

Police board 'has a responsibility' to make public statement about Dafonte Miller case, former chair says

Board to hear confidential report on case at in camera meeting Thursday

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Former Police Services Board chair Alok Mukherjee says the board must make a public statement about the Dafonte Miller case. (CBC)

- ['It was not a cover-up': Police chief faces mounting questions over Dafonte Miller case](#)

A former head of the Toronto Police Services board and a current board member are both calling for greater transparency about the alleged beating of a young man by an off-duty officer as a "sparse" report into the incident is set to go before the oversight body later today.

- ['It was not a cover-up': Police chief faces mounting questions on Dafonte Miller case](#)
- [Confidential report leaves 'unanswered questions' about Dafonte Miller case, mayor says](#)

The confidential report on the details surrounding the case of Dafonte Miller, the 19-year-old who sustained numerous injuries in the alleged beating last December, will be discussed in camera at the board's monthly meeting. The public portion of the meeting will continue this afternoon.

Alok Mukherjee, former head of the board, said Thursday that the board must make a public statement about the incident to restore some public confidence in the police service.



This image shows two images of Dafonte Miller, including, on the right, after the alleged beating (Leisa Lewis)

"There's a lot of very troubling unknowns that I believe the Toronto Police Services Board needs to address, and have the chief address in a very fulsome way," Mukherjee told CBC Radio's *Metro Morning* on Thursday.

"The board needs to act strongly because it goes to heart of public confidence in our police service."

The board "has a responsibility" to make a public statement, he said.

Coun. Shelley Carroll (Don Valley East) echoed that sentiment, saying that the report is "sparse" according to "usual procedure" in such a probe.

"But the usual procedure doesn't match what the community needs to hear right now," Carroll told *Metro Morning*.



Const. Michael Theriault is facing three charges in connection with the incident. (Submitted by Joseph Briggs)

She said board lawyers will be at Thursday's in camera meeting and will advise on what, if anything, can be made public. In defining sparse, Carroll said the report contains the general facts of the case, what is known, the name of the officer who was charged and other basic details.

"I can't divulge them because they are in camera, but they don't quite match up with the events as they've been described in the media by the family's lawyer, et cetera, and there are some other details in there about the SIU: when they were told and by whom and how many times and those sorts of things," Carroll said. "Those are things that Mayor Tory is concerned about."

She noted that each month, the board receives reports with details about SIU investigations that cover incidents over a one-month period. In this case, the December incident is in the report covering May incidents because it was only on May 2 that the Miller family lawyer, Julian Falconer, reported the incident to the SIU, she said.

Without naming him, an SIU news release confirms that it was the Miller family lawyer who notified the agency of the incident. However, the release gives the notification date as April 27.

"This happened in December and that in and of itself is very troubling," Carroll said.

The SIU investigates incidents involving police that result in serious injury or death, or that include allegations of sexual assault.

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

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

'It was not a cover-up'

On Wednesday, Toronto Police Chief Mark Saunders said it was Durham police who informed his officers of the incident. But he denied that the delay in notifying the SIU constituted a cover-up.

"I don't think that this is an environment where you can hide things anymore, so I don't think that it would have been prudent for seasoned officers to try to manufacture, cover-up, mislead in any way shape or form," Saunders told reporters at police headquarters. "It is a matter of how they interpreted law at that time with the information that they received and that they knew."

Saunders said Wednesday that it remains unclear when or if Theriault identified himself as a police officer during the incident.

"I'm sure if there's paperwork that talks about the occurrence, and if that paperwork states that the person identified himself as an officer, then we've got an issue, we definitely have an issue," Saunders said. "But to say that this is a cover-up is misleading. It was not a cover-up. My officers acted in good faith."

But also on Wednesday, Falconer said it is clear on the recording of the 911 call Miller made that Theriault identifies himself as a Toronto police officer with 42 Division and that he is placing Miller under arrest. In an interview with CBC Toronto, Falconer called for the 911 tape to be released.

'A lot of questions'

Carroll did not speak to the potential release of the 911 tape on Thursday. However, when asked about the police handling of the case, she said there are "going to be a lot of questions to ask" and said answers must be provided to the public as soon as possible.

"Chief Saunders is right: There is no room for cover-up anymore. Ultimate transparency is what communities across Canada are demanding now of their police services and of the boards that manage them," she said.

However, she noted that "there are contradictions between what the lawyer is saying and what the report says to us. So we want to get this conversation into the public eye as soon as humanly possible. And while Chief Saunders says

senior officers can't collude — we hate to use that word nowadays because it's been co-opted — but they can't collude to cover anything up anymore it just doesn't fly. But some of the dates in the matters here do give pause and leave us with the question: did that in fact happen?"

Meanwhile, 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.