

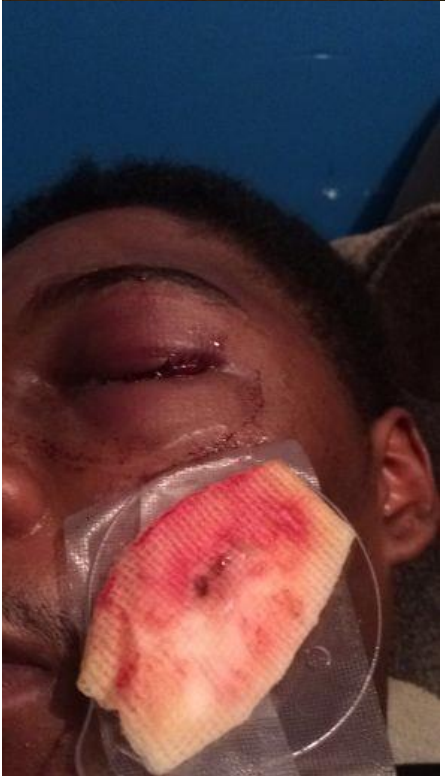


Off-duty Toronto cop charged with 'gratuitous and senseless attack'

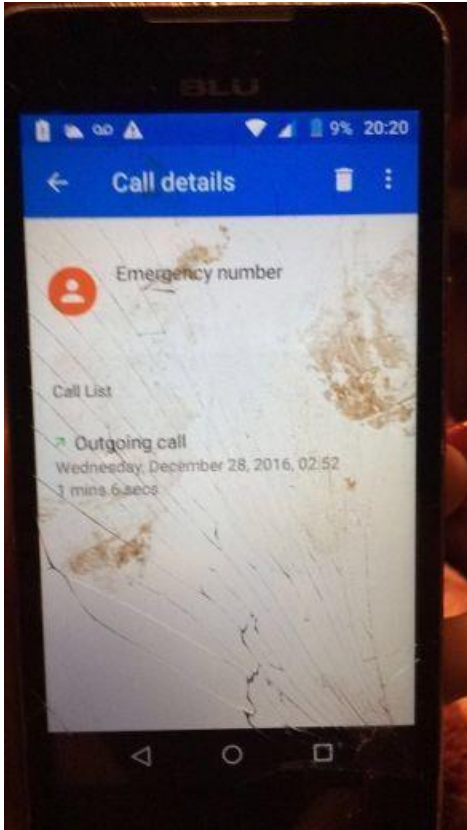
BY [KEVIN CONNOR](#), TORONTO SUN

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An off-duty cop is accused of assault on a 19-year-old (shown here) on Dec. 28, 2016 in Whitby. The Special Investigations Unit is laying charges against the Toronto police officer, who was off-duty at the time. (SUPPLIED)

TORONTO - A 19-year-old man is blind in his left eye and will lose it after allegedly being beaten with a steel pipe by an off-duty Toronto police officer in an act that was covered up by two police forces, according to his lawyer. Dafonte Miller, 19, a black man who has no criminal record, will be undergoing surgery to remove his eye from the attack last December.

He also suffered several broken bones allegedly at the hands of a Toronto police constable.

The Special Investigations Unit laid assault charges against a white Toronto police officer on Tuesday.

Const. Michael Theriault has been charged with aggravated assault, assault with a weapon and public mischief relating to the alleged attack he committed on Miller with his brother.

Miller's lawyer, Julian Falconer, called the violent attack on a young black man racial profiling.

Falconer's allegations have not been proven in court.

"I've been a lawyer for 28 years and this is the most gratuitous and senseless attack by a police officer I've seen," Falconer said, adding the SIU, by law, must be notified when an officer is involved in an incident where a person is killed or hurt, whether they are on- or off-duty.

It was Falconer's law firm that reported the incident to the SIU.

"The extent of the cover-up is breathtaking. Two services had a responsibility to do the right thing and they covered it up."

Falconer said Theriault and his brother say they went after Miller and two friends for a break-in on one of their cars in Whitby.

Miller's friends got away, but he wasn't so lucky.

Miller called 911 during the attack in front of two witnesses who were never interviewed by Durham Regional Police.

Durham police arrested Miller and took him to hospital.

Miller was charged with counts of theft and assault as well as weapon and drug charges, which were dropped by the Crown in May.

"They laid charges against my client when all the injuries were against my client. He had an eye hanging out at the scene. The individuals who attacked my client had no injuries," Falconer said.

"Durham police did such a horrendous job. Toronto police knew about the incident and didn't report it to the SIU. This is a plain old description of a cover-up."

Theriault has been suspended with pay and Falconer say he isn't aware of any charges that have been laid against his brother.

As the charges are before the courts the SIU or the police won't comment further on the case.

The SIU is an arm's length agency that investigates reports where police have been involved in death, serious injury or a sexual assault.

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