



Nfld. & Labrador

Don Dunphy death puts 'chill' on social media, says lawyer at inquiry into police shooting



Lawyer William Hiscock says police should only investigate if they believe a criminal threat was made

[Mark Quinn](#) · CBC News · Posted: Mar 09, 2017 7:39 PM NT | Last Updated: March 9, 2017



Lawyer William Hiscock was a member of a panel discussion on protecting freedom of speech, Thursday at the Don Dunphy Inquiry. (CBC)

A lawyer speaking at a police shooting inquiry fears police investigation of Don Dunphy's tweets has resulted in people censoring themselves on social media in Newfoundland and Labrador.

Dunphy, 58, was fatally shot by Royal Newfoundland Constabulary Const. Joe Smyth, 38, on April 5, 2015.

Smyth said he fired four times after Dunphy pulled a gun on him. He was at Dunphy's home to speak with him about his twitter posts that named politicians, including then-premier Paul Davis.

Dunphy was an injured worker who often strongly criticized the province's workers compensation system.



Lawyer William Hiscock said Thursday that the incident changed many people's perceptions of how police do their work.

"Prior to the incident many of us believed that police only investigate if there appears to be a threat. Where is the line?" he asked.

"The chilling effect is more pervasive when we don't know where that line is."

“People should be able to make as many nasty comments as they want.”

- William Hiscock

Hiscock is a member of the Ad Hoc Coalition for Civil Liberties and spoke at the inquiry during a panel discussion called "Protecting Freedom of Expression in an age of Social Media."

"What is going to result in police showing up at your door? There wasn't a good reason to visit Dunphy," he said.

Line should be criminal threat

Hiscock fears the line between what is acceptable and what isn't has moved but he said he has a firm view on when police should investigate social media posts.

"Police are the best people to do threat assessment but perhaps the worst to address a grievance like Dunphy's. When should police investigate? I think the line should be that it is a criminal threat," said Hiscock.

"Public officials should be safe but people should be able to make as many nasty comments as they want, as long as they are not threats."

Another member of the ad hoc group, Ed Hollett, said government organizations and others should re-consider how they handle social media that is possibly threatening or raises concerns.



Ed Hollett speaking at the inquiry into Don Dunphy's death. (CBC)

Hollett suggested such posts should be filtered through senior members of an organization before they are passed to police.

The inquiry led by Judge Leo Barry began hearings on Jan. 9. More than 50 witnesses have testified. The last witness, a police officer who provides protective services in Ontario, is expected to testify Friday.

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