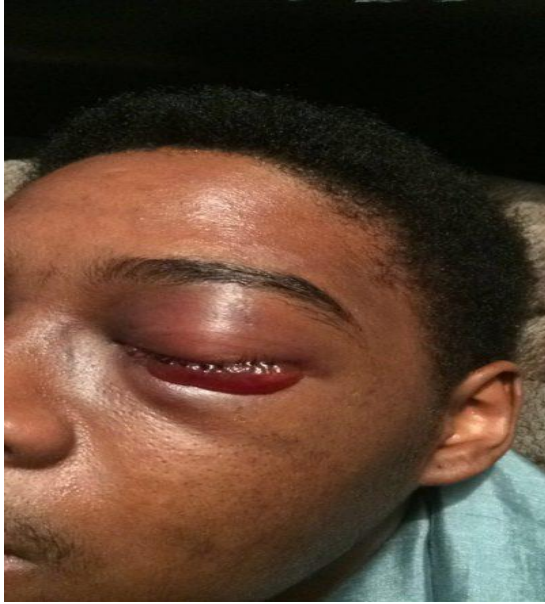


VICE News Canada



Lawyer alleges coverup after Toronto cop charged with beating teen with steel pipe

Toronto cop charged after teen beat with steel pipe and blinded in one eye

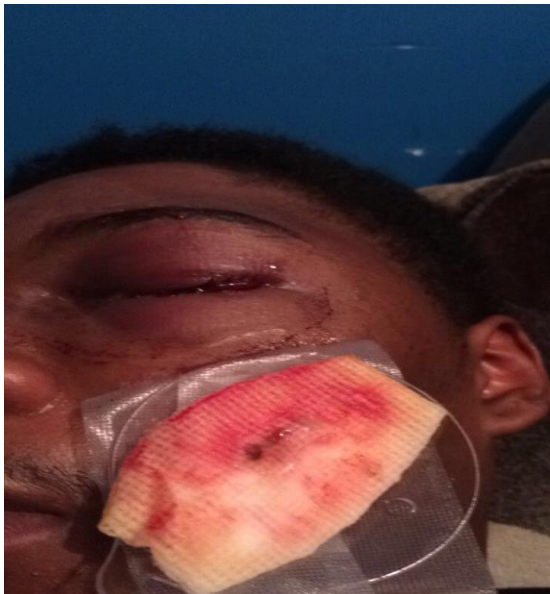
By [Amanda Roth](#) on Jul 18, 2017

A Toronto police officer is facing multiple charges after allegedly beating a 19-year-old with a steel pipe, so badly he suffered broken bones and will have to have an eye surgically removed. And the lawyer for the teen is accusing police of a coverup.

On Tuesday, the province's Special Investigations Unit charged Constable Michael Theriault with aggravated assault, assault with a weapon and public mischief. The charges stem from an incident in the middle of the night of Dec. 28, 2016 in Whitby, Ont. while Theriault was off duty.

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According to a press release from the SIU, when Durham Regional Police arrived on scene, they arrested the 19 year old, identified by his lawyer as Dafonte Miller, who was taken to hospital with "serious injuries."



Dafonte Miller was allegedly beaten by an off duty Toronto police officer. Photo provided by Miller's lawyer.

The SIU, which investigates all incidents involving police officers in Ontario that result in injury or death, wasn't notified of the altercation until April 27, and by the teen's lawyer, Julian Falconer.

While the series of events are disputed by each side, Falconer told reporters on Tuesday that a car break-in allegedly led Theriault to approach Miller and his friends sometime after 2 a.m. When Miller

heard yelling, he and his friends began to run. While his friends got away, Miller did not, and an altercation ensued which resulted in his injuries, Falconer stated.

“Dafonte Miller has lost that eye. His eye was actually hanging out at the scene,” said Falconer. Theriault was not injured, according to Falconer. He also alleged Theriault’s brother was with him, although he said he has not been charged.

Falconer alleged that once police arrived that night, Theriault accused Miller of using the steel pipe against him, resulting in the 19-year-old being charged with assault, possession of a weapon, as well as theft and possession of marijuana. All charges were later withdrawn following a pretrial hearing.

“To me, it’s like attempted murder.”

“In the time I have been a lawyer — 28 years — it is easily one of the most inexplicable, senseless, gratuitous attack by a police officer on a member of the public I have ever seen,” Falconer said at a press conference. None of the allegations have been tested in court.

“To me, it’s like attempted murder,” Miller’s mother, Leisa Lewis, told CBC. “Two, three more blows, my son could have been dead,” she said. “I can’t get that thought out of my head.”

Falconer went on to describe the events that followed as a “breathtaking” coverup. “You have two services. Each had an opportunity to do the right thing. Both ducked and, as far as I’m concerned and in my opinion, actively covered up the crime,” he said, adding that although the incident occurred in front of a home with two witnesses inside, they were never interviewed by Durham Regional Police. He also said that Toronto police were made aware of the incident involving one of their officers.



Photo provided by Miller's lawyer.

“Our first priority, of course, was to get medical attention for the injured male and we arranged for an ambulance to get him to hospital for treatment,” Durham Regional Police spokesperson Dave Selby told VICE News. “We conducted an investigation and interviewed multiple people. Our investigation resulted in only one person being charged – the injured male party.”

But Falconer can’t account for why his client would be charged with assault when it was so clear he was the one who had been brutally beaten.

“The attack is so extraordinary and so extreme that I think it’s unfair to tar all police officers with this bizarre violent behaviour,” he said, but the “nature of the coverup, that, I believe, goes well beyond these officers.”

He said he doesn’t expect charges to be laid in relation to the failure to notify the police. “I don’t expect the breach of the Police Services Act to have any significant consequence in law for the services. I think that it’s plain as the nose on your face that they are free to flout the law.”

Selby told VICE News that it is the “responsibility of the police service that employs the officer to contact the SIU”, so in this instance the Toronto Police Service.

The SIU stated in a press release it would not be discussing the case further as it is now before the courts. A spokesman for Toronto police also declined to comment on the coverup allegations.

Theriault, a constable in Toronto’s 42 division, was suspended with pay, the Toronto Police Service told VICE News, and is expected to appear before the Ontario Court of Justice in Oshawa on August 10.

