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'There was no cover-up,' police chief says about Dafonte Miller case

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Published Wednesday, July 26, 2017 8:39AM EDT

Last Updated Wednesday, July 26, 2017 10:59AM EDT



Alleged assault didn't fit SIU parameters: Chief



Toronto Police Chief Mark Saunders says he does not believe there was a police “cover-up” in the investigation into allegations that an off-duty police officer brutally beat a 19-year-old Whitby man.

Speaking to CP24 on Tuesday night, Saunders said officers with the Toronto Police Service reviewed the December incident between off-duty Toronto police officer Const. Michael Theriault and 19-year-old Dafonte Miller “thoroughly” and found that it did not meet the threshold required to notify the Special Investigations Unit, which serves as the province’s police watchdog.

“This wasn’t taken lightly. There was no overlooking. There was nothing nefarious. There was no cover-up,” Saunders said Tuesday.

The SIU, which began investigating the incident in April, charged Const. Theriault and a civilian earlier this month with aggravated assault, assault with a weapon and public mischief.

Julian Falconer, a human rights lawyer who is representing Miller, previously told reporters that Miller was walking to a friend’s house in the area of Thickson Road and William Stephenson Drive in Whitby when he passed by two men standing inside a garage in the area.

Falconer said one of the men identified himself as a police officer and when Miller refused to answer the man’s questions, the two men began to chase him.

At one point, Falconer said the men grabbed a steel pipe and beat Miller “within an inch of his life.”

The lawyer said Miller suffered fractures to his face and the injuries he sustained were so severe that he has permanently lost the use of his right eye.

The allegations have not been proven in court.

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Falconer said when an investigation into the incident was launched by Durham police, Miller was the one who was charged.

“Ironically, the one who had all the injuries... gets charged for possession of a weapon, assault, all of that, in circumstances where the officer and his brother had no injuries whatsoever,” Falconer told CP24 last week.

He added that it was his firm that contacted the SIU when they were retained in April, four months after the incident.

“Neither the Durham police nor the Toronto police... notified the SUI.”

Saunders told CP24 Tuesday that the SIU only becomes involved in off-duty incidents if the officer identifies themselves as a police officer or if the officer is using or displays equipment that was issued to them as an officer.

“I’m pretty sure speaking with my folks on that half of the service that that was looked at thoroughly and at no point in time were they aware that those parameters were in any

way shape within the encounter that occurred in which the charge is being laid,” Saunders said.

“I’m talking about officers that are well-versed in the law when it comes to the SIU.”

Mayor John Tory commented on the case on Tuesday, saying that there are still “unanswered questions.”

“I have read things that I’m not allowed to share with the public at this stage because I am a member of the Police Services Board and I will only say there are a number of unanswered questions which remain with respect to the process that was or was not followed here in terms of the notification of the SIU,” Tory said.