



Durham and T.O. cops jeopardize search for truth

BY [ANDRE MARIN](#)

FIRST POSTED: SATURDAY, JULY 22, 2017 02:46 PM EDT



Dafonte Miller, 19, is seen after an alleged assault by an off-duty Toronto cop and his brother on Dec. 28, 2016 in Whitby. (SUPPLIED)

Article

Most people in Ontario know when police intervention leads to serious injury or death, the Special Investigations Unit must be notified – and notified “immediately.”

It's been the law in Ontario for almost 30 years, yet the police in our province will do anything to avoid oversight by the SIU. Absolutely anything.

They will twist, turn and stretch the police statute and regulations that create obligations towards the SIU to keep the matter in-house. The cops, from Chiefs of police to union types, make nonsense of ordinary words with clear meaning as if they were dealing with elastics. All for the self-serving practice of avoiding police accountability.

Last week's example is just another case of cops playing this game and jeopardizing the search for the truth.

Dafonte Miller, a 19-year-old who is black, may lose an eye from an altercation with Toronto Police Const. Michael Theriault on Dec. 28, 2016. He was off-duty, but identified himself as a cop. We're not sure of what happened but the bottom line, according to his lawyer, is that the cop gave chase and Miller didn't stop.

Ultimately, Miller suffered serious injuries when he was punched, kicked and hit in the face with a metal pipe, according to his lawyer, whose allegations have not been proven in court.

Durham cops attended the scene and even though Miller suffered a broken nose, broken orbital bone and the list goes on, the SIU was left in the dark. Durham police promptly charged Miller with a slew of criminal charges and predictably let Theriault walk free.

It wasn't until April 2017 that the SIU was notified of the incident by the family's lawyer. Why didn't Durham Police notify the SIU immediately upon discovering it was dealing with a Toronto police officer who had caused serious injury?

It appears Durham police took the liberty of re-writing the law that governs such cases. According to the creative minds of this GTA police service, "it is the responsibility of the police service that employs the (involved) officer to contact the SIU."

Oh really? How does that make any sense? Durham was first at the scene and handed off the case to the Toronto force. By charging the bloodied civilian, the Durham force appear to favour the Toronto cop. This is precisely the reason the SIU exists — to conduct independent, unbiased

criminal investigations. The urge to keep control of the case outweighed their duty to follow the law.

Durham apparently notified Toronto Police on Dec. 28, 2016. Mark Pugash, Toronto Police's own version of the bombastic ex-White House spokesperson Sean Spicer, wouldn't even confirm that early last week.

He said he "can't comment on someone else's investigation. This is the SIU's investigation." A not-so-clever play on words by Pugash.

The media were asking him to confirm whether Toronto Police had notified the SIU. They weren't asking for information on SIU's investigation. Later, Toronto Police spokesperson Meaghan Gray, attempting to give credibility to the fact it had not broken the law by not calling the SIU, insisted "an experienced (Toronto Police) SIU liaison officer" was notified of the incident but didn't notify the SIU.

Experienced in what exactly? Dodging oversight, perhaps.

This case will go down in history as yet another one where the police twist themselves into a pretzel in order to avoid accountability. Both Durham and Toronto police have made a laughing stock of oversight.

Proposed oversight reforms to provide a penalty, fine or imprisonment, in the case of breach of the SIU rules, as I've been advocating for decades, can't come soon enough.