



Commission of Inquiry Respecting the Death of Donald Dunphy

Phase 2 Agenda

Thursday, March 9, 2017

Location: School Theatre (Hearing Room), 425 Topsail Road, St. John's, NL

9:00 am – 10:00 am Investigation of Officer-Involved Serious Incidents in Newfoundland and Labrador

- Treating investigations as criminal until determined otherwise?
- Investigations of police by police?
- Investigations by civilian-led serious incident response teams?
- Potential for contracting with agencies outside of the Province?

Moderator: Kate O'Brien

Panel Speakers: Gareth Jones; Assistant Commissioner Peter Clark, RCMP Newfoundland and Labrador

Suggested reading:

- Report of Gareth Jones to the Commission of Inquiry Respecting the Death of Donald Dunphy
- Police Involved Deaths: The Need for Reform, © 2012 BC Civil Liberties Association, David MacAlister et al.
- Police Involved Deaths: The Failure of Self-Investigation, © 2010 BC Civil Liberties Association, David MacAlister
- Submission of Royal Canadian Mounted Police
- Submission of Royal Newfoundland Constabulary

10:00 am – 10:15 am Break

10:15 am – 11:15 am Police Communications to the Public Following Serious Incidents and During Active Investigations

- Balancing the integrity of the investigation with the public's right to know
- Specifically in the case of Donald Dunphy, could there have been more communication to the public, for example:
 - With respect to proactive policing
 - Training and the Use of Force
 - Single officer home visits
 - Role of the Premier's Security Unit

Moderator: Sandra Chaytor, QC

Panel Speakers: Gareth Jones; Chief William Janes, RNC

Suggested reading:

- Report of Gareth Jones to the Commission of Inquiry Respecting the Death of Donald Dunphy
- Submission of Royal Newfoundland Constabulary
- Special Investigations Unit (Ontario) Operations Policy 015 Media Relations

11:15 am – 12:30 pm Use of Force Training for Police including De-escalation Techniques for Dealing with People in Crisis

- Trends in police training, including an examination of work done in other Canadian provinces

Moderator: Sandra Chaytor, QC

Panel Speakers: Dr. Terry Coleman; Sgt. Mike Massine

Suggested reading:

- Commission of Inquiry into the Death of Donald Dunphy (CIDDD) - A review undertaken for the Commission (Dr. Terry Coleman and Sgt. Mike Massine)
- Report of Inquiries into the Sudden Deaths of Norman Edward Reid and Darryl Brandon Power, December 16, 2003, The Honourable Donald S. Luther
- Braidwood Commission on the Death of Robert Dziekanski, May 20, 2010. Thomas R. Braidwood Commissioner, ISBN 978-0-7726-6252-1
- Police Encounters with People in Crisis, July 2014, Honourable Frank Iacobucci, Copyright Toronto Police Service
- A Matter of Life and Death, June 2016, Ombudsman Report, Paul Dube
- TEMPO: Police Interactions, Mental Health Commission of Canada, June 2014, Terry Coleman and Dorothy Cotton
- Submission of Royal Newfoundland Constabulary

12:30 pm – 1:30 pm Lunch Break

1:30 pm – 3:00 pm Protecting Freedom of Expression in an Age of Social Media

- The use of social media in promoting the public's right to free expression and as a tool for critiquing government policy and action
- The monitoring of and response to social media by Government or the Royal Newfoundland Constabulary and, specifically, the potential risk of such activities having a chilling effect on freedom of expression

Moderator: Kate O'Brien

Panel Speakers: Ed Hollett, William Hiscock, Allison Conway

Suggested reading:

- Ad Hoc Coalition for Civil Liberties: Social Media and Civil Rights in Light of the Death of Donald Dunphy
- Protecting Freedom of Expression over the Internet: An International Approach, Notre Dame Journal of International & Comparative Law, Alan Sears, Citation: 5 Notre Dame J. Int'l Comp. L. 171 2015
- The Dangers of Surveillance, Harvard Law, Neil M. Richards, Citation: 126 Harv. L. Rev. 1934 2012-2013
- Social Media Use in Law Enforcement: Crime prevention and investigative activities continue to drive usage, LexisNexis Risk Solutions. (2014) [Survey of Law Enforcement Personnel and Their Use of Social Media]
- Social Media Surveillance and Law Enforcement (10.27.2015) Alexandra Mateescu et al, Data & Civil Rights: A New Era of Policing and Justice
- Submission of Royal Newfoundland Constabulary

Public Participation

Members of the public are encouraged to provide questions using the provided on-line form to the Commission based on the Phase 2 Agenda. Questions submitted may not be used by the moderators. Sessions are time-limited and only a portion of each session is reserved for questions and answers.

During the Phase 2 session, members of the public who are present in the hearing room may also pose questions directly to panel members.

Refer to [Question Guidelines](#) for further details.

NOTE:

The Commission is requesting submissions on policies and protocols of Government of Newfoundland and Labrador or the Royal Newfoundland Constabulary with respect to the security of the premier and cabinet members but this topic is not included in the March 9 session.