

Civilian agency asked to investigate after officer charged in Dafonte Miller beating

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The family of a black teen who lost sight in one eye after a confrontation with a Toronto officer and his brother is calling for an investigation into how two Ontario police forces handled the incident.

Lawyers representing Dafonte Miller and his family have filed a complaint with the Office of the Independent Police Review Director in connection with the December 2016 incident.

They allege Toronto police and Durham regional police tried to cover up the attack on Miller to protect Michael Theriault, an off-duty Toronto constable, and his brother Christian Theriault from prosecution.

The complaint, which was filed Tuesday, alleges the police forces “blindly” accepted the brothers’ accounts of what happened, despite Miller’s obvious and severe injuries and the presence of witnesses, who they failed to interview.

It also alleges that the Theriaults' father, a detective with the Toronto police professional standards unit, was in contact with Durham investigators about the case, "thereby furthering the concealment" of the incident. Toronto's police chief has said that unit made the call not to contact the province's police watchdog.

The Special Investigations Unit wasn't notified of the alleged incident until months later and has since charged the brothers with assault and other offences.

"This represented, in my opinion, a deliberate and intentional effort on the part of police authorities to conceal a crime by one of their own," said lawyer Julian Falconer, who represents the Miller family.

The allegations have not been proven in court. Toronto police spokesman Mark Pugash declined to comment, citing an ongoing external investigation of the force's involvement. Durham police, who are conducting an internal review, said they couldn't comment on the allegations since the case is before the courts.

The Theriault brothers have been released on bail. Their lawyer has declined to comment on the case.

Among other things, the complaint filed with the OIPRD calls for a review of officers' duty to co-operate with the SIU. Falconer said he wants officers to face criminal consequences if they interfere with a SIU investigation.

It's part of a broader push for better police oversight made by a coalition of community and advocacy groups who say Miller's case shows the need for immediate action.

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The coalition – which includes the Ontario Human Rights Commission, the Canadian Civil Liberties Association and Aboriginal Legal Services – is asking the Ontario government to clarify the process for contacting the SIU.

It also wants the government to let the SIU refer matters related to officers' conduct to the OIPRD, and allow the civilian agency to start investigations in the public interest even when there is no complaint.

"There have been far too many instances of racial profiling of black and Indigenous people, discriminatory use of force on people with mental health disabilities, addictions or those who are homeless, and racism and sexism in investigations of missing and murdered Indigenous women and girls," said Renu Mandhane, chief commissioner of the Ontario Human Rights Commission.

"The end result is a lack of confidence in the very public institutions that were created to keep us safe."

Attorney General Yasir Naqvi said he agrees change is necessary to improve public trust in law enforcement. He said the government has already committed to introducing legislation in the fall that would reform the police oversight system and has been engaging with groups to that aim.

The OIPRD said it received the Miller family's complaint but had yet to decide whether to proceed with an investigation. Though the office often refers investigations to police services, a spokeswoman said it would handle this case itself if an investigation is warranted.

Lawyers for Miller's family, who've alleged race was a factor in the incident, say the 19-year-old was walking in Whitby, Ont., with two friends around 2:30 a.m. when they passed an open garage where the Theriault brothers were smoking and drinking.

They allege Christian Theriault asked Miller and his friends if they lived in the area. When the teen said he lived down the road, Michael Theriault asked why they were in the area, the lawyers allege. The constable allegedly said he was an off-duty officer and could ask whatever he wanted, they allege.

It's alleged the brothers then chased Miller, saying they had seen kids breaking into their vehicle earlier. Miller told them they had the wrong guy, but the pair threw him to the ground and started kicking him in the head and back, his lawyers allege.

When Miller tried to stand up, he was placed in a headlock and repeatedly struck in the face with a metal pipe, they allege.

Miller eventually banged on the door of a nearby home crying for help but his lawyers allege the brothers caught up with him and continued to hit him. The pair called 911 and said they arrested someone who was breaking into their vehicle, according to the

allegations. The dispatcher was told that Michael Theriault was an off-duty Toronto officer.

Miller also called 911 but his phone was taken away, they allege.

The teen's left eye was knocked out of its socket and split into four, his lawyers say. He also suffered a broken nose, broken orbital bone, bruised ribs, reduced vision in his right eye and a fractured wrist, they say.

Miller was charged with assault with a weapon, possession of a dangerous weapon, theft under \$5,000 and possession of marijuana. The charges were withdrawn in May.

Two men were injured after a shooting in the parking lot of Sherway Gardens near a Starbucks on Aug. 16, 2017. CITYNEWS/David Misener



Toronto police are searching for two suspects who opened fire in a busy parking lot at Sherway Gardens in Etobicoke on Wednesday evening.

Police were called to the area around 7:30 p.m. after receiving reports of shots being fired.

A man had been shot in a parked car near the Starbucks. Paramedics say he was taken to hospital with critical injuries. On Thursday, police said the victim is expected to survive.

A second man who was also in the car at the time of the shooting was hit by shattered glass. His injuries are not life-threatening.

Both victims are in their 50s.

Police say the suspects fled the scene in a black SUV, which they said they had recovered a short time later. The vehicle had been stolen and was burned.

Initially, police released a description of two suspects but later corrected that report, saying they are looking for two suspects who were dressed in black and had their faces concealed.

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