

Who was responsible for contacting SIU in the Dafonte Miller case?

by News Staff

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Durham police said they didn't have to.

Toronto police said they didn't need to.

It was Dafonte Miller's lawyer who ended up contacting the Special Investigations Unit (SIU) after Miller was allegedly assaulted by a Toronto police officer, and his brother, in Durham region late last year. But, he says, the SIU should have been notified much earlier – not four months after the alleged assault.

On Friday, Durham Regional Police chief Paul Martin released a statement saying it was not the responsibility of his police service to contact the SIU.

“Under the legislation, it is the responsibility of the police service who employs the officer to make the determination about contacting the SIU,” he said.

The day before, Toronto Police chief Mark Saunders said that members of the Professional Standards Unit “applied the policy regarding SIU involvement with the facts they had at that time” and made the decision not to contact the SIU based on that information.

The statement contradicts information released earlier in the month by Mark Pugash, the head of Toronto Police communications. He told two CityNews journalists that the professional standards unit was in no way involved in the case.

Lawyer Julian Falconer said Thursday there was enough information readily available for the SIU to be notified early on. He says Const. Theriault identified himself as a cop in the 911 call and at the scene – a fact he claims police knew, but did not publicly disclose.

Falconer has accused police of a coverup. He has also questioned what role, if any, the suspects' father — a senior Toronto officer who currently works in the professional standards unit — played in the matter.

He adds that both Toronto and Durham Regional Police failed to call the SIU and the provincial watchdog only became involved after Falconer's office notified them.

The SIU investigates all cases involving the police that result in serious injury, death or sexual assault and is now investigating the alleged assault by Toronto police officer Michael Theriault and his brother Christian Theriault.

An outside police force has been brought in to investigate how Toronto police handled the alleged beating. The Waterloo Regional Police Service will be conducting a Section 11 review into the matter.

“I can assure the public that there will be a report that comes from this examination by the Waterloo Police service and if that report leaves unanswered questions...we’ll do whatever we have to do to make sure those questions do get answered” said Mayor John Tory on Friday.

“The questions people have about this case are going to be answered either through the court proceedings that will come or through the writing of this report or both.”

The SIU has charged Theriault with aggravated assault, assault with a weapon and public mischief. He has been suspended with pay. His brother, Christian Theriault, faces the same charges.

Timeline of events:

December 28, 2016

- Dafonte Miller was allegedly hit repeatedly with a steel pipe just before 3 a.m. in Whitby.
- Durham police arrest Miller and charge him with theft under \$5,000, two counts of assault with a weapon, possession of a weapon and possession related to marijuana
- Durham notifies Toronto Police Service that an officer was involved.

April 27, 2017

- Miller’s lawyer Julian Falconer contacts the SIU.

May 5, 2017

- All charges against Miller are withdrawn following a pretrial hearing.

July 18, 2017

- SIU arrests and charges Const. Michael Theriault with aggravated assault, assault with a weapon and public mischief. The officer is released and suspended with pay.

July 19, 2017

- CityNews reveals John Theriault, the accused's father, is a long-time detective with Toronto Police and currently works in the professional standards unit, which deals with officer misconduct.
- Mark Pugash, the head of Toronto Police communications, tells two CityNews journalists that professional standards was in no way involved in the case.

July 21, 2017

- The SIU says Christian Theriault, the accused officer's brother, is also facing charges.

July 25, 2017

- Mayor John Tory, who is a member of the Toronto Police Services Board, says he is "deeply troubled" by a confidential report into the case.

July 27, 2017

- Waterloo Regional Police is called in to conduct an independent investigation.
- Toronto Police Chief Mark Saunders says in a prepared statement, "As per protocol, members of my Professional Standards Unit applied the policy regarding SIU involvement with the facts they had at that time. They made their decision not to contact the SIU based on that information."

July 28, 2017

- Durham Regional Police Chief Paul Martin says in a statement, "It is the responsibility of the police service who employs the officer to make the determination about contacting the SIU."

August 10, 2017

- Both accused are set to appear in court in Oshawa.

