never depressed. He still had things that he enjoyed, like he loved watching hockey games and stuff like that. So it's not like he was home in the house, lying on the couch, wouldn't get out of bed because, you know, he didn't have any enjoyment in his life. And I just don't think that because someone lives in a crappy house

or because they're untidy and, you know, they don't clean up after themselves as much they should, I don't feel that they're mental because of that.

So you know, yes, I know there's judgmental people and I'm probably judgmental in some cases, but I knew Dad's situation. You know, I knew why he couldn't clean up. I didn't like it. Like, I would rather he had the house tidy and stuff like that.

He couldn't afford to do up the outside of the house. You know, he didn't have the money to do it, so that's why the house was like it was. So I guess I was conflicted because I understood. To the outside world, it might seem like, you know, he might be a little bit different because he lived like this, but it was through no fault of his own, really.

**MS. O'BRIEN:** Thank you.

Now, do you know if your father had any security concerns with his house? So did he ever express a worry that people might break in?

**MS. M. DUNPHY:** My whole life I knew that Dad smoked weed, basically. It's wasn't – it was before the medical marijuana thing. I'm not sure if he used to grow it in the shed outside, or outside or anything like that, but I knew he used to have weed around. I never seen it myself, as a child, but he did have concerns that people would break in and take stuff like that, and more so when he had the medical marijuana card.

Like you know, he openly said on *Open Line* basically where he lived, that he grew marijuana. So everyone knew he had it. So I guess he was – I don't think he worried about it but there was, in his head, that someone could break in to try to steal it.

**MS. O'BRIEN:** Okay.

And did he take any security measures?

**MS. M. DUNPHY:** Years ago he put up security cameras outside the house. He had that stick in the living room with him and I think that's – well, you know, he had locks on the doors and that I guess; but other than that, I don't think there was anything major for security in terms –

**MS. O'BRIEN:** Okay, so I'm going to talk to you about the security cameras. So where were they located? And I'm not asking you to give –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – me the precise location of every single camera.

**MS. M. DUNPHY:** Okay, uh-huh.

**MS. O'BRIEN:** But roughly how many of them were were and where generally were they placed?

**MS. M. DUNPHY:** Yeah, I think it was a four pack. Like, he bought them at Costco. And I think one was on the corner of the house. At one point, there was one in the trees down by the road. I really don't know where the other two are – I think he done it so basically there was one pointing at the front door and the back door and probably one over at the shed, something along those lines.

**MS. O'BRIEN:** Do you recall again – approximately is fine – when he would have installed those cameras?

**MS. M. DUNPHY:** Yeah. I'm not 100 per cent sure; I'm guessing probably around the time he got the medical marijuana card. That would be my guess.

**MS. O'BRIEN:** Okay.

And we'll have some evidence on that.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** And how long a period did he use them?

**MS. M. DUNPHY:** I know that like when he used to leave the house, say go to town for the day whether it was go out to see one of his buddies or go for groceries or go to the doctor, he used to turn them on and record them. They were hooked up to like a VCR or some sort of recording device, so it wasn't like they were streaming through the Internet now. So he had to set it up and there had to be a tape in there that would record it for the amount of time that he was gone.

So a few years ago, he used to set it up when he was gone, but eventually he stopped with that I guess – I guess he just used them as props then, hoping people wouldn't come in, thinking they were recording.

**MS. O'BRIEN:** Okay, so in April 2015, in the months leading up to that –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN** – they were not operational; is that right?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay, but you could still see at least some of them on the outside of the house?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay.

All right, and you mentioned there a stick. And we have that stick here and I'm going to talk to you about it, but I'm going to ask Madam Clerk, can you bring up a photograph of the stick which is found at P-0010, Photo 119.

All right, Ms. Dunphy, you're seeing it there on your monitor –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – where it was found on that day, and that little orange cone there would have been put there by the RCMP identification team who was recording the scene.

**MS. M. DUNPHY:** Yup.

**MS. O'BRIEN:** And also if you just look over here to your left, you'll see that stick lying there in the case.

First of all, this was one of the things that your father had for security purposes, I take it.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** So just tell us what it was, where he kept it, what you know about it.

**MS. M. DUNPHY:** Yep. It's just basically a piece of stick. It has duct tape on the end of it. He always kept it next to his chair. It was usually in between the chair and the stereo. So, say, the left side of the chair – the right side of the chair. He'd put it to the right – yeah, I'm sitting like this, so it would be to the right side, sorry.

**MS. O'BRIEN:** Yeah.

**MS. M. DUNPHY:** In between the stereo and his chair, it would either be against the wall or on the floor. At one point there was a loveseat in front of the living room window and he kept it there sometimes; I guess it was in reach of his chair. That's basically it. It's just a regular stick.

Did I answer all the questions? Sorry.

**MS. O'BRIEN:** Yeah – no, I think you did.

Well, I do have a couple more –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** When's the last time you recall seeing that stick before the shooting?

**MS. M. DUNPHY:** Okay.

The stick was there every time I went home, so I can't really pinpoint exactly when I seen it last. I just know it has been there for the past number of years.

**MS. O'BRIEN:** Okay.

And did you ever discuss it with your dad, like why he have the stick?

**MS. M. DUNPHY:** Yeah. The first time I seen it, obviously it's not something that would normally be in the house. I just was probably there and seen it and I was like what is that – like, what is it? And Dad just basically said that's in case anyone breaks in and tries to steal my weed. But, you know, he said it in like a comical, not in a way that he was, like, concerned that someone was going to do it. But just in case, I guess, someone came in through the front door and caught him off guard, or came in with a mask on or something like that, he had that there to pick up and basically defend himself.

**MS. O'BRIEN:** Okay.

Do you know – did your dad normally keep his doors locked?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** All right.

Now, the other item I want to talk to you about is the rifle.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** So it is also here in the room with us –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – but before we get to that, I'm to ask Madam Clerk to bring up a photograph of that. And, Madam Clerk, it's P-0010, Photo 097 that I would like to see.

All right, so, Ms. Dunphy, it is there on the monitor; it's also there in the case, to your left.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Have you ever seen this rifle before?

**MS. M. DUNPHY:** I believe I seen it behind my father's couch. I don't recognize it. I knew it was brown and other than that – yes, I assume that was the one that was behind the couch. I don't see any distinguishing features of it or anything like that. It wasn't something that I looked at thoroughly. So yes and no –

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** – I guess.

**MS. O'BRIEN:** Did any RCMP officer ever show you that or a photograph of that and ask you to identify it?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay.

And you said there a couch, and I'm going to bring up a photograph of that couch –

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** – so you can give us a little more on that.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Madam Clerk, could you please bring up P-0010, Photo 042.

All right, so, Ms. Dunphy, what you're looking at there at your monitor now, that's a photograph of the couch that was in your father's living room, right?

**MS. M. DUNPHY:** Yes, yep.

**MS. O'BRIEN:** Okay.

So you've given us a statement before. You've given a statement before about when you saw a gun – presumably this gun, but you can't say for sure, a gun. Looking at that couch now, can you give us a bit of description of how it was you came to see the gun and what you were doing at the time, where you saw it, those kind of details.

**MS. M. DUNPHY:** Yeah, sure.

Dad was in the hospital for a week. I think it was January. I'm not 100 per cent sure. I've mentioned before in my interviews that I believe it was probably the end of January; it could have been the 1st of February.

**MS. O'BRIEN:** And this is 2015?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Yeah, he was in hospital for about a week and I went down – I had to go down to feed the cats, so I went down and cleaned up for him. I washed the dishes, picked up the garbage and stuff that was around and threw it all out. And I was just sweeping the floors and I guess I went in around the couch. I moved the couch a little bit, I seen the gun there. It was laying flat on the floor, like behind it on the floor as if the couch was pushed in, you know, with it and that was it.

**MS. O'BRIEN:** Okay.

Do you remember which side the couch it was in, or on or – ?

**MS. M. DUNPHY:** Yeah, it was to this side over here. So –

**MS. O'BRIEN:** So if I've got the mouse here –

**MS. M. DUNPHY:** Yeah, that side.

**MS. O'BRIEN:** – on this side?

**MS. M. DUNPHY:** Exactly, yeah.

**MS. O'BRIEN:** So are you saying it was kind of behind the couch, lying on the floor, sort of between where the wall meets the –

**MS. M. DUNPHY:** Wall, yeah.

**MS. O'BRIEN:** – the floor.

**MS. M. DUNPHY:** Exactly.

**MS. O'BRIEN:** And it was lying flat –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – and tucked in behind there.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And you only saw it when you moved the couch to do some sweeping, is that right?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** It wouldn't have been visible otherwise.

**MS. M. DUNPHY:** No, no.

**MS. O'BRIEN:** Okay.

Did you ever speak to your dad about the gun?

**MS. M. DUNPHY:** He – when my pop died, Dad brought all of the things from Pop's house. Well, actually, no, Pop died; Dad inherited his house.

He sold Pop's house, so basically everything that was on it had to go somewhere. The brothers took a few things and what was left, which was a lot, Dad brought over to our house.

I don't know if I seen it when Dad brought it over and I asked about it or anything. I don't think I did. I didn't – you know, I was a teenager; I didn't really care about what he brought over to the house. You know, there was horse bells; there was a big oar. If he came with all of that, I might not have even noticed. So I don't think I ever asked questions about it.

**MS. O'BRIEN:** Okay.

In one of your statements – and it's the statement you gave on, I believe, April 8.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** This was the second statement that you gave to the RCMP. And I think this one you gave to Sergeant Kent Osmond.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** And we'll talk a little bit more about it in a few minutes.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** But, Commissioner, again, I don't need it brought up unless Ms. Dunphy, if you ever want to see it –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – you just say and we'll bring it up.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** But just for the record, it has been entered as P-0037. You were asked by Sergeant Osmond, I think, at that time if you ever discussed it with your dad. I have noted here that you said: And I did mention it to Dad about it –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – but it was never – it was just like yeah, it was Pop's gun, like the old thing that was there if you were – if you – and then you asked him: Were you to the house?

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** So that was the comment you made.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And so does that refresh your memory about talking with your dad about it?

**MS. M. DUNPHY:** Yeah, I guess, when Dad brought the stuff over from Pop's, you know, there was probably – could have been part of anything, you know. Pop's and their house was a hundred years old; everything was there. So I guess I could have asked him about it. I don't recall the extent of it or the entire conversation, but, yes, I could have definitely asked about it.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** I don't think I asked in the type of way, is like why do you have a gun. Like, I think I just probably said, you know, where are we putting all this stuff.

**MS. O'BRIEN:** And when you saw that, when you saw it in January or thereabouts –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – were you able to tell whether it was loaded or not?

**MS. M. DUNPHY:** I wouldn't know it was loaded anyways. I have no idea about guns; I've never used one.

**MS. O'BRIEN:** Okay.

Did you see it other than today? Have you seen it – did you see it any time after that time in January when your dad was in hospital?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay.

And prior to April 15, 2015, did you ever see any bullets around your father's house?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay.

And I know later on you found a bullet, and we'll get to that later on.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** Okay, I'm going to ask you some – you alluded to it already, the condition of your dad's house, but I'm ask you –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – about your father's house, and we're going to be hearing substantial evidence from other witnesses regarding his home.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And as you're the witness who's most familiar with it –

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** – we'd like to have your description.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** I'm going to start by asking you with a general description of the house, and then I'm going to bring you to some specific photos.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** Okay.

So just tell me, just generally, what kind of condition was your dad's house in?

**MS. M. DUNPHY:** The house was in really bad condition. You know, the outside needed major repairs. He needed new windows. He needed new doors. He needed siding. You know, the house basically needed to be totally repaired on the outside – and the inside needed a lot of repairs as well. The roof needed to be done. Are we talking the outside, or inside or – ?

**MS. O'BRIEN:** You can just give – just general –

**MS. M. DUNPHY:** Okay, yeah.

**MS. O'BRIEN:** – so you talked generally about the outside –

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** – so now just talk generally about the inside.

**MS. M. DUNPHY:** Okay.

Probably before the – so before he died, the winter before he died, say October, he started – the roof started to leak. So obviously that affected some of the ceilings in the house and stuff like that. So he needed to get that done. He had shingles to go on the house the following, like after the winter – he didn't

want it done during the winter, obviously, put shingles and that on. So he had planned to put those on April, May, whenever the snow went.

So the roof was leaking. In the bathroom, I think the ceiling – there was a leak in the ceiling in there. He was really untidy, there's no doubt about that; it was a messy. If he was really sick and stuff, he didn't clean up. He had a job washing dishes and all that kind of stuff, so it was in a bad condition for sure.

**MS. O'BRIEN:** Okay.

I'm going to bring you a few photos now. First, Madam Clerk, could you bring up P-0010, Photo 030?

So this is a photograph I think we already saw when Ms. Chaytor gave her opening comments. So that's a picture of your dad's house.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And this is – this here over to the right-hand corner there, if I can –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – get my mouse going. Here we see the sign –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – that we spoke about here. And if you could, Madam Clerk, go to, in the same exhibit, Photo 023?

We're going to have a fair bit of testimony about this cat room – I know this is the label the RCMP officers gave it. But I want to talk to you a little bit about that and look at it from the outside of the house.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** So I think in Ms. Chaytor's opening address she pointed on the scene that's the cat room leading into the addition.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So this is the rear view of your father's house.

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** Which photo is that – what number?

**MS. O'BRIEN:** It is Photo 023.

So what we're seeing here, this is the addition, is it, Ms. Dunphy?

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** All right, so we are seeing here, obviously, tarps on the roof.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** So you're saying – were those a fairly recent –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – repair to your father's house?

**MS. M. DUNPHY:** He put them on for the winter basically so that all the ceilings wouldn't get ruined in the house. You know, there was leaks. He tried to stop 'em until he got the shingles put on.

**MS. O'BRIEN:** Okay, so would those have gone up there earlier that fall?

**MS. M. DUNPHY:** October, I guess. I remember him going to town to get the tarps, so –

**MS. O'BRIEN:** All right.

You can see it a little bit better too – also, if you could go, Madam Clerk, to P-0010, Photo 024. It's going to be a similar view but we're just going to see the addition and door leading into the addition.

**MS. M. DUNPHY:** Okay.

**UNIDENTIFIED MALE SPEAKER:** (Inaudible.)

**MS. O'BRIEN:** Photo 024 is not available?

Okay, that's fine.

All right, thank you.

That addition that we had just looked at –

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** – on the other side of it, the side we couldn't see, there was a door to the exterior –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Right?

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Okay.

Now, you've already mentioned that he had some damage to the ceilings –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – and I'm going to ask, Madam Clerk, if you could bring up P-0010, Photo 070.

So we know your father kept cats.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** How many cats did he have?

**MS. M. DUNPHY:** His own cats, he had four.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** So he had four, basically, house pets that were spayed, neutered, his own cats that stayed in the house with him. Outside, I have no idea how many cats there were. You know, there were cats from everywhere, basically. You know, all the cats from in the community around came there. He fed them. That's just how it was.

I can't give you a number, I really don't know. When – after Dad died, when the SPCA came and took the cats, no one would tell me how many there were. They knew how upset I was about it all. So to this day, I really don't know how many cats there were.

People used to drop off cats because they knew Dad would keep 'em. That was common from when I was a child, basically. I love cats. If there was kittens, I'm like, okay, any cats come – even now, if there's a stray cat out by my house, I'm trying to find a home for it, that sort of thing. So there was a lot of cats outside. Yes, I acknowledge that for sure.

**MS. O'BRIEN:** Okay, so you're saying your dad had four house pets –

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** – that he kept in his house, like people do keep house pets.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** And we will have a bit of testimony I think that he had set up outside some chicken wire pens –

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** – or little shelter areas –

**MS. M. DUNPHY:** Exactly.

**MS. O'BRIEN:** – for –

**MS. M. DUNPHY:** For the cats.

**MS. O'BRIEN:** – feral cats or wild cats –

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** – to use.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And we know from the scene photo we had a description of this cat room.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** All right, so this cat room – and we know it was a cat room that kind of led into the addition.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Can you describe that for us and what cats used that room –

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** And it may assist you in doing this, because the photo that I believe I've brought up here is we're –

**MS. M. DUNPHY:** Goes into that room.

**MS. O'BRIEN:** – standing in the hall of your father's house and this is the door that leads into that cat room.

**MS. M. DUNPHY:** Uh-huh.

Okay, so this area in the hall here, that's like a little inset that was made in the third bedroom. When I lived home, there was three bedrooms. It was my bedroom, then the next bedroom. He wanted to put in a woodstove. There was a furnace out in – I think they had it labelled the laundry room. The laundry room, I always called the furnace room.

He put in a woodstove. He wanted to put it in the centre of the house, so basically it heated the bedrooms and everywhere. So he took the little – he took half the bedroom out, put an inset in – that's what that brick wall is there – and put the stove in. So basically there was only a little area left in what I would call the third bedroom, which is what you can see here – right?

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** The door going into it.

What he was going to use that for was to put the wood in, basically for the woodstove so he wouldn't have to carry it all throughout the house. He didn't find it big enough, so he built the addition on the back for basically putting wood and stuff for the stove in, that sort of thing I guess. Well, that's what the addition was built for.

There were cats in there; I'm not sure how he distinguished them. Like, I know there was a pen up on back of the house made with the chicken wire. He tried to separate the cats, like the males from the females so that they wouldn't reproduce so much. So he wouldn't have so many to feed and obviously there was no homes for them. So that's what he done.

In here, I hadn't been in there in a while. I didn't go down – you know, there was no reason for me to go in there. I knew that there was cats in there. I think if a cat was sick or something, they might have went in there. I don't know if he had special ones. You know, Dad knew most of them, you know the different

cats. So he could have had certain ones in there but, technically, that room was for the wood. It was called – like, Dad referred to it as like the wood room.

**MS. O'BRIEN:** The wood room?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay.

So the woodstove that you've talked to about, we can't see it in this photograph but it would be in this area right there –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** – off to this side.

This is the door going in. Was that door kept open or closed or –

**MS. M. DUNPHY:** That was always closed, yeah.

**MS. O'BRIEN:** Okay, so that cats that were in that room – the cat room, the wood room – they did not have access normally to the rest of the house?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay.

I'm going to bring up another photograph to help everyone understand this.

P-0010, Photo 071, please.

**MS. M. DUNPHY:** Basically, it was used as a shed attached to the house, type thing.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** So Dad wouldn't have to go out in the cold and get wood and all that.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Yeah, there's the loveseat, I guess, that was in front of the living room window.

**MS. O'BRIEN:** Okay, so that's when you said at one time it had been in his living room.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** So now we've gone into that room. So this is the portion that had been what you called the third bedroom.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** That's still there and we can see some –

**MS. M. DUNPHY:** I didn't realize it was separate. Like, I see that the doorway is there but I didn't realize it was a separation. I just thought it was a big room, yeah.

**MS. O'BRIEN:** Okay, so this doorway here then leads back into what was the addition?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay, so we see some little –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – houses that he's made or little structures he's made for the cats, I believe –

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** – out of cardboard boxes here. Okay.

Then we can see – we'll go into the addition now for one last photo to give a good description of this.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** P-0010, Photo 080, please.

**MS. M. DUNPHY:** Yeah, those cats, you know they – he had his four cats in the house. I think people are under the impression that he just had a house full of wild cats running around, but that wasn't the case at all. He had four cats. I have them now. They're at my house type thing.

Yes, there might have been cats here, but they didn't have free run of the house.

**MS. O'BRIEN:** Okay.

So now we're in the addition there and this is the door to the exterior there to the addition there and we can see there's a least one cat in the photo there, okay.

You're absolutely correct in what you said, we're going to get testimony from a lot of officers who are going to give evidence that they saw a lot of cats in your father's home and we're anticipating they're going to give some evidence that they saw some cats poking and coming out of the holes in the ceiling and you mentioned earlier in your testimony that they had been damage –

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** – to some of the ceilings and I'm going to show you a photo now to show that.

Madam Clerk, can I see P-0010, Photo 058, please.

So, Ms. Dunphy, you can correct me; this is a photograph from what I think the RCMP labelled the laundry room –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – and you said you referred to it as the furnace room.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And just to draw your attention here, so we can see some damage – see up here, we can see some damage to the ceiling there and I don't know – can you see it there?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** That's a little cat, I think, poking out here.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And we have another cat here.

**THE COMMISSIONER:** What's the number of that?

**MS. O'BRIEN:** It is Photo 058 and exhibit P-0010.

So could these cats access the rest of the house through these holes in the ceiling?

**MS. M. DUNPHY:** Like get down to where Dad – these cats were never up there. It's just after Dad was killed, when the police left the doors open, all the wild cats that were outside got in.

And, you know, I remember going down and the door was just swinging open for like two days. So all the cats that were outside, got in, and I guess they just scattered everywhere. We spent – me and my boyfriend spent, I think, like a month trying to get cats out of the ceiling. So these cats were never up there. Like, you know, when Dad lived there, there was no cats in the ceiling.

**MS. O'BRIEN:** Okay.

So you had never seen – and I know there was some damage. Like in the –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – bathroom, maybe there was some –

**MS. M. DUNPHY:** Well, these –

**MS. O'BRIEN:** – damage.

**MS. M. DUNPHY:** Sure – sorry. This furnace room, that was never, ever finished. That was just – there was a furnace in there. There was never plaster on the walls, anything like that. That was just – basically, it looked like the way it did all the time; you know, it's just an old, brown room.

But yeah, I guess, I don't know if that's where the chimney went up at one point from the furnace or not, or if it was a leak. I don't – I really don't know. But no, there was never any cats in the ceiling –

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** – when Dad was there.

**MS. O'BRIEN:** Okay, so you'd never seen cats up in the ceiling?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay.

Thank you, Madam Clerk.

The police officers who attended the scene have also stated that your father's house was very dirty.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** They've used fairly strong language where it's such a squalor and filth.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** How did you – you know, how did you feel about how your father was living? Did you see it in a similar way? And did you have any concerns for how he was living?

**MS. M. DUNPHY:** Yes. You know, I agree, it was really bad. You know, he – if he was really sick and he was drinking BOOST, he just threw the empty bottle on the floor. It wasn't uncommon; he had done the same thing in the car. I didn't like it.

It wasn't as bad when I lived home because, I guess, he knew I'd tell him off if he done it when I was home type of thing. You know, as he got older, he got sicker as well too.

So I agree that, yes, it was dirty; there was garbage everywhere. I wasn't happy about it. When I did go down, as I said before, I would nag about it and say, you know, clean it up. There's a garbage bucket here; you can at least put it in the garbage.

He was sick. You know, he eventually did clean up. You know, if he was feeling really good for – if he was having a few good days, he'd go around and pick up all the garbage, wash all the dishes, wipe everything down, you know, sweep up the floors and stuff like that. It's not like he didn't ever do anything about it. You know, one day he might pick up all the garbage and then another day he might do something else. It's just he was really sick all the time.

**MS. O'BRIEN:** I'll show you one more photo from your father's home and we might get a little bit of evidence on this. It's this panelling going into the kitchen.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** Madam Clerk, can I ask you to bring up P-0010, Photo 035, please.

Okay, so what – I'd like you, on this one, on the panelling on the kitchen – so this is – this photograph here, and let me find my mouse again.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Here it is. So here – this is a picture from the hall, kind of standing at the perspective of as you just came in the front door of your father's home.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And we're looking down towards the door to the kitchen.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** I'm going to ask you: See this sheet of panelling here?

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Can you tell us what that was?

**MS. M. DUNPHY:** Yeah, in a previous picture it showed brick on the wall.

**MS. O'BRIEN:** Uh-huh.

**MS. M. DUNPHY:** That's what it is, it's a piece of that brick that was leftover, I guess, that he didn't put on the wall. He used to put that up in the kitchen and this chair. You can see that there's some clothes hung on a chair here.

**MS. O'BRIEN:** Right here?

**MS. M. DUNPHY:** Yeah, into the desk. He'd just push that up against it so that Jake – Jake and Blimey were the cats – so that his cats, the four cats that were always in the house, couldn't get in the living room. He didn't – couldn't get in the kitchen, sorry.

He didn't want them in the kitchen; he didn't want them where he had something to eat as, you know, he – there was actually a dresser in the kitchen behind the table. It was, like, I guess you'd call it a dresser. Anyways, he kept all his clothes and that in there too.

If I washed his clothes, which I did quite often, I'd bring them down, he'd put them in that dresser. Basically, he kept it out there to keep it clean, away from cat hair, type thing.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So there was no door to the kitchen, right?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** So this is what he kind of used instead of a door.

**MS. M. DUNPHY:** Yes, yeah.

**MS. O'BRIEN:** Okay. Now –

**THE COMMISSIONER:** Sorry, where did you say he'd keep his clean laundry?

**MS. M. DUNPHY:** In the kitchen. Like the kitchen table – when you go in through this door, the kitchen table would be to the right. There was basically like a dresser and some shelving there behind the kitchen table.

**THE COMMISSIONER:** Is this the kitchen that we're looking –

**MS. M. DUNPHY:** Looking into, yeah.

**THE COMMISSIONER:** – directly in at?

**MS. M. DUNPHY:** Yes.

**THE COMMISSIONER:** Now when that panelling was put up, that would be to keep cats where? Cats that were in the kitchen from coming out into the hall, or cats –

**MS. M. DUNPHY:** No, to keep the cats –

**THE COMMISSIONER:** – from the hall?

**MS. M. DUNPHY:** The cats were in the living room and the hallway.

**THE COMMISSIONER:** Okay.

**MS. M. DUNPHY:** So to keep them from going into the kitchen area.

**THE COMMISSIONER:** Okay. So he'd keep his clean laundry that you'd bring down in the kitchen area.

**MS. M. DUNPHY:** Yes.

**THE COMMISSIONER:** Okay. Thank you.

**MS. O'BRIEN:** Thank you.

Ms. Dunphy, you said that you've given us a couple of examples of how you assisted your dad. So you said you used to bring down his clean clothes for him.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And you said you were there cleaning up when he was in hospital.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Did you help him otherwise with his house, in the cleaning and such around his house?

**MS. M. DUNPHY:** If he needed something, then, yes, I'd go down and do it. A lot of times I washed his clothes. He did have a washer and dryer. Like I said, if he was sick and he wasn't cleaning up, he wasn't washing clothes either. So if I was down I'd take the clothes and bring them up to our place, wash them and then he'd either pick them up on his way. If he was really sick he'd probably want me to cook stuff for him.

I remember times – like if Dad wanted cold plates, he could eat cold plates three times a day for two months until he basically turned himself from them. So if he wanted cold plates, I'd make cold plates. If he said come down and wash the dishes, I'd go down on a Saturday, I'd wash the dishes and stuff like that for him, clean up the bathroom a little bit, that sort of thing.

**MS. O'BRIEN:** Now you mentioned a little bit earlier – thank you, Madam Clerk, we're done with that exhibit. But I'd like you to expand on it a bit. Tell us a little bit more about the plans that your father had to fix up his house.

**MS. M. DUNPHY:** Yeah. Well one of the reasons he was so disgruntled – sorry, what was that?

**MS. O'BRIEN:** Just a little feedback there on our mics. Just keep going and that will go.

**MS. M. DUNPHY:** Okay.

One of the reasons he was so disgruntled with Workers' Comp is that any other income that you had, they take 75 per cent of it. So if he made \$100, Workers' Comp was going to take \$75.

He had money in a pension, the Teamsters Union. I think it was a pension or some kind of union stuff. I think it was \$7,500, \$8,000. He really wanted to use that to do up the house but if he took it out of the bank or whatever, wherever it was to use to do the house, Workers' Comp would have taken 75 per cent of it. So that wouldn't have left very much to do the house. So he had had plans to do it when he was able to take that money out. I think it was when he was 60 or 65. I guess Workers' Comp is over then and you go on old age, something like that. So he did plan to use that money to fix up the house.

Also, when he turned 60 – my mother died when – I don't really understand how it works, but I think where my mother died he was going to get a survivor's benefit which would have given him \$600 a month more, to my knowledge. So he had planned to use that for the house. Obviously, he was very excited. You know, \$600 is a lot of money for someone who doesn't have a lot. And you know –

**MS. O'BRIEN:** He was expected to start getting that on his 60th birthday was he?

**MS. M. DUNPHY:** Yes, yeah.

**MS. O'BRIEN:** The extra \$600 a month. Okay.

**MS. M. DUNPHY:** Exactly. You know, he had shingles to do the roof.

**MS. O'BRIEN:** He had already purchased the shingles?

**MS. M. DUNPHY:** Yeah, we had the shingles at our house and the gum and the nails and everything to do the roof. He had bought laminate flooring for the entire house. That's still in my basement. You know he bought little. It wasn't like he – I don't know, how do I put it. He hadn't given up on the house. Like, he had plans to fix stuff. You know, there was new taps for the bathroom, just little things like that. You know, he hadn't given up on fixing the house. He had plans to do it. He just didn't have the money to do it.

He wasn't going to put the new laminate flooring down and the roof leaking. So when he planned to do the roof was after the winter was gone. He was killed in April, so he never got a chance to do it. So after that he would have put the flooring down. You know, fix up the bathroom, fix up the ceilings that the leak had ruined; basically after the roof was fixed. So it was all planned to be fixed. It wasn't like it was going to stay like it forever or continue to get worse type thing.

**MS. O'BRIEN:** Okay, thank you.

Do you know what sources of income he had at the time of his death? You know, Workers' Compensation.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Did he also have – getting some CPP?

**MS. M. DUNPHY:** I believe so, yeah.

**MS. O'BRIEN:** Canada Pension Plan.

All right; Commissioner, just to let you know, that Ms. Dunphy provided us with some documentation regarding Mr. Dunphy's financial situation. Those documents have been entered into evidence as a confidential exhibit. Exhibit C-0002, so there's no need to bring those up.

**THE COMMISSIONER:** C-0002.

**MS. O'BRIEN:** C-0002, but they're there. It's some bank statements and other financial documents that will give you a picture of how much money he had to live off every month.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Just checking the time. Okay.

Ms. Dunphy, we understand – I'm going to ask you some questions now about your dad's extended family, okay?

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** We understand that your paternal grandparents, like your father's parents, had lived only a couple of doors away from you. Is that right?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay. And both your father's parents had already passed away?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Do you recall when, approximately? How old were you when your grandmother died and your grandfather died?

**MS. M. DUNPHY:** I would say Nan died about 15 years ago, and Pop died about 13.

**MS. O'BRIEN:** And we know your father had three brothers.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** What was his relationship like with his brothers?

**MS. M. DUNPHY:** When I was a kid it was just a normal relationship. After my pop died, Dad inherited the house and they, kind of, all fell out after that. I wouldn't say they all fell out. He fell out with Dick

and Dick's wife, Debbie. He didn't have much to do with the other two. If he seen Kev, he'd talk to Kev. Like if they met in the store, hello, type thing. They didn't visit each other. But, at the same time, they didn't visit each other before anything happened. Like before Pop died or anything like that, there was never a time when all of Dad's family got together or anything like that. Like no one got together at Christmas, that sort of thing.

So he'd talk to Kev, and Bart lived in Seal Cove. Even growing up I didn't see Bart a whole lot. Like if he was at Nan's or something I seen him, but there was a big age difference between Dad and Bart and Dad and Dick. Dad and Kev were a little bit closer in age, but Kev also worked away. So the relationship was, I guess, strained a little bit, but the only ones that he had a really bad relationship with was with Dick and Debbie.

**MS. O'BRIEN:** Okay.

So his bother Dick lived immediately next door to you –

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Is that right? Okay.

And his wife, as you mentioned, was Debbie Dunphy –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And I don't need to get into the details but how – did he ever talk to them? When was the last time he spoke to Dick and Debbie?

**MS. M. DUNPHY:** We moved in with Pop when – before Pop died, he got sick, he needed home care and basically he couldn't stay alone. So we moved in with Pop. It was supposed to be a time, basically, what they all had agreed on, the brothers, was that they were going to stay, say, one night each, and a couple of their grandchildren who were older were going to stay a night so that no one had to be there all the time. That didn't work out, so we ended up moving in full-time.

**MS. O'BRIEN:** So you and your dad moved in full-time with your pop?

**MS DUNPHY:** Yep.

Then when Pop died, Dad got the house. Dick and Debbie's son was supposed to get it. That ended up not being that way, I guess.

**MS. O'BRIEN:** For whatever reasons, we don't need to go into all of that.

**MS. M. DUNPHY:** I know the reasons why; there's no reason to get into it.

**MS. O'BRIEN:** Yep, that is fine.

**MS. M. DUNPHY:** They didn't get the house. Dick and Debbie – I can't really say Dick did not like it; Dick doesn't care about much. He's kind of laid back type thing. I think Debbie was a little bit upset that Dad got it.

And after that, it went from there. Dad got Pop's land that was there. One piece was supposed to go to Chris. Dad had sent out some letters by the sheriff to get Chris to take it over, or do a survey on it or something like that. They didn't respond to the letters, so it ended up going through the court and it ended up just being Dad's. No one took claim to it. They got mad about that.

**MS. O'BRIEN:** So that's about when your grandfather died and you said he died around 13 years ago, so somewhere around that period of time.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And that was all going on – did your father – was that when sort of he stopped communicating with them, or did he still talk to them after that?

**MS. M. DUNPHY:** I think he still talked for a little while but then when the house went for sale, they didn't like that and –

**MS. O'BRIEN:** This would be your grandfather's house, when that was sold?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** They didn't like that, so they fought a little bit about that. They tried to tell Dad he couldn't sell it and all this kind of stuff, so that's how it basically ended. They were fighting over Pop's stuff. And I don't think Dad and Dick ever actually had a falling out. I think it was more so Dad and Debbie and they had never gotten along, ever, not, you know – right from when I was child, I knew that Dad didn't like Debbie. So it was more so him and her than basically the family.

**MS. O'BRIEN:** Okay.

Is it fair to say that your father would have had very limited contact or even no contact with them in the past 10 years or so approximately?

**MS. M. DUNPHY:** Yeah, no contact.

**MS. O'BRIEN:** No contact –

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** – in that particular time?

Okay.

I'm going to get to the events of April 5.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** But just before that, when was the last time you saw your dad before April 5?

**MS. M. DUNPHY:** I seen him the Saturday before.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** So he died on Sunday, I seen him – yeah, the Saturday.

**MS. O'BRIEN:** The day before –

**MS. M. DUNPHY:** Yeah, the day before.

**MS. O'BRIEN:** – so April 4?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And what did you see him for on that day, do you recall?

**MS. M. DUNPHY:** We were on vacation the week before. So Dad had stayed at our house. When Dad stayed at our house, he used to stay there in the night and then he'd go home in the day. So he either had my car or Billy's Jeep or whatever was there to drive back and forth, and we just filled them all up with gas and said, you know, use whatever. If it's stormy, use the Jeep, that type of thing.

So he had one of the vehicles down there – I think it was the Jeep he had down; it could have been –

**MS. O'BRIEN:** So this would be Billy Corcoran, your common-law spouse's –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – Jeep.

Okay.

**MS. M. DUNPHY:** Yeah, I believe he had the Jeep at his house still because he was at our house, so he went home in it. We didn't need the Jeep immediately after we came home, so Saturday – I guess I didn't have school or anything like that. So I went down – this is what I'm not 100 per cent sure about. I know I seen him. I'm not sure if he came and picked me up in the Jeep and I went down with him and then I came home in the Jeep, or if I went down, say, in another vehicle.

But anyways, I went down and I cut his hair. I've been cutting Dad's hair since I was a teenager. He had real fluffy funny hair. It was curly when he was younger, and then it just straightened out and was kind of bushy as he got older. He didn't like to cut it too short, so he didn't want to go get it done. So I just eventually started doing it.

We were going out to brunch the next morning and I basically said your hair is a state. You have to cut it or you're not coming to dinner. Like in a – not in a mean way, in a nice way – like this happened previously in many times I said your hair is a state; you have to cut your hair. And I cut his hair and then I left and went home.

**MS. O'BRIEN:** Okay.

I'm going to ask Madam Clerk to bring up P-0035, which is the scene map.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** We have already seen this one. Okay.

So when you were at his house that day, so the Saturday, would you have gone in the living room at all?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay.

And where were you when you cut your dad's hair?

**MS. M. DUNPHY:** Like, in the doorway – not in the doorway of the living, we were in the front porch hallway, say, right in the centre there, yeah.

**MS. O'BRIEN:** Right around here?

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** That's where you would have done the hair cutting?

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Okay.

And do you recall seeing the stick that day, the one that's in evidence here?

**MS. M. DUNPHY:** I can't say I recall seeing it, because it's something that was there all the time. It's not something that I'd notice if it was there. It was there all the time, so it more than likely was there. I just don't recall seeing it –

**MS. O'BRIEN:** When the police officers went in after, so this is how they recorded the scene, immediately after.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** So see this line here, as Ms. Chaytor pointed out earlier, this line along here is where they found that stick.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Do you recall if it was there on the Saturday before or would you really know?

**MS. M. DUNPHY:** No. I can't say if it was there for sure. It could have been. It wouldn't – normally, it was to the other side of the chair.

**MS. O'BRIEN:** So when you say to the other side – so you're saying normally it was – when you talked earlier where it was normally stored, you mean this area here?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** So I don't recall noticing if it was there that day, no.

**MS. O'BRIEN:** Okay, thank you.

That's fine with that exhibit, Madam Clerk.

What about the gun? Any signs of the gun?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** If the gun had been on the right-hand side of the chair, that area where we just showed where you said the stick was normally kept, do you think you would have seen it that day or were you not looking around that carefully? Do you have any memory at all?

**MS. M. DUNPHY:** I wouldn't have been looking around carefully, you know, I've been – I go there quite often. I'm used to the mess type thing, so I wouldn't have been really looking for anything. But I feel – it's fairly large. If it was there, I think I would have seen it and it is something I definitely would have questioned. So no, I didn't see it that day and I don't recall – you know, the only time I do recall was January when Dad was in the hospital.

**MS. O'BRIEN:** January time, okay.

All right, so going to the next day then, Easter Sunday, April 5, can you tell us about that day?

**MS. M. DUNPHY:** Sure.

We had planned to go to brunch at Woodstock. We knew about it ahead of time. We had reservations made. We got up that morning; I believe it was around 9 o'clock. I think I called Dad or he called me, one of us, to make the other was up I guess and getting ready to go. He said he was up and showered and on the go and he was leaving soon.

And when we went out to brunch, he met us out there. We had brunch then we left to come home. He wanted to go to Shopper's; he had a couple of things to pick up. And then he came – he stopped to our house on the way home. He went in his own vehicle; we went in ours. And he stopped in on his way back, you know, and just regular stuff. He talked to the cat, talked to us, talked to Billy. Then he left and said he was going home to have a nap. He was full of turkey; he was going home to have a nap.

And then I went out and I was doing an accounting test. I had to have it done by 12 o'clock that night; it was an online course. So I done that. The Johnny Cash movie was on actually, *Walk the Line*. We were sitting out on the couch. I think I had my pajamas put back on. I wasn't intended on going anywhere. Heard cops go by, sirens go by. Not an uncommon thing, you know. We're on a main road. And then one of my friends texted me and said the cops are at your father's house.

**MS. O'BRIEN:** Okay, I'm going to stop you right there, Ms. Dunphy –

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** – because we'll bring you back up.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** But I'm going to take you a little bit back over some of that evidence –

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** – that you just gave us.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** A little more slowly –

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** – so just to make sure that the Commissioner gets all the details from it.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And then we'll pick it up again then when you get that information.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** So you said that you met your – you met your father at the Woodstock for brunch.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And who was there for the brunch?

**MS. M. DUNPHY:** Me, Dad and Billy.

**MS. O'BRIEN:** Okay. And you went in your car. You and Billy went in your car?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** You and Mr. Corcoran went in your car. And what vehicle did your father drive?

**MS. M. DUNPHY:** His Honda Civic.

**MS. O'BRIEN:** Okay. Do you recall approximately what time you arrived for brunch? I mean just approximately.

**MS. M. DUNPHY:** Yeah, we had to be there for 11. We were there a little bit early. We got there first and Dad got there a few minutes later. I remember because we were sitting in the car talking.

It wasn't opening until 11. That was the first sitting. So we had to sit in the vehicle for a little while. Dad pulled in, turned down his window and he talked to us from his car and we sat in ours. He was in his own car.

**MS. O'BRIEN:** Okay. Now, an issue arose later, and we'll get to it in your testimony, about his glasses and finding his glasses.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Do you recall if he wore his glasses that day at the lunch?

**MS. M. DUNPHY:** I don't recall.

**MS. O'BRIEN:** Was there – no, I'm going to ask, like, how was your father at the lunch?

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** I mean was there anything unusual about his behaviour that day?

**MS. M. DUNPHY:** No, just as normal as what he always was. Woodstock, I don't know if you've been there, it's old. It has all the old pictures and antiques up on the walls. That's what he was interested in, so he was going around looking at all of that.

You know, it was a buffet so he was taking up his dinner. He had a couple of plates; he had dessert – three or four dessert, actually. He always loved the junk food. Him and Billy were talking about stuff. One of his tires was leaking. I know he brought that up; just a normal, average thing.

He asked me to go get him another piece of lemon meringue pie and I was like, go get it yourself, you know, whatever type thing. And he kind of made a face at me, you know, making like – basically, how he was with me all the time. Like he wasn't in a bad mood, he wasn't angry, anything like that. It was just a normal day.

**MS. O'BRIEN:** Okay. And do you recall him using his cellphone at all during lunch?

**MS. M. DUNPHY:** No. I don't even think he would have taken it out of the car. You know, his cellphone was mostly when he was home by himself, type thing. Or if it rang now and I was there, he'd answer it, but he would never be sitting down on his phone, say, if he was at our house very often, unless it rang or beeped or something.

**MS. O'BRIEN:** Okay. When he was doing all his Twitter activity and like he would tweet, would that all have been through his cellphone?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Would it have?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Okay. Did he have a home computer that he used or was he mostly just using –

**MS. M. DUNPHY:** There was a computer there but he used his phone all the time. I don't think he ever turned on the computer in a couple years.

**MS. O'BRIEN:** Okay.

**THE COMMISSIONER:** Where we started a bit early this morning, I might try a break around this time. I sense you're going into another area so –

**MS. O'BRIEN:** That's fine.

**THE COMMISSIONER:** That's fine with everybody. Okay.

Well, let's recess now for – what did we say – 15 minutes.

Thank you.

**MS. O'BRIEN:** Thank you.

**Recess**

**MS. SHEEHAN:** All rise.

I declare this Commission of Inquiry in session.

Please be seated.

**THE COMMISSIONER:** Go ahead when you're ready.

**MS. O'BRIEN:** Thank you, Commissioner.

Ms. Dunphy, did you have any indication in the days, or even weeks, leading up to April 5 that your father might have been feeling down or feeling depressed or anything out of the ordinary with him?

**MS. M. DUNPHY:** No. No indication of anything really. It was just as he had always been.

We were gone away. We got home on the Wednesday and Dad was killed on the Sunday. I texted and called all while we were gone and he was fine, back and forth from our house to his. He was in town a few times. I think he had a doctor's appointment. So everything was as normal as it ever was.

**MS. O'BRIEN:** Okay. Now we know that your father was a regular marijuana smoker. Could you tell if he'd been smoking marijuana or was his use such that you wouldn't have noticed a difference?

**MS. M. DUNPHY:** Yeah. No, there was no difference really. No, you couldn't tell by looking at him or anything like that. I knew if he was a little bit nastier sometimes. But other than that, there were never no common signs or anything. His eyes were never bloodshot. Like, I didn't look at him and think, oh, you know, you're after using a lot of weed today type thing.

**MS. O'BRIEN:** Okay. So on that day when you went out for brunch –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – did you notice any signs of impairment or anything on that day?

**MS. M. DUNPHY:** No, not at all.

**MS. O'BRIEN:** During the brunch, did he mention anything about his Twitter account?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay. Did he mention having had any contact or anything with the police?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Do you know what time, approximately, you left the Woodstock?

**MS. M. DUNPHY:** I think it was around 12.

**MS. O'BRIEN:** And you said that you and Mr. Corcoran went home. Was that right?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And your father went and ran some errands?

**MS. M. DUNPHY:** Yeah. He said he had to go to Shoppers. There wasn't very much open. It was Eastern Sunday. So I think Shoppers was the only place he could get some quick stuff.

**MS. O'BRIEN:** So you and Billy went back to your home?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And your father then came there and had a short visit with you then?

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Okay. And do you remember how long he stayed there, again, approximately?

**MS. M. DUNPHY:** Yeah. He wasn't very long, probably five, 10 minutes maybe.

**MS. O'BRIEN:** Okay. And when he left, what vehicle did he take when he left?

**MS. M. DUNPHY:** Billy's Jeep, the black one.

**MS. O'BRIEN:** Okay. And so why – he'd come in his own vehicle, why did he leave in Billy's Jeep?

**MS. M. DUNPHY:** One of his tires – he still had his winter studded tires on, so one of his tires was leaking. I think it was leaking a lot, to the point where he had to blow it up that morning. So Billy was going to take his car and put on his summer tires. So basically fix the leaky tire.

**MS. O'BRIEN:** Okay. Do you recall what time your father left your house?

**MS. M. DUNPHY:** Yeah, afterwards, actually, the first time the cops interviewed me, I realized that Dad had called me from the driveway because there was only a quarter tank of gas in his car. And Billy had to take the car to St. Mary's to change the tires and so he called at 1:03, I think, was the exact time. And he just called about the gas part and that was it. Then he just said he was going home.

**MS. O'BRIEN:** So he placed that call. He'd left your house; he'd got in his own –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** He got in the Jeep –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – getting ready to leave. Is that when he called you?

**MS. M. DUNPHY:** Yes, he called from the driveway.

**MS. O'BRIEN:** Okay. So from that we know that that's pretty close –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – to the time that he left.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** All right. So now we'll go back to where I, sort of, had interrupted your evidence, Ms. Dunphy, to bring you back through it a bit slower. So you were starting to tell the Commissioner about how you first had heard from a friend that there was something going on at your father's house.

**MS. M. DUNPHY:** Yeah, my friend texted me. I was still sitting on the couch and she said there's cop cars at your father's. And you know I never got too alarmed, the cops had been there before about stuff to do with weed and things like that. So, you know, I didn't think there was anything serious wrong, I just figured they went to ask him something. Or, you know, it could be anything really about – I just thought it was to do with weed.

So I said to Billy, you know we should get ready and go down. The cops are there so we should be there for Dad. And I went in and got dressed. I'm not sure if Billy got changed or anything like that, I think he did. And we were getting ready to go and I'm not sure if we were in the car or about to go get in the car and Trina texted again and said I think someone's been shot, like you better get here like now.

And so then I obviously panicked a little bit. And we got in the car and left for – towards Dad's, to go towards Dad's.

**MS. O'BRIEN:** Okay. Continue on then.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** So did – you know you're driving towards your dad's.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Who's driving?

**MS. M. DUNPHY:** Billy's driving. We're driving down Salmonier Line. We get to where the Wilds golf course is and I hear sirens coming behind us so I know there's more coming. So when I look back, I can see that it's a cop car coming and I don't exactly – you know I don't know my exact words but I told Billy to stop, you know.

I knew the cops were going to Dad's house so I flagged him down; I wanted to stop him to see what was going on. So I jumped out of the car and I flagged down the cop. And he just turned down his window and I said, you know, you're going to my dad's house, what's going on type thing? He didn't answer me, or he said he couldn't tell me or something like that. And I said: Can I go with you? Because I knew he

was going to get there quicker than what I was, and he basically barked at me and said no, and told me to slow down, and he carried on his way.

**MS. O'BRIEN:** Did you ever learn who that officer was?

**MS. M. DUNPHY:** No, no.

**MS. O'BRIEN:** Okay. And so, I guess you got back in your own vehicle and you proceeded to your Dad's house.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** All right. So what happens when you get on this –?

**MS. M. DUNPHY:** When we arrived there's cop cars on the road, there's an ambulance there, there's like a cop car parked in front of Dick and Debbie's house which is pretty close to Dad's.

**MS. O'BRIEN:** I'm just going to stop you there, just to give everyone –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – a sense of how these houses – so if you were coming from your house, like coming up the Salmonier Line going towards your Dad's –

**MS. M. DUNPHY:** Yeah. Uh-huh.

**MS. O'BRIEN:** – would you have passed Dick and Debbie's house first and then your father's?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** So their house was closer to Salmonier Line and your father's house was closer to Mount Carmel, I guess.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** So I got there. I think I just jumped out and asked the first cop what was going on. It was a girl. I think she was the only girl that was there. I think she just told me that whoever was controlling the scene, or whoever was in charge of the scene would talk to me in just a minute.

So Trevor O'Keefe came over and I just asked him, like, is Dad dead? What's going on? And he just – I don't know if he said yes or if he nodded. So, you know, it took me a minute to grasp that part. And I think after that then it was just, you know, what happened? What's going on?

**MS. O'BRIEN:** I should slow you there.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Because you just said Trevor O'Keefe and you know who that is and I know who that is but not everybody knows who that is.

**MS. M. DUNPHY:** Oh, sorry.

**MS. O'BRIEN:** So you get there, you arrive and you speak to a police officer.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And you introduce who you are –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – then you wait, and then Trevor O'Keefe, who is Corporal Trevor O'Keefe, who's an RCMP officer, came up.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And he came up to speak to you.

**MS. M. DUNPHY:** Yeah, he talked to me and –

**MS. O'BRIEN:** Do you recall where you were when you were speaking to Corporal O'Keefe?

**MS. M. DUNPHY:** Just on the side of the road, like in between Dick and Debbie's house. And then, I think he had something to do or someone to talk to, so he just told me to get in the car, he'd come back and talk to me in a minute. He did, he came back and spoke to us. I asked him what happened, why the cops were there, all that kind of stuff. He said that Dad was lying on the floor with a rifle next to him. That was the first thing I was told. And I said, like, why was there a cop here? And he said – I don't know his exact words, but he said it had something to do with social media and threats against the premier.

And I guess there was a little bit more conversation. I'm sure I asked more questions, and I think that's the extent of what he could tell me at that point. I don't think he was long there to be honest with you. And after that –

**MS. O'BRIEN:** Okay. I'm going to ask you a few –

**MS. M. DUNPHY:** Yeah. Sure.

**MS. O'BRIEN:** – before you go on.

**MS. M. DUNPHY:** Uh-huh

**MS. O'BRIEN:** So you recall him saying that it had to do with social media and threats against the premier?

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And you do recall him telling him that your father was deceased?

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Okay.

Now, you say that he had told you that I think your father was on the floor and there was a gun beside him.

**MS. M. DUNPHY:** Yeah, in the living room. I remember he specifically said the living room, yeah.

**MS. O'BRIEN:** Okay.

Now, I'm wondering – I am going to ask you about that and how sure you are of your memory, and I'll just let you know, Corporal O'Keefe will say –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – that he, at that point, had been inside the house.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** And he had already, at that time, seen that your father's body was in the chair, in his chair.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And so he, in his statement, has been quite adamant that he wouldn't have said he was on the floor, because he knew differently at the time because he'd seen it with his own eyes –

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** – that sort of thing.

So is there a chance that you were mistaken in your recall of that or are you –

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay, all right.

**MS. M. DUNPHY:** We've talked about this many times at home. I wasn't the only one who heard it. I remember when my cousin showed up later, like a few minutes later, that was the first thing I told her. I don't see how I could make that up in my head. I wasn't in there, I didn't – I asked what was going on, and that's what I was told.

**MS. O'BRIEN:** Okay.

And you say I wasn't the only one who heard it. Who else heard it?

**MS. M. DUNPHY:** Billy.

**MS. O'BRIEN:** Okay.

And that's Mr. Corcoran, and we'll get some testimony from him.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** Okay.

All right, do you recall how many times you spoke with Corporal O'Keefe?

**MS. M. DUNPHY:** You know, it was back and forth. If some, another police officer came over and asked him a question he had to get out and take care of it, and then he'd get back in and – you know, it was back and forth. I can't really remember exactly how many times we had spoken.

**MS. O'BRIEN:** Okay.

And you, at this point, when you were getting in and out, you guys are staying in –

**MS. M. DUNPHY:** In the car.

**MS. O'BRIEN:** – in, in, in your vehicle –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – and he's coming and getting in and out of your vehicle –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** – to speak with you.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay.

Any other details that you remember about the conversation with Corporal O'Keefe?

**MS. M. DUNPHY:** I remember him saying that Major Crimes were going to be coming. I told him I wanted to see Dad, and I did see someone walking around. I asked if that was the officer that shot my father, and I asked why he was still here. He didn't respond, but I did see the officer leave in a vehicle just a few minutes later. I think O'Keefe – well O'Keefe just told me, basically, there was no need for me to stay there. I didn't want to leave at that time. I'd never been through anything like that; I didn't know what I should be doing, where I should be going.

Eventually he took my number and promised to call whenever he had heard anything or had any updates. So I left and I went up the road to my aunt's. There was a lot of my mother's side of the family there, a lot of the kids and stuff; you know, it was Easter Sunday. I don't think I stayed there too long 'cause I got a little bit overwhelmed; you know, it was loud. Kids running around, they don't understand and stuff like that.

I think O'Keefe called me while I was still there and gave me another timeline as to when Major Crimes was going to be there, because at that point I had thought that they were going to let me see Dad. That was my biggest thing. I wanted to see Dad before he left the house. No one ever flat out said no, but they – you know, they never flat out said no, I couldn't, so I was always under the assumption that, you know, when Major Crimes came, I can go down and see Dad before they take him out of there.

And eventually, we went back down to the scene. Again, I never got any further than Dick and Debbie's driveway. I think I talked to – there was a police officer there who was traffic patrol, I think he said he

was. And I recognized him because we had went off the road before we went away, say, a couple of months and he had been the cop that was there. He talked to me, you know, asked how I was doing. He didn't say anything about what was going on; he was very nice. And I just told him that I wanted to see Dad. Like, I said I don't want to leave until I see Dad.

So they told me again that Major Crimes coming sort of thing, so we decided to go home. I guess – I don't know, I just wanted to be by myself for a little while. So O'Keefe said he would call and let me know what was going on. I went home and Steve Burke, which is the investigator, RCMP –

**MS. O'BRIEN:** He's he lead investigator on this file.

**MS. M. DUNPHY:** Okay. Yeah, he called when we were at home on the Salmonier Line and he asked if he could come speak to me, so I gave him directions to the house and then he came to speak with me.

**MS. O'BRIEN:** Okay, so I'll pick that up there. I'm going to go again a little back over the information you just gave us.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** So you're saying you never got further than Dick and Debbie's driveway.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So from that point there, I guess the police had the road blocked off. Is that right?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** They weren't letting people through.

From that point there where you could see, could you see people like entering or exiting your father's house?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** That was all out of your view.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Okay.

Now you said that you asked Corporal O'Keefe if that was the officer who shot your father.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So how did you – I mean, I take it there was a number of people around on the scene.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** What caused you to ask the question about that particular officer?

**MS. M. DUNPHY:** All the other cops that I could see were in uniform. So I guess I just seen someone different and that's why I asked.

**MS. O'BRIEN:** And what was this officer doing at the time?

**MS. M. DUNPHY:** He was just walking around the driveway. I don't think he was doing anything really; I think he was just there. I probably seen him stand next to a vehicle. He could have been talking to someone. I'm not sure. It is a little bit of a blur. I was quite shocked at that time, but I do remember asking that question after I seen someone in the driveway.

**MS. O'BRIEN:** And then you say you later saw him leave in a vehicle. Was he driving the vehicle or a passenger in the vehicle?

**MS. M. DUNPHY:** No, passenger.

**MS. O'BRIEN:** Okay.

All right, did you later get confirmation that was Constable Smyth or do you even know to this day?

**MS. M. DUNPHY:** I don't think anyone ever confirmed it.

**MS. O'BRIEN:** Okay, so now you said you were at home and then you got – Corporal Steve Burke contacted you and this is about taking a statement, so we can pick it up there now and continue.

**MS. M. DUNPHY:** Okay.

Burke, I'm not sure – I don't know if it's Corporal or not –

**MS. O'BRIEN:** It's Corporal.

**MS. M. DUNPHY:** Corporal Burke, okay. Corporal Burke showed up with Henstridge?

**MS. O'BRIEN:** Yes, Corporal Monty Henstridge.

**MS. M. DUNPHY:** Yeah. They both showed up at the house. They came in and they asked if they could record the statement and they just set up. We were sitting at the kitchen table and then they just started asking me questions. I'm not –

**MS. O'BRIEN:** They started interviewing you, asking you questions.

**MS. M. DUNPHY:** Yes, exactly.

**MS. O'BRIEN:** Commissioner, just for your information – again, Madam Clerk, I do not need you to bring it up but that statement is the first statement, I alluded to it earlier, referenced it earlier; it has been entered as P-0036.

So I'm not going to get into all of what that statement says, Ms. Dunphy, but first of all did you think the statement was thorough?

**MS. M. DUNPHY:** They asked me a lot of questions; they didn't really fill me in on a whole lot of things so – they asked me if Dad had any mental issues, things like that. I felt that they asked more about the mental issues than they did about anything else.

Other than that – you know, I wouldn't say it was thorough; it wasn't too long but, like, we didn't get into detail much about my father, really.

**MS. O'BRIEN:** Okay.

Did you feel at that point that you were okay emotionally or mentally – your father had just died; you just learned of your father's death. Did you feel like you were okay emotionally to give the statement at that time?

**MS. M. DUNPHY:** I was okay with talking to them. Like, I wouldn't have refused it or anything. I'm sure I was in shock and there was a lot of stuff going through my mind at that point. I think I was okay to give the statement.

**MS. O'BRIEN:** Okay.

Did either of the officers – it was Corporal Burke and Corporal Henstridge, and I believe Corporal Henstridge might now be Sergeant Henstridge –

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** Someone might correct me on that later.

Did either of those officers indicate to you at that time that this was going to be like a first statement or they would be back for a second statement?

**MS. M. DUNPHY:** No, I don't really – well, I didn't really understand and I probably still don't understand fully how all of this kind of stuff works but, at the time, I didn't even really know it was a statement. I knew they were recording it but I didn't know if it was going to be a formal statement or if they just recorded it for their purposes. And they did ask me if they could come back and ask me some more questions, and I said sure.

**MS. O'BRIEN:** Now, at some point, we know that you were assigned a family liaison officer.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Do you know – do you recall when that happened?

**MS. M. DUNPHY:** I'm not sure if it was that night or if it was the next day that someone called.

**MS. O'BRIEN:** And do you recall the name of the officer who was assigned to you as the family liaison officer?

**MS. M. DUNPHY:** Yeah, John Galway.

**MS. O'BRIEN:** Okay.

Did anyone explain to you what a family liaison officer was, or did you have any understanding at that time what role that Constable Galway would be playing?

**MS. M. DUNPHY:** No one explained it to me, but I think it was just basically he was my point of contact for the RCMP if I needed to speak to anything, he'd be giving me updates, that sort of thing.

**MS. O'BRIEN:** All right.

You gave a second statement – and again, Commissioner, just for your reference, it has been entered as P-0038. I did reference it earlier in my questioning of Ms. Dunphy. Madam Clerk, I do not need you to bring up that exhibit, but it was the second statement you gave on April 8 and it was the morning – and that's the one we talked about earlier; it was Sergeant Kent Osmond who was the primary person asking you the questions.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** Do you recall how it came about that you gave that second statement that morning?

**MS. M. DUNPHY:** Yeah, my lawyer, Erin, had set that up because I was getting frustrated because I wasn't getting any information from the RCMP on anything that was going on, basically. I had some concerns at that point.

**MS. O'BRIEN:** Okay, I'm going to bring up that letter then that might help us in our discussion.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Madam Clerk, can you please bring up P-0041 and it is – if you could go to the next page – yes, the first page there. You can leave it there.

This is, I think, a letter that you said your lawyer set it up but I think this is how she set it up.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** She wrote a letter to Constable John Galway and you were about to say you were having some concerns.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So what kind of concerns were you having?

**MS. M. DUNPHY:** I wasn't getting any information from really any of the officers I had spoken to. When my father's body got released back to me and I found out where he was shot and how many times, no one had forewarned me of anything like that.

I spent the whole first few days waiting to see my father. I was told I could see him after the autopsy. First, I was told I could see him Monday, then it was Tuesday and then after the autopsy was done, they told me that I had to wait until the funeral director, type thing, got him. I guess he was released to the funeral director. So I had called the funeral director, Dunphy's Funeral Home, and I just said I want to see Dad type thing.

He was going to be cremated, so I wanted to see him before that happened. Kenneth said – that’s Dunphy’s Funeral Home. Kenneth had said well – he said you know, we’re not having a viewing or anything. But, I said, you know, can we bring him in and you just, you know, let me come out there and see him before you bring him out to be cremated. So he had agreed on that.

So this – from the time Dad died until at this point, which was Tuesday afternoon, I was basically constantly saying you know I want to see Dad. And – sorry, I’m a little off track.

When I found – Kenneth called me, basically, when he got the body and – sorry, this is always hard to talk about. He called and said he couldn’t let me see Dad. He had the body out there and he told me where Dad was shot and, I guess, where the autopsy had been done and the bullets and stuff had to be removed from his head, they had to basically crack open his head and his skull. So Dad’s head was basically in a bag to hold it together. So Kenneth couldn’t open him up to let me see him. So – sorry.

**MS. O’BRIEN:** That’s okay. Take your time.

**MS. M. DUNPHY:** So I got angry at that point and I called Galway, John Galway and –

**MS. O’BRIEN:** You called John Galway then, yes.

**MS. M. DUNPHY:** Yeah, after I got off the phone with Kenneth. And I called John Galway and I pretty much told him off. I think I yelled and I screamed at him and he – I said like, why wasn’t I told this. You know, they obviously knew all along I was never going to get to see Dad.

**MS. O’BRIEN:** Was this the first time you learned that your father had been shot in the head?

**MS. M. DUNPHY:** Yeah. I was never told that by a cop. I had to find out from the funeral director. So I called him and I just said, you know, why wasn’t I told this. You know, if I had been told, I could have been mentally prepared, I guess, to not be able to see Dad. But that’s all I asked for, for the first two days.

And he said: Well, why would we tell you that? Because I had asked every five seconds, basically. And I would think that that would be something that the police would inform me of. And anyways, I guess, the conversation ended and I felt that I wasn’t being treated fairly at that point. I didn’t know what to do in that situation, so I called my cousin who works for a law firm and I just said, you know, I need to get a lawyer. I don’t know what my rights are. There’s obviously something wrong here. I’m not getting treated fairly. No one is telling me anything, and I met with Erin that night.

**MS. O’BRIEN:** Okay, and then Ms. Breen wrote this letter as a result of that meeting.

**MS. M. DUNPHY:** Uh-huh.

**MS. O’BRIEN:** Okay.

Just so that everyone is clear on what you’re speaking about here because the funeral home that your father was brought to is Dunphy’s Funeral Home.

**MS. M. DUNPHY:** Yeah.

**MS. O’BRIEN:** The family is some relation to yours.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So when you're referring there in your testimony to Kenneth, that would be Kenneth Dunphy who's the funeral director.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Now – thank you, Madam Clerk; I'm finished with that letter.

During the second statement, the one that we're talking about here, the April 8th statement, the RCMP gave you some particulars of their investigation as they were speaking with you. Just as an example, they told you that Constable Smyth had reported that your father had called him a puppet of government.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And from reading your statement and speaking to you since, I understand that you felt that this was something that your father would likely have said to Constable Smyth.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Is that right and can you just explain that for the Commissioner?

**MS. M. DUNPHY:** Yeah. That would have been something I had heard him say before. Like, any politician – he contacted a lot of politicians to try and get help with his Workers and, a lot of times, he did get the runaround – sorry.

He got a little bit of a runaround because they'd say they had – you know, we can do this for you or we'll look into this and then months and months would go by and nothing would ever become of it. So Dad would just say he is just another puppet of the government or another government puppet type thing. So I knew that was something that my father would say.

**MS. O'BRIEN:** Okay.

From reading that statement and again this is – the statement is entered, Commissioner, at P-0037. In reviewing that statement, I think it becomes clear that you didn't find – you didn't consider that everything that Constable Smyth had reported was believable –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And I'll give you another example. Regarding Constable Smyth's statement to the RCMP about your father pointing a gun at him, you said: Lies.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** That was the word you said. So can you explain why you did not find that believable?

**MS. M. DUNPHY:** Sure.

This interview was the one with Osmond.

**MS. O'BRIEN:** Yes.

**MS. M. DUNPHY:** I was fairly angry at that point. I guess I'm much like Dad; I didn't hold back on anything that I was thinking or anything like that. And Dad pointing a gun at someone is not realistic to me at all. You know, he had the stick. That's what he was going to use for protection if someone came in. That had been there for years.

So I don't think there was a turning point when, you know, why would he change from a stick to a gun all of a sudden? You know nothing else seemed to have changed in his life. If anything, things were getting better, you know. In a year and a half he would have some extra money to do stuff with. He had stuff bought to do up the house. So I just – I don't feel that that statement is true, in my opinion.

**MS. O'BRIEN:** Okay. And do you still feel the same way today?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay. Had you ever heard your father threaten anyone before?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** And what about violence, had you ever seen your father behave violently or have a bit of a violent, you know, outburst or episode?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Were there any other parts of Constable Smyth's evidence that you're aware of to date – and I know you haven't heard all his testimony – that you either find believable or not believable, and can you give those examples and explain why?

**MS. M. DUNPHY:** Yeah. When they told me about the part – now I'm not sure if they told me about the part yet. I'm assuming Osmond would have told me the part that he said that Dad called him a puppet. I can totally see Dad saying that. You know it's something that he had said before so, you know, sure. There's a high possibility that that was said. You know that, to me – I knew that there was a conversation. You know, someone can't guess that was said type thing.

**MS. O'BRIEN:** Sure.

**MS. M. DUNPHY:** I just explained that I don't think that the way the gun was brought into the situation was – in my opinion, that's not how my father would have reacted.

And other than that, there's not a lot in the statements that tell me exactly, you know, what was said. That's only really the one word that was said that Dad had said, I think, in the statements. I don't think there was much else about the conversation.

**MS. O'BRIEN:** Okay. That's fine. You've given us those two examples and that's helpful.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** I'm going to talk to you a little bit about the independent observer.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** So you were told at some point that an independent observer was being brought along, and I understand that was pretty early on. It was April 8, or thereabouts, that you were told about the independent observer. What were you told about the independent observer's role?

**MS. M. DUNPHY:** I don't think I was ever specifically called and said, like told exactly what his role was going to be. But my thoughts on it, from what I gathered, was that he was brought in to oversee what the RCMP were doing in their investigation because it was police investigating police, basically, for more transparency and that sort of thing. Just to observe and – I guess he was there to make sure the RCMP were doing what they were supposed to.

**MS. O'BRIEN:** Okay. Did you – in this case the independent observer appointed was former justice David Riche.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Did you have any interactions with justice Riche?

**MS. M. DUNPHY:** Yeah, I met justice Riche once at my father's house.

**MS. O'BRIEN:** And that was in, I believe, in June, and this was after the bullet was located?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Okay, so we're going to get to that part –

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** – a little later on. So that was – when you met him there that day, that was your only meeting with him, was it?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay. Now, going back to your first statement, which was entered at P-0036 – and again, I do not need this brought up, Madam Clerk – but you stated that you did not think your father would risk himself –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – by getting flighty with a cop.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** I don't want to put words in your mouth, obviously, but my impression was that you did not believe your father would have gotten confrontational specifically with a police officer.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So what's your basis for that, for making that statement?

**MS. M. DUNPHY:** Dad had a lot of dealings with the cops. You know, the cops had been there when I was a kid. I think he got raided for weed. There was no issues with the cops then. When he did get caught

with the weed, I remember he was on house arrest so that if we were going somewhere, we had to call in and say we're going for groceries.

At that point in time, I remember going to Sobeys and we did meet a police officer there. You know, it was cordial. He stopped and said hello, how are you doing, you know, stormy night.

He never had any disrespect for cops. And, you know, he knew what was going to happen if you fight with a cop, basically. You know, they're not just going to – they're going to either you know – they're going to – he couldn't – he could be confrontational, I guess, with a cop and speak to them and argue with them, which he would have done. I totally agree there, like he would definitely argue with them, but, you know, he wouldn't do anything to risk his own life just so he could you know (inaudible).

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** I know – and I'm going to ask you a question, I know it's sort of speculative in a way that you can't – you know, and the Commissioner will know this when looking at your evidence. There's no way you can definitely know what another person would do or what they would react.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** But clearly, you knew your father very well.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And so, I mean, do you think your father would have asked a police officer into his home had he known it was a police officer?

**MS. M. DUNPHY:** Yeah, Dad would let anyone into the house. You know it wouldn't matter who they were, he'd just say come on in, you know, have a seat. Dad was more for, you know, if a police officer was coming or a politician or anything, you know, he'd let them in more in hopes of, okay, well maybe he's here and he can tell me where to go to get help with Workers' Comp, or maybe he can talk to someone who can do this. You know, there would be no reason for him not to let him in the house. He had a medical marijuana card; he was allowed to grow his weed. He had nothing to hide.

**MS. O'BRIEN:** Okay. Do you think it would be the same if your father knew that the officer was a member of the Premier's security detail or protective services unit?

**MS. M. DUNPHY:** Yeah, I think it would have been the same sort of thing. He probably might have asked a few more questions as to why he was there, but I don't see why he wouldn't let him in the home.

**MS. O'BRIEN:** Okay. Now I think I got this information actually in some interviews that you made maybe to the media or –

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** – it wasn't in my interview of you, but people were saying that Constable – you were saying that people sort of in the community were saying that Constable Smyth had come to Mitchells Brook to intimidate your father.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So I'd gotten that information from outside sources. So you did have some comment on it and I'd ask you to give that to the Commissioner now. Based on your knowledge of your father, do you believe that he would have been intimidated by Constable Smyth showing up?

**MS. M. DUNPHY:** No, Dad wasn't intimidated by anyone. That's just how he was. He had respect for people who, you know, if he was here today, he'd be respectful of you and that sort of thing, but there was just no intimidating him. He knew what he was allowed to do. He knew what he was allowed to say. He wasn't threatening anyone. He didn't – he wasn't really doing anything wrong. He knew his rights and he always stood up for himself, ever since I can remember, and that's how he taught me to be. You know, don't back down from anyone, don't let them intimidate ya.

He was the one person, in my opinion, I can say it didn't matter what the situation was, Dad wasn't going to back down. He wasn't going to be like, okay, I'll shut up, da da da, I won't go on Twitter no more. He was going to say: I'm on Twitter. I'm allowed to be on Twitter and I'll say what I want to say on Twitter. You know, it didn't matter who he was talking to.

**MS. O'BRIEN:** Okay. Again, based on your knowledge of your father, and I know you're not able to give a definite answer, but how would you anticipate that your father would react if Constable Smyth was expressing concerns about your dad's house and the state of his house. For example, if Constable Smyth had said you're living in squalor here, those types of comments, how do you anticipate that your father would have reacted?

**MS. M. DUNPHY:** Yeah, I guess it depends on how it was said. You know, if it was said in a type of way of disgust where he was looking down on him, then Dad would have got his back up, as would I, type thing. You know, someone can't come into your house and basically say this is rotten and that sort of thing.

If he had just said I'm concerned about the living conditions here. Dad would have, more than likely, explained to him well, you know, I have no money. The house needs to be repaired. This is what it is. I got beat up in 1984. I don't have a lot of money and –you know, he probably – he wouldn't have been happy about it, but I don't think he would've got really angry.

**MS. O'BRIEN:** What about Constable Smyth looking around the living room – I think Constable Smyth has said in his statement that his looking around –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – seemed to upset your father.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Based on your knowledge of your father, does that sound accurate to you?

**MS. M. DUNPHY:** Yes, for the simple fact there's a stranger in your home and they're looking around. If a stranger came into my home and started looking around, I would ask them what are you looking at, and if they continued, I'd probably get a little bit upset and angry and – you know, especially if, under the circumstances, someone had just came in and said your house was dirty or something like that. Well, I don't really think anyone would be happy about it.

**MS. O'BRIEN:** Another thing that Constable Smyth said in his statement was that during his interaction with your father, as your father was getting upset –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – that a white foam was forming around his mouth.

**MS. M. DUNPHY:** Uh, huh.

**MS. O'BRIEN:** This, I think, would be called physiological reaction or physical reaction. Have you ever seen that happen to your father?

**MS. M. DUNPHY:** No, not really. Like I know if Dad talks a lot, he'd get dried out in the corners of his mouth and that would go white, but as for like foam or anything like that, no, I've never seen that. Foam coming out of your mouth, to me, is someone having a seizure or a, a dog or something like that. So, yes, the corners of my mouth are probably white now because I'm talking a lot and I'm kind of dry and stuff. So yes, that happened (inaudible).

**MS. O'BRIEN:** So you could see your father sometimes getting sort of that white –

**MS. M. DUNPHY:** Yeah, it's just like spit –

**MS. O'BRIEN:** – yeah, dried spit –

**MS. M. DUNPHY:** – dried out, yeah.

**MS. O'BRIEN:** – on the side, yeah. Okay.

**MS. M. DUNPHY:** So, yes, that's definitely happened. But as for foaming at the mouth, no.

**MS. O'BRIEN:** Okay.

I asked you earlier if you'd ever heard your father threaten anyone and you said no. Have you ever heard anyone else speak – you know, ever heard anyone speak of him threatening them?

**MS. M. DUNPHY:** There was something with Dick's wife, Debbie.

**MS. O'BRIEN:** I understand that and we don't need to go there.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** But I know there was an incident between them, we'll get a little bit of –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – evidence on that.

Other than that –

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** – in that family dispute context, anything else?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay.

Your father's – sorry, one question I missed.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** I know you'd said earlier you'd never seen your father be violent.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Where you aware of, you know, hearing about him being violent with anyone before? So hitting someone or –

**MS. M. DUNPHY:** No, he played hockey and apparently he was a pretty good hockey player, and I know they used to fight in that.

**MS. O'BRIEN:** Sure, as part of the sport.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** But other than that, you know, like I did hear that Dad was a good fighter when played hockey or something like that. Somebody would say, you know, he wasn't afraid to knock someone down or something. But other than that, no. Like, not in general terms like your – I never heard Dad being violent outside of that.

**MS. O'BRIEN:** Okay.

Your father's funeral was on April 10; have I got that right?

**MS. M. DUNPHY:** The Friday after, yeah, so five days – yeah, that would be right.

**MS. O'BRIEN:** Okay.

Do you recall when your dad's house was released by the police and turned back over to you?

**MS. M. DUNPHY:** I think it was the Thursday before.

**MS. O'BRIEN:** Okay.

So I know that on April 14, according to all the documents we had, you found your father's glasses.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** In the house.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** So did your father regularly wear glasses?

**MS. M. DUNPHY:** He wore his glasses to read, basically to see any small print – anything that he had to focus on, he had to wear his glasses. So when he was on his phone, he wore his glasses. When he was reading the paper, he had on his glasses, that sort of (inaudible).

**MS. O'BRIEN:** Did he only have the one pair?

**MS. M. DUNPHY:** Yeah, he had the one pair of prescription glasses but if he was in town, he could pick up the ones at the dollar store, just something quick, but they'd end up in the garbage in no time. He'd drop them or something like that.

**MS. O'BRIEN:** Okay, so one regular pair.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And the pair that you found on April 14, was that his regular pair?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay.

Now, before April 14, when you last seen those glasses, while your father was alive, what kind of shape were they in?

**MS. M. DUNPHY:** They were in rough shape. He had them a while and he dropped them and fixed them and stuff like that, so they were bent up a little bit and I'm sure they could have been cleaned off, and scratched or something like that.

**MS. O'BRIEN:** Do you recall whether they would have had tape on them, sort of a tape form of repair?

**MS. M. DUNPHY:** They would have had tape on them at a point where he didn't have time to fix them. If I went down on a Saturday or something, they may have tape on them, but he would have fixed them. He had a little screwdriver set and all that for fixing them when they did break.

**MS. O'BRIEN:** Okay.

On that day that you found your father's glasses, Ms. Breen, your counsel, wrote Sergeant Kent Osmond – and he's the one who had interviewed you on the eighth, and we'll get further testimony later on, but he was part of the investigative unit.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** The Major Crimes unit that was investigating this incident.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So Ms. Breen wrote Sergeant Osmond specifically about the glasses and she was essentially asking why they had not been seized as part of the initial investigation. I do not need to bring

up the exhibit, Madam Clerk, but just so you are aware, Commissioner, that initial email and the resulting email chain that I'm about to refer to have been entered as Exhibit P-0042.

I think what happened was Ms. Breen emailed in and then there was to Mr. Osmond, eventually Corporal Burke got joined to the email chain – and he, as we've said earlier, was the lead investigator on this case.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And in the email chain that I've just referred to, Corporal Burke advises that he looked at the glasses in the scene photos as they'd been captured essentially on the fifth by the investigative team. And it was also advising Ms. Breen that the police will come and seize the glasses that you had found –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – with your consent.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Right. So that, that sounds right to you how, how things happened?

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** All right.

And I'm going to get you to talk about how they were seized but maybe first I'll show some pictures of the glasses.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** And I understand you took some photographs of the glasses when you found them in the house.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And I'm going to go through three photographs and I believe they were all taken by you, Ms. Dunphy. And on each one we'll just bring them up, have a short little discussion on them and then go on to the next one.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** So, Madam Clerk, could you please bring up Exhibit P-0061. So this is one of the photos I'm talking about, Ms. Dunphy.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So is that how you found the glasses?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay. So this, what we're seeing here, is the coffee table that was in your dad's living room that was just in front of the chair that he was ultimately found dead in.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And so when you went in this is how – exactly how you found them.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** All right.

I'm going to ask Madam Clerk to bring up the next one which is P-0062. It's just going to be a little bit closer up on the glasses.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** Thank you.

So here I think we can see that, certainly, this arm is off it, a bit of – bent at an odd angle for the glasses. We're seeing some tape here, I think, Ms. Dunphy. I think that might be tape here, certainly here some kind of tape or wrapping.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Would that – would that have been – do you think that would have been on the glasses when your father had them when he was alive?

**MS. M. DUNPHY:** Sure, yeah.

**MS. O'BRIEN:** Okay. And I do think it's hard to see here, but I understand like one of the nose pads on the glasses was missing –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – from the glasses. Was that also found on the table?

**MS. M. DUNPHY:** I believe so, yes.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** I think there should be a picture of that, too, maybe.

**MS. O'BRIEN:** Okay.

**THE COMMISSIONER:** Where are you going with this?

**MS. O'BRIEN:** See right here, Commissioner, where these are metal-framed glasses so they have the little – I don't know what they are, silicone or plastic – nose pads. And one of them was off the glasses, it wasn't – it was. And it was found. I don't think I have the picture here to put into evidence now –

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** – but there is a shot of it –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – on that table fairly nearby.

The last one I just want to show, so everyone can get a sense of what shape the glasses were in, is P-0063. So here – and this is, again, the same thing from another angle. I take it you hadn't touched the glasses in between taking –

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** – any of these photos.

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** So here we can just see, it looks like – Ms. Dunphy, you can correct me if I'm wrong, but it looks like here that perhaps the glasses or the lens is popped out of the frame a little bit.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** All right. So when you found these glasses were they in wearable condition?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay. I know that you ultimately forwarded these photographs and a number of ones you took at the scene to the RCMP (inaudible).

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay. Now the glasses were seized on April 15 – and thank you, Madam Clerk, I'm finished with that photograph by Constable Galway.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** So can you describe what went on that day when Constable Galway came to seize the glasses.

**MS. M. DUNPHY:** Yeah. Myself and Billy went down to Dad's house to meet him there. He came and we were parked at the bottom of the driveway. I don't know if the police officer should have been up then – but anyways, we were parked at the bottom of the driveway, so he parked alongside of the road. He was just in a car, an unmarked police car. Actually, it could have been his own car, I don't know. It was just an unmarked car. And so he came in and looked at the glasses. I don't think there was much conversation that day. He picked up the glasses and when he was leaving with them he held on to them by the arm. He walked out through the front door, down the driveway with them dangling and laid them in on the seat of his car.

**MS. O'BRIEN:** Okay. All right.

**THE COMMISSIONER:** I didn't hear the last part of your statement. And what?

**MS. M. DUNPHY:** Yeah. He left the house. So he went out through the front door. He was holding on to the glasses by the arm, the arm of the glasses. He walked down the driveway holding on to the glasses by the arm and laid them on the seat of his car.

**MS. O'BRIEN:** Did you have any concerns about the way that Constable Galway was handling the glasses?

**MS. M. DUNPHY:** Very much so, yes. You know, I called because the glasses seemed to me like there was something wrong so my lawyer, Erin, had contacted them. They were coming in to seize it, from what we thought or from what I thought, for evidence. I didn't think he was going to carry them to the car by the arm. I thought he was going to come in and at least put them in a bag or a box of some sort and bring them back to wherever I guess the investigators would look at them, but it just seemed like he dismissed everything I said and didn't really care and just hove them on the seat of the car and went on.

**MS. O'BRIEN:** Did he take any photographs of them?

**MS. M. DUNPHY:** I believe so, yes.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** I'm not 100 per cent sure on that, but I think he did.

**MS. O'BRIEN:** Okay. And when he was carrying the glasses that way, when we saw that the lens was popped out a bit, was the lens falling out or was it firm enough in the frame that it (inaudible).

**MS. M. DUNPHY:** No, I think the lens was totally out at that point. So he probably picked that up and took it with him. Because, you know, it would have fallen out in the driveway, pretty much.

**MS. O'BRIEN:** All right. Do you know if the RCMP – and I don't need you to get into details of it because, obviously, we're going to hear from RCMP officers who'll be able to get us lots on that, but do you know if the police did any follow up after finding the glasses?

**MS. M. DUNPHY:** I know they came back to Mount Carmel and asked Colin Dinn, which was one of Dad's friends, they had talked to him before and they talked to Tom Hearn. I'm not sure if they talked to anyone else about the glasses but I know they did come ask them when was the last time they had seen Dad with his glasses on and that sort of thing.

**MS. O'BRIEN:** Am I accurate here, your concern with the glasses was that when you found them they were in a very beat up, unwearable condition?

**MS. M. DUNPHY:** Yes. Yeah.

**MS. O'BRIEN:** And the concern was that might be a sign that something had happened to your father and his glasses –

**MS. M. DUNPHY:** Yeah, well –

**MS. O'BRIEN:** – between the last time you had seen him with his glasses –

**MS. M. DUNPHY:** Exactly.

**MS. O'BRIEN:** – and when you found them. Is that the idea?

**MS. M. DUNPHY:** Well, yeah. Well, I questioned why they were so beat up. I was wondering were they on his face when he was killed or, you know, was there a struggle or did something fall on them? You know, it was a concern obviously. Someone died in the room. So the glasses were left and they were obviously in bad shape but they were wearable or they wouldn't have been left on the coffee table. So I did have concerns as to what happened to the glasses.

**MS. O'BRIEN:** Okay. And after you – I know you said you got sort of control back of the house after April 9 and you didn't notice the glasses I take it, till April 14 when you reported it.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Okay. Were there other people in the house during that time other than you, or who was in the house?

**MS. M. DUNPHY:** The only people that were in the house after it was released back was me and Billy. I think the 14th was probably the first time I'd gone down there by myself. We had been down a few times to, you know, pick up the cats or feed the cats or – I didn't really want to be in there a whole lot at the time. You know everything was still fresh. I didn't want to have to deal with it all. So, you know, we weren't there a lot. We only probably went in and grabbed a few things that I needed out of the house or something; that was it.

**MS. O'BRIEN:** Okay. So there was nothing that had happened while you and Billy were there that would explain the damage to the glasses?

**MS. M. DUNPHY:** No, no.

**MS. O'BRIEN:** Okay.

All right, the next step here – I think a significant aspect here is on April 16 when Ms. Breen on your behalf wrote Darin King, the Minister of Justice and Public Safety at the time, Chief Superintendent Andrew Boland, who is an RCMP member, and Sergeant Kent Osmond, and she wrote this letter on your behalf. And I'm going to ask, Madam Clerk, if she could bring it up. It's exhibit P-0043.

Thank you.

So in this letter – and it's entered into evidence and the Commission will be able to read it in its full form, so I'm just going to summarize it.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** What Ms. Breen is doing on your behalf is she's requesting that an out of force – or sorry, an out-of-province police force –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** – be immediately brought in to take over the investigation.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And it's actually at the bottom of the third page of the letter. So if you could go one, two more pages – there, I think. So in here at the bottom of this letter, which is page 4 of the exhibit and actually page 3 of the letter, we have where Ms. Breen makes this request. She says: I am instructed by Ms. Dunphy to herein request that an out-of-province police force be immediately brought in to take over the criminal investigation and the *Fatalities Investigations Act* investigation.

So is it fair to say that at this point that you'd lost confidence in the RCMP's investigation?

**MS. M. DUNPHY:** Totally, yeah.

**MS. O'BRIEN:** Okay. All right, now in the letter Ms. Breen has set out, I think, in considerable detail there –

**MS. M. DUNPHY:** Uh-huh

**MS. O'BRIEN:** – the reasons why you had lost confidence.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** And some of them we've talked about, like the glasses and whatnot. And I do think that the letter sets it out clearly and does speak for itself. But I just wanted to give you an opportunity now, if you wanted to elaborate on any of that, like why you felt at this point that we should have someone come from outside the province, so obviously, then, not the RCMP –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – and clearly not the RNC to do the investigation.

**MS. M. DUNPHY:** Yeah, after the things – we just discussed a few things that had happened that actually you know gave me the feeling that it wasn't being done fairly. Like I felt that I was dismissed right from day one. I didn't think they were being objective.

I felt, personally, that they had their mind made up on what had happened in that room that day and that they – the investigation really meant nothing. So I felt that if an outside force came, I might actually you know – it might be done properly. I didn't feel that the RCMP were doing the investigation properly.

**MS. O'BRIEN:** And, again, I don't need to bring these exhibits up, Commissioner, but for the completion of the record I just want to let you know that there was a response received from Chief Superintendent Boland. He essentially states there in his response that while they had considered bringing in an out-of-province force, they had determined – and they, I mean the RCMP – that an independent observer was sufficient oversight.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** And for your record, Commissioner, that letter from Chief Superintendent Boland has been entered as P-0044. And a response was also received by Darin King, minister King at the time. His response came on April 21. I do not need to have it brought up, Madam Clerk, but for the Commissioner's notes, it is entered as P-0047.

And I will get you to bring up the next exhibit, which was your third statement, Ms. Dunphy, that you gave on April 27 and it's a written statement; and if we could see that, P-0038, Madam Clerk, and if you

go just to the second page of the exhibit. So it goes on for a couple of pages, but this statement was given in writing. So can you tell me how did this statement come about?

**MS. M. DUNPHY:** Yeah, it was after I had found the glasses. I just wanted to basically explain when Dad wore his glasses, how he wore them, how I felt that they were and it was written up and sent to my lawyer and she passed it off to the RCMP.

**MS. O'BRIEN:** Okay, and if, Madam Clerk, you could just go to the next page, please.

On this page here – we won't go over it in detail, but you give a lot of information about your father –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** – and it seems that he is very suggestive – to summarize, suggestive that he was very engaged to life and looking forward to it and you addressed some of the repairs he was planning for his house and what – I think what you were saying was there's nothing to suggest that this was a suicide by cop type situation.

**MS. M. DUNPHY:** Yes, exactly.

**MS. O'BRIEN:** Am I saying that fairly?

**MS. M. DUNPHY:** Yeah, that's exactly what it was.

**MS. O'BRIEN:** All right, unless you want to add something to that, I think we've covered it a fair bit already and the statement is in evidence.

**MS. M. DUNPHY:** Yep. Oh, that's fine. You know, I put out everything there that, to me, showed that Dad was not suicidal by any means, so that's fine.

**MS. O'BRIEN:** Okay, thank you.

Working chronologically, there are a couple of other correspondences with your legal counsel, between your legal counsel and other people, that I don't actually have any specific questions for you on, Ms. Dunphy, but I want to point them out to the Commissioner –

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** – that they are in evidence. If you do have a comment on any of them or feel like I'm stating anything inaccurately, please just interrupt.

**MS. M. DUNPHY:** Right.

**MS. O'BRIEN:** Madam Clerk, I do not need to bring up these exhibits, but, Commissioner, I have entered at P-0094 is correspondence that Ms. Breen wrote on April 25, 2015. She wrote that to Commanding Officer Tracy Hardy of the RCMP and Commanding Officer – sorry, Assistant Commissioner Tracy Hardy; I apologize for that. Assistant Commissioner Hardy would have been the most senior RCMP officer in the province, as I understand it.

The same letter was also addressed to Minister Darin King. Again, this letter, Commissioner, just reiterates Ms. Breen's request on behalf of Ms. Dunphy for an outside agency to be appointed to complete

the investigation; and for your notes, Commissioner, responses were received from Assistant Commissioner Hardy on April 29 and that's been entered at P-0046.

Assistant Commissioner Hardy references the independent observer and how they believe that the independent observer is there to guarantee the – to assure the independence and whatnot of the investigation. And a response was received from then Minister King on May 4 and that's been entered as exhibit P-0047. And to summarize his response, it's essentially that as a government official, he will not be interfering in the RCMP's investigation.

You gave a fourth statement, Ms. Dunphy, on June 11, 2015, and again, I believe it was in writing. This statement addressed very specifically how you had found an unspent 22 bullet in your father's living room.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** So I'm going to ask Madam Clerk to bring up a photo of that.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** Thank you, Madam Clerk. And for the record, that's entered as P-0064 and that is a photograph you took, Ms. Dunphy.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Thanks.

So we're seeing the unspent 22 bullet here and then, of course, a nickel is put in here as to give us some perspective of size. So tell me how this came about.

**MS. M. DUNPHY:** Yeah. It was just I was back and forth down to Dad's doing whatnot – you know, I tried to clean out the fridge and stuff. I didn't like to be down there a lot. I would probably go down for an hour every so often. And I had the fridge cleaned out and unplugged, I think, and I was just getting ready to leave to go back home and I looked in the living room and I see that the TV was still plugged in. It was plugged into a power bar on the floor and that, so I just said I might as well unplug it now in case the power goes or a power surge or anything like that.

So I went over and I unplugged the TV and I just turned to leave – so I had to kind of squat down for the plug on the floor and when I turned, my foot kicked something. I never really thought anything of it. It could have been a rock, a screw. It could be anything really, I didn't – a penny, anything like that. And so when I kicked it, I just looked to see what it was and that's when I seen the bullet. I had no idea what it is. I don't know anything about ammunition or guns. I picked it up. To me, the top of it looked rubber, to be honest with you. It was just like a black colour top – it looks silverish there, but it's actually a blackish colour.

So I picked it up and I didn't really realize what it was, and I guess something came to me that it was a bullet. So I googled it on my phone and found out that it was a bullet. I believe I called Erin then. I called Erin from the house basically when I was there with the bullet.

**MS. O'BRIEN:** Okay.

Ms. Breen brought it to – when you say Erin, it's Erin Breen?

**MS. M. DUNPHY:** Oh yeah, sorry – I'm sorry.

**MS. O'BRIEN:** No, that's fine. I think everyone understands who you're speaking about.

So Ms. Breen then contacted the RCMP. Do you know what follow-up was done by the RCMP?

**MS. M. DUNPHY:** Yeah, the next day, Judge Riche and Corporal Burke came out to Dad's house. I believe it was a meeting they had set up. I'm not sure if they came out just for the bullet or if it was a meeting. But anyways, they both came out the next morning. I met them down there and Erin was with – oh, Ms. Breen was with me, sorry.

**MS. O'BRIEN:** You can say Erin.

**MS. M. DUNPHY:** Okay.

She was with me that day when they came to pick up the bullet. And Judge Riche and Corporal Burke came into the house. I talked to Judge Riche for a few minutes. He's very nice and then we got to the bullet part. I think Judge Riche was the first one to say oh, this is the bullet that you found.

Corporal Burke didn't make much mention of it. Judge Riche asked me where I had found it. I explained that and Corporal Burke stayed kind of silent, like he wasn't really going to do anything about it. So I'm not sure who asked, if it was the judge or if it was to Erin who said, you know, are we going to take these. And Corporal Burke just said it has nothing to do with us type thing; like it didn't mean a row of beans. And one of us, me, Erin or somebody, or Judge Riche had basically said, you know – I think I might have said at that point it's a bullet found in the same room that a man was killed in and it has no evidentiary value. To this day, that doesn't even make sense to me. Obviously, the RCMP weren't thorough in their investigation, in my eyes; that's personally how I feel. You know, if they missed a bullet, what else did they miss?

And so basically Steve Burke didn't want anything to do with the bullet. He didn't want to take it; he didn't want to do anything with it. And I believe it was Erin who had said, you know, it's live ammunition, it's not allowed to be left in a house, or something along those lines. And Judge Riche kind of – I don't know if he flat out said, you know, maybe we should take or maybe you should take it, but I think he kind of hinted around to Corporal Burke that, you know, we should take the bullet.

So Corporal Burke eventually said he was going to go outside and take a call, so he went outside and took a call. He came back in he said I'll take it, but I need to write up a note and get you to sign it to say that we're taking the bullet to dispose of it. So he basically, point blank, said, you know, we don't care about this bullet, it has nothing to do with us but I'll take it just to please ya type thing.

And that's how that went. I think – you know the judge asked me a couple of other questions about Dad and that sort of thing, and we were in the room, and that was it. They left and that was the end of that meeting.

**MS. O'BRIEN:** Okay.

Did you get any information from Justice Riche? You said he asked you some questions. Did he give you any information during that interaction?

**MS. M. DUNPHY:** Yeah.

Well when he came out, he was looking around the room because that's why he was out, he wanted to see the room, I guess, for a better understanding of it. So I did learn a few things from him. Like, he didn't actually come out and say this is what happened or this is how it went. It's just he stood up in the place where the officer who shot my father supposedly stood up, and he was saying you know he was standing here writing in his notebook.

So this was stuff that I hadn't known before because no one had told me anything about it. So I did get some information from Judge Riche, which I was obviously very happy about it because one of my concerns was that no one was really telling me anything.

So judge Riche did – he was talking, you know, basically what he went out there to see. And you know I was listening and I probably asked some questions because no one else was going to tell me anything. And it seemed like Corporal Burke kept trying to change the subject, like he didn't really want Judge Riche to say anything. But that was pretty much the whole thing.

You know, after that I had a better understanding of where people were in the room because I thought the officer was sitting on the couch and Dad was in his chair. But at that point then I learned that he was actually standing up over by the mantelpiece.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And just so we're clear, where you found the bullet in the room, we've seen pictures already so we know there was a mantelpiece with the TV over it.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And then if you were standing looking at the TV, to the right is the wall with the window on it.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And it was kind of in the area of the corner where those two walls met –

**MS. M. DUNPHY:** Yeah, exactly.

**MS. O'BRIEN:** – the window wall and the TV wall, say.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Sort of in that general area –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – on the floor.

**MS. M. DUNPHY:** Right.

**MS. O'BRIEN:** Okay. Thank you, Madam Clerk. I'm done with that photograph.

In your – the statement that you gave, I think, on April 27, at least that’s the record I have of it here. So that was your third statement, the one we looked at, the written statement. But – and I do not need to bring it up, but you note there that after your father’s death you found an RCMP business card in –

**MS. M. DUNPHY:** Yes.

**MS. O’BRIEN:** – his wallet with the name Constable Lee Lush on it.

**MS. M. DUNPHY:** Yeah.

**MS. O’BRIEN:** And I understand that you did not know why you had your – your father had that card in your wallet.

**MS. M. DUNPHY:** No, no.

**MS. O’BRIEN:** Okay. All right, and we’ll hear from Constable Lush later on.

**MS. M. DUNPHY:** Sure.

**MS. O’BRIEN:** I just wanted to clarify that point.

With respect to your father’s Twitter account, we understand it was shut down some time after April 5. Did you do this or?

**MS. M. DUNPHY:** Yes.

**MS. O’BRIEN:** Okay.

**MS. M. DUNPHY:** Yeah.

**MS. O’BRIEN:** That was just a decision you made to take down the Twitter account.

**MS. M. DUNPHY:** Yeah, well, you know there was a lot of talk about it, a lot of people looking at it, a lot of pictures being taken of it and I just wanted it gone.

**MS. O’BRIEN:** Okay.

**MS. M. DUNPHY:** So I – yeah, I knew what his email address was so I used that. And I didn’t know his password, I guessed his security questions. Everything was always about me, so it was pretty easy. And all his passwords were the same. I knew the password to his email and stuff, so I just guessed and got in there and shut it down.

**MS. O’BRIEN:** Okay. And I understand you had checked with the RCMP before doing that –

**MS. M. DUNPHY:** Yes, I did. Yeah.

**MS. O’BRIEN:** – to make sure that it wouldn’t –

**MS. M. DUNPHY:** Yeah.

**MS. O’BRIEN:** – interfere.

**MS. M. DUNPHY:** Uh-huh. They said it was going to take them a couple of days before they could do it, it might take some time. So I just took it upon myself to see if I could get into it, and I could. So then I asked if I could close it off, and that was okay.

**MS. O'BRIEN:** Talk a little bit about some of the police communications and communications that you had.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** I believe it was during your pre-hearing interview in May that you had with Ms. Chaytor and I. You told us that you got to meet with the Chief Medical Examiner, Dr. Simon Avis –

**MS. M. DUNPHY:** Yes, I did.

**MS. O'BRIEN:** – after your father had died, and you met with Dr. Avis a couple of times.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** One time you went there with Billy Corcoran.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And another time, your legal counsel, Ms. Erin Breen, was there as well.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Just tell me briefly about – I know there was two meetings – just tell me briefly about those meetings.

**MS. M. DUNPHY:** Yeah, I met Mr. Avis at his office at the Health Sciences. Me and Billy went the first time. There was some misunderstanding; we didn't think Erin could come the first time. So we went, and Mr. Avis basically said I could ask him whatever I wanted to ask him. My biggest question was did Dad die instantly or was he left on the floor to bleed out, because at that time I thought he was lying on the floor with a rifle next to him, as I've been told by – you know, we talked about that at the beginning.

My biggest concern was, was Dad left there to die by himself bleeding out on the floor. I didn't have any information on it. That part bothered me a lot. I couldn't – it was very hard for me to think that Dad probably died alone in the living room with two or three bullets in him, basically. It was hard to deal with, it was hard to grasp, sort of thing. So that was my main reason for going to see Mr. Avis. And he explained to me that any of the shots would have basically instantly killed him, so that he wasn't left there awake by himself or anything. Which was very good to hear; I didn't want Dad to have suffered at all from it.

And I think I asked some questions about where the bullets went in. I asked why there was no blood around the house or where he was shot or anything. Mr. Avis basically explained that there was a lot of blood in his chest cavity and that the way he was sitting, the blood kind of ran down, I guess, where he was slumped, instead of out of him. He explained that there was blood coming out of one of his ears.

I don't exactly remember all the questions that I asked, but he was very nice. He answered every question, basically, that he could. He asked me if I wanted to see photos. At that time I wasn't prepared to see any

photos. I didn't know, basically, what I was going to see. So I wasn't sure, but he did offer for me to see them. And he told me to come back any time or call him with any questions.

Oh, and the big thing that he did tell me, actually, when we were there the first time – because I, obviously, was very upset that I never got to see Dad, and I had said to him, you know, why couldn't I go see him because apparently the cops had said that it was the medical examiner who was in charge of the body and all that kind of stuff, and I asked why wasn't I allowed to see Dad? He said, well, I didn't tell anyone you couldn't see him. He said you could have come out here to see your father.

That was really upsetting, because I could have seen Dad before the autopsy was done. So I would have been able to see all of him, his head and all. Yes, there would have been – I would have been able to see where he was shot but his skull wouldn't be cracked and his head busted open type thing. So really I was denied the opportunity to see my father because I guess the RCMP didn't understand who was in charge of it. But Mr. Avis told me that I could have called and I could have come out to the morgue, I guess it was, and I could have seen my father.

**MS. O'BRIEN:** Okay; and Dr. Avis will give us some evidence on that. And I understood, from what we've heard from Dr. Avis so far, that that would be unusual to have someone come to him to see it.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** But we'll let Dr. Avis speak to that.

Generally, did you find these meetings with Dr. Avis helpful?

**MS. M. DUNPHY:** Yes, very. Because I was finding out things, obviously, that I didn't know anything about, the whole situation, because this was very shortly after Dad had been killed that I had seen Dr. Avis. I think it was May.

**MS. O'BRIEN:** Okay. So it gave you some peace of mind.

**MS. M. DUNPHY:** Yes, definitely, yeah.

**MS. O'BRIEN:** Okay. You've already described a number of your interactions with RCMP investigators and I'm going to – I want you to tell the Commission now if there's other incidents or aspects of your interactions with the RCMP that you want the Commissioner to be aware of.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** I know there was one incident that you spoke to me about in our pre-hearing interview and that involved, I believe, Constable Galway and – I'm not sure, I believe it might be Staff Sergeant Tiller.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Or someone can correct me if I have the rank wrong.

Can you tell the Commissioner about that one?

**MS. M. DUNPHY:** Sure. I believe it was the day that Dad – they were giving me the keys back to Dad’s house. They wanted – so they were releasing the house back to me. They were done with the investigation in the house.

So me and Billy went down to Mount Carmel, Mitchells Brook, Dad’s house, and Corporal Galway and Tiller – is it Tiller? I always get his name mixed up.

**MS. O’BRIEN:** It is Tiller.

**MS. M. DUNPHY:** Tiller, okay – and Rod Tiller were there. They arrived in the car a couple minutes after we did. So we were all standing up at the bottom of the driveway, myself and Billy and both police officers, and they gave me back the keys to the house and they were just making conversation, you know. Neither one of them were being rude or anything like that. It was just a casual conversation.

They said, just – so this was Thursday, so I had found out where Dad had been shot and all, basically that I couldn’t see him, all that, on Tuesday.

And so I believe Billy said, you know, Jesus, they used him for target practice, type thing. That’s what I remember it stemming from. Billy was obviously very upset.

**MS. O’BRIEN:** And when he said they, he was referring to Constable Smyth –

**MS. M. DUNPHY:** Yes.

**MS. O’BRIEN:** – using your father –

**MS. M. DUNPHY:** Yeah.

**MS. O’BRIEN:** – in that manner. Okay.

**MS. M. DUNPHY:** And so Rod Tiller and Corporal Galway just were basically trying to explain to me, I guess, how scenarios go. It was more Tiller. Galway was there for the conversation, but Tiller was the one, basically, explaining to me. He said that he had done some training where they went to a scenario and it was a paintball gun or something of the sort, like pretend guns or something.

So he said that targets used to pop up like in different areas of the room and they had to shoot them, basically, as practice for if they got into some sort of situation in a stand-off or something. And he said that basically when you’re in a situation like that and your adrenaline is high, you don’t know how many times you shoot or where you hit the target or anything like this. And that was basically his explanation of why Dad was shot so many times.

Anyways, we got the keys and they went on, and I got – me and Billy got in the car and I just looked at him and I said, you know, did they just compare my father being killed by being shot compared to like a paintball game. Like, it was just – it was almost over my head to even think that it just happened. I was like, you know, it’s ridiculous. It just seems like people had no idea how to deal with the situation at all. You know, my father was killed a couple of days before and they were going to play it out like it was a paintball game. It was very disrespectful.

**THE COMMISSIONER:** When I read about that, it struck me a bit strange that it would have upset you so much I have to say, Ms. Dunphy. It seems as though the police officers were trying to answer –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – your question, or respond to the comment that had been made by –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – Mr. Corcoran about so many shots being fired –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – and they were trying to explain, as I read it, that it's not unusual when you get into a situation of high adrenaline –

**MS. M. DUNPHY:** Sure.

**THE COMMISSIONER:** – that a person might shoot, might fire a firearm more often than he or she realizes because of the intensity of the moment and the adrenaline and so forth. It didn't seem to me they were comparing your father's incident to a paintball game, they were explaining how in training –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – they'd be given the experience – obviously, they couldn't be given the experience of live ammunition towards individuals.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** So what – I understand your concern that the incident not be trivialized, but I'm not sure why you'd be so set back by the reference to the fact that they train with paintball guns because they are able to see where the shot lands and so forth.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** Can you help me out on that?

**MS. M. DUNPHY:** I just didn't feel it was an appropriate conversation to have. You know, these were the two officers who I had basically had a little bit of an argument with because they didn't tell me where Dad was shot to begin with. So then when they explained it, they compared it to a paintball game and I just feel that, you know, it's obviously a lot worse than a paintball game. I guess they could have been trying to explain that, you know, you can shoot more than once when you're in adrenalin. But, you know, there was four shots in a small room; I don't see how it compares to a paintball game at all.

**THE COMMISSIONER:** Okay. I guess it also, as I was considering the whole thing –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – it sort of puts, to some extent, police officers in a position of damned if you do and damned if you don't –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – in terms of discussing, getting into –

**MS. M. DUNPHY:** Sure.

**THE COMMISSIONER:** – explanations or discussions with family members.

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** Could you appreciate that?

**MS. M. DUNPHY:** For sure. And at that point I was probably still highly upset by not finding – you know when I couldn't see Dad. So this was only a couple of days later. It was Tuesday that I found out about where Dad was shot. I did have an argument with both of them and that could have been the first time that I met them after, so I probably was a little bit probably angry with them maybe. That could have been why it ticked me off a little bit.

I can agree to that. Yes, I guess it is an explanation as to what happened. I guess it was just too soon for me to hear it explained like – like if it was explained today, sure, you know, I've had a year and a half to think about it, but you know, at the time my father's funeral was the next morning. You know, it was – it was really hard to hear, yeah.

**THE COMMISSIONER:** No, I thank you. And I understand what you're saying.

**MS. M. DUNPHY:** Okay.

**THE COMMISSIONER:** Thank you.

**MS. O'BRIEN:** Continuing on with some examples of the communications between you and police officers, I want to talk about an example of Constable Smyth communicating. So I know that you're aware that on April 10, Constable Smyth wrote an email –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – to, primarily to other members of the RNC –

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** Although it did go further than that. This was – that email that he wrote was leaked to the media, so it was published in full in the media, and this was on the day of your father's funeral.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Did you read that email? Were you aware of it on that day?

**MS. M. DUNPHY:** Yeah, actually I think he said Staff Sergeant Tiller, he came to – after we got home from the funeral, he came to the house to return the keys to Dad's house because they had to go back down again. And he had told me that there was a letter released to the media, that they didn't have anything to do with it getting released –

**MS. O'BRIEN:** By they –

**MS. M. DUNPHY:** By the RCMP.

**MS. O'BRIEN:** The RCMP had nothing to do with it.

**MS. M. DUNPHY:** Yep, and that he just wanted me to be aware of it. We had just gotten home from the funeral, basically, yeah.

**MS. O'BRIEN:** And so did you read the email or read some of the media reporting on it?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And what was your reaction to it?

**MS. M. DUNPHY:** At the time it was very hard to hear. You know, it was the day of Dad's funeral, so it was horrible timing. It seemed like it was released to take the focus off of Dad and put the – sympathize with the officer.

I did read the email. It was a long email. There was some stuff in it about saying we were too late for Mr. Dunphy and all of that. I'm not really sure what the officer thinks we were too late for or what he was too late for. I didn't understand that part of it.

When I read it, I was very upset, but I was just after coming from father's funeral; it was a very hectic and horrible week. I tried not to read the stuff that was on the media; I still do. You know, it's hard to hear; it's hard to see. And I think I just tried to put it in the back of my mind, but there was a lot of things in it like when the officer said he could not regret his actions.

I think even a common person would have to regret killing someone. Yes, I get that he feels it was his duty to do what he done and that was his job and that. But to say you don't regret killing someone is hurtful to everyone, I think. You killed a human being. Whether you're a police officer or you strike them on the road, you're going to feel bad and you're going to regret it, I would hope. So I did feel that that was – I know it wasn't intended for me to read it, but it was hurtful and it was more hurtful because it was the day of the funeral.

**MS. O'BRIEN:** Anything else while we are sort of on this topic of, you know, the communication and the information you were getting back and forth with either the RCMP or the RNC – any other examples of that that you would like to draw the Commissioner's attention to?

**MS. M. DUNPHY:** I think we've gone over the main ones. I guess that, you know, as you can see from – we're talking through it, you know I did feel dismissed a lot. And, you know, I've had time now to – you get more time to think, but at the time there was like significant frustration every time there was, like, something new with the RCMP investigation, or just how, you know, it was handled and how I was treated. It didn't seem fair to me at all.

**MS. O'BRIEN:** Okay. So, you know in terms of – did you find that there was – in looking at the communications generally –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** So instead of like focusing on specific examples –

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** – did you find that there was not enough communication, or it was what was being communicated, or –?

**MS. M. DUNPHY:** Yeah. I guess there wasn't enough communication. It seemed like I always had to pry to find out things, or Erin would have to write a letter to get someone to talk to me and fill me in on that sort of stuff I guess. Like, towards the latter end of the investigation, Steve Burke did call me. Like, he'd call to let me know when reports were back, and he'd call to let me know if there was something going out to the media. You know, he did keep me updated and, you know, he always called and he was never outright rude. It was just – I didn't feel that they took me serious right from day one.

He always asked how I was. Like, how are you today? How's school and that sort of thing. But a lot of the times I would get – say if I was at work, Steve Burke had called – you know, I can't have my cellphone on me at work. He'd call and leave me a message and say for me to call him back. He had to update me on something. And before I'd get the chance to call him back, like literally, probably not even five to 10 minutes, what he had to tell me would have been released on the media. So it would have been to the media before I knew about it. And this happened on, like numerous occasions.

**MS. O'BRIEN:** So he would have been calling you with an update, just to let you know in advance –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** – that something was going to the media but you wouldn't get the message in time –

**MS. M. DUNPHY:** Yeah, exactly.

**MS. O'BRIEN:** – to actually give you advance notice.

**MS. M. DUNPHY:** Exactly. And even times that he did get me on the phone, like, say if he called and I answered the phone and he told me what was happening and that sort of thing, when I'd get off the phone I'd obviously call Erin and say, you know, Corporal Burke just called and updated me on this. And usually before we'd get off the phone it'd be on the media. You know, I don't really understand how it all got out so quick and what was the big, mad panic to get it out there. You know, I could have at least been informed. You know, give me a few minutes to take a break at work before it all gets on the news and the radio.

You know, at one point there was something on Twitter, David Cochrane had put something on Twitter, and one of my co-workers had told me about it going down the hall. And then when I got back to my desk, I looked and Steve Burke was after calling me like seven minutes before and I never got a chance, and here I heard it on Twitter.

**MS. O'BRIEN:** Do you remember specifically what the information was in that instance?

**MS. M. DUNPHY:** No, I don't. That happened like – that specific incident, you know, it was on Twitter before I knew. But I think it happened so often, that I don't really remember that exactly what incident it was.

It could have been just that the reports are back and there will be a news release at whatever time, or you know someone was going to speak out about it, or a judge had been named or some – it could have been anything, you know, that was released. I'm not entirely sure what it was, but it was just hard that it was always on the media before I knew.

**MS. O'BRIEN:** Okay. We already spoke about your experience with the independent observer.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** What about ASIRT, this would be the Alberta Serious Incident Response Team. I know that you were eventually told by the RCMP that ASIRT was going to be brought in to do a review of the RCMP's investigation.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** What was your response to that?

**MS. M. DUNPHY:** I thought that was a really good idea. You know it was putting more faith basically back in it for me. It was going to be another independent investigation outside of the RCMP so I did feel good that that was being – sorry, that that was going to be done.

**MS. O'BRIEN:** Okay.

Commissioner, I'm just noting, I've got a couple of more questions with respect to ASIRT but they may take a little longer. I know we're getting –

**THE COMMISSIONER:** I think it's probably a good time – it's about five minutes before we normally break and see (inaudible) we'll – I think it would be appropriate at this time to take a break for lunch until 1:30.

**MS. O'BRIEN:** Thank you.

**THE COMMISSIONER:** Okay.

**MS. SHEEHAN:** All rise.

### **Recess**

**MS. SHEEHAN:** All rise.

I declare this Commission Inquiry in session. Commissioner Mr. Barry presiding.

Please be seated.

**THE COMMISSIONER:** You can continue when you're ready, Ms. O'Brien.

**MS. O'BRIEN:** Thank you, Commissioner.

Before we begin, I think you were going to make a comment about the view-ability of the exhibits on the webcast.

**THE COMMISSIONER:** Oh yeah, sorry, the one little job. There was some difficulty this morning, apparently, or today, in getting the exhibits that we were seeing on our screen up on the webcast. But just to reassure our viewers that they should be available tomorrow. Just a little technological problem, which I understand has been worked out.

**MS. O'BRIEN:** Thank you.

Thank you, Ms. Dunphy; we'll continue with your examination. You're still under affirmation to tell the truth.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** A few questions arising from my examination this morning, one – so we're going to revisit a couple of issues. So one of the issues was the glasses. So you'd seen the – when you found the glasses and the photograph of the glasses and they weren't in a wearable state.

What I understand the RCMP's testimony will be is that they saw the glasses as you found them, then they went back and they looked at the photographs of the glasses as they'd been captured immediately following your father's death by the identifications section of the RCMP, those officers that are trained –

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** – in capturing a scene and they determined that the damage that – they concluded that the damage that they were seeing in the glasses when you found them was not there immediately following your father's death.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** Had this come to your attention before that that was their conclusion?

**MS. M. DUNPHY:** Yes, I believe we talked about that, yeah.

**MS. O'BRIEN:** Okay, and do you have any comment on that? Do you agree with them? Have you had a chance to see those – the glasses?

**MS. M. DUNPHY:** Yeah, I see the picture on the RMCP scene photos, I believe it was – yeah, the scene photos on – okay, yeah, it was the scene photos. To me, in the photo for the RCMP, they still looked like there was a little bit of damage or something done beforehand. They didn't look to be in wearable state to me, all right.

I would think that Dad – if they were laid on the coffee table, he'd probably just taken them off but it still, to me, looked like something had happened to them.

**MS. O'BRIEN:** Okay.

Did it look to you like something more had happened to them between when the RCMP found them and then when you found them?

**MS. M. DUNPHY:** The lens and stuff appears to be in them in the RCMP photo. The nose piece doesn't. To me, it looked like the nose piece was still gone. So the lens seemed to be out more, yes.

**MS. O'BRIEN:** Okay, what about the arm? Because remember one of the photos I showed you I said it looks like the arm is off in an odd angle.

**MS. M. DUNPHY:** Yeah, it is. The same photos were taken at different angles. It was kind of hard to judge but that arm did seem to be out a little bit more on the picture I took compared to the picture that was on the scene photos for the RCMP, sorry.

**MS. O'BRIEN:** Okay, but you still felt how the glasses were captured – if I'm understanding you correctly – you still felt how the glasses were captured in the RCMP photos was more damage to the glasses than there would have been when you last saw your father wearing them.

**MS. M. DUNPHY:** Yeah, they didn't seem like they were wearable to me, even on the first – like when the RCMP took the photos the day they were there, on that day, those photos, they still didn't seem wearable at that time.

**MS. O'BRIEN:** Okay.

Another item that we talked about earlier was your meeting with Dr. Avis.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** And you had said how he had offered you to come – had told you it would have been possible for you to come view the body.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** And I said to you during the examination, I think that based on the interview with Avis, I anticipated that he said if that request is made it would have been very unusual.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** During the break I had a chance to go – Ms. Chaytor assisted me and she went and got that piece of Dr. Avis's pre-interview transcript and I just wanted to bring this to you.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** So the question was asked of him whether you had ever made the request to him to come see your father.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** His response was: She might have. In other words, you might have made the request. That is a common request; the families want to see the body before the autopsy. It's routinely denied; we don't allow it.

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** So what we got from him suggested to us that that wouldn't have been permitted.

**MS. M. DUNPHY:** Okay, sure.

**MS. O'BRIEN:** Is it possible that you are – your memory of the conversation with him, as he's told us earlier, was that you had said it could have happened.

**MS. M. DUNPHY:** He said I could have called him, basically is what he said. I don't know if he would have explained it better to me then or not, but he did say that I could call – I could have called the office basically and spoke to him about it and come into the morgue type thing.

**MS. O'BRIEN:** Okay, so you don't know from that necessarily that you would have been able to see your father?

**MS. M. DUNPHY:** My understanding was that I would have been able to. I guess it might not be a routine thing, but is that how it normally goes? I'm not really sure how any of that works, but I was under the impression that I would have been able to see Dad.

**MS. O'BRIEN:** Okay, all right.

Just talking about your dad, we're going to hear some evidence from other people who knew your father.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** Who – can you just give us some idea of who were the people who would have known best, visited him the most for example?

**MS. M. DUNPHY:** Yeah. The people who bought my grandfather's house, they got very close with Dad, so that's Rita and Dominic Farrell. They were at Dad's when they were in at – basically they used Pop's house as a cabin. They lived in Torbay and they'd go in on the weekends. When they were in, they'd visit Dad.

Tom Hearn visited Dad quite often. Tom does work away but when he's home, he's back and forth a couple of times a week, and Colin Dinn used to go to Dad's.

He had friends in town that used to go out a scatter time or when Dad was in town, he'd go there. But the main people that used to be at Dad's were Rita and Dominic, and Colin and Tom.

**MS. O'BRIEN:** Okay.

So Rita and Dominic Farrell, Colin Dinn and Tom Hearn?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay, thank you.

Just before we broke for lunch, we were talking about ASIRT.

**MS. M. DUNPHY:** Yep.

**MS. O'BRIEN:** Do you recall being verbally briefed about the RCMP's findings and the ASIRT report on September 13, 2016?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** What do you recall of that briefing – what happened?

**MS. M. DUNPHY:** Yeah. We met at a hotel off Stavanger Drive, Hampton Inn I think it was, and first we met with the RCMP. Corporal Steve Burke was there and there was another man there. I can't remember his name. He was some sort of RCMP.

That was very brief. It was me and Erin and the two officers. They just said their findings of the investigation, that no charges were going to be laid and that was basically it. Like it was literally like five minutes.

And then the lady and the gentleman from ASIRT, they came in and they told us their findings or recommendations. They let me ask some questions. That's basically about it. That's what happened there, pretty much.

**MS. O'BRIEN:** Okay. I think – I know you said there's a woman and a man from ASIRT.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** I know – I think the woman would be doctor – or sorry, Sue Hughson.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** And I don't remember the gentleman's name offhand.

**MS. M. DUNPHY:** No, I'm not sure.

**MS. O'BRIEN:** Okay. One, did you find that helpful?

**MS. M. DUNPHY:** No, not really. You know, it was just basically saying that the investigation had concluded, there were no charges laid. So with the RCMP, you know there was nothing really about that.

**MS. O'BRIEN:** What about the meeting with ASIRT? Did you find that helpful?

**MS. M. DUNPHY:** The ASIRT, yes, I think they explained some things to me that I didn't really fully grasp, border along those lines. ASIRT – I'm just trying to think back now on exactly what we had talked about. I guess it was helpful, yes. Like they explained what their role was and what exactly they done and they explained in other scenarios, too, as well. So I guess that was helpful, sure.

**MS. O'BRIEN:** What do you mean they explained in other scenarios?

**MS. M. DUNPHY:** Like they made reference to like different cases that had happened before and like said basically how those cases went. Like, you know if an outside force was brought in or what the end result was for different investigations and that. I guess trying to explain to me like what happened in Dad's investigation and how it goes like the same way in other investigations.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And so you found those examples of other investigations helpful –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** – to understanding what happened in your father's?

**MS. M. DUNPHY:** Yes and no. Yeah, like it was good to hear other examples, I guess, but I don't know if it was helpful or not.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** One of the media reports that I read, there was a statement made that ASIRT told you that errors occurred in the course of the investigation.

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Which resulted in a loss of evidence, but that did not impact the final conclusion in its opinion.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Do you recall that, or is that accurate, number one?

**MS. M. DUNPHY:** Yeah. No, that's accurate. I believe that was in some of the recommendations they made. I know, I think there was somebody on the scene who wasn't interviewed was one of the – what was it exactly you called it, sorry?

**MS. O'BRIEN:** It was that errors occurred.

**MS. M. DUNPHY:** Yeah. That was one of the errors I think, that the RCMP didn't interview someone that was either on the scene or somebody that was involved. And another one of the errors was when they done a re-enactment, I believe that the taping didn't work the first time. And that's all I can think of off the top of my head right now.

**MS. O'BRIEN:** Okay. So those things ASIRT would have discussed with you?

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Okay, yes. And I think what the issue with the video is, the first re-enactment that Constable Smyth did, the video footage of it got lost and it had to be redone.

**MS. M. DUNPHY:** Okay, sure.

**MS. O'BRIEN:** Okay. Also in the media report I read, it said that ASIRT also informed you –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – that it attributed errors to local inexperience in conducting police-involved shooting investigations.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Is that accurate? Do you recall ASIRT telling that to you?

**MS. M. DUNPHY:** Yes, I do. Yeah.

**MS. O'BRIEN:** Okay. Anything else about that briefing that you recall that you think might be important or of note?

**MS. M. DUNPHY:** Not right off the top of my head. Nothing's coming to me now, no.

**MS. O'BRIEN:** Okay. Were you – the independent observer gave a report, were you ever briefed on that report?

**MS. M. DUNPHY:** Judge Riche's report?

**MS. O'BRIEN:** Yes.

**MS. M. DUNPHY:** I've read it, but I was never briefed on anything in it, no.

**MS. O'BRIEN:** Okay. So you didn't have a similar meeting as you did for ASIRT –

**MS. M. DUNPHY:** No, no.

**MS. O'BRIEN:** – and RCMP's for that one.

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay. I have some further correspondence with your counsel and various other parties, and while I don't have many questions for you on those correspondences, Ms. Dunphy, I'd like to draw the Commissioner's attention to them. In particular, the ones I'm going to go through I think they are instructive on the matter of the communication between Ms. Dunphy and the RCMP. Madam Clerk, as I'm going through these ones I do not need you to bring these exhibits brought up.

As I'm going through them, Ms. Dunphy, if you could just listen and if you feel like I've misstated something or have something wrong, by all means speak up.

**MS. M. DUNPHY:** Sure.

**MS. O'BRIEN:** The first one is a letter that Ms. Breen wrote on May 26, 2016. It has been entered, Commissioner, into evidence as P-0048. And in that letter Ms. Breen again writes Assistant Commissioner Hardy, Tracy Hardy. Again Ms. Breen is requesting for an outside force, and she also raises another issue that had to do with a 3-D crime scene analyst.

Ms. Dunphy, after you had first raised your request for an outside, out-of-province force to come in and take over the investigation, I understand you were told at some point after that by Corporal Burke that an out-of-province, 3-D crime scene analyst –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – would be giving an opinion. And I understand that Corporal Burke asked you if you would make your father's residence available for that.

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** Is that right?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Okay. And, as Ms. Breen details in her May 26 letter, that Corporal Burke had contacted you again on that day, I believe, and said to you now that the expert did not need to use the residence, did not need access to the residence to do his work –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** – as he could work from measurements that had been previously taken by the investigative team. And as I understood this part of your counsel's letter, she was seeking some clarification from Assistant Commissioner Hardy as to why the change.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** Why was the first response – first she told us this expert needed access to the house, now you're saying he doesn't.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** And Assistant Commissioner Hardy responded to Ms. Breen's letter. And Commissioner, that letter is entered as exhibit P-0049. And Assistant Commissioner Hardy wrote that the RCMP were still exploring use of the 3-D expert. What is required will be determined by that expert and – this is a quote from her letter – “Should we require the assistance of Ms. Dunphy we will advise accordingly.”

**MS. M. DUNPHY:** Okay.

**MS. O'BRIEN:** So she comes back, and she doesn't answer the question whether or not access is needed to the house.

The next piece of correspondence in this chain is, Commissioner, again from Erin Breen, and it is entered as exhibit P-0050. And Ms. Breen writes back on June 10. Again, Ms. Breen is pointing out the confusion to Assistant Commissioner Hardy, essentially saying look, the primary investigator, the lead investigator here has told my client that the expert does not need the house. And now you, as Assistant Commissioner for the RCMP in the province has said, we are still exploring the option and, you know, we'll let you know if we need the house or not, essentially.

And I think your counsel identified these as contrary messages –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – those are her words – and was seeking clarification. Because I guess at that point you were wondering how long you had to keep the house –

**MS. M. DUNPHY:** Exactly.

**MS. O'BRIEN:** – you know, preserved.

**MS. M. DUNPHY:** Yeah. Uh-huh.

**MS. O'BRIEN:** Ultimately, there is another interceding letter from Ms. Breen to the Assistant Commissioner, which is entered at P-0051, which is raising the issue of the bullet that we've already talked about, and again, requesting the outside force.

But the next piece of correspondence with respect to this 3-D expert, it comes on June 16, and it's Assistant Commissioner Hardy responding. Commissioner, it is entered as P-0052. And Assistant Commissioner Hardy responds to say, look, it wasn't their intention to cause confusion.

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** She confirms in that letter that the house will not be required. And she thanks you for your patience –

**MS. M. DUNPHY:** Uh-huh.

**MS. O'BRIEN:** – and co-operation and your flexibility concerning the use of the house throughout the investigation. So, Ms. Dunphy, does that adequate – do I accurately summarize there that sort of back and forth –

**MS. M. DUNPHY:** Yes.

**MS. O'BRIEN:** – about the use of the house?

**MS. M. DUNPHY:** Yeah.

**MS. O'BRIEN:** Okay.

Commissioner, I just will note, for your benefit, that there's already been entered into evidence at the start of Ms. Dunphy's testimony, another – a number of other communications between Ms. Dunphy's counsel, Ms. Breen, and a number of other parties, both in government and the RCMP. I'm not planning to review them now.

I can summarize them by saying these correspondence show Ms. Breen's efforts on the part of Ms. Dunphy to raise concerns about tunnel vision on the part of the investigators and continued requests that an out-of-province force be brought in to investigate. And so they're all there for your review.

Now, Ms. Dunphy, this – those are the questions I had for you, but another counsel now will be given an opportunity to ask you questions. Before they do, is there anything that you wanted to add to your testimony thus far? Is there anything you felt I didn't give you a chance to say?

**MS. M. DUNPHY:** Yeah – no, no, I think I'm fine.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** I think we covered just about everything.

**MS. O'BRIEN:** Okay.

**MS. M. DUNPHY:** There's nothing at the top of my head right now.

**MS. O'BRIEN:** Okay, that's fine.

Thank you very much.

**MS. M. DUNPHY:** Thank you.

**MS. O'BRIEN:** Those are my questions for this witness, Commissioner.

**THE COMMISSIONER:** Thank you, Ms. O'Brien.

Now, as counsel was left to agree, I think, with the order, I take it, Ms. Breen, you're going last, are you or – okay. So maybe we'll go around from right to left.

Mr. Williams, do you intend to –

**MR. WILLIAMS:** Just a couple of brief questions.

**THE COMMISSIONER:** Okay.

**MR. WILLIAMS:** Good afternoon, Ms. Dunphy.

Yes, I introduced myself a little earlier. I'm Tom Williams representing Mr. Davis.

**MS. M. DUNPHY:** Yep.

**MR. WILLIAMS:** I just want to touch that I don't want to be – sorry (inaudible). I don't want to be too scattered but just going through the evidence, I'm not going to take you back through a lot.

**MS. M. DUNPHY:** Sure.

**MR. WILLIAMS:** But just a little bit about in terms of your father's involvement in his community.

**MS. M. DUNPHY:** Uh-huh.

**MR. WILLIAMS:** Was your dad active in the community where he lived?

**MS. M. DUNPHY:** What exactly do you mean by active?

**MR. WILLIAMS:** Well, for example, were there any community groups he was involved in? Was he involved in the town council, things of that nature much?

**MS. M. DUNPHY:** No.

**MR. WILLIAMS:** Okay.

**MS. M. DUNPHY:** No.

**MR. WILLIAMS:** So he didn't partake of the community. He seems to be, obviously, a very popular man so I didn't know if he was involved in –

**MS. M. DUNPHY:** Yeah. No, no, no.

**MR. WILLIAMS:** – in community affairs.

**MS. M. DUNPHY:** No.

**MR. WILLIAMS:** With respect to his use of Twitter –

**MS. M. DUNPHY:** Uh-huh.

**MR. WILLIAMS:** – had that been something recent or had he done that over an extended period of time?

**MS. M. DUNPHY:** No, I'd say that was probably within about two years before he died.

**MR. WILLIAMS:** Okay.

**MS. M. DUNPHY:** So he'd only been on there for about two years. Probably not even that, actually.

**MR. WILLIAMS:** Had he used any other forms of communication prior to that? Was he involved with Facebook or –

**MS. M. DUNPHY:** He signed up for Facebook but that was around the same time he signed up for Twitter, so I think Twitter kind of stuck and Facebook didn't. You know, he was never on Facebook. I think his account might have been there. There was nothing on it, just basically his name.

**MR. WILLIAMS:** How did he come to learn how to use Facebook, or did he just pick this up on his own?

**MS. M. DUNPHY:** He just kind of picked it up on his own. He had it on his cellphone, so I guess he was just on that and just came to learn how to do it.

**MR. WILLIAMS:** Okay.

Did he use any other forms in terms of communications? I know, obviously, on Twitter he used it to express some concerns with the Workers' Comp system.

**MS. M. DUNPHY:** Yeah.

**MR. WILLIAMS:** Did he do any other – did he write letters to the editor or did he call *Open Line*?

**MS. M. DUNPHY:** Yeah.

**MR. WILLIAMS:** What kind of communications would he pursue when he was pursuing things of interest to him?

**MS. M. DUNPHY:** He did write letters. He wrote letters to several politicians. I'm not sure who else he wrote letters to. I know he wrote, I think, to Felix Collins. He used to call *Open Line* a lot –

**MR. WILLIAMS:** Okay.

**MS. M. DUNPHY:** – and I think that's the only means really that I know of.

**MR. WILLIAMS:** Would he follow all the *Open Line* shows? I know there's morning, –

**MS. M. DUNPHY:** No.

**MR. WILLIAMS:** – afternoon and evening, or would he have a favourite kind of thing?

**MS. M. DUNPHY:** I think it was Paddy Daly. I don't know what's what, sorry.

**MR. WILLIAMS:** Okay.

**MS. M. DUNPHY:** Don't listen to the radio every much.

**MR. WILLIAMS:** Nor do I, so –

**THE COMMISSIONER:** By the way, Ms. Dunphy might be able to confirm, did your father utilize social media before he got his cellphone? I think you provided him with a cellphone.

**MS. M. DUNPHY:** No, he didn't, no.

**THE COMMISSIONER:** And that was roughly what time you gave him a cellphone?

**MS. M. DUNPHY:** I'm thinking it was 2013. I could probably fine out for sure.

**THE COMMISSIONER:** It may be in the record about his cellphone.

**MS. M. DUNPHY:** Yeah. I'm thinking around two years – a year and a half, two years.

**THE COMMISSIONER:** That's when he had the cellphone, so he wouldn't have been on Twitter or Facebook before –

**MS. M. DUNPHY:** No.

**THE COMMISSIONER:** Okay, thank you.

**MR. WILLIAMS:** Was he a big follower of current events?

**MS. M. DUNPHY:** Very much so, yeah.

**MR. WILLIAMS:** Okay, because I noticed even in some of the pictures we saw this morning of the inside of his home there was newspapers scattered on the floor.

**MS. M. DUNPHY:** Everywhere, yeah.

**MR. WILLIAMS:** So did he have the newspaper delivered to his home on a daily basis?

**MS. M. DUNPHY:** No, he usually picked it up at the store.

**MR. WILLIAMS:** But he'd normally read it daily, would he?

**MS. M. DUNPHY:** Yeah.

**MR. WILLIAMS:** And was he interested in public events in general or matters that mostly concerned him?

**MS. M. DUNPHY:** He didn't go to public events a lot, like he didn't go to dances or clubs or anything like that. He didn't drink or anything, but anything political he was pretty interested in.

**MR. WILLIAMS:** Okay.

**MS. M. DUNPHY:** I know he went to a couple of things for Workers' Comp a few times. And he liked politics; he was interested in that. He read a lot of that.

**MR. WILLIAMS:** Okay.

Did he ever work in political – I know in a lot of small communities –

**MS. M. DUNPHY:** No.

**MR. WILLIAMS:** – some people work for (inaudible).

**MS. M. DUNPHY:** No.

**MR. WILLIAMS:** He never worked for anybody in the community?

**MS. M. DUNPHY:** No.

**MR. WILLIAMS:** Okay, but he followed public affairs a fair bit, I trust –

**MS. M. DUNPHY:** Yes.

**MR. WILLIAMS:** – whether it be associated with Workers' Comp or not.

**MS. M. DUNPHY:** Yeah, and not just for here, not just for Newfoundland. Like, everywhere basically.

**MR. WILLIAMS:** Okay.

You indicated that he obviously he had some gripes with Workers' Comp.

**MS. M. DUNPHY:** Yes.

**MR. WILLIAMS:** As well we know he had some distain obviously regarding the system, the political system in general.

**MS. M. DUNPHY:** Yep.

**MR. WILLIAMS:** Was his frustration mostly focused at Worker's Comp or did he feel – from your perception, did he feel it was mostly the Workers' Comp issue, Workers' Comp was responsible for that, or did he feel it was government in general that was responsible for his issues?

**MS. M. DUNPHY:** In my opinion, I think it was mostly directed towards Workers' Comp but then, at the same time, that's kind of the part of the government I guess too. I don't understand fully I guess, I'm not, but –

**MR. WILLIAMS:** He would have seen that as an arm of government.

**MS. M. DUNPHY:** Yes, exactly so – but I think it was more directed towards Workers’ Comp. Like, I don’t think he had an issue with the government in general; it was just the Workers’ Comp part of it.

**MR. WILLIAMS:** Okay.

He wasn’t political, per se. It wasn’t that he liked the Liberals and didn’t like the PCs –

**MS. M. DUNPHY:** No, no, no, not at all –

**MR. WILLIAMS:** – or liked the PCs; he just didn’t like the system.

**MS. M. DUNPHY:** Exactly, yep.

**MR. WILLIAMS:** And to your recollection, do you know did he ever have any personal knowledge or discussions with Mr. Davis when he was premier?

**MS. M. DUNPHY:** Not to my knowledge, no.

**MR. WILLIAMS:** Not that you know?

**MR. DUNPHY:** No.

**MR. WILLIAMS:** Okay, that’s all the questions that I have.

Thank you.

**MS. M. DUNPHY:** Thank you.

**THE COMMISSIONER:** (Inaudible) when you are ready.

**MR. KENNEDY:** Yes, thank you, Commissioner.

I don’t have any questions for Ms. Dunphy.

**THE COMMISSIONER:** Thank you.

**MR. DROVER:** Thank you, Commissioner.

I have just one question – I am John Drover representing the Royal Newfoundland Constabulary Association, and my only question is whether you’ve had any contact with the Royal Newfoundland Constabulary or any of their members between April 5 and, say, the date of the release of the reports.

**MS. M. DUNPHY:** I don’t believe so.

**MR. DROVER:** Thank you.

**MS. M. DUNPHY:** I did – no, sorry, one second. I did send Paul Didham a message on Facebook at one point and he did respond and just said if I needed to talk or anything like that, I could call him and he gave me his cellphone number. I believe that’s the only RNC officer I talked to throughout the –

**MR. DROVER:** Why was Paul Didham the officer that –

**MS. M. DUNPHY:** Paul Didham is from my community. I worked with his sister and I know his family fairly well. He had posted something on Facebook about Dad, and I believe he was talking, sending people messages basically saying that they shouldn't be on Facebook talking about it.

I wrote him a message and just let him know that, you know, the people he was sending messages to were coming back telling me about it. So just to let them know, because I did get a lot of messages on Facebook and stuff about everything and I just didn't need the hassle of having it.

It wasn't a bad conversation. There was no hard feelings. I wasn't angry. I just wanted them to know. And he wrote back and just said thanks for letting him know. He passed along his condolences and basically said if I needed to talk or anything like that, and I believe he left his phone number. Other than that, I don't remember talking to any one of the RNC.

**MR. DROVER:** Thank you, Ms. Dunphy.

**MS. M. DUNPHY:** You're welcome.

**THE COMMISSIONER:** (Inaudible) Mr. Avis.

**MR. AVIS:** Good afternoon, Ms. Dunphy; I'm Mr. Avis. I represent the RNC, and I have a few questions (inaudible).

**MS. M. DUNPHY:** Sure.

**MR. AVIS:** Perhaps if I turn on the microphone, for everyone else.

Did your father feed all the cats he had in the cat room? Obviously, the four at home –

**MS. M. DUNPHY:** Yes.

**MR. AVIS:** – he'd feed them, and I believe I saw some, you know, cat litter. Did he feed all the other cats that would hang around his house?

**MS. M. DUNPHY:** Yes, he did, yeah.

**MR. AVIS:** And did he provide cat litter for them as well?

**MS. M. DUNPHY:** No, the only ones he provided cat litter for was the ones that, his four pets that were in the house.

**MR. AVIS:** I'm really – so you understand where I'm coming from – I'm just looking at the expense.

**MS. M. DUNPHY:** Yeah.

**MR. AVIS:** What did he feed them?

**MS. M. DUNPHY:** Just regular cat food, hard cat food.

**MR. AVIS:** So he'd buy cat food for all the cats there.

**MS. M. DUNPHY:** Yep.

**MR. AVIS:** Okay.

There's a comment you made, and I – you know, we're doing our best to take notes; we might not get your comments right –

**MS. M. DUNPHY:** Sure.

**MR. AVIS:** – so don't be too concerned. I need to know if I got it right, but there were, there were two things I thought you said.

**MS. M. DUNPHY:** Uh-huh.

**MR. AVIS:** One was when you were being asked about pain medication and medical marijuana, you mentioned no alcohol. He didn't drink alcohol. Is that correct?

**MS. M. DUNPHY:** That's correct.

**MR. AVIS:** Later you made a comment if he was drinking he'd throw an empty bottle on the floor. What did you mean by that?

**MS. M. DUNPHY:** Oh, I was referring to BOOST; he drank BOOST a lot.

**MR. AVIS:** Oh, I see.

**MS. M. DUNPHY:** Sorry, that was –

**THE COMMISSIONER:** I have (inaudible) – I thought initially that Ms. Dunphy had said booze, but then I –

**MS. M. DUNPHY:** Yes.

**THE COMMISSIONER:** – but then I recall the BOOST references –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** – in the statements, and I –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – think we could see BOOST bottles on the floor –

**MS. M. DUNPHY:** Yes.

**THE COMMISSIONER:** – in some of the photos.

Thank you.

**MR. AVIS:** Okay, that's –

**MS. M. DUNPHY:** Sorry about that; that was my fault.

**MR. AVIS:** No, no, don't be sorry. That's my hearing maybe is the issue.

Another comment – again, please make sure that I have this correct –

**MS. M. DUNPHY:** Uh-huh.

**MR. AVIS:** – because it is important.

You were talking about I'm being asked whether he was different when smoking marijuana. You said something like, could tell he was nastier sometimes, did –

**MS. M. DUNPHY:** Yeah.

**MR. AVIS:** – did I get that correct?

So he could be nastier when he was on marijuana?

**MS. M. DUNPHY:** No, no, no. If he wasn't – like, what I meant in that regard, what I was thinking of, was that in the morning time in order for Dad to eat – well, not in order for Dad to eat. Dad always found that he could eat easier and better if he smoked marijuana in the morning. I guess it settled into his –

**MR. AVIS:** I see.

**MS. M. DUNPHY:** – stomach or made him hungry or something. And if I talked to him in the morning before he smoked weed or ate, and he might have been a little bit nastier then and I might have said, you know, like –

**MR. AVIS:** I see.

**MS. M. DUNPHY:** – you're a little cranky this morning.

**MR. AVIS:** So basically you're talking about he is cranky in the morning before he ate.

**MS. M. DUNPHY:** Yes, exactly.

**MR. AVIS:** Okay.

**MS. M. DUNPHY:** That would be the only difference I would determine from when he was smoking weed to when he wasn't.

**MR. AVIS:** Right.

Now when you say that day, you had a lunch with him. When you had the lunch or brunch with him, there was no impairment.

**MS. M. DUNPHY:** No, no, no.

**MR. AVIS:** And I apologize, I didn't write it down; roughly, when did you leave him that day?

**MS. M. DUNPHY:** He left my house at 1.

**MR. AVIS:** Okay.

**MS. M. DUNPHY:** Uh-huh.

**MR. AVIS:** And would it be normally his, shall we say, habit that he might smoke some after lunch in the afternoon for –

**MS. M. DUNPHY:** He very well could have when he left our house or when he got home in the house. I'm not – you know, I can't say no, he didn't –

**MR. AVIS:** Sure.

**MS. M. DUNPHY:** – but yes, it's possible for sure.

**MR. AVIS:** Okay.

You made a comment that when it came to his attitude towards police officers; you said cops had been there before any number of times. When was the last time you saw your father interact with a police officer?

**MS. M. DUNPHY:** I'm really not sure, to tell you the truth. You know, I remember times – that time at the supermarket. I was probably a teenager. You know, I'm not sure if it was the RNC or RCMP, I know there was a wake that he talked to one of the police officers that was there.

**MR. AVIS:** Sure. These would be outside social circumstances.

**MS. M. DUNPHY:** Yeah.

**MR. AVIS:** Have you ever seen him dealing with a police officer in his own home?

**MS. M. DUNPHY:** Yes.

**MR. AVIS:** And if so, when was the last time you saw that?

**MS. M. DUNPHY:** Okay, that would be when we went to – we had to go to court with Dad's brother, Dick, and his wife, Debbie, when she called the cops – she called the cops at some point to come in and Tasha Reid was an RCMP officer. She came in and talked to Dad in his house, obviously.

**MR. AVIS:** Right. And that would have been 2005, is it, back then? I'm trying to think when that incident arose.

**MS. M. DUNPHY:** Pop died about 15 years ago – I think around 15 years ago. So probably a year or two after that, because you know the house –

**MR. AVIS:** Okay.

**MS. M. DUNPHY:** – had been sold and stuff like that.

**MR. AVIS:** So it's fair to say it's been, say, at least a decade since you've seen your father interact with police in his own home.

**MS. M. DUNPHY:** Yes, to my knowledge right now.

**MR. AVIS:** Okay, thank you.

**MS. M. DUNPHY:** You're welcome.

**MR. AVIS:** You said something here as well that – again, it's all prefaced upon I wrote down correctly what you said.

**MS. M. DUNPHY:** Uh-huh.

**MR. AVIS:** Corporal O'Keefe told you that your father was lying on the floor with a rifle next to him. Is that correct?

**MS. M. DUNPHY:** Yes.

**MR. AVIS:** And you're certain he said that?

**MS. M. DUNPHY:** Yes.

**MR. AVIS:** You also said others heard him say it as well. Is that correct?

**MS. M. DUNPHY:** Yes.

**MR. AVIS:** So what others heard him say it and how did you know they heard him say it?

**MS. M. DUNPHY:** My boyfriend, Billy Corcoran, because he was there with me.

**MR. AVIS:** Okay, anyone else?

**MS. M. DUNPHY:** Trina and Nadine were there too. They were just there on the road when it happened. That's two friends of mine who were at a house next door. I'm not sure if they were there at that exact time. They were there in that time frame. They could have heard it; they might not have. I'm not 100 per cent sure.

**MR. AVIS:** I see. So you're talking about people who were in the area, not people you spoke to about what he said, is that correct?

**MS. M. DUNPHY:** Yes.

**MR. AVIS:** Okay.

Those are all my questions, thank you.

**MS. M. DUNPHY:** Thank you.

**THE COMMISSIONER:** You may step down.

Now, Ms. Rasmussen –

**MS. RASMUSSEN:** Thank you.

**THE COMMISSIONER:** – for the RCMP?

**MS. RASMUSSEN:** Yes.

Ms. Dunphy, my name is Lori Rasmussen; I represent the RCMP.

When you visited your father at his house, did you mainly stay in the living room or did you visit the rest of the house or – ?

**MS. M. DUNPHY:** It depended really what I was there for. When Dad was in the hospital, I probably went more through the house. Most times when I was there, it was usually confined to the living room. I may have went to the bathroom or the kitchen.

**MS. RASMUSSEN:** Okay.

Did you go into the cat – the area known as the cat room very often?

**MS. M. DUNPHY:** No, no.

**MS. RASMUSSEN:** How about the furnace room or the laundry room?

**MS. M. DUNPHY:** No, because most times if I washed Dad's clothes, I brought them to my house.

**MS. RASMUSSEN:** Okay.

Do you know when would have been the last time you had been in the furnace room before your father passed away?

**MS. M. DUNPHY:** I really can't be sure. You know, there could have been some reason I went out there, but not off the top of my head; I'm not sure.

**MS. RASMUSSEN:** Okay.

And you said that the roof of the house was in bad shape.

**MS. M. DUNPHY:** Yep.

**MS. RASMUSSEN:** He had intended to fix it up and he had temporarily put some tarps over it. You said there was a hole in the ceiling in the furnace room where the chimney used to be?

**MS. M. DUNPHY:** Yeah. I was looking at the picture that was here. I'm not sure if it was a hole from the chimney or if it was a hole from the leak. I'm not certain. There was a chimney up there. I know it was taken out at one point because the furnace was gone obviously, so I'm not sure if that was the hole from the chimney or if it was from a leak.

**MS. RASMUSSEN:** Okay.

I want to talk about, you differentiated between your father's pet cats –

**MS. M. DUNPHY:** Yeah.

**MS. RASMUSSEN:** – then what we call wild cats or cats that were supposed to be outside of the house. You talked about RCMP officers had left some doors open –

**MS. M. DUNPHY:** Uh-huh.

**MS. RASMUSSEN:** – letting the wild cats in the house. I'm just wondering, there was a door to the cat room; is that right?

**MS. M. DUNPHY:** Yep.

**MS. RASMUSSEN:** And there's the front door to the house.

**MS. M. DUNPHY:** Yes.

**MS. RASMUSSEN:** Were there any other doors that you think were left open in the course of the investigation or afterwards?

**MS. M. DUNPHY:** I was never allowed around the house when the cops were there. I was just on the front of the house, so I wouldn't have been able to see those anyway. The only door I could see was the front door.

**MS. RASMUSSEN:** So when you refer to doors being left open, were you talking about the front door?

**MS. M. DUNPHY:** Yes.

**MS. RASMUSSEN:** And the front door did have a storm door on it, didn't it?

**MS. M. DUNPHY:** Yeah.

**MS. RASMUSSEN:** Okay. And would the storm door be open as well?

**MS. M. DUNPHY:** Yes.

**MS. RASMUSSEN:** Okay. And the times that you were talking about the doors being left open, was that during the course of them processing the scene that day or was it afterwards?

**MS. M. DUNPHY:** Yes.

**MS. RASMUSSEN:** Just that day?

**MS. M. DUNPHY:** No, no, it was the following days as well.

**MS. RASMUSSEN:** Okay.

**MS. M. DUNPHY:** I believe they had the house for three days. It was – well, Sunday it happened – Monday, Tuesday, Wednesday, and I think I got the house back Thursday. So it would have been Monday, Tuesday and possibly Wednesday.

**MS. RASMUSSEN:** Okay. But they did have keys to the house to lock up the house when they weren't there, is that right?

**MS. M. DUNPHY:** Well, they were there all the time because there was even security there in the nighttime.

**MS. RASMUSSEN:** Okay. While you were there on the scene that day or the next day, did you see cats going in and out the front door?

**MS. M. DUNPHY:** Yes.

**MS. RASMUSSEN:** Okay. When you met with Constable Galway the first time, I think he came to your house, is that right?

**MS. M. DUNPHY:** I'm not exactly sure where I met him the first time, if it was down to Dad's or if he came to the house – no, you're right, I believe he did come to the house.

**MS. RASMUSSEN:** Okay. And I think that you gave him kind of a list of requests or things that you wanted him to look into, is that right?

**MS. M. DUNPHY:** Sure, yeah.

**MS. RASMUSSEN:** Okay. And I think it included – you talked about closing a Twitter account –

**MS. M. DUNPHY:** Yeah.

**MS. RASMUSSEN:** – getting the cellphone back.

**MS. M. DUNPHY:** Uh-huh.

**MS. RASMUSSEN:** You were very clear about wanting to see your father.

**MS. M. DUNPHY:** Yes.

**MS. RASMUSSEN:** And you wanted to get the two pet cats back, to take to your own house.

**MS. M. DUNPHY:** Yeah, uh-huh. At the time I wanted to get two of them because two of them are on specific food. They have urinary problems, and I could have got the other two who were fine, basically, when Dad's house was released back to me.

**MS. RASMUSSEN:** And that was another thing, you had asked him to help you go retrieve some special food at the house, is that right?

**MS. M. DUNPHY:** Yes, yeah.

**MS. RASMUSSEN:** And he did that?

**MS. M. DUNPHY:** He did, yeah.

**MS. RASMUSSEN:** So with respect to seeing your father, I anticipate Constable Galway will say that he told you this was normally done at the funeral home. Do you have any recollection of that?

**MS. M. DUNPHY:** No.

**MS. RASMUSSEN:** Okay. I expect he'll say that he told you he would look into it at the time. Do you have any recollection of that?

**MS. M. DUNPHY:** Yes, I'm sure that's what several people told me at the time, yes.

**MS. RASMUSSEN:** Okay. I anticipate he'll say that he did call the medical examiner's office and was told there was no viewing room there and that he relayed that information to you. Do you have any recollection of that?

**MS. M. DUNPHY:** No.

**MS. RASMUSSEN:** I anticipate that he will tell you that he told you that and that at that time you told him you had already spoken to the funeral home and made arrangements to see your father.

**MS. M. DUNPHY:** Okay.

**MS. RASMUSSEN:** Do you have any recollection of that?

**MS. M. DUNPHY:** After the body was released to Kenneth, we arranged for me to go to the funeral home, yes. I guess I could have told him that, that I had arranged it. But there was no point when he said he talked to the medical examiner. He just kept telling me that after the autopsy he would contact me.

**MS. RASMUSSEN:** Okay. And when Constable Galway later came to collect the glasses –

**MS. M. DUNPHY:** Uh-huh.

**MS. RASMUSSEN:** I understand you took issue with the way that he collected them.

**MS. M. DUNPHY:** Yes.

**MS. RASMUSSEN:** Do you remember if he was wearing gloves when he collected them, when he picked them up?

**MS. M. DUNPHY:** He wasn't wearing a glove. He took a glove out of his pocket and wrapped it around the arm. So the glove wasn't actually on his hand, he just picked it up, basically with the glove wrapped around the arm of it.

**MS. RASMUSSEN:** Okay. Did you see him put the glasses into a bag when he got to the car?

**MS. M. DUNPHY:** No.

**MS. RASMUSSEN:** Okay. I anticipate he'll say he did that. Could you see from where you were what he did with the glasses when he got to the car?

**MS. M. DUNPHY:** Yes, I could. He laid them on the seat of the car, not in a bag.

**MS. RASMUSSEN:** Okay. Those are my questions.

Thank you.

**MR. FLAHERTY:** Good day, Ms. Dunphy. My name is Cletus Flaherty. I'm the lawyer for the Don Dunphy Community Coalition. I just have about six questions.

**MS. M. DUNPHY:** Sure.

**MR. FLAHERTY:** First off, just with respect to your father's physical ability. Okay, what – oh, sorry.

**MS. M. DUNPHY:** Okay.

**MR. FLAHERTY:** What was his dominant hand?

**MS. M. DUNPHY:** Right.

**MR. FLAHERTY:** And have you had an opportunity to view the rifle that's been entered into evidence?

**MS. M. DUNPHY:** Just from here. I haven't looked at – I haven't gone up close or anything and looked at it. This was the first time I've seen it.

**MR. FLAHERTY:** Okay. Given your father's condition –

**MS. M. DUNPHY:** Uh-huh.

**MR. FLAHERTY:** – and given how he was the day of his death when you saw him, how easily would he be able to handle a rifle of that size?

**MS. M. DUNPHY:** Like from what position type thing? Are you asking me from where he was in his chair or –

**MR. FLAHERTY:** I was going to get to that, but just in general first off. Was he strong enough to be able to lift that up with one hand? Would it need two hands?

**MS. M. DUNPHY:** He could – you know, if it was on the floor he could probably grab it with one hand and then grab it with the other, yeah.

**MR. FLAHERTY:** Okay, and so I understand that he had some, obviously, injuries to the trunk of his body and to his pelvis.

**MS. M. DUNPHY:** Yeah.

**MR. FLAHERTY:** Based upon your experience with your father, how easily do you think he would be able to pick up that gun if he was in a seated position? The seat where he was found –

**MS. M. DUNPHY:** Uh-huh.

**MR. FLAHERTY:** – could he easily and quickly pick a rifle up off the floor, in your opinion?

**MS. M. DUNPHY:** I don't believe so. You know, the biggest issues he had was his back and his pelvis and stuff, so he couldn't really manoeuvre. You know he wasn't fast to manoeuvre in the chair or anything, and his legs weren't fast. One of his legs was really bad.

So you know, it wouldn't have been difficult for him to reach down and get something, but I don't think it would be too quick. And he probably would've – you know, to my knowledge what he'd do, he'd probably move out to the edge of the seat to grab something off the floor rather than bend because his back was so bad.

**MR. FLAHERTY:** Uh-huh. And did you ever see your father handle a rifle or any other type of firearm in your life?

**MS. M. DUNPHY:** Never. No.

**MR. FLAHERTY:** Okay, just a couple of questions with respect to his medical marijuana licence.

**MS. M. DUNPHY:** Sure.

**MR. FLAHERTY:** Now, would Mr. Dunphy have been aware of the obligations and responsibilities he had with respect to having that licence or keeping a marijuana licence?

**MS. M. DUNPHY:** Yes, I would imagine. He had all the forms about it. I believe I still have them. So I assume he would have read whatever he got in the mail about it, yeah.

**MR. FLAHERTY:** And having that licence was important to him?

**MS. M. DUNPHY:** Yes. Well, it would have been because you know he used the marijuana for pain rather than taking pain killers all the time which were really hard on his stomach.

**MR. FLAHERTY:** Okay. And finally, I just have a couple of questions about the scene, when you showed up on the day of death. You state that you had seen Constable Smyth and that he was walking around the scene, correct?

**MS. M. DUNPHY:** Yes.

**MR. FLAHERTY:** Did you see him speak with anyone?

**MS. M. DUNPHY:** No, to my knowledge. I just seen someone walking around in plain clothes. I was never told if it was Sergeant Smyth or not. He was basically – I think he might have crossed the road or just been at the bottom of the driveway, and I don't recall if he was talking to someone or talking to someone in a car. I'm not 100 per cent sure of that.

**MR. FLAHERTY:** Okay.

Thank you. Those are all my questions.

**MS. BREEN:** Thank you, Ms. Dunphy. I believe you know who I am, so I'm not going to formally introduce myself again.

Ms. Dunphy, I'm not going to repeat or go into other areas where counsel have already gone. I'm going to try not to do that, but I would like to ask you a few questions, just summing up.

You have testified that you weren't on Twitter yourself at the time when your father was active on Twitter, is that correct?

**MS. M. DUNPHY:** That's correct.

**MS. BREEN:** Did he discuss his Twitter activity with you? Was that something that you talked about with him?

**MS. M. DUNPHY:** Yeah, he'd bring up something that was on Twitter or someone he had talked to on it, on different occasions, yes.

**MS. BREEN:** Okay. And would he discuss his political views with you as well? Would he try to talk politics with you?

**MS. M. DUNPHY:** Yes, he would.

**MR. BREEN:** Okay. And how far did those discussions go, if anywhere?

**MS. M. DUNPHY:** Not very far, because I usually told him something along the lines that I didn't know about politics and probably that I didn't care. I wasn't interested. I'm still not really interested. And that was the extent of it. He would always say, you know, you should be listening to this; you should be watching the news and all that kind of stuff.

**MS. BREEN:** Okay. And did it appear to you that your father was aware, politically aware, understood the various levels of government, how things worked?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** I know that's a difficult question to answer –

**MS. M. DUNPHY:** Uh-huh.

**MS. BREEN:** – when you yourself didn't have an interest.

**MS. M. DUNPHY:** Uh-huh.

**MS. BREEN:** But did he like to speak about it a lot?

**MS. M. DUNPHY:** Yes, he liked to talk about politics a lot, and he did seem to understand pretty much all of it. Like he knew exactly who everyone was, what their title was, exactly what they did, that sort of thing.

**MS. BREEN:** Okay. And were you aware whether he had ongoing communications or correspondence with any politician around that time?

**MS. M. DUNPHY:** Yeah, he was in contact with Steve Kent. Steve Kent was looking into his Workers' Comp file. I think he used to be talking to Steve Kent's secretary as well, and I think that formed from Twitter.

**MS. BREEN:** Okay. And do you have any knowledge at all about the outcome of those discussions –

**MS. M. DUNPHY:** Yeah.

**MS. BREEN:** – how he felt about those discussions?

**MS. M. DUNPHY:** For months, I believe, Steve Kent was looking into his file, and I think then he stopped answering his calls or his messages and stuff like that, and then eventually Steve Kent blocked him on Twitter.

**MS. BREEN:** Okay. So the information that you had was that he had been blocked on Twitter.

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Did you quite know what that meant at that time?

**MS. M. DUNPHY:** I did. I just – well, I assumed it was the same thing as Facebook, obviously. You just block someone and then you can't talk to them anymore, or, you know, basically they didn't want anything to do with – Steve Kent didn't want any relations with Dad anymore.

**MS. BREEN:** Okay. Do you know, generally, at what time frame that would have happened?

**MS. M. DUNPHY:** I'm going to say a few months before he died.

**MS. BREEN:** Okay.

**MS. M. DUNPHY:** I'm not 100 sure on that. But I do remember Dad mentioning it.

**MS. BREEN:** Okay.

**MS. M. DUNPHY:** Uh-huh.

**MS. BREEN:** Ms. Dunphy, and I'm speaking now – you're an adult, and I'm talking about the father-daughter relationship as an adult, okay?

**MS. M. DUNPHY:** Yeah.

**MS. BREEN:** There's a few questions I have in that area.

Did your father ever stay at your home?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Where you live with Billy Corcoran?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay. And when he would stay at your home –

**MS. M. DUNPHY:** Uh-huh.

**MS. BREEN:** – I guess you had a particular bedroom for him, did you?

**MS. M. DUNPHY:** Yeah.

**MS. BREEN:** Okay. What was his pattern in terms of when he was staying with you? What was his coming and goings like?

**MS. M. DUNPHY:** Well, when we went on vacation he stayed at our house. So basically he'd stay there in the nighttime and then he'd get up in the morning and he'd go back down to his own house. That was

his pattern pretty well every day. He'd be there in the nighttime, probably in the evening 7 o'clock, and then he'd go home for the day.

**MS. BREEN:** Okay. Do you know why he would want to go home during the daytime? Was there a reason for that?

**MS. M. DUNPHY:** Well, I guess he wanted to go home because, you know, it was his home. That's where he felt most comfortable. He could smoke his weed in the house. He could lie down and have a nap and watch TV. And, you know, I guess that's where he felt most comfortable. He was really independent. You know he could have stayed at our house and done whatever. There was always groceries and everything there but he just wanted to go home.

**MS. BREEN:** Okay. And you said that you didn't want him smoking marijuana at your house. Is that right?

**MS. M. DUNPHY:** Yes, that's correct.

**MS. BREEN:** Okay. Would you have allowed your father to come and stay with you permanently had he wanted?

**MS. M. DUNPHY:** Oh yes, any time.

**MS. BREEN:** Okay. And you have seen and you're quite aware of the pictures of the home and descriptions that people gave –

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** – that, to the average person, that they are – you know, find that difficult to understand how he was living there –

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** – in that condition.

**MS. M. DUNPHY:** Yeah.

**MS. BREEN:** Did he complain to you about his basic necessities?

**MS. M. DUNPHY:** No. You know if something happened in the house he would tell me about it. But then, you know, he'd say – like when the roof was leaking he called and said, you know, the roof is leaking, I got to get shingles. So he figured out how to go about doing that. He bought the shingles and that was basically it.

He said, you know, after the winter we'll put the shingles on. The roof was fixed. So you know there was no reason for him to complain. There was an issue. It wasn't fully resolved but it was nearly resolved, so he wouldn't call and complain to me about that, no.

**MS. BREEN:** Okay. And I just want to make sure we all have a full picture –

**MS. M. DUNPHY:** Sure.

**MS. BREEN:** – of the relationship. Did he – for example, you know, did he always have food?

**MS. M. DUNPHY:** Yes, always.

**MS. BREEN:** Okay.

**MS. M. DUNPHY:** The deep-freeze was always – Dad always bought food, say, before he would pay bills, type thing. Like he always made sure that he had food and then if he had \$100 or \$200 left, that's what he'd pay on the light bill.

**MS. BREEN:** Okay. And when he died and you regained custody of the house from the RCMP, did you go through the kitchen?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** And was there food there?

**MS. M. DUNPHY:** I'd say he probably had more food than I have in my house most times.

**MS. BREEN:** Okay.

**MS. M. DUNPHY:** The deep-freeze was full, the fridge was full. He had cooked a turkey the day before. There was macaroni and potato salad, like big tubs of it, in the fridge. There was lots of junk in the cupboards, you know, cakes that he always liked. There was chips, there was about 10 bottles of ginger ale there, hamburger meat, everything in the deep-freeze.

**MS. BREEN:** Okay.

We've seen and heard that he used to use wood to heat his home, and this is evident in the exhibits that we have.

**MS. M. DUNPHY:** Yeah.

**MS. BREEN:** And at times he did not have any wood.

**MS. M. DUNPHY:** Yeah.

**MS. BREEN:** How would he deal with that issue when he would run out of wood?

**MS. M. DUNPHY:** He'd turn on the electric heaters or he'd, you know, say basically to me that he needed to get wood. Billy would either bring him some, Colin Dinn used to bring him wood sometimes, but he had backup. You know, he had the electric heat if he didn't have wood.

**MS. BREEN:** Okay.

So in terms of, and I just – the conditions that he lived in and the images of the house, and I believe Commission counsel started by saying he lived in poverty.

**MS. M. DUNPHY:** Yeah.

**MS. BREEN:** In terms of his basic needs, and I mean food, warmth.

**MS. M. DUNPHY:** Uh-huh.

**MS. BREEN:** Like he wasn't cold was he?

**MS. M. DUNPHY:** Never. The people who bought pop's house, they used to come in and they had an oil furnace there and they used to actually go to Dad's house while their house was heating up because Dad's house was always enough to roast ya. You couldn't even – I'd go in down there and I'd be sweating. When he used to get sick he'd always be cold. It was almost like he had a fever, but it wasn't actually that way. He was always cold, so he always had the heat on bust there.

**MS. BREEN:** Okay. You talked about having washed his clothes. He had sufficient clothing?

**MS. M. DUNPHY:** Oh, he had more clothes – almost more clothes than what I had. Christmastime and all that kind of stuff, he'd always get lots of clothes between me and Rita. If he needed anything he'd call. If he needed underwear or socks or anything like that and say the next time you goes to town pick this up. If he didn't have the money he'd give it to me later or – I picked up stuff every so often and –

**MS. BREEN:** Okay. When he required help to pay bills, did he ask for money?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay. And would you give him money?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay. Now I want to move now, Ms. Dunphy, to April 5. Well, I'll start with April 4, 2015.

**MS. M. DUNPHY:** Uh-huh.

**MS. BREEN:** And we've heard from your testimony that you say that you were in the house – it was after you had returned from your trip, you went in to see your father on the Saturday?

**MS. M. DUNPHY:** Yeah.

**MS. BREEN:** Madam Clerk, I'm not familiar with the exhibit numbers as Ms. O'Brien is, but the picture I would like to bring up is the one where the stick is visible in the threshold of the living room.

Perhaps Ms. O'Brien can assist me.

**MS. O'BRIEN:** Yes, thank you.

The stick should be visible in P-0010, Photo 119.

**THE COMMISSIONER:** Ms. O'Brien, what number was that again? I'm sorry.

**MS. O'BRIEN:** Photo 119.

**THE COMMISSIONER:** Thank you.

**MS. BREEN:** And, Madam Clerk, that's not a zoomed in view, is it? That is the picture itself? Okay.

Ms. Dunphy, can you get perspective from that photograph as to where that stick is in the living room?

**MS. M. DUNPHY:** Yes, it's in the doorway of the living room.

**MS. BREEN:** Okay. And that ridge that we see on the right-hand side, that would be the opening, is that correct?

**MS. M. DUNPHY:** Yeah, that's the opening to go, say, to the front door.

**MS. BREEN:** Okay. And the chair – or the bottom of the piece of furniture that we see, is that your father's chair?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay. Now, we can see from this photograph that the stick is partway in – I believe the living room would be to the left. Is that right?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay.

**MS. M. DUNPHY:** Yeah, it would be to the left of his chair.

**MS. BREEN:** Okay, and crossing over the bar or the ridge on the floor.

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay. Have you, prior to this day, seen the stick in that position before?

**MS. M. DUNPHY:** In that –

**MS. BREEN:** To the best to your recollection?

**MS. M. DUNPHY:** In that area or in that position?

**MS. BREEN:** Well, in – let's start with the area.

**MS. M. DUNPHY:** Okay, no. It's right in the middle of the doorway. Yeah, I know like there's junk and stuff there, but there'd be no reason for a big stick to be in the middle of the doorway.

**MS. BREEN:** Okay. So you have no prior memory of having been there at another time to see it there like that.

**MS. M. DUNPHY:** No.

**MS. BREEN:** Okay. And in your past visits to your father's house, where was it that you saw the stick?

**MS. M. DUNPHY:** Always to the right side. Like either on the floor, flat on the floor or leaning up against the wall, basically in between the chair and the stereo.

**MS. BREEN:** Okay. Now, Ms. Dunphy, I want to move ahead to the 5th of April. When you arrived at the scene of your father's house, after learning that he had been shot, did any RCMP officer explain to you that they would be holding the house for a period of time or what the situation was with the house or your access to the house at that time?

**MS. M. DUNPHY:** No.

**MS. BREEN:** Okay. Did anyone – when you were asking you know, can I see my father, when am I going to get to see my father – did anyone tell you that the medical examiner was a man named Simon Avis?

**MS. M. DUNPHY:** No.

**MS. BREEN:** Did they provide you with any contact information for Simon Avis?

**MS. M. DUNPHY:** No.

**MS. BREEN:** Or did they tell you, you know, you can contact the medical examiner with any questions that you have, you know –

**MS. M. DUNPHY:** No.

**MS. BREEN:** – in relation to your father's body?

**MS. M. DUNPHY:** Never. No.

**MS. BREEN:** So how is it – did the RCMP arrange the meeting for you, meetings for you with Simon Avis?

**MS. M. DUNPHY:** No.

**MS. BREEN:** Okay. How was it, just for the record, that those meetings came about?

**MS. M. DUNPHY:** You organized those meetings.

**MS. BREEN:** Okay, so your legal counsel arranged –

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** – that for you.

**MS. M. DUNPHY:** Yeah.

**MS. BREEN:** Okay. Would that have been helpful for you in the early days? You know and I'm talking about April 5, April 6, for you to have received that information from the RCMP.

**MS. M. DUNPHY:** Oh definitely, yes.

**MS. BREEN:** In relation to the RCMP maintaining the custody of the house – and I understand that they had it until, I believe you said, Thursday.

**MS. M. DUNPHY:** I think I got the keys back Thursday morning.

**MS. BREEN:** Okay. Once you got the keys back Thursday morning, did they have to come back to you again to re-enter the house?

**MS. M. DUNPHY:** Several times, yes.

**MS. BREEN:** Okay. And at that time did you understand that you had to provide some kind of legal consent for them to enter?

**MS. M. DUNPHY:** No.

**MS. BREEN:** What did you think was happening?

**MS. M. DUNPHY:** I just thought that they needed to go back in there for something to do with the investigation or to see something again. So they'd just call and ask if they could have the keys to go back in, and they'd come pick them up.

**MS. BREEN:** Okay.

Did they ever ask you or tell you why it was, in terms of whether it was for an investigative purpose or not that they needed to go back into the house? Did they explain that?

**MS. M. DUNPHY:** No, they never, ever said why. They just said we need to get back into the house and asked if they could have the keys.

**MS. BREEN:** Okay.

Did you make any assumptions as to why they were going back in the house? Did you assume it had to relate to the investigation that was –

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay.

Did they ever ask your permission to bring people into the house that did not have a purpose to do with the criminal investigation?

**MS. M. DUNPHY:** Never, no.

**MS. BREEN:** So no one ever told you –

**MS. M. DUNPHY:** I never –

**MS. BREEN:** – another person is coming in but –

**MS. M. DUNPHY:** I never, ever knew who was going to be there. It was never told to me who was going to be there. Rod Tiller or John Galway always came and got the keys, one of them, possibly two of them, and they just asked for the keys. I assumed it was for the investigation, but I was never, ever told who was in the house.

**MS. BREEN:** Okay.

Did they tell you, though, when they were bringing Justice Riche, for example, the independent observer – did you know when he would be in the house?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay.

Did – after your initial interview on the night of April 5 when it was Corporal Henstridge and Corporal Burke who came to your home and took that initial statement, did you hear from anyone from the RCMP on April 6 in terms of asking you any further questions, you know, investigative questions?

**MS. M. DUNPHY:** No.

**MS. BREEN:** Did anyone contact you on April 7 to ask you any further questions about your father, or the house or anything to do with the investigation?

**MS. M. DUNPHY:** No, no, not as in a statement. I'm sure if Sergeant Galway was there, you know, he may have asked me a question but they never, ever called to ask me anything, no.

**MS. BREEN:** Did you tell the RCMP, either Corporal Burke, Sergeant Osmond, Constable Galway, any of them, that your legal counsel had your authority to speak to them, and as well to receive information for you?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** And they were aware of that?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay, and did that ever change? Did you ever tell them don't speak to my legal counsel; I want to speak to you directly?

**MS. M. DUNPHY:** Never, no.

**MS. BREEN:** Okay.

**MS. M. DUNPHY:** It actually would have been more convenient had they talked to you all the time. That was one of the reasons, basically – I didn't know how to be dealing with everything that was coming at me, so that was one of the reasons I got you.

**MS. BREEN:** And as time went on, did any of them ever say to you, look, you know, are you still being represented by legal counsel? Did they ever have a discussion with you to say what's the status; can we still speak with your legal counsel? Did anyone ever have that discussion with you?

**MS. M. DUNPHY:** No. I think probably right before the results of the investigation came out, I was at work and Burke called to set up a meeting or something and I think I wanted him to call you, or he should have called you first and he didn't. And at that time he asked me if I still had you, if you were still my counsellor.

**MS. BREEN:** You have told the Commissioner, Ms. Dunphy, that you had I guess what we call a bad feeling about the investigation right from the get-go.

**MS. M. DUNPHY:** Yep.

**MS. BREEN:** If I could paraphrase your – you felt it lacked fairness or objectivity.

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Can you explain why you felt that way?

**MS. M. DUNPHY:** It always felt like I was dismissed, like anything I was saying wasn't really important and they just – like, I felt like they just came and took the glasses and the bullet just to appease me. Basically to say that they done it. She can't say we didn't come take it, type thing.

Right from day one, I felt that they had in their head, they knew had happened and it didn't matter what I was going to say or what they found or what anyone else said. They had their mind made up that night that they came to the house basically.

**MS. BREEN:** Okay, and was that based on things that they had been saying to you in the course of your meetings with them on April 5 and then again on April 8?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Madam Clerk, could we bring up – there's one photograph I wish to show Ms. Dunphy. And again, I apologize; I'm not as familiar with the exhibit numbers. It's the photograph that I asked to have added.

**MS. O'BRIEN:** Yes, that would be P-0010, Photo 100.

**MS. BREEN:** Thank you.

Ms. Dunphy, this photograph – I believe you hadn't seen this photograph up until the time of the information release for the inquiry; is that correct?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay.

And you can see – do you see your father's glasses on that table?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay, and we understand that this is the photograph taken by the RCMP. You understand that, do you?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay.

Now, when you look at those glasses there, what is it about the glasses that cause you a concern that they were in a different condition than what you would have understand your father to have been wearing?

**MS. M. DUNPHY:** Well, the nose piece is gone, from what I can see on this picture. They're really bent – it looks like the piece that goes across your nose here is twisted so that the glasses are out. I understand they're in bad condition but he could actually wear them. He used them. These don't seem to me like they could go on your face. They wouldn't just stay there.

**MS. BREEN:** Okay, so the photograph that is here did not, doesn't really – I guess it didn't solve your concern –

**MS. M. DUNPHY:** No.

**MS. BREEN:** – that you had?

**MS. M. DUNPHY:** No.

**MS. BREEN:** Ms. Dunphy, my final question is: Your father's house, you still have it?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** It still is standing there in Mitchells Brook?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** The living room, does it still exist?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Have there been any changes to the living room?

**MS. M. DUNPHY:** No.

**MS. BREEN:** Has there been any upgrades or improvements made to the living room in any area?

**MS. M. DUNPHY:** No.

**MS. BREEN:** Okay. How about the exterior of the house –

**MS. M. DUNPHY:** Yes, yeah.

**MS. BREEN:** – for the living room?

**MS. M. DUNPHY:** The exterior of the entire house is now updated – siding, windows, doors, type thing. So there's a new window in the living room.

**MS. BREEN:** Okay, other than that, have there been any changes?

**MS. M. DUNPHY:** No.

**MS. BREEN:** The chair that you understand your father to have been in when he was killed –

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** – is that chair still in existence?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Is it still in the living room?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Have there been any changes at all to the chair?

**MS. M. DUNPHY:** No.

**MS. BREEN:** Mr. Commissioner, I believe those are all my questions for Ms. Dunphy, thank you.

**MS. O'BRIEN:** Mr. Commissioner, if it's all right, I have one further question for Ms. Dunphy that I neglected to ask in the beginning.

**THE COMMISSIONER:** Go ahead.

**MS. O'BRIEN:** Thank you.

Ms. Dunphy, when you were cleaning out your father's house, did you find any other ammunition for the 22 anywhere else in the house?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay. Did – was anyone else doing the clean-out activities, or would it have been you?

**MS. M. DUNPHY:** Me and Billy.

**MS. O'BRIEN:** Do you know if Mr. Corcoran found any ammunition anywhere else in the house?

**MS. M. DUNPHY:** No.

**MS. O'BRIEN:** Okay, thank you.

**THE COMMISSIONER:** Leaving aside the matters of poor communication –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – have you formed your view as to what took place that led to your father's death? Is it your position that the Constable Smyth deliberately shot your father?

**MS. M. DUNPHY:** No, I don't think he deliberately shot my father. Like, I don't think he went in there with the intention to do it. I have several scenarios in my head. The more stuff that has come out, you know, the more I piece together, basically. But no, I don't think he deliberately went there to harm my father.

**THE COMMISSIONER:** So the question of where the gun, the firearm was normally found –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – while you would expect it to be normally in a certain position by the couch –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – is there, is it your position that that firearm was deliberately moved on the day in question on the 5th of April?

**MS. M. DUNPHY:** Deliberately moved by – are we saying a certain person or –

**THE COMMISSIONER:** Well, there were only, there were only two persons there.

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** So I take it you're expressing skepticism at least –

**MS. M. DUNPHY:** Yes.

**THE COMMISSIONER:** – as to whether your father would have moved it.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** That's the tone of your questions.

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** And that only leaves Constable Smyth.

**MS. M. DUNPHY:** Yes.

**THE COMMISSIONER:** So is it your position that Constable Smyth manipulated the evidence that was in the living room, the items that were in the living room, after the shooting?

**MS. M. DUNPHY:** It has crossed my mind, yes.

**THE COMMISSIONER:** Well, it's got to have more than crossed your mind, I think, with respect –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** By the way, I appreciate the way you're giving your evidence, very straightforward –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – and at a difficult time. But I have to, as I say, drill down a little bit –

**MS. M. DUNPHY:** Sure.

**THE COMMISSIONER:** – to give you an opportunity to answer some questions that may exist in –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** – my mind, after you finish your testimony.

**MS. M. DUNPHY:** Okay.

**THE COMMISSIONER:** And by the way, in case I forget, counsel will have an opportunity to re-examine if there's – if they have questions arising from mine.

It would seem that it would have to have more than crossed your mind. Basically, the – do I not understand you to say that you don't accept that the gun –

**MS. M. DUNPHY:** I definitely don't –

**THE COMMISSIONER:** Sorry, go ahead.

**MS. M. DUNPHY:** No. No, I don't accept that. I'm just not really – I've been told not to speculate on things so –

**THE COMMISSIONER:** Oh, I know, absolutely. Without having a basis for –

**MS. M. DUNPHY:** Okay.

**THE COMMISSIONER:** – your submission, that is the right and –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** – proper thing to do. But when we get down to what occurred on that particular day –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – reasonable inferences may be drawn.

**MS. M. DUNPHY:** Okay.

**THE COMMISSIONER:** If there are not – if there's no basis for the, for the inference –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – then it's not reasonable. But if it's a matter of common sense, the ordinary person would infer if something happened that this –

**MS. M. DUNPHY:** Okay.

**THE COMMISSIONER:** – had to be the case, well then –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** – there’s a basis for it. So the – if I’m not mistaken, and correct me if I’m wrong, you’re questioning whether the position of the gun was, of the 22 rifle, was where Constable Smyth said it was.

**MS. M. DUNPHY:** Yes.

**THE COMMISSIONER:** And you’re suggesting that, or submitting that, the fact that it was always over by the couch is some basis. Now whether it’s enough, reasonably –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – I’ll have to decide that to infer –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – that Constable Smyth had it moved. But you do seem to be saying, are you not, that although Constable Smyth did not deliberately –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – go into the house to shoot your father –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – that something happened.

**MS. M. DUNPHY:** Yes.

**THE COMMISSIONER:** He shot your father.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** And then took steps to move the rifle and possibly the stick –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** To better support his account of what happened. Would that be fair in terms of what’s –

**MS. M. DUNPHY:** Yeah, that’s fair to say, for sure. Yeah.

**THE COMMISSIONER:** And is there anything you can tell me about my question which is, well, why would the rifle be left in that sort of unusual position where it’s not pointing where Constable Smyth was, but it was pointing back at your father.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** Or why would the stick be left out in the middle of the living room if he was going to set the situation up?

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** Wouldn't in the normal course of events you'd expect not only an experienced police officer, any reasonable adult, to be able to do a better job in terms of staging a scene.

**MS. M. DUNPHY:** While –

**THE COMMISSIONER:** And I know it's a difficult question –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** – but this goes right to the meat of the – of this aspect of the inquiry I think.

**MS. M. DUNPHY:** Sure. Well, if my father picked up the stick that was normally on the right side of his chair, if someone were to grab it out of his hand, I would assume they'd throw it on the floor in front of them. As for the gun standing up on the stick, I was told that it was lying down on the floor next to Dad, so I'm not really sure about the gun at all. I only seen pictures of where it was.

**THE COMMISSIONER:** Oh, there's going to be a lot of – going to be a lot of police officers come in and say –

**MS. M. DUNPHY:** Yeah and that's the –

**THE COMMISSIONER:** – they saw the scene and they saw the gun, the firearm, the 22 rifle –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – and that was the way it was.

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** Again, would they have any reason to make that –

**MS. M. DUNPHY:** No, no, no. No – and that's fine. Like, I can agree that the gun was up against the Tupperware tub that was there.

**THE COMMISSIONER:** Right.

**MS. M. DUNPHY:** I don't know why it was standing the way it was. I think, to me it looks like it fell or something off his lap. You know, I guess it could have been staged that way. Anything can be staged, really. The officer was there for 25, 30 minutes by himself.

**THE COMMISSIONER:** Well, I think there's some – I noted you saying that earlier.

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** I think there's some question about that, but I'll look carefully at that (inaudible).

**MS. M. DUNPHY:** Okay.

**THE COMMISSIONER:** There'll be other evidence there in terms –

**MS. M. DUNPHY:** (Inaudible) yeah.

**THE COMMISSIONER:** I had the impression it was 10 or 15 minutes. Could counsel help me there? Or help Ms. Dunphy on that point?

**MS. CHAYTOR:** Yeah. No, I think it took that long for the –

**THE COMMISSIONER:** Sorry?

**MS. CHAYTOR:** I think it did take 25 to 30 minutes, is what the records show, for the RCMP to get there. So that's right –

**THE COMMISSIONER:** Oh, for the RCMP to get there, but –

**MS. CHAYTOR:** – but how long he stayed in the house afterwards.

**THE COMMISSIONER:** – Constable Smyth's testimony said he was in – was it 10 or 15 minutes that were –

**MS. CHAYTOR:** Within the house, stayed in the house.

**THE COMMISSIONER:** – sort of unexplained.

**MS. CHAYTOR:** That's correct.

**THE COMMISSIONER:** He was clearing the house in terms of searching and make sure there was nobody else there and so forth?

**MS. CHAYTOR:** That's correct, but he was on the scene 25 to 30 minutes I think might be.

**THE COMMISSIONER:** Okay, you're right.

**MS. CHAYTOR:** Yeah, but yes, in terms of staying in the house –

**THE COMMISSIONER:** So there might be a –

**MS. CHAYTOR:** – he didn't stay in the house the whole time.

**THE COMMISSIONER:** – 10 or 15 minute discrepancy in terms of –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – Constable Smyth's testimony and what would normally be the course of events.

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** Okay. So that – and I don't know if anybody is questioning that the time period would not have permitted –

**MS. M. DUNPHY:** Uh-huh. Yeah.

**THE COMMISSIONER:** – things to be moved around. But I'm just letting you tell me any reason why you think – I shouldn't be asking myself. Well, if he was going to stage the scene –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – why didn't he do a better job of it?

**MS. M. DUNPHY:** Well, he was just after killing someone. You know, he put three shots in my father and one into the wall. So I'm sure that was probably an adrenaline rush right there. I can imagine he was fairly nervous, and probably not thinking exactly what he was doing. I remember from reading his statement that, you know, he said, basically, he wasn't sure – not that he wasn't sure, you know – I guess he got excited and stuff like that. So you're probably not thinking right –

**THE COMMISSIONER:** And he was concerned about somebody –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** – else coming in from next door and so forth.

**MS. M. DUNPHY:** Yeah. So he could have staged the scene quickly and then left the house. You know, if Dad had picked up the stick and he thought it was a gun, you know, and then he shot him and then afterwards realized, oh my God, like this is a stick, I'm going to go to jail, I'm going to lose my life, you know, everything I have, because a man picked up a stick and I accidentally thought it was a gun. You know, that would be a reason to stage the scene.

**THE COMMISSIONER:** But that's, then it's just luck that he found the rifle there, because there's nobody denying that's your father's rifle, is it?

**MS. M. DUNPHY:** No, but you know, he could have picked up a knife and laid it there and said he came at him with a knife. It could have been anything really.

**THE COMMISSIONER:** No, but he didn't.

**MS. M. DUNPHY:** No, no, no, I'm just saying.

**THE COMMISSIONER:** (Inaudible) talking about these facts in terms of –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** – in terms of his –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – reconstructing or making it up or staging, I guess, would be –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** – the term, a scene.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** I just want to get an understanding of what you believe –

**MS. M. DUNPHY:** Okay.

**THE COMMISSIONER:** – would be reasonably possible so that I can consider that in the course of my –

**MS. M. DUNPHY:** Sure.

**THE COMMISSIONER:** – deliberations. I'm not trying to –

**MS. M. DUNPHY:** Yeah.

**THE COMMISSIONER:** – make life just difficult for you –

**MS. M. DUNPHY:** No, no, no that's fine.

**THE COMMISSIONER:** – you know, after a long day. So –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** And I understand what you're saying, but is there anything further that you could help me out with in terms of how – you know there's a reference to your father being flighty now.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** But then you go on. And flighty, I always would use in the sense of sort of harmless erring, not too realistic or whatever.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** But when you describe your – meaning you're flighty, it's more than that. It's – you're describing your father as having a tendency to, we'll say, fly off the handle. Would that be fair?

**MS. M. DUNPHY:** No, no, no, not fly off the handle. When I say flighty, I just mean that he moves around a lot when he's talking to you and stuff like that. Like if he were here today, when he's –

**THE COMMISSIONER:** He uses his hands, really.

**MS. M. DUNPHY:** He uses his hands and he's moving around in the chair and back and forth and stuff; like that's what I mean by flighty, not off the handle.

**THE COMMISSIONER:** Right.

**MS. M. DUNPHY:** Now, he'd get loud but not off the handle or anything like that. No.

**THE COMMISSIONER:** So flighty, you say he'd get loud. So would that be a sense of argumentative and flighty, you know?

**MS. M. DUNPHY:** Yeah, yeah, it could certainly seem that way for someone who didn't know him. You know, when he got loud because he was talking to me, you know, I didn't take – I was used to it I guess, but he did get loud, yes.

**THE COMMISSIONER:** Right. Now, there's no evidence from the forensic people that I've seen that would indicate that his body was moved or anything after the shooting.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** So do you accept the fact that he was in the chair?

**MS. M. DUNPHY:** Yeah. Well, there's a bullet hole in the wall behind the chair.

**THE COMMISSIONER:** There's trajectory evidence –

**MS. M. DUNPHY:** Yes.

**THE COMMISSIONER:** – by way of trajectory –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – which I generally understand to support or be consistent with, I should say, Constable Smyth's description of where he was at different times.

**MS. M. DUNPHY:** Sure.

**THE COMMISSIONER:** So are you putting forth the suggestion that Constable Smyth went in to ask questions of your father –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – and at some point, what? Your father got excited or –

**MS. M. DUNPHY:** I think they just got into an argument, talking back and forth. Dad probably got really loud. He probably took it as he was getting too loud or yelling at him or something like that, and I guess it went from there. The only thing –

**THE COMMISSIONER:** If we're going from there, a police officer normally you wouldn't expect to shoot a person –

**MS. M. DUNPHY:** No, and –

**THE COMMISSIONER:** – four times because of an argument while he's sitting down.

**MS. M. DUNPHY:** Exactly. You know, there's not much told about the conversation that they had. I know it says that Dad called him a puppet. Other than that, I don't think there's much more there of the conversation –

**THE COMMISSIONER:** There doesn't seem to be much to cause Constable Smyth to fly off the handle.

**MS. M. DUNPHY:** No.

**THE COMMISSIONER:** I'm sure he's been called worse than a puppet.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** I know I have. But to act –

**MS. M. DUNPHY:** Exactly. I feel that way too, but I do feel that Dad had to say a lot more to be – you know if he was just calling him a puppet he might have been angry, but he wouldn't have been really angry to say that. You know, he could have just said you're just a friggin' another puppet from the government type thing, you know.

**THE COMMISSIONER:** One thing that Constable Smyth said in his statement was that he thought that maybe your father misinterpreted –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – something he said as he was looking around, I think –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – at the condition of your father's house, which he – and not only him, several other police officers, for no apparent reason, seemed to say it was one of the untidiest and I think dirtiest, they were saying –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – houses they'd ever been in. But Constable Smyth was saying that he was actually showing, or trying to show some empathy to your father –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – when the tone of the conversation changed.

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** So, do you see – I think questions were put to you this morning along those lines. Do you see your father becoming angry if he believed that Constable Smyth was looking at the house and when he said this is a matter of concern to me when he meant, you know –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – you should have help. Might your father have misinterpreted what was said, and that a feeling of empathy might have been considered his looking down at your father and the condition of his house?

**MS. M. DUNPHY:** It all depends what was said. It wasn't set out exactly what was said there. You know, if he said to Dad, you know your house is rotten, you know you shouldn't be living like this. Then, yes, I'm sure Dad did get mad. He wouldn't get mad enough to pull out a gun. You know, you don't get mad at someone and pull out a gun.

**THE COMMISSIONER:** Well, this is –

**MS. M. DUNPHY:** You know –

**THE COMMISSIONER:** This is what I've got to try and figure out, you know.

**MS. M. DUNPHY:** Yeah. You know, Dad had a lot of struggles in his life.

**THE COMMISSIONER:** He had a hard life, yes.

**MS. M. DUNPHY:** Yes. None of them made him –

**THE COMMISSIONER:** But he had a pretty good relationship with you from what you –

**MS. M. DUNPHY:** Yeah. But, you know the people he was mad at the most was basically Workers' Comp, or you know someone who done him wrong, basically. You know anyone who said they were going to do something and then turned their back him. You know, wouldn't he be more likely to take a gun to that person than what he would be to a cop who came in the house 10 minutes before?

This is what I don't understand, you know. There's no reason for my father to take a gun to him. Yes, he could have said the house was dirty, but no one's going to take a gun to you for telling them their house is dirty. They might tell you to get out and call you a name, but –

**THE COMMISSIONER:** Well, I have to wonder –

**MS. M. DUNPHY:** Uh-huh.

**THE COMMISSIONER:** – might your father just have made a terrible mistake in terms of possibly, not because he intended to shoot, but to make a point, to exercise his authority in his own house to –

**MS. M. DUNPHY:** Well, that's what he had his stick for.

**THE COMMISSIONER:** – require the police officer to get out.

**MS. M. DUNPHY:** The same goes for officer Smyth, really. Did Smyth make the mistake and think that Dad had a gun in his hand when actually he had a stick – I don't know. I can't determine that. It's the same thing for Dad. I don't think he would take a gun; there was no reason for him to. If he was going to take a gun to someone, it would have been someone he had something against. He didn't know this man. He had nothing against him. There was no reason for him to want to shoot him. You know, you know, I said one thing, you said the other, but it goes both ways to me –

**THE COMMISSIONER:** Right.

**MS. M. DUNPHY:** – in my head.

So, you know, Dad had the stick for protection. If he was telling Smyth to leave and Smyth wasn't leaving, he'd pick up the stick. You know, that's what he said he had it for. It was by his chair for that purpose.

If, in fact he wanted – you know, if it got that bad to the point where he was saying you need to leave and he wasn't leaving, you know, and he picked up the stick and said get out of my house, well, sure, yes, you

know, if something resulted from that, okay, but Dad didn't know him. He had no reason to want to hurt him; he didn't hurt anyone else. He had lots of other people that I'm sure he probably wanted to hurt at some point and didn't. So why this day?

You know, he was just after coming home from dinner with me. He was fine; he had stuff to look forward to. There was absolutely no reason for him to take a gun on someone. You know, it could have been Dad making a mistake by taking a stick to someone, yes, okay, you know, if he was getting up because he wouldn't leave. But I personally think it works both ways.

**THE COMMISSIONER:** Okay, thank you.

And before you finish now, Ms. Dunphy – and I thank you for the time you've put in there today – I'm going to ask other counsel first and then Ms. Breen if they have any questions arising from mine.

**MR. AVIS:** Nothing further.

**MR. KENNEDY:** No.

**MR. AVIS:** Nothing arising, thank you.

**THE COMMISSIONER:** Thank you.

Ms. Breen, again, you don't have to, but if there is anything that I raised, and I might have been anticipating some of your submissions, but I thought, because I am thinking of these things, that it would be fair to your client to give her and/or you both an opportunity to deal with some of these questions that I'm pondering.

**MS. BREEN:** Yes, Commissioner, I wasn't anticipating that you would be questioning Ms. Dunphy in that way. Nothing wrong with that but –

**THE COMMISSIONER:** Okay.

**MS. BREEN:** However, I'm going to ask could we take the afternoon break, just for a couple of minutes –

**THE COMMISSIONER:** Absolutely, sure.

**MS. BREEN:** Ms. Dunphy can stay where she is, I just want – there's a couple of things I just want to look over before we finish (inaudible).

**THE COMMISSIONER:** Oh yes, that's fine, sure; take as long as you want to, within reason of course. Yes, thank you.

All right for counsel? Thank you.

**MS. SHEEHAN:** All rise (inaudible).

### Recess

**MS. SHEEHAN:** All rise.

Commission of Inquiry now in session.

**THE COMMISSIONER:** Now, are we ready to proceed?

Ms. Breen.

**MS. BREEN:** Thank you, Mr. Commissioner. I just have a couple of questions, one in follow-up to your line of questioning.

**THE COMMISSIONER:** Right.

**MS. BREEN:** And then I'll be done.

Ms. Dunphy, despite previous advice to you as to not to speculate on what happened because you weren't present –

**MS. M. DUNPHY:** Uh-huh.

**MS. BREEN:** – I will ask you one question following up from the Commissioner's questions. Was your father – you had, you have previously testified that you had been in situations, for example, in his home where there was an RCMP officer present. I believe you said her name was Tasha Reid; is that right?

**MS. M. DUNPHY:** Yes, yep.

**MS. BREEN:** Is she RCMP?

**MS. M. DUNPHY:** RCMP in Holyrood, yep.

**MS. BREEN:** Okay.

Did you feel or do you feel that your father would have been generally co-operative with police? If they had asked him questions, would he have answered it honestly?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Okay, so for example, if he was asked do you have any firearms in the house, do you believe he would have answered that honestly?

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** And if he was asked to produce any firearms he had in the house, do you believe he would have produced a firearm?

**MS. M. DUNPHY:** Yes. Why would he not? There's no reason for him not to provide it. He wasn't hiding it. He never hid it, so yes he would provide it very freely.

**MS. BREEN:** Okay.

That's all – I don't want to invite you to speculate. I'm not going to do that any further. One question I do have, because we are going to hear some testimony from Dr. McGarry –

**MS. M. DUNPHY:** Sure.

**MS. BREEN:** I understand. And that your father was having some investigative tests done prior to his death.

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** And ultimately we know that he had – and I believe it was Dr. Avis in the autopsy determined that he had a tumor on his kidney.

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** Was that something – did he talk to you about that at all with respect to that he was having any kind of testing done with Dr. McGarry?

**MS. M. DUNPHY:** I knew there was testing done. He always had issues in that respect. I guess to put it bluntly he had issues trying to use the washroom. I believe it was a diagnosed enlarged prostate. It was getting worse as he was getting older and they were investigating from there.

**MS. BREEN;** Okay, and did he express at that time to you any kind of fear or any worry about his medical situation?

**MS. M. DUNPHY:** No, not at all. You know, Dad was sick his whole life; medical tests, nothing really scared him a whole lot at that point.

**MS. BREEN:** Okay, and do you feel that – you said you used to accompany him to his medical appointments.

**MS. M. DUNPHY:** Yep.

**MS. BREEN:** Do you feel that if it was something he was concerned about, would he have spoken to you about it?

**MS. M. DUNPHY:** Oh, without a doubt, yep.

**MS. BREEN:** Okay, and you didn't know anything about it?

**MS. M. DUNPHY:** No, he was to a test right before we went on holidays, so say a little over a week before he died. I'm not exactly sure; I don't remember what it was. I know it was at St. Clare's. I went in and dropped him off. It was probably like some sort of colonoscopy or something and, you know, I had to go in and sit with him afterwards and all that kind of stuff.

So, you know, I was there for all of that. I was there when the doctor came in and talked to him. So, no, he wouldn't have kept anything from me.

**MS. BREEN:** Okay. And you have already testified you did speak to him while you were away.

**MS. M. DUNPHY:** Yes.

**MS. BREEN:** And you spoke to him again –

**MS. M. DUNPHY:** Several times, yeah.

**MS. BREEN:** – when you came back.

**MS. M. DUNPHY:** Yeah, well he told me all about being out to the bank and to the union while I was gone. He told me about being to – I think he went to an appointment while I was gone, actually, for something.

**MS. BREEN:** Okay. Those are all my questions for Ms. Dunphy.

**THE COMMISSIONER:** Thank you.

Nothing further from Commission counsel and I don't see any other hands up.

Thank you, Ms. Dunphy.

**MS. M. DUNPHY:** Thank you.

**THE COMMISSIONER:** I appreciate your testimony.

Thank you.

**MS. M. DUNPHY:** Thank you.

**THE COMMISSIONER:** Now, do we have another witness ready?

**MS. CHAYTOR:** We do. We do, Commissioner.

We would call Donna Ivey to the stand, please.

**THE COMMISSIONER:** Thank you.

**MS. SHEEHAN:** Ms. Ivey, do you solemnly swear that the evidence you should give the court should be the truth and nothing but the truth?

**MS. IVEY:** I do.

**MS. SHEEHAN:** And could you state your full name and spell it for me, please.

**MS. IVEY:** Donna Ivey, D-o-n-n-a I-v-e-y.

**MS. SHEEHAN:** Thank you.

**MS. CHAYTOR:** Good morning, Ms. Ivey – or good afternoon.

**MS. IVEY:** Good afternoon.

**MS. CHAYTOR:** I was expecting you tomorrow morning.

Could you please tell us your educational background?

**MS. IVEY:** I graduated from Keyin College in 1995 with a diploma in secretarial science. I then pursued a teaching certificate and diploma of post-secondary education at Memorial –

**THE COMMISSIONER:** Sorry, I'm having a little difficulty hearing you.

**MS. IVEY:** Oh, sorry.

**THE COMMISSIONER:** I was thinking it may be partly my ears and partly your voice is a bit lower than.

**MS. IVEY:** Okay, I'm sorry about that.

**THE COMMISSIONER:** Sorry.

**MS. IVEY:** I graduated from Keyin College –

**THE COMMISSIONER:** Okay.

**MS. IVEY:** – in 1995 with a diploma of secretarial science. I then pursued a teaching certificate and diploma of post-secondary education from Memorial University on a part-time basis, which I completed in 2011. And I am continuing to do some online business courses at Memorial.

**MS. CHAYTOR:** Okay. And then perhaps you could tell us your employment background.

**MS. IVEY:** Certainly. At the time of the incident I was employed with the Premier's office and the title was special assistant, communications, which essentially was a press secretary role. Prior to that, I was employed in the Government Members' Office, which is the office of the government backbenchers, as communications manager.

Previous to that, I did a two-year, four-month contract with the Workplace Health Safety and Compensation Commission, which is now known as Workplace NL. My title there was CEO, safety charter administrator, and that was, I guess, more of a PR role. I worked with the province's top safety employers.

Prior to that, I worked again in the Government Members' Office as communications manager. It was a position that I had, I guess, taken leave from and went with the Commission for that contractual period. And prior to that, I was an appeals and communications assistant with the Government Members' Office.

**MS. CHAYTOR:** Okay. Let me just ask you, what time frame were you a communications manager with the Government Members' Office?

**MS. IVEY:** I started in that position in, I believe it was 2006, and I left there in 2012 to go to the Commission.

**MS. CHAYTOR:** You mean the Commission of – Workers' Compensation Commission?

**MS. IVEY:** Yes, I do; yes.

**MS. CHAYTOR:** Okay, all right. And who did you report to in your role as communications manager with Government Members' Office?

**MS. IVEY:** That would have been – I guess it was the office manager of the office at the time. That person had changed positions, or that position had changed individuals a couple of times during my tenure. As well as, I report to the director of communications in the Office of the Premier, ultimately, I guess.

**MS. CHAYTOR:** Okay. And who would you have worked with in terms – or what were your job duties?

**MS. IVEY:** As communications manager?

**MS. CHAYTOR:** Yes.

**MS. IVEY:** Basically, it was communications support for all of the government backbenchers. I assisted in press releases, for any press releases, speaking notes for all of the backbenchers, provided them with communications guidance.

**MS. CHAYTOR:** Is that similar to the role you were doing in April of 2015 in the Premier's office?

**MS. IVEY:** It did entail many of the same duties, but there was certainly more added duties in the Premier's office.

**MS. CHAYTOR:** Okay. And back then in your day of communications manager with Government Members' Office, would you have had occasion to work with Paul Davis there?

**MS. IVEY:** Yes, I did. He was a backbencher at the time.

**MS. CHAYTOR:** Okay. And at Workers' Compensation, tell us about the PR role that you had there? What did those duties entail and who did you report to in that role?

**MS. IVEY:** I reported to the board of directors. And my duties included arranging networking opportunities for this charter group, growing the charter, basically promoting health and safety within the workplaces within the province.

**MS. CHAYTOR:** Who was the chair of the board of directors of Workers' Compensation at that time?

**MS. IVEY:** The chair was Ralph Tucker.

**MS. CHAYTOR:** Okay. Did you know Mr. Tucker in any other capacity?

**MS. IVEY:** I did. I've known him for several years, I guess in excess of 20 years. I've worked for him in the past as well at Keyin College where I developed curriculum for – oh gracious – almost nine years, I guess.

**MS. CHAYTOR:** Okay. And did you know him as being any relation to the Progressive Conservative Party?

**MS. IVEY:** Yes, he – I knew him to be a supporter and a fundraiser.

**MS. CHAYTOR:** Okay. So when did you begin in the Premier's office?

**MS. IVEY:** I started there in September of 2014.

**MS. CHAYTOR:** Okay. And when did you finish?

**MS. IVEY:** I finished in December of 2015, just after the provincial election when there was a change in administration. And with the change in administration comes a change in staff as well.

**MS. CHAYTOR:** Okay. And who did you report to in that position?

**MS. IVEY:** Heather MacLean, the director of communications.

**MS. CHAYTOR:** Okay. Did you have any personal connection to anyone in the Premier's office, including the Premier?

**MS. IVEY:** No.

**MS. CHAYTOR:** And what about the chief of staff, Joe Browne?

**MS. IVEY:** No, none.

**MS. CHAYTOR:** So what – then you told me that your position in the Premier's office was a little bit more than what you were doing as communications manager with Government Members' Office. So tell us about your duties. What were you asked to do in that position?

**MS. IVEY:** I was, I guess, the media liaison for the Premier's office. I was responsible for preparing all of his documentation that he would take with him to various speaking events and engagements, which included sometimes drafting and editing speaking notes for him. As well as, I guess, communicating with various host organizations in developing the details surrounding the events such as the agenda and the logistical items surrounding it. I was responsible for various other communications support. And I was – then, I guess later on during my tenure there, I was tasked with the social media as well.

**MS. CHAYTOR:** What –

**MS. IVEY:** That didn't come initially in these – when I started there in September. That took a while for that to be assigned to me.

**MS. CHAYTOR:** What does that mean, tasked with social media? What exactly were you doing with social media?

**MS. IVEY:** I wasn't solely responsible for it up until – and I can't remember exactly when it was, it was passed on to me to be responsible for. It may have been, I guess, perhaps around December of 2014, maybe.

**MS. CHAYTOR:** Okay. But what was it that you had to do about social media?

**MS. IVEY:** Oh, okay. It was mainly posting. There were a lot of postings and some monitoring, and there were four social media accounts. Two of which were Facebook, two were Twitter.

**MS. CHAYTOR:** And did you have responsibility for some or all of those accounts?

**MS. IVEY:** There was one that I wasn't solely responsible for that I assisted with, and that was the Premier's personal Facebook account, which he also used for his constituency business. The others, the

two Twitter accounts and the official Premier of Newfoundland and Labrador Facebook account, I did maintain.

**MS. CHAYTOR:** Okay, all right. So the two Twitter accounts and the official Premier Facebook account, you were responsible for maintaining.

**MS. IVEY:** Correct.

**MS. CHAYTOR:** And from what you're telling me, that meant posting to those accounts as well as monitoring what was posted to those accounts.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. What did that mean to monitor? What was the purpose in monitoring the social media accounts?

**MS. IVEY:** The main purpose of that was to monitor any constituency inquiries. Constituents often use that as a form of correspondence with the Premier's office and a contact with the office if they needed issues addressed. So I would monitor those, and oftentimes they were to be directed to an appropriate department or a staff person and I would filter those to the appropriate person.

**MS. CHAYTOR:** So if somebody posted something on the Premier's Twitter account or his Facebook account that seemed to be somewhat of a complaint, what would you do with that?

**MS. IVEY:** There were staff in the office who would respond to that and try to resolve the issue for the individual.

**MS. CHAYTOR:** Okay. So you would try and direct them to the right person who could answer –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** You wouldn't go back on Twitter and respond to it or on to Facebook and respond to it yourself?

**MS. IVEY:** Often not, we didn't – that wasn't a common practice to engage with the people that way through social media.

**MS. CHAYTOR:** Okay. And was there any other purpose for monitoring the account other than trying to identify issues or complaints that may need to be redirected?

**MS. IVEY:** No, just monitoring the activity. Again, if there were issues that people were having we would try to address them.

**MS. CHAYTOR:** And how would you go about doing that?

**MS. IVEY:** We did those as time permitted. It was very busy in the Premier's office, and all staff were pretty busy. So oftentimes that monitoring got done during personal hours.

**MS. CHAYTOR:** Okay. And I guess I need some clarity on what does it mean to monitor? Did you utilize, for example, any software or tools to monitor social media?

**MS. IVEY:** No, monitorings are done just by browsing through the activity and through the newsfeeds that would come up.

**MS. CHAYTOR:** Okay. So you didn't use tools such as Hootsuite?

**MS. IVEY:** No.

**MS. CHAYTOR:** Did you use that during your time previously in government in a similar role?

**MS. IVEY:** I have used it personally, but not with government.

**MS. CHAYTOR:** Okay. And were you monitoring for any particular trends or patterns or issues?

**MS. IVEY:** If there were items that were concern to people, such as the Muskrat Falls issue, things like that, we would monitor activity and to gauge public opinion.

**MS. CHAYTOR:** Okay. Did you have any notifications set or any searches set to alert you to certain messages?

**MS. IVEY:** No.

**MS. CHAYTOR:** So basically what you're telling us is that you would, when you had time, you would just go on the premier's Twitter accounts – we'll deal with the Twitter accounts – and look to see if there's anything there that needed to be addressed. Is that – is that what you did?

**MS. IVEY:** Correct, and if anybody had mentioned the premier directly, it would come up in the list of notifications.

**MS. CHAYTOR:** Okay, so that was a notification that was set.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. All right, anything else that was set, anything else or –

**MS. IVEY:** No, that –

**MS. CHAYTOR:** – just if the premier is mentioned?

**MS. IVEY:** That was just – that was everything.

**MS. CHAYTOR:** Okay.

Do you have any particular training in social media or the monitoring or interpretation of social media messaging?

**MS. IVEY:** None.

**MS. CHAYTOR:** Did you have a policy that you were utilizing to monitor social media in the Premier's office at the time?

**MS. IVEY:** No, there was no policy that the office itself used.

**MS. CHAYTOR:** Okay.

I'm going to ask, please, Madam Clerk, if you could bring up exhibit number 69.

Okay. This is a Social Media Use Policy that we've been provided – Communications Branch, Executive Council. Does this document look familiar to you, Ms. Ivey?

**MS. IVEY:** Yes, I am familiar with that.

**MS. CHAYTOR:** Okay. And so the Policy Statement says: “The Government of Newfoundland and Labrador supports the use of social media to provide information on, and to promote awareness of, its programs and services. Social media sites may help provide additional client service; enhance the profile of government programs in the public domain; increase traffic to a website; invite collaboration; obtain feedback; or, network.”

So I take it when I read that that it's more for promoting or enhancing the government's objectives, as opposed to monitoring. Is that fair?

**MS. IVEY:** Correct, yes.

**MS. CHAYTOR:** Okay.

Now, it does mention “obtain feedback,” though, and so would that be what you were doing when you would monitor, you're looking for feedback?

**MS. IVEY:** Exactly, yes.

**MS. CHAYTOR:** Okay. So this was really more of a guideline or a tool to get your message out, your social –

**MS. IVEY:** Yes, exactly.

**MS. CHAYTOR:** – media policy.

Okay. All right, and did the policy give you any guidance, then, in terms of how to actually monitor social media?

**MS. IVEY:** There is a section there on the monitoring, but it basically states that a policy should be in place, but it wasn't. It was non-existent.

**MS. CHAYTOR:** Okay, and if we look at page 5, then, there is a section called Monitoring, and it says: “A process to deal with feedback, both positive and negative, is required, as well as an approval process established prior to posting responses.”

So is this what you're referring to that –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** So it did require a process, but was there a process in place?

**MS. IVEY:** Not in the Office of the Premier, there was not.

**MS. CHAYTOR:** Was there a process in place otherwise in government that would have governed what you were doing at the Premier's office?

**MS. IVEY:** Not that I have any knowledge of.

**MS. CHAYTOR:** And it says, "It is important to measure and track audience use to determine whether particular social media channels are a productive use of time and resources."

So in terms of then going about doing your job and part of your job being to monitor social media, are you aware of any other policy, protocol or practice that you could point us to, to help us determine what it is exactly you were being asked to do?

**MS. IVEY:** That was the extent of what I was aware of actually, just this document.

**MS. CHAYTOR:** So there was no protocol or other means provided to you to give you guidance on how to gather feedback or what to do with the feedback when you got it?

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay.

For example, when and who you should notify regarding a particular issue. Did anyone give you any instructions in that regard?

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay.

Had you forwarded social media messages of other people on to the protected services unit prior to April 3, 2015?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** And under what circumstances would you have done that?

**MS. IVEY:** They weren't just social media; they were, I guess, concerns that came through various mediums. In my position as constituency assistant, I was working on the front line answering the phones, and there were a couple of instances where people were threatening self-harm and, for their personal safety, they were forwarded to the RNC.

And in the Office of the Premier there was another one that I remember that I did forward to the protective services unit for review.

**MS. CHAYTOR:** And was that because you had some concern for the premier or somebody else in government?

**MS. IVEY:** That was – that one in particular was directed towards the premier.

**MS. CHAYTOR:** Okay. So in terms of your time in the Premier's office there was one other occasion that you passed along a message –

**MS. IVEY:** Yes, that I can recall.

**MS. CHAYTOR:** (Inaudible) okay. And did anyone give you any instructions as to when to do them, when to notify the PSU. I'm calling it the PSU; you understand that to be the protective service unit?

**MS. IVEY:** Yes.

No, there was no guidance given with respect to that at all.

**MS. CHAYTOR:** Were there files kept in the Premier's office with respect to anyone who – any person of interest that was brought to the attention of protective service unit?

**MS. IVEY:** No, not that I'm aware of.

**MS. CHAYTOR:** Okay. And you personally didn't keep track of any people that you had passed along to the PSU.

**MS. IVEY:** No. Once it left my hands, that was it.

**MS. CHAYTOR:** Okay. And which Twitter – which, what were the Twitter accounts? You said there was an official Premier account.

**MS. IVEY:** There was Premier of Newfoundland and Labrador. I think it was termed PremierofNL. That was the official government account, the official premier's account. And there was the premier's personal account which I believe was PaulDavisNL.

**MS. CHAYTOR:** And who else had access to those accounts?

**MS. IVEY:** I had support from the – from some staff members in the Government Members' Office on both accounts. And in terms of the personal account, the premier himself had access to that one as well.

**MS. CHAYTOR:** Okay. And the Premier of Newfoundland account, is that the account that Mr. Dunphy posted to?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. So you and the premier had access to that.

**MS. IVEY:** He did – I don't know if he had – I don't think he had actually access to post there but he was able to see the activity.

**MS. CHAYTOR:** And how would he see that? Would it pop up on his cellphone?

**MS. IVEY:** If he was a follower of that account, which he was, he would have seen that through his feed.

**MS. CHAYTOR:** Okay. Did you know Joe Smyth before April 3, 2015? Had you had communications with him?

**MS. IVEY:** No. I knew him from the protective services unit, he, himself, and Corporal Doug Noel.

**MS. CHAYTOR:** Okay, so you had met him –

**MS. IVEY:** On a professional basis.

**MS. CHAYTOR:** – before April 3, 2015, when you contacted him about Mr. Dunphy’s tweet.

**MS. IVEY:** Yeah, well I knew them, yes, from the protective services unit.

**MS. CHAYTOR:** Okay. And you knew Corporal Noel, who was with the RCMP as well.

**MS. IVEY:** Correct.

**MS. CHAYTOR:** And in the same context I take it.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. So no personal connection to –

**MS. IVEY:** None.

**MS. CHAYTOR:** – Joe Smyth. Okay. So then had – when had you first met him? Did you meet him first when you went into the role in September of 2014?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. And at the time when you first went there, was there any kind of briefing given to you by the protective service unit as to what their involvement would be?

**MS. IVEY:** Yes, verbally. We had some discussion, generally, about their role.

**MS. CHAYTOR:** Okay. And do you recall was this done by way of a meeting or was there some written protocol given to you?

**MS. IVEY:** No, there wasn’t any written protocol and it was – I think it was just during a conversation.

**MS. CHAYTOR:** A conversation with you personally or was there a meeting, a more formal get together?

**MS. IVEY:** No, I think, I think it was just myself present.

**MS. CHAYTOR:** Okay.

**MS. IVEY:** (Inaudible.)

**MS. CHAYTOR:** And so – and this meeting is with Joe Smyth?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay, so tell me about that.

**MS. IVEY:** I do recall the conversation that we had during I think it was the Premier’s health summit. And I don’t recall the date that that occurred. And we were just talking about security in general. And he

told me if I was ever unsure of anything to, whether it be social media or some event that we were at, anything, any concern at all, just to pass it along and they were the ones to deal with that and assess it.

**MS. CHAYTOR:** Okay. So when you first went to the Premier's office, there was no sitting down as such –

**MS. IVEY:** There was no orientation, no.

**MS. CHAYTOR:** – and introducing the protective service unit and the types of matters to pass along?

**MS. IVEY:** No, no orientation like that.

**MS. CHAYTOR:** Okay. So this was more of an informal conversation you had with him at another event.

**MS. IVEY:** Correct.

**MS. CHAYTOR:** Okay, all right. Were there times after that then that message was reinforced to you that if there was anything you're not sure of, to pass it along to the PSU?

**MS. IVEY:** I believe that was reiterated via an email that came from Sergeant Smyth. Again, I don't remember the date of that.

**MS. CHAYTOR:** Okay. We'll come to a couple of emails that you were included on. So then up to – in the time I guess in your position, how frequently would you have dealing with the protective service unit?

**MS. IVEY:** Whenever we were travelling with the premier to an event, they would usually escort him to and from. That was basically it.

**MS. CHAYTOR:** Did the officers, either of the officers in the unit, give you any instructions in terms of how to identify whether or not something might be a threat?

**MS. IVEY:** No, that was – they had I guess expressed to us that that was their job to do that.

**MS. CHAYTOR:** In your time in your position then in the Premier's office, did you sense any change in the tone of the protective service unit or the Premier's office regarding security issues?

**MS. IVEY:** No, not really, I didn't sense any heightened awareness or –

**MS. CHAYTOR:** Okay. Similar to what you were told by Constable Smyth, did Corporal Noel also give you the same type of message that if anything is of concern that you should pass it along?

**MS. IVEY:** Yes, he did.

**MS. CHAYTOR:** I'm going to ask please then, if you could, please, Madam Clerk, bring up Exhibit P-0071. This is an email of January 25, 2015, Ms. Ivey. I will just ask you to look down through this and you can tell me if this is one of the email you recall having received. It's an email sent by acting Sergeant Smyth to members of the Premier's office, including yourself and Paul Davis and several others. Perhaps you could tell me – we have Joe Browne there. Who was Catherine Evans?

**MS. IVEY:** She was – I'm not sure of her exact title, but she was his, I guess, personal secretary.

**MS. CHAYTOR:** Okay. And how about the other members here on the email? We also have Darrell Hynes, Peter Morris, Veronica Hayden.

**MS. IVEY:** Darrell Hynes was the deputy chief of staff; Peter Morris was special assistant, Strategic Communications; and Veronica Hayden was the executive assistant.

**MS. CHAYTOR:** So these are all members of the Premier's staff I take it.

**MS. IVEY:** Yes, I guess who would be considered the more senior staff.

**MS. CHAYTOR:** Was your position considered a political position?

**MS. IVEY:** Yes. All of these were political positions.

**MS. CHAYTOR:** All of these are political positions. Okay, all right.

And the awareness, it's an Awareness Bulletin: Threat to Canada, and it actually originates – I don't know if we have the second page to this document, but it originates, it appears, with the RCM– or with Andrew Boland down at the bottom, and you can see that it gets passed up.

It goes from Bill Janes who we understand to be the Chief of the RNC, to Joe Gullage, copied to two other people who we understand to be members of the RNC, and it's an Officer Awareness Bulletin: Islamic State of Iraq – and it goes on. It appears that it's a video threat to Canada. Do you recall – did you see a video attached to this at the time?

**MS. IVEY:** I didn't open it. I just read down through the email.

**MS. CHAYTOR:** Okay. And you can see that it says: "Please see video threat to Canada which may Incite Lone Actor Attacks." And that's from Joe Gullage then on January 25, 2015 to all staff of the RNC sworn members. And then that's what gets forwarded on from Joe Smyth to the members of the Premier's office.

It says: The attached document is intended for law enforcement personnel only; I am forwarding however in light of the fact that Premier Davis fits into a unique category of being a former police officer, and now a public government leader. Please do not distribute further.

So you recall getting this email –

**MS. IVEY:** I do.

**MS. CHAYTOR:** – it's one of the ones you referenced.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. So what were your thoughts when you received this? Did you read through it? What did you think it meant?

**MS. IVEY:** I just thought it was for information purposes, and I just took it for what it was worth and filed it away.

**MS. CHAYTOR:** Okay, so in the – if we look at the paragraph here, “The 3rd page outlines some basic characteristics for us to be cognizant of. Of particular note for Political staff to be conscious of would be of course individuals who espouse radicalized rhetoric, but perhaps more vital are individuals who may carry out site surveillance of government offices, personal residences, or outside venues. Please report any suspicious activity to Doug or myself. No circumstance is too small to bring to our attention. This behavior is at the top for those who carry out acts of targeted violence.”

So after you received this, you say you just filed it away. It was information purposes.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Were you reading or hearing anything different than what you had already been told?

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay. Was there any discussion in the Premier’s office about security around this time and specifically with respect to the contents of this email?

**MS. IVEY:** Nothing that I was privy to.

**MS. CHAYTOR:** Anything that you were otherwise aware of?

**MS. IVEY:** No.

**MS. CHAYTOR:** Did this document, or any of the communications that you were given, change the way you went about monitoring for social media or otherwise doing your job?

**MS. IVEY:** No, nothing changed at all.

**MS. CHAYTOR:** Did it cause you any sense – heightened sense of vigilance?

**MS. IVEY:** No, I don’t think so.

**MS. CHAYTOR:** Okay. Did it make you more conscious of checking for social media for particular threats, for example?

**MS. IVEY:** No, my social media approach did not change. If anything, it may have changed my awareness when we were at events, but nothing with respect to social media.

**MS. CHAYTOR:** Okay. Constable Smyth finished by saying: “If you had any concerns about the behaviour, or mere presence of any person, please do not hesitate to let us know.”

Did you follow up after receiving this with Constable Smyth or with Doug Noel, who was also copied on this? Did you follow up with either of them or ask any questions?

**MS. IVEY:** No, I didn’t.

**MS. CHAYTOR:** Okay. Did you forward this email to anyone else?

**MS. IVEY:** No.

**MS. CHAYTOR:** If I could have, please, Exhibit P-0072.

Okay, and this is another email from Joe Smyth to – it looks like basically the same group of people, including yourself, and this time it’s copied to Paul Davis, MHA. Do you recall receiving this email February 4, 2015?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. And if we look at the second bullet here, it says: Newfoundland is undergoing a period of fiscal adversity and restraint. A struggling economy, whether real or perceived, creates some heightened concern for security of elected officials. Persons whom already hold a grievance towards government can feel further justified in their actions or rhetoric based on a perceived sentiment of an apparent majority. The same perception can also cause an escalation in the number of persons of interest where herd mentality becomes a factor.

Was there any discussion in the Premier’s office around this time with that type of messaging?

**MS. IVEY:** Again, nothing that I would have been subject to.

**MS. CHAYTOR:** When you received this, did you have any questions for anybody?

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay.

If we look at the third bullet, it talks about, “Radicalization of individuals: NL has not historically experienced problems with radicalized individuals or groups. It is now widely accepted however that with the surge in social media use – by both individuals and groups who target/recruit disenfranchised individuals – no region or jurisdiction is impervious to these incidents. The likelihood of an act of targeted violence being carried out by a radicalized individual in previously low risk regions is now considered heightened, and while the gap is not closed, it remains a point of consideration.”

And then a sub-bullet, “Threat assessment for Premier Davis is increased in this area based on his current position as Premier of a Provincial Government coupled with his past career as a uniformed Police Officer.”

And how about that idea, Ms. Ivey, do you recall that being discussed that Premier Davis was somehow at some heightened risk because he was both premier, head of the government, and a former police officer?

**MS. IVEY:** No. There were no discussions that I was involved in with respect to that.

**MS. CHAYTOR:** Overall, what did you take from this document and what did you understand it to be saying?

**MS. IVEY:** I think there was a heightened awareness in general amongst society – not just provincially – nationally, internationally. You know society is in a different time and – but I just took that for what it was worth.

**MS. CHAYTOR:** And what do that mean: Society was in a different time. What exactly was different in February of 2015?

**MS. IVEY:** Well, I just think there's a whole lot of – there's a whole lot more violence in the world today than what there was 20 years ago.

**MS. CHAYTOR:** Okay. Was there anything in particular happening in Newfoundland in the winter/spring of 2015?

**MS. IVEY:** Nothing in the province, no.

**MS. CHAYTOR:** Was the content or the messages that are in this email at all discussed in the Premier's office that you were privy to?

**MS. IVEY:** No.

**MS. CHAYTOR:** Did this document change in any way the way you went about doing your work?

**MS. IVEY:** Not at all.

**MS. CHAYTOR:** Okay. And in particular here there is reference to social media. Did that change how you went about monitoring for social media?

**MS. IVEY:** No.

**MS. CHAYTOR:** And, again, did you ask anyone anything about this document or what it meant in terms of you carrying out your job or why am I receiving this? Did you ask anyone why you needed to be included in this type of messaging?

**MS. IVEY:** No, I just took it to be for information purposes.

**MS. CHAYTOR:** Okay. So Ms. Ivey you're saying that neither of those two documents influenced how you carried out your job.

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay. Did you forward this email on to anyone else?

**MS. IVEY:** No.

**MS. CHAYTOR:** Now, I understand that one or more of Mr. Donald Dunphy's tweets caught your attention. So perhaps you can tell the Commissioner about that and when and how you came across his tweets.

**MS. IVEY:** Okay. I was monitoring social media at home, which I often did. And it was the morning of Good Friday. And I was just reading, browsing through and I came across the series of tweets from Mr. Dunphy. And I read the series a couple of times just to make sure I understood what I was reading, but the one – that one tweet stood out. The language is a little stronger, and stronger than what I was used to seeing from him on Twitter in the past. So I just thought it warranted some review by the Protective Services Unit, and for precautionary measures I forwarded it on to Corporal Noel and Sergeant Smyth.

**MS. CHAYTOR:** Okay. And I understand this was a Good Friday.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Were you working that day?

**MS. IVEY:** No, I was not.

**MS. CHAYTOR:** Okay. So where were you when you came across this tweet?

**MS. IVEY:** At home.

**MS. CHAYTOR:** Okay. And, again, was this the Premier's official site that you were monitoring?

**MS. IVEY:** It was. It was the Premier of NL account.

**MS. CHAYTOR:** Okay. And you said that you had seen tweets from Mr. Dunphy before.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Had you ever passed along any tweet from Mr. Dunphy prior to April 3, 2015, to anyone?

**MS. IVEY:** No, there was no need to.

**MS. CHAYTOR:** Had you ever brought Mr. Dunphy to anybody's attention?

**MS. IVEY:** No.

**MS. CHAYTOR:** In terms of even discussing the types of messaging that he was posting?

**MS. IVEY:** No.

**MS. CHAYTOR:** Other than on his Twitter account, had you heard of Mr. Dunphy in any other context?

**MS. IVEY:** No, I did not know him.

**MS. CHAYTOR:** Okay. So during your time, for example, while working at Workers' Compensation had you ever heard his name?

**MS. IVEY:** Never, and I was not privy to client files at all.

**MS. CHAYTOR:** Did you know when you read this tweet who the individual was that posted it?

**MS. IVEY:** No, I just knew him from his Twitter name which was, I believe, Donahue2, Don Dunphy. And his address was @sculpin, I think, or something like that. So I didn't have a name associated with it.

**MS. CHAYTOR:** Okay. And how about while you were in your communications manager's job with the Government Members' Office, had you come across the same Twitter account in there?

**MS. IVEY:** I believe that's when I first became familiar with Mr. Dunphy's Twitter activity, during that role.

**MS. CHAYTOR:** And what about then in there, had you ever brought his tweets or the types of messaging that he was sending, had you ever brought that to anyone's attention?

**MS. IVEY:** No. Again, there was no need. He was just like anybody else there. He was just expressing his opinions.

**MS. CHAYTOR:** Okay. But what was his message about?

**MS. IVEY:** That particular tweet?

**MS. CHAYTOR:** Throughout. Any time you saw his messaging, what was he talking about?

**MS. IVEY:** He just seemed very frustrated by the Workers' Compensation system, and I guess that was his avenue to express his frustrations.

**MS. CHAYTOR:** And wasn't it, though, the purpose in monitoring to bring complaints or issues of concern to somebody's attention?

**MS. IVEY:** Well, those – tweets of that nature would have been monitored, or should have been monitored by that government agency. They have communication staff on staff there as well.

**MS. CHAYTOR:** Okay, and you were aware of that. So you mean that government agency meaning Workers' Compensation?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. So you're reading his tweets and seeing his discontent with how he had been handled by Workers' Compensation but you didn't bring that to anybody's attention to say we have somebody who doesn't appear to be very happy about how he's being treated.

**MS. IVEY:** No. Anything that would have been filtered would have been, I guess, through one of – to one of the government departments. The individual agencies have their own communications staff, so they would have – they should have picked up on that, I guess. And I'm sure they must have been familiar with him.

**MS. CHAYTOR:** Okay. So it wouldn't be your role then to notify Workers' Compensation or anyone in government responsible for Workers' Compensation to the fact that this person is repeatedly posting comments saying how he's not happy with his treatment?

**MS. IVEY:** That was something that wasn't common practice. We would notify various departments if somebody had an inquiry or they were seeking some assistance, but there were many people who had complaints and I guess disagreements with government agencies, but they were dealt with individually by the respective agency.

**MS. CHAYTOR:** So prior to April 3, 2015, had you ever mentioned this individual – who we now know was Donald Dunphy – had you ever mentioned him to Premier Davis?

**MS. IVEY:** No.

**MS. CHAYTOR:** Had you ever mentioned him to any Cabinet minister or anyone else in the Premier's office?

**MS. IVEY:** No, not at all.

**MS. CHAYTOR:** And you had seen several messages, though, I understand you to say, from the same Twitter handler or Twitter account. Had you ever read anything that seemed to be of a threatening nature from Mr. Dunphy?

**MS. IVEY:** No.

**MS. CHAYTOR:** What is it about the tweets that you saw on April 3 that you found were different from any other tweets that he had posted when taken in context with what you had seen over some period of time of tweets from Mr. Dunphy? What was so different on April 3?

**MS. IVEY:** I just sensed – I sensed some heightened frustration, and the language he used was stronger than what he – what I was accustomed to seeing from him when he referred to two dead MHAs and family members he may hurt. It was just the wording.

**MS. CHAYTOR:** And what did you think it meant?

**MS. IVEY:** I didn't know what it meant. And that wasn't – I was – from what I was told that wasn't my job to interpret.

**MS. CHAYTOR:** Okay, but you must have given it some interpretation because you decided to alert the police.

**MS. IVEY:** The language just was unsettling to me. And as a precautionary measure, I thought it was worthy of alerting them to that.

**MS. CHAYTOR:** Okay. And did you consult with anyone else prior to alerting the PSU?

**MS. IVEY:** No.

**MS. CHAYTOR:** I'm going to ask please, Madam Clerk, if we could bring up, please, P-0009. Ms. Ivey, perhaps I could ask you first, though, did you read the series of tweets leading up to –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** – to the one that you forwarded on to Constable Smyth?

**MS. IVEY:** I did actually, a couple of times.

**MS. CHAYTOR:** Okay. And so if we just look at – if you could just see what I brought up on the screen here now and the one on the top, I understand, is the one that you ultimately brought to Constable Smyth's attention. Is that correct?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. And I believe it begins with Sandy Collins: "Traveled with @PremierOfNL in his car today ... guess what CD was playing? @ShermanDowney The Sun in Your Eyes. #ListenLocal"

**MS. IVEY:** Yes.

**MS. CHAYTOR:** So I guess that's a bit of a shout out to local musicians.

**MS. IVEY:** That was, yes.

**MS. CHAYTOR:** Okay. And then it starts from there. Okay and we have then six tweets by Mr. Dunphy.

**MS. IVEY:** Correct.

**MS. CHAYTOR:** Okay. And you read all of those?

**MS. IVEY:** Yes, I did.

**MS. CHAYTOR:** Okay. And you're familiar with how you would have went about doing that? Did you start from – which end did you start from?

**MS. IVEY:** Well, the tweets are usually done chronologically.

**MS. CHAYTOR:** Okay.

**MS. IVEY:** So I've read them – I read down through them again a couple of times, just to make sure I was understanding what was there. And – but that one tweet kept – I didn't – the language was unsettling in it.

**MS. CHAYTOR:** Okay. And perhaps you could just take us through then, read for us what you read that day.

**MS. IVEY:** The whole series?

**MS. CHAYTOR:** Yes, please.

**MS. IVEY:** Okay. Actually it would, it would have to start – yeah. The most recent tweet, then, would be a post from Mr. Dunphy to Sandy Collins, Premier of Newfoundland and Labrador and Sherman Downey: "But why would u care after putting in hard time getting that poor mans MHA pension, I hope."

**MS. CHAYTOR:** Okay.

**MS. IVEY:** And then the next one is: "Put on sun glasses & take out the ear plugs u might c & hear ppl crying for help, but why."

The next one is: "Is that why u can't c problems of seniors & injured workers, the sun is in your eyes, put."

**MS. CHAYTOR:** Okay, now, Ms. Ivey, I'm going to do that again so –

**MS. IVEY:** Okay.

**MS. CHAYTOR:** – would you not start with the bottom: "Is that why u can't c problems of seniors & injured workers, the sun is in your eyes; put on sun glasses & take out the ear plugs u might c & hear ppl crying for help, but why would you care after putting in hard time getting that poor mans MHA pension,"

–

**MS. IVEY:** Yeah, when they appeared on –

**MS. CHAYTOR:** “I hope there is a God, I think I can c him work on two garbage MHAs who laughed at poor ppl before he got them before they got to enjoy the pension they didn’t deserve, i won’t mention names this time, 2 prick dead MHAs might have good family members I may hurt.”

Is that how you read it on April 3?

**MS. IVEY:** When I first read it, that first – that last tweet came up – appeared first on my Twitter feed because they’re done chronically – or sorry, the most recent appears first. So that would have been the first one I read, but I did read down through them and back through – back up through them, as you just did.

**MS. CHAYTOR:** Okay. And does that give it context, what I just did?

**MS. IVEY:** I wasn’t sure what he meant, again, from that – I mean I read them, as you did, but I still – that language still stood out to me.

**MS. CHAYTOR:** Is there any reason why you only sent Constable Smyth the last of the tweets?

**MS. IVEY:** I actually sent him the tweet but in a follow-up email I did mention that it was one of a series.

**MS. CHAYTOR:** And did you provide him with the series?

**MS. IVEY:** No, I did not.

**MS. CHAYTOR:** And so the part that you’re telling me seemed different from things that you had read in the past by Mr. Dunphy is the reference to dead MHAs who might have good family members I may hurt?

**MS. IVEY:** Yeah, the language just – the wording was stronger.

**MS. CHAYTOR:** Do you have any particular experience or familiarity in Twitter?

**MS. IVEY:** No – well, just personal.

**MS. CHAYTOR:** Okay. So then tell us what you decided to do about the tweet.

**MS. IVEY:** I decided it was worthy of review because I was unsure of what it meant and I passed it on to the Protective Services Unit and copied it to the premier’s chief of staff.

**MS. CHAYTOR:** Can we bring up, please, P-0074?

This is the email – is there a way we can make this better? My eyes aren’t what they used to be. No, can’t make it any bigger?

**UNIDENTIFIED MALE SPEAKER:** (Inaudible.)

**MS. CHAYTOR:** Okay, all right. So this is a email – this is the email from you and you sent it to Joe Smyth and Doug Noel and you copied Joe Browne and you called it: Tweet of concern.

This is the email you sent along?

**MS IVEY:** Yes.

**MS. CHAYTOR:** Okay, thank you. And is there – why did you copy Joe Browne on this?

**MS. IVEY:** Because I – it was more of an operational concern I thought and it was worthy of him being aware of it.

**MS. CHAYTOR:** So was that the practice that you had to notify the chief of staff if you're going to send something along to the PSU?

**MS. IVEY:** No, that was purely my decision.

**MS. CHAYTOR:** Okay. Did you have any discussion then with Joe Browne about this after you sent this tweet?

**MS. IVEY:** No.

**MS. CHAYTOR:** So at no point in time did he contact you?

**MS. IVEY:** He did respond to the email, a little later –

**MS. CHAYTOR:** Thank you, much better, thank you.

**MS. IVEY:** Other than the response to that email, that was it.

**MS. CHAYTOR:** Okay, all right and we'll come up with that.

How about Doug Noel, the other member of the PSU (inaudible) you sent this to him as well. Did he weigh in or did you have any discussions with him about this?

**MS. IVEY:** None.

**MS. CHAYTOR:** Okay, all right. And anyone else other than what we see here on this email, did you notify anyone else? For example, you reported to Heather MacLean, did you tell her about this?

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay. And again there was no process in place to tell you when and who should be notified –

**MS. IVEY:** No, there wasn't; I guess that's why I chose to include Joe Browne.

**MS. CHAYTOR:** Okay, all right. And then what about Constable Smyth? Did you have any conversation with him about this or did you just communicate through the email?

**MS. IVEY:** He did reply via email and asked I think if we had any other information or context around it. And that's where Joe Browne had replied and I did reply as well stating that basically all we knew was that he was – Mr. Dunphy was obviously an injured worker.

**MS. CHAYTOR:** Did you have any – and you knew that yourself too from what you had read from the tweets.

**MS. IVEY:** I garnered that from the tweets, yeah.

**MS. CHAYTOR:** Okay. Did you have any telephone conversation with Constable Smyth as well?

**MS. IVEY:** I did have communication with him, I'm not sure if it was, I think it was via a telephone conversation, cellphone conversation. I'm not sure exactly when it occurred, if it was that afternoon or the following Saturday afternoon. He asked me if I had any information, any information as to where he may reside or anything about him.

**MS. CHAYTOR:** Okay, all right. And did you have that information regarding him?

**MS. IVEY:** I didn't, but I suggested that somebody at the Workplace Health, Safety & Compensation Commission may be able to provide that.

**MS. CHAYTOR:** Okay, all right. And if we could bring up then, please, P-0075. And this is, then Joe Smyth replies to you, and it's just you, and he says – this is at 10:34 a.m. “Donna, do you know what the context of this is? May take a little time, but I will look into this asap. Twitter can often be a dead end. Thanks J.”

Okay, and if we could also bring up, please, P-0073.

That would be 0072. P-0073, please.

Okay. And this one is two minutes later, 10:36, and this time Doug Noel is also sent this, and Joe Browne is copied. And if we scroll down we can see it's the same email that you had sent. And, again, it's from Joe Smyth a couple of minutes later. It starts off the same way, “May take a little time, but I will look into this asap. Although we've had some success in identifying some users, twitter can often be a dead end when proper effort has been made to conceal identity. I'll advise asap if I have any success. Thanks J”

So you received two different emails with somewhat similar messaging from him within two minutes. Did you find that unusual?

**MS. IVEY:** No.

**MS. CHAYTOR:** No? Okay. And, so that didn't catch your attention?

**MS. IVEY:** No, it didn't –

**MS. CHAYTOR:** You did receive two emails?

**MS. IVEY:** Yeah, I just – and I did reply to one of them.

**MS. CHAYTOR:** Okay, all right. And so when he asked about the context – if we could bring up P-0076, please.

Is there any reason why you didn't give him that context in the beginning? That you didn't tell him, look, I know this man is an injured worker, he's been posting to the Premier's account for quite some time. Is there any reason you didn't give Constable Smyth some context?

**MS. IVEY:** The only reason I can think of is because I was copying and pasting from my BlackBerry, so it would have been a lot more difficult to copy and paste the entire series.

**MS. CHAYTOR:** Okay. But even the information, then, that you do give – you reply to him shortly after, 10:42, and you also copy Doug Noel and Joe Browne. So you’re replying to the 10:36 a.m. email. “He’s an injured worker who has been posting on the Premier's account for awhile. He posted this comment, along with several others, under a post made by Sandy Collins last evening.” And that’s your reply to him –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** – you pass along that information. Okay.

Did you bring this to anyone else’s attention other than the people who are in this email read?

**MS. IVEY:** No, that was it.

**MS. CHAYTOR:** Okay. So you mentioned that you did have a telephone conversation then with Constable Smyth.

**MS. IVEY:** (Inaudible.)

**MS. CHAYTOR:** Okay. And what information or what additional information was given to Constable Smyth at that time?

**MS. IVEY:** That’s when I told him that perhaps somebody at the Workplace Health, Safety and Compensation Commission could assist as they often – they would keep files on their clients.

**MS. CHAYTOR:** Okay. And I believe we have an email where Joe Browne also weighed in on this.

**AN UNIDENTIFIED FEMALE SPEAKER:** P-0077.

**MS. CHAYTOR:** P-0077, please. Thank you.

Okay. And we can see Joe Browne then, at 11:30, replies to Joe Smyth, yourself and Doug Noel, and says: “This guy seems to be an injured worker. His constant tweets are focused on that subject.”

Do you remember that communication from Joe Browne as well?

**MS. IVEY:** I do.

**MS. CHAYTOR:** Okay. And did you remember him as other than that, as other than an injured worker and tweeting around being an injured worker.

**MS. IVEY:** That’s all I knew about him.

**MS. CHAYTOR:** Okay. So this was consistent with your understanding as well.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay, all right.

So in your telephone conversation then with Constable Smyth, did you provide him with any information to assist him in being able to identify or locate Mr. Dunphy?

**MS. IVEY:** I did give him a contact number for one of the executives at the Workplace Health, Safety and Compensation Commission. Being a Good Friday, or long weekend – again, I’m not sure if it was Friday or Saturday that we had that conversation. There would be no – I didn’t know who else to get, what other contact information to give him.

**MS. CHAYTOR:** Okay. And so who was it that you gave him a contact for?

**MS. IVEY:** I gave him a cell number for the board chair, for Ralph Tucker.

**MS. CHAYTOR:** Ralph Tucker, okay. And did you contact Ralph Tucker for Constable Smyth?

**MS. IVEY:** I contacted him first, actually, before I provided the phone number to Constable Smyth, just to seek his permission to disclose his personal cell number.

**MS. CHAYTOR:** Would you expect the board chair of Workers’ Compensation to have information on clients?

**MS. IVEY:** Not at all. I knew he would have the appropriate staff person who could assist Constable Smyth on a long weekend.

**MS. CHAYTOR:** And did you discuss anything else with Mr. Tucker other than to ask him whether or not you could pass along his contact information?

**MS. IVEY:** I did tell him that Constable Smyth was looking for some information on a client. And that was the extent of it.

**MS. CHAYTOR:** Okay. And did you identify the client, who the client was?

**MS. IVEY:** No, because at the time I didn’t have any idea what his name was.

**MS. CHAYTOR:** Okay. And when was your discussion with Mr. Tucker? Was that the same day as all of this?

**MS. IVEY:** Again, I’m not sure if this happened Friday afternoon or Saturday. I can’t recall.

**MS. CHAYTOR:** Okay. And was there anything else discussed then between yourself and Mr. Tucker?

**MS. IVEY:** That would have been it.

**MS. CHAYTOR:** I take it you then called Mr. Smyth, or Constable Smyth back?

**MS. IVEY:** Yes. I think I may have texted him the number. I’m not sure how I – again, the method of transmission occurred but I did get him the information.

**MS. CHAYTOR:** Okay. So would have Constable Smyth’s cellphone –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** – and be able to text with him as well?

**MS. IVEY:** Yes. And we had that as senior staff travelling with the Premier.

**MS. CHAYTOR:** Okay, all right.

If we could bring up then, please, P-0079. So here we have an email that's dated the next day, April 4, 2015. It's from Joe Smyth to Joe Browne and to yourself, "Re: Tweet of concern" again. And you can see this is following up from Joe Browne's response. He begins by saying "Heather," – but there is no Heather on the email – "I understand this individual has had multiple conversations on Open Line; do you have the ability to obtain transcripts without knowing exact dates and times? Thanks J"

Do you recall getting that email?

**MS. IVEY:** I do recall it, yes.

**MS. CHAYTOR:** And did you respond to that email?

**MS. IVEY:** No, it was directed towards Heather, so I left it at that.

**MS. CHAYTOR:** Okay. So you didn't notice that while it says Heather, there's no Heather in the: To?

**MS. IVEY:** I didn't.

**MS. CHAYTOR:** Okay, all right. And you would take Heather to be your boss?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. And did you have any discussion with her about this?

**MS. IVEY:** No.

**MS. CHAYTOR:** Or forwarded along the email so that she would have it?

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay. And you didn't see any need for you to respond to Constable Smyth even though it's you who had brought this information to his attention?

**MS. IVEY:** No. Again, he had directed it towards Heather so I just left it at that.

**MS. CHAYTOR:** And do you know whether or not anyone else got back to Constable Smyth with respect to this query?

**MS. IVEY:** I have no knowledge.

**MS. CHAYTOR:** Did you attempt to find out any information for him regarding any conversations on *Open Line* that Mr. Dunphy may have had?

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay, so then after this email did you have any further contact or communication with Constable Smyth up to the time, then, of the shooting the next day?

**MS. IVEY:** None.

**MS. CHAYTOR:** Were you aware of whether or not he actually had gone to meet with Mr. Dunphy?

**MS. IVEY:** No.

**MS. CHAYTOR:** So when and how did you hear about the shooting?

**MS. IVEY:** I heard about a shooting Easter Sunday when I was having some family over for, for dinner. And my father had mentioned that there had been a shooting in the Mount Carmel area. And that was, that was the first I'd heard of it and he had heard, heard it through media.

**MS. CHAYTOR:** Okay. And when did you – or did you, at some point, connect the events of April 3 and April 4 with what you were hearing on April 5?

**MS. IVEY:** Heather had called me Easter Sunday afternoon.

**MS. CHAYTOR:** Heather MacLean?

**MS. IVEY:** Heather MacLean. And she asked me if I would forward her the tweet that I had forwarded to Constable Smyth and to Joe Browne, and which I did immediately. I didn't ask her why and that was the extent of the conversation.

**MS. CHAYTOR:** Okay. And what time in the day did that happen?

**MS. IVEY:** That may have been somewhere between 3:30, 5 o'clock.

**MS. CHAYTOR:** Okay. So she asked you to send along the tweet that you had sent to –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** – Joe Smyth and she –

**MS. IVEY:** And I didn't think anything of it.

**MS. CHAYTOR:** You didn't think anything of it?

**MS. IVEY:** I didn't at the time.

**MS. CHAYTOR:** So you didn't ask her, well, why – why do you need this?

**MS. IVEY:** No, I didn't.

**MS. CHAYTOR:** Okay and this is Easter Sunday.

**MS. IVEY:** Yes. And I went about cooking dinner and then my father had come by and mentioned that there was a shooting. And things – and then I started – then I started to think, well, why did she ask me that? And I popped on social media myself and I saw that there had been a tragedy in Mitchells Brook and I noticed that the Protective Services Unit had been involved.

And then I knew something bad had happened and, I think, called Heather back and said what is going on. And she told me that there had been a shooting and that the premier was very upset. She didn't go into any detail though, and the rest of my knowledge then came through social media.

**MS. CHAYTOR:** Okay. So now, Ms. MacLean hadn't been included, as we've seen, on any of the email, even though it appeared at one point that Constable Smyth –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** – either used the wrong name in referring to you or meant to include her. So she hadn't been included at all. So how did she even know your tweet existed?

**MS. IVEY:** I have no idea.

**MS. CHAYTOR:** Or that you had passed along a tweet, I should say.

**MS. IVEY:** I have no idea.

**MS. CHAYTOR:** Okay, and you still don't know.

**MS. IVEY:** I still don't know.

**MS. CHAYTOR:** Okay. And are you able to tell us how Ms. MacLean became aware of the situation of the shooting?

**MS. IVEY:** That I have no knowledge of either.

**MS. CHAYTOR:** And she was able to tell you the premier was upset.

**MS. IVEY:** Yes. So, obviously, there had been some discussions amongst the other staff.

**MS. CHAYTOR:** Okay. I just want you to go back over that with me so I'm a little clearer. But how is it with that limited information that you started to piece it together or connect this somehow to Mr. Dunphy?

**MS. IVEY:** Well, my research skills are pretty good.

**MS. CHAYTOR:** But wouldn't you expect – like did you think that you're the only person who would have sent that information along to protective service unit?

**MS. IVEY:** In terms of identifying him?

**MS. CHAYTOR:** In terms of anything. You don't know it's Mr. Dunphy.

**MS. IVEY:** No, but I went back through the Twitter activity that was taking place and when I looked at his Twitter name it was Donahue2DonDunphy. So I googled all the Dunphys and then I googled Don Dunphys and Newfoundland, and I did come up with one in that area and that's how – that's how I started piecing things together.

**MS. CHAYTOR:** And you did that through a simple google search?

**MS. IVEY:** Google search.

**MS. CHAYTOR:** You found Don Dunphy.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** In what area?

**MS. IVEY:** I think it was – it came up as – I can't remember exactly what the address was but if you – I went, I think it was on Canada411 and if you type in a name, it gives you the results in the geographic – in the geographic area you specify and I specified the Island.

**MS. CHAYTOR:** Okay. So then after piecing that together, were you – did you have any other conversations around this or did you contact anyone else and have any further discussions?

**MS. IVEY:** Other than contacting Heather, that was it.

**MS. CHAYTOR:** Did you have any communication with the premier?

**MS. IVEY:** No.

**MS. CHAYTOR:** Joe Browne?

**MS. IVEY:** None.

**MS. CHAYTOR:** And this was Easter Sunday, were you back to work the next morning?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay, and what was the atmosphere in the Premier's office then the next day and the days following?

**MS. IVEY:** It was very heavy. There were a lot of upset people. It was very sombre and that went on for a while. There was some public backlash and the receptionists fielded some not-so-nice phone calls from – from individuals. And it was just, it was – it was just a very heavy atmosphere.

**MS. CHAYTOR:** Okay. Was the subject of Mr. Dunphy's shooting discussed in the Premier's office?

**MS. IVEY:** There was, I guess – excuse me – a meeting first thing that morning.

**MS. CHAYTOR:** Meaning April 6?

**MS. IVEY:** Yes, that I recall, and I was present at that. And it was basically just a debrief and just a discussion expressing sympathies for the Dunphy family, concern for Constable Smyth as well. It was just a very upsetting time for everybody.

**MS. CHAYTOR:** Who also attended that meeting?

**MS. IVEY:** I remember the premier being there; Joe Browne, the chief of staff; Corporal Noel; I believe Darrell Hynes, the deputy chief of staff; Heather MacLean; Peter Morris; and I think there may have been some Department of Justice officials there, maybe the minister at the time.

**MS. CHAYTOR:** The minister of Justice?

**MS. IVEY:** I think, I think. I do recall him being there, I believe.

**MS. CHAYTOR:** And who was the minister of Justice.

**MS. IVEY:** I think – I believe it was Darin King at the time.

**MS. CHAYTOR:** Okay. So there was sympathies expressed for the Dunphy family –

**MS. IVEY:** Absolutely.

**MS. CHAYTOR:** – and concern expressed for Constable Smyth. Anything else discussed?

**MS. IVEY:** Not that I recall. Everybody’s emotions were still running very high.

**MS. CHAYTOR:** Okay. Any security issues discussed?

**MS. IVEY:** Nothing – no, not that I recall, nothing specific.

**MS. CHAYTOR:** Was there any discussion about communications and what the premier would say in the media?

**MS. IVEY:** I do believe there was some discussion regarding media availability that he was going to do later that day. Again, I don’t recall the details of his messaging or anything like that.

**MS. CHAYTOR:** Okay. And were you – was there any discussion about Mr. Dunphy in terms of who he was and what his concerns were?

**MS. IVEY:** No, it was just the emotions of the event, I think, that was discussed.

**MS. CHAYTOR:** Okay. Were you ever present, up until the time you left the Premier’s office, when that was discussed?

**MS. IVEY:** No.

**MS. CHAYTOR:** Mr. Dunphy, his situation?

**MS. IVEY:** That was the only meeting that I was privy to about that event.

**MS. CHAYTOR:** In the aftermath of this incident were there any changes made in the Premier’s office as to how social media is monitored? Or was there any process put in place that’s required under the policy?

**MS. IVEY:** Not to my knowledge. I did step away from it voluntarily. Oh, actually, I requested to be removed from it after the event and the staff in Government Members’ Office took responsibility for it.

**MS. CHAYTOR:** Did you – in the meeting that you attended on April 6, did anybody ask you about your involvement or what you knew about what had led up to Constable Smyth going to visit Mr. Dunphy?

**MS. IVEY:** No.

**MS. CHAYTOR:** Did you sense any, any heightened sense of concern for security for the premier in the Premier’s office after the shooting?

**MS. IVEY:** No, I don't think anything changed at all.

**MS. CHAYTOR:** Other than the conversation you had with Constable Smyth prior to his visit to Mr. Dunphy, have you ever discussed this matter with him?

**MS. IVEY:** No.

**MS. CHAYTOR:** Have you ever contacted him since?

**MS. IVEY:** Yes, I have.

**MS. CHAYTOR:** Okay. And tell me when that was and what was the purpose of your contact?

**MS. IVEY:** It was – I believe I spoke with him a few days following the event. And I considered him a co-worker and I just – I had to speak to him to make sure he was feeling okay, his family were okay. Because I know the emotions that we were all feeling as staff of the office. And we did discuss, I guess, how the other was feeling about the whole event.

**MS. CHAYTOR:** Okay. All right. And I'm sorry; did you tell me when you believe that discussion took place with him?

**MS. IVEY:** I believe I attempted to call him a couple of times, but I finally spoke with him maybe three or four days afterwards.

**MS. CHAYTOR:** Okay. And if we could bring up, please, P-0080.

Okay. And this is an extract from Constable Smyth's cellphone records which you can see has been heavily redacted. But we see a missed call from you on April 9, and then we see a call back to you, an outgoing call to you. And you spoke with him for over 18 minutes again on April 9. So is that, that –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Is that the conversation you had with him?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. And 18 minutes, so what did you discuss? I mean that's a long time to say how are you doing.

**MS. IVEY:** Well, it was – I told him how I was feeling. And we talked about, I guess, the emotional aspect of it, about how it was affecting his family. It was basically just, I guess, for me, it was bringing me some comfort to know that he was okay.

**MS. CHAYTOR:** Okay. And did you – did he tell you what happened?

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay. And how were you feeling?

**MS. IVEY:** We were all feeling terrible. It was horrible. It was a horrible time.

**MS. CHAYTOR:** Okay.

Okay. And I won't take you to it, but there were a couple of other references to you having made calls.

**MS. IVEY:** Yes, and I did attempt to contact him a couple of times before we finally had that conversation.

**MS. CHAYTOR:** Okay. And I believe when you had your interview you didn't remember that until I pointed it out to you. Is that right?

**MS. IVEY:** That's right, as it had – it has been almost two years since.

**MS. CHAYTOR:** But you are satisfied that it was you who tried to –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** – contact him –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** – through your phone –

**MS. IVEY:** Yes.

**MS. CHAYTOR:** – and that was your work phone?

**MS. IVEY:** Yes.

**MS. CHAYTOR:** Okay. And nobody else would have been using your work phone to do that?

**MS. IVEY:** Well, my office door was always open; it was located next to the boardroom. People did often use my phone whenever they needed to, to pop out of the boardroom to use a nearby telephone.

**MS. CHAYTOR:** Ms. Ivey, were you involved, then, in preparing the premier for the press conference that he gave on April 6, 2015?

**MS. IVEY:** That would have been Heather MacLean.

**MS. CHAYTOR:** So you had no involvement in that?

**MS. IVEY:** No.

**MS. CHAYTOR:** While you were at the Premier's office, were you involved in identifying or vetting documents for ATIPP requests?

**MS. IVEY:** No. That was the role of his executive assistant.

**MS. CHAYTOR:** Okay. Were you aware that in response to an ATIPP request that your emails regarding this, including your email to Joe Smyth passing along the tweet, that that had been redacted?

**MS. IVEY:** No.

**MS. CHAYTOR:** Okay. And nobody asked you anything about that?

**MS. IVEY:** No, I just provided the emails.

**MS. CHAYTOR:** Ms. Ivey, did you have any other involvement or take part in any other meetings or discussions regarding the Donald Dunphy matter during your time in the Premier's office?

**MS. IVEY:** There may have been some, I believe, later – prior to the general election the premier had a, I guess, a spot on the NTV *Issues and Answers* show. And that may have been one of the topics that they were covering. And I think I was involved in preparing him for that or sat in on a meeting. That would have been it, though.

**MS. CHAYTOR:** Okay. And Ms. Ivey, I just want to bring you back to one of the questions that I asked you when I showed you the emails that you received from Constable Smyth. And you remember the January 2015 email and February 2015 email.

**MS. IVEY:** Yes.

**MS. CHAYTOR:** And I understood you to tell me today that it didn't change how you went about doing your work. I just want to point out and give you a chance to reply to this, but when I asked you that same question or a similar question just December 7 of this year – last year now, I guess, a month ago.

I asked: And did your discussion with Constable Smyth and receipt, and/or I guess the receipt of this email – and I'm referencing the January 2015 email – did that change the way you went about doing your work or give you a heightened sense of vigilance in terms of carrying out your job duties, in particular, your social media monitoring? Answer: I think I was perhaps a little more cautious and not just with social media but with – in general.

**MS. IVEY:** Yeah, I think that's what I alluded to earlier. It wasn't so much the social media, but it gave me – it made me more cognizant of my surroundings when we were in public, particularly at events where there were a lot of people. But it didn't really change the way – the way I approached social media, because that's not what we were monitoring it for.

**MS. CHAYTOR:** Ms. Ivey, do you have any other information that you think would be of relevance to the Commission's mandate? Is there anything else that I haven't asked you about or is there anything else you would like to say that I haven't directly asked you about?

**MS. IVEY:** I don't have anything else to add that I think would be beneficial, but I would like to say that, you know, this was a very tragic event and I feel for the Dunphy family. My heart goes out to Meghan. I can't imagine how hard this has been on her.

**MS. CHAYTOR:** Thank you.

Those are my questions at this time, Commissioner.

**THE COMMISSIONER:** Thank you.

Now, do we have any questions? I don't know who will start. Did counsel discuss who would start?

**UNIDENTIFIED MALE SPEAKER:** (Inaudible.)

**THE COMMISSIONER:** Okay. Did you want to – Mr. Simmonds or Ms. Breen, do you want to start?

**MS. BREEN:** Did you want to go first (inaudible)?

**MR. AVIS:** I would say we have a default order. I come here expecting the default order, that's all. I'm –

**THE COMMISSIONER:** Oh, sorry.

**MR. AVIS:** Sorry.

**THE COMMISSIONER:** Okay.

**MR. AVIS:** If we haven't discussed it and there's a default order, so that's, that's all I expect when it has (inaudible).

**THE COMMISSIONER:** All right. Well, then, let's proceed with whoever is next in the default order.

**MS. BREEN:** Yes, Mr. Commissioner, I believe that would be me.

**THE COMMISSIONER:** Okay.

**MS. BREEN:** Ms. Ivey, I'm Erin Breen. I represent Meghan Dunphy.

Ms. Ivey, when you commenced your work at the Premier's office, I understand you had come from a different office of government or you had previously been employed in another office in government. Is that correct?

**MS. IVEY:** Correct.

**MS. BREEN:** And when you first commenced your work at the Premier's office, was that the first time – I believe you had said that was the first time you had met Constable Smyth, Corporal Noel –

**MS. IVEY:** Yes.

**MS. BREEN:** – and these individuals. Was it your first time dealing with the Protective Services Unit of the Premier's office –

**MS. IVEY:** Yes, it was.

**MS. BREEN:** – in your time with government?

**MS. IVEY:** Yes.

**MS. BREEN:** Okay. Did anyone, the chief of staff, your supervisor, anyone at all, explain to you what the mandate of the PSU was?

**MS. IVEY:** No.

**MS. BREEN:** So what was your understanding at that time as to why they were there?

**MS. IVEY:** I understood that they – and, again, this is more of my general knowledge from working with government over the years – that they were – their role was to protect not just the premier, I guess, but the other elected officials, particularly ministers of the Crown, to address any security concerns. That was basically it, I guess.

**MS. BREEN:** Okay. So is it fair to say that you, you did understand their mandate being to, to deal with potential harm to the premier or government Members.

**MS. IVEY:** Yes.

**MS. BREEN:** So would you take that as physical harm?

**MS. IVEY:** I would – I guess not just physical but, I guess, general security for the elected officials.

**MS. BREEN:** Okay. And when you say security, are you meaning physical security for the elected officials?

**MS. IVEY:** I guess, yes; their safety, yes.

**MS. BREEN:** Okay. You're not talking about any other kind of security or, or concern that they were there to deal with?

**MS. IVEY:** I guess that they were there to address any, any issues that we – that we may have questions about, things that, again, that we were not sure of.

**MS. BREEN:** Okay. And when you say questions – and I'll just skip ahead because you did say this in your direct. You said that, you know, your understanding you had an informal meeting, I guess it was –

**MS. IVEY:** Yes.

**MS. BREEN:** – with Constable Smyth and that, that took place at a – out of province, was it? Or was it here in the city?

**MS. IVEY:** No, that was here in the city.

**MS. BREEN:** Okay. And that he had told you if you were ever unsure of anything on social media to – or anywhere else, to forward it to him.

**MS. IVEY:** Yes.

**MS. BREEN:** Okay.

**MS. IVEY:** That, that was their role, not ours as staff.

**MS. BREEN:** Okay. And when he said if you're concerned or if you're unsure, was he talking – or did you understand him to mean that it was an issue of physical harm to someone?

**MS. IVEY:** No, I mean it could have – safety, I guess, could entail a whole bunch of things. There could be stalkers or, you know. It could entail a whole bunch of things, not just physical harm.

**MS. BREEN:** Okay. And when you say stalking, would that include someone who was, you know, let's say repeatedly –

**MS. IVEY:** Harassing or –

**MS. BREEN:** Sorry?

**MS. IVEY:** Harassment of public officials.

**MS. BREEN:** Okay. And, you know, in terms of monitoring of social media, would that include someone who is repeatedly tagging individuals –

**MS. IVEY:** No.

**MS. BREEN:** – insulting individuals, you know, making public statements of that nature?

**MS. IVEY:** No. I mean, people express their opinions regularly on social media, particularly when it comes to government. And, and, you know, politicians are not often a well-liked group by, by the general public. And so, you know, there's a fine line I guess, and that wasn't, I guess, our job to determine. That was – if someone we thought was crossing that line that's when we'd pass, pass it along to the PSU.

**MS. BREEN:** Okay. And when you say crossing the line, I'm assuming, and I don't want to assume anything, that what you're talking about is going from a complaint or someone who has, you know, grievances and is airing grievances, to someone who is becoming a potential threat with respect to a harm issue.

**MS. IVEY:** It's just distinguishing, I guess, between somebody's complaints and then if it – you know if it were to escalate potentially to, to something different.

**MS. BREEN:** And when you say something different – I'm assuming, again, and I don't want to assume – do you mean physical harm, threat, a harassment, a stalking, like of a criminal nature?

**MS. IVEY:** Not necessarily, I don't think. I mean, I don't know. There's a lot of potential out there for – I really don't know. It doesn't – I don't think it included just physical harm.

**MS. BREEN:** Okay. And so if we look at what it is you're looking out for on the premier's Twitter feed and you said you were looking for – or the reason why you were doing that is because a lot of people had inquiries –

**MS. IVEY:** Yes.

**MS. BREEN:** – or are looking for feedback, those kinds of things.

**MS. IVEY:** Yes.

**MS. BREEN:** Normally you said you had seen Mr. Dunphy's Twitter handle before.

**MS. IVEY:** Exactly.

**MS. BREEN:** You were used to him making, you know, statements about Workers' Compensation.

**MS. IVEY:** Yes.

**MS. BREEN:** Was there anything about his tweets, because you did say in your testimony you would have expected that Workers' Comp was aware of him or dealing with his grievances or looking – you know, if he had feedback he was looking for. You expected someone over there to be looking at that.

**MS. IVEY:** Yes.

**MS. BREEN:** Was there someone he was tagging or some hashtag he was using, you know, that you would think that someone at Workers' Comp was noticing this?

**MS. IVEY:** Again, because none of his other tweets really stood out to me, I don't recall who he would have tagged or who – if there was any hashtags used that they would have picked up on it.

**MS. BREEN:** Okay. So why would – what would your basis for suggesting that there would be people at Workers' Comp who would be aware of his complaints or his grievances on Twitter?

**MS. IVEY:** Well, they have a pretty substantial communications department. And, you know, I guess they would – those types of things would still come up in their feeds. And I'm assuming that they would have noticed any issues relating to that agency.

**MS. BREEN:** Okay. And I don't want to belabor the point but how is it that you know that those – Mr. Dunphy's tweets would come up in their feeds? Because I had understood the reason why you were aware of Mr. Dunphy is because he had been tagging the premier.

**MS. IVEY:** That – yes, in that particular – in any tweets that he tagged the premier, that's the ones that I saw. And, again, I guess I'm assuming that they would have – they, too, followed the premier so they would have come up in their feed.

**MS. BREEN:** Okay, so because they followed the premier, you're saying they would have been aware of his tweets.

**MS. IVEY:** They would have been seeing them as well, the same as I.

**MS. BREEN:** Okay. Did you have a discussion with anyone at Workers' Comp in the security department or otherwise regarding Mr. Dunphy or whether they had been monitoring his tweets?

**MS. IVEY:** No. Again, I didn't see any need. He was simply expressing his opinions up to that time.

**MS. BREEN:** Okay. So this was, when you said that earlier, this was just something based on what you would think without any other confirmation of that.

**MS. IVEY:** Correct.

**MS. BREEN:** Okay. Now, Ms. Ivey, when the premier is mentioned or tagged in a tweet on that official Twitter feed, you would receive a notification when you were – because you had control of that Twitter feed, is that right?

**MS. IVEY:** Yes.

**MS. BREEN:** Okay. When you spoke about comments of Mr. Dunphy being directed towards the premier, did you mean because he was tagged?

**MS. IVEY:** Yes.

**MS. BREEN:** So basically because his name was in a tag, did you understand that to mean that the comments were being directed towards that individual?

**MS. IVEY:** I took that to mean that he was doing that to get the premier's attention.

**MS. BREEN:** Okay. So he wanted whoever he had tagged in that tweet obviously to notice the tweet.

**MS. IVEY:** Exactly.

**MS. BREEN:** In terms of the content or the persons who he was referring to in the tweets, did you make any assumptions at that time as to who he was referring to because of the tags that were used?

**MS. IVEY:** No.

**MS. BREEN:** So you did not make an assumption at that time that when he was talking about "2 prick dead MHAs" that he was referring in any way to Premier Davis and Mr. Collins?

**MR. IVEY:** No, not at all.

**MS. BREEN:** Okay. Did you – how much time did you take to go through the language that was used and to read the chain?

**MS. IVEY:** I read over them I guess maybe two, three times in context, and I really wasn't sure what he was getting at. It may have taken me five minutes, five, 10 minutes.

**MS. BREEN:** Okay. Ms. Ivey, have you had an opportunity since that morning to go back and review the full twitter chain again?

**MS. IVEY:** Yes, I have.

**MS. BREEN:** Okay. And you've read it in sequential order?

**MS. IVEY:** Yes.

**MS. BREEN:** Okay. Today, do you see that there was quite an innocuous interpretation of the language that he was using?

**MS. IVEY:** Again, I wasn't sure what he was meaning. I'm still confused by it, so that's – and I would probably do the same thing again today. I'm not an analysis expert on his choice of words.

**MS. BREEN:** No, and I'm certainly not suggesting that you have particular expertise in interpreting, but do you see now that when the read the tweets in sequential order when he's referring to the "2 prick dead MHAs" that the tweets right below those or that came first were referring to the fact that God had taken them and that they might be – though they're dead, there's family members still here. Do you see that interpretation?

**MS. IVEY:** Well yes, I saw that then, but it is just – again, the language was so strong that I just thought, again I wasn't quite sure and I thought it was warrant – it warranted a review by those who knew what they were doing.

**MS. BREEN:** Okay. And I understand you're saying it wasn't your job to put a final interpretation on it. You had been told if anything of concern comes up – and it doesn't sound to me that anyone ever really sat with you and defined exactly, you know, the concerns that you have, because you would agree on the premier's Twitter feed, I assume, you see a lot of things that you may have a concern about –

**MS. IVEY:** Yes.

**MS. BREEN:** That might not be a concern about potential physical harm coming to the premier.

**MS. IVEY:** Exactly.

**MS. BREEN:** You then forwarded it to Constable Smyth. And after you receive his email back, you then offer to contact a person who you know well, Mr. Tucker, on a provincial holiday – it was Good Friday, was it not?

**MS. IVEY:** Yes – yes, it was.

**MS. BREEN:** Okay. And I understand that you know Mr. Tucker outside of work –

**MS. IVEY:** Yes.

**MS. BREEN:** – and that you would have had his cellphone number and all that. What was the urgency – was there any urgency being expressed to you by Constable Smyth to connect him with someone at Workers' Compensation to figure out who Mr. Dunphy was?

**MS. IVEY:** I didn't sense a feeling of urgency. I was just simply responding to his email.

**MS. BREEN:** Did it strike you – and I understand that Good Friday, Constable Smyth was working. It's a regular shift, we are told.

**MS. IVEY:** Yes.

**MS. BREEN:** You're on a holiday, are you not? You're not working that day?

**MS. IVEY:** Well, no I – no, but as premier staff we worked whenever, whenever the need arose.

**MS. BREEN:** The person who you were contacting was the chair of the board of the Workers' Compensation committee. He would not have been at a regular workday, I'm assuming?

**MS. IVEY:** That's right.

**MS. BREEN:** So it appears that at least there was some unusual channels, I guess, taken to obtain this information in a very quick manner; would you agree?

**MS. IVEY:** I was just responding to a question, and I tend to not procrastinate, so I was able to access that information for him.

**MS. BREEN:** Okay.

**MS. IVEY:** But again, there was no – I didn't feel a sense of urgency, I just –

**MS. BREEN:** Okay, and no –

**MS. IVEY:** I tried to respond.

**MS. BREEN:** And there was no other person who said to you this is an urgent matter?

**MS. IVEY:** No.

**MS. BREEN:** When you connected Constable Smyth to Mr. Tucker, were you fully aware of the reason or the purpose for Constable Smyth to speak to Mr. Tucker? Did you know why he wanted to reach someone at Workers' Compensation?

**MS. IVEY:** No – well, I knew he wanted to get some background information on Mr. Dunphy, some contact information, I guess.

**MS. BREEN:** Okay. And would you consider that – and I know you have different areas of experience but you had been employed with government for some time, you had also been employed at Workers' Compensation. Would you not consider the type of information he was looking for to be personal information?

**MS. IVEY:** Yes, it was.

**MS. BREEN:** For example, contact information?

**MS. IVEY:** Yes.

**MS. BREEN:** Did you have any concern that you were kind of going through the back channels to reach someone at Workers' Compensation to get private information on a citizen?

**MS. IVEY:** Given it was a holiday weekend – and, again, I didn't know what the sense of urgency was. I didn't know who to contact there or who to direct Constable Smyth to, other than to provide him with Mr. Tucker's information so that he could forward him on to the appropriate person.

**MS. BREEN:** And I guess I'll just repeat the latter part of my question. Did you have any concerns yourself that what you were obtaining or attempting to obtain for Constable Smyth or at least putting him in the loop with was to obtain personal information on Mr. Dunphy that he may not have been able to get, you know, without going through I guess at least appropriate channels?

**MS. IVEY:** Well, all I assumed he was looking for was a phone number, a contact number and maybe some location information.

**MS. BREEN:** Okay. But did you understand that would be Mr. Dunphy's private information?

**MS. IVEY:** Yes, but it was being forwarded to the RNC which is – I would not have done that for just anybody.

**MS. BREEN:** And I understand that. But, at the same time, you have acknowledged here that you were at least – I believe you had said that you didn't take this as a threat –

**MS. IVEY:** No.

**MS. BREEN:** –the tweet. So you weren't reporting a complaint of an utterance of a threat to the Royal Newfoundland Constabulary were you, when you contacted Constable Smyth?

**MS. IVEY:** No.

**MS. BREEN:** Okay. So you were just flagging something for his review?

**MS. IVEY:** Exactly.

**MS. BREEN:** Okay. So, I guess, was it your understanding that Constable Smyth was about to embark upon an investigation of a criminal threat?

**MS. IVEY:** I wasn't sure – I don't know what their process would entail.

**MS. BREEN:** Okay. And Mr. Ivey, I take it you're not certain of the authority that would allow Workers' Compensation to share private information on an individual, are you?

**MS. IVEY:** Well, there is an authorization form I believe that has to be completed.

**MS. BREEN:** If a person would consent –

**MS. IVEY:** Yes.

**MS. BREEN:** – to share their private information.

**MS. IVEY:** To consent, yes, exactly.

**MS. BREEN:** Okay. But obviously in this case you wouldn't know whether or not there was any consent from Mr. Dunphy.

**MS. IVEY:** I don't know.

**MS. BREEN:** Were you thinking that there was some kind of blanket authority for Workers' Comp to share the information because it was going to the police?

**MS. IVEY:** Yes. I would assume that they had – they would have been able to access the information should they have wanted it.

**MS. BREEN:** Mr. Commissioner, I'm noticing the time. I don't have many more questions for Ms. Ivey, but I can certainly stop here and we can continue tomorrow morning.

**THE COMMISSIONER:** Well, it's only two or three minutes before we normally close. I'm just trying to get a read. Other counsel like to have questions?

**UNIDENTIFIED MALE SPEAKER:** I do. I have four or five questions.

**THE COMMISSIONER:** So there will be a few more questions. We'll have to get you back then, 9:30 tomorrow morning, Ms. Ivey.

Okay. So we'll break here, Ms. Breen, is what you're suggesting and you can take a few minutes to shorten your questions for tomorrow.

**MS. BREEN:** Sure.

**THE COMMISSIONER:** Good. That'll work.

Okay, let's recess until 9:30 tomorrow.

**MS. BREEN:** Thank you.