

**ROEBOTHAN
McKAY
MARSHALL**

ACCIDENT & INJURY LAW

March 2, 2017

Dr. Stephen Hart
Simon Fraser University
8888 University Drive
Burnaby, B.C. V5A 1S6

5th Floor, Paramount Bldg, 34 Harvey Rd
PO Box 5236 • St. John's, NL • A1C 5W1

Tel: 576-CALL • Toll Free: 1 (800) 563-5563 • Fax: (709) 753-5221

makethecall.ca

Dear Sir:

Re: Retainer for Expert Opinion on Threat Assessment - Dunphy Inquiry

As you are aware, I am currently representing Constable Joe Smyth of the Royal Newfoundland Constabulary at the Dunphy Inquiry in St. John's, NL. On April 5, 2015, my client, who was a member of the Protective Services Unit (responsible for ensuring the safety of public officials, including the Premier) visited Donald Dunphy at his home in Mitchell's Brook, a small community approximately 1 ½ hours outside of St. John's. This visit unfortunately resulted in Mr. Dunphy's death through the discharge of my client's firearm.

The background of the Commission which is led by Commissioner Leo Barry, a justice of the NLCA, is available on the Commission website which can be found at www.ciddd.ca. The Commission of Inquiry has an excellent and extensive website which contains transcripts of the hearings to date. For example, Constable Smyth gave testimony on January 16, 17, 18, 23, 24, 25 and transcripts of his testimony can be found under Transcripts and Exhibits.

Also, you will note that Exhibits are listed under the date of testimony and you can access Constable Smyth's numerous statements by clicking on the relevant exhibit numbers (i.e., if you click on P-0119 you will find Constable Smyth's statement to the RCMP dated April 6, 2015).

I have attached a Summary of Facts which provides relevant information and refers to some of the Exhibits entered into evidence at the Inquiry. I will also send you excerpts from the transcripts of Cst. Smyth's testimony which may be of assistance to you.

In reviewing the relevant materials and forming your opinion I would ask you to consider the following questions:

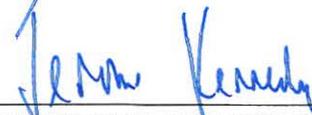
- (1) What is a risk/threat assessment in the context of the protection of public officials? What are the qualifications or training you would expect from someone who works in the area of the protection of public officials?

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- (2) Is there a difference between a risk/threat assessment in other contexts (i.e., criminal investigations) as opposed to a threat assessment in the protection of public officials?
- (3) Would you consider that Mr. Dunphy's tweets demanded follow-up in the context of the protection of public officials?
- (4) Can you provide an opinion in the context of the protection of public officials on the appropriateness of the follow-up steps taken by Cst. Smyth in this present case, including visiting Mr. Dunphy's home?
- (5) Can you comment on the relevance or appropriateness of Dr. Terry Coleman's qualifications to give opinions in this matter, as well as the opinions themselves as outlined in a report dated February 26 , 2017, a copy of which has been provided to you.

If you have any questions or if there are further materials that you need please contact the undersigned. Thank you for your co-operation in this matter and I look forward to hearing from you.

Yours truly,



JEROME KENNEDY, Q.C.