

Confidential report leaves 'unanswered questions' about Dafonte Miller case, Mayor Tory says

John Tory says report on alleged beating of teen by off-duty officer to be discussed in-camera

By Muriel Draaisma, [CBC News](#) Posted: Jul 25, 2017 4:29 PM ET Last Updated: Jul 25, 2017 11:08 PM ET



Dafonte Miller, 19, was allegedly run down and beaten with a steel pipe by two men in Whitby, Ont. in December 2016. (Leisa Lewis)

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Mayor John Tory says the Toronto Police Services Board will hold a confidential discussion Thursday on a report on the alleged beating of a young man by an off-duty Toronto police constable last year.

The case involves Toronto police Const. Michael Theriault, who has been charged with aggravated assault, assault with a weapon and public mischief in connection with the alleged beating of Dafonte Miller, 19. The teen was allegedly run down and hit repeatedly with a steel pipe by two men in Whitby, Ont. in December 2016.

Miller suffered a broken nose, jaw and wrist and is awaiting surgery to remove an eye injured in the incident.

- **Toronto police officer charged after man, 19, beaten and blinded in left eye**
- **Former SIU directors question 'deplorable' police handling of Dafonte Miller case**

Speaking to reporters Tuesday, Tory declined to release details of the report on the case.

"I can tell you that there is sort of a short report — I mean short in the sense that it's not voluminous documentation — on this matter and where it stands to date," he said.



Const. Michael Theriault, a member of the Toronto Police Service, has been charged with aggravated assault, assault with a weapon and public mischief. (Submitted by Joseph Briggs)

According to Mark Pugash, spokesperson for the Toronto Police Service, the board will hold its in-camera session on Thursday morning. The public meeting is scheduled for the afternoon.

According to the board's website, the report is not on the agenda of the public portion of the meeting.

"The matter will be discussed in the confidential session for sure," said Tory. "I just can't say what's going to arise out of that in terms of public discussion or public comment by the chief or by myself or by anybody else on the board."

Ontario's Special Investigations Unit, which investigates incidents involving police officers that result in a serious injury, death or sexual assault within the province, was not notified about the attack until April.

Julian Falconer, the lawyer representing the alleged victim, has said it was his office that alerted the SIU to the case, and that it was not Toronto or Durham police that did so.

Tory said he could not say whether Toronto Police Service Chief Mark Saunders will explain to the public why the SIU was not notified by the police. There are "a number of unanswered questions" about the notification of the SIU, he said.



Toronto Mayor John Tory says he is concerned about the Dafonte Miller case, it has 'troubling aspects' and raises 'unanswered questions.' (Martin Trainor/CBC)

Tory said he is concerned about the case, saying it had "some very troubling aspects" that should be examined.

"There obviously was a very traumatic incident that took place here and we don't know all the facts and those will come out in court. But Toronto police officers, all of them, are expected, as most of them do all the time, to adhere to a very high standard of conduct, whether they're on duty or off duty," he said.

"They are representatives of Toronto and of the Toronto Police Service. So we'll have to await all the facts coming out on this, which will happen in a court of law. And then we'll see what action needs to be taken following that. But obviously, these kinds of incidents are deeply troubling."

Tory added that he is prepared to contact the Miller family to express his sympathies. "Any time a young man or a young woman experiences traumatic injury that is likely to result in some lifelong disability, it's very sad."

Another man, Christian Theriault, who Falconer has said is Michael Theriault's brother, has been charged with the same offences in the case. The SIU has alleged they "acted together" and will be tried at the same time.

Both Theriaults are expected to appear in Oshawa court on August 10.