

# Two police probes into beating of Dafonte Miller fall short: Editorial

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Dafonte Miller in a photo (left) from before his alleged altercation and in hospital (right). (SUPPLIED PHOTO)

By **STAR EDITORIAL BOARD**

Tues., Aug. 1, 2017

The good news in the profoundly disturbing case of teenager Dafonte Miller is that both the Toronto and Durham Region police forces have announced that investigations will be held into how they handled events surrounding his beating.

The bad news is that both investigations are problematic. Both fall short of the standard for independence and transparency that is needed for the public to have full confidence in them.

If the police forces and their political leaders want to make sure that the air is well and truly cleared in this matter, they will have to take further steps to ensure that the investigations are fully independent and that the findings are shared as widely as possible with the public.

Anything short of that risks looking like an attempt at a cover-up, and will only fuel public doubts about how the forces conducted themselves.

By now the outline of the incident involving Miller, who is 19 years old and Black, is well known. He was walking with friends on the night of last Dec. 28 in a neighbourhood in Whitby when he was involved in a confrontation with two men, one of whom identified himself as an off-duty police officer.

Miller ended up with serious injuries, including a broken nose, broken orbital bone, fractured right wrist and an eye so badly damaged that it will have to be surgically removed.

At first Miller himself was arrested and charged. But months later those charges were dropped and charges of assault were laid instead against Michael Theriault, a Toronto police officer who lives in Whitby, and his brother Christian Theriault.

At question in both of the investigations now underway is why neither the Toronto police, which employs Theriault, nor the Durham force, on whose territory the alleged assault took place, alerted Ontario's Special Investigations Unit. It is tasked with investigating whenever a police officer is involved in an incident that involves serious injury, death or an allegation of sexual assault.

Instead it was left up to Miller's lawyer, Julian Falconer, to alert the SIU in April.

After the incident became public and charges were laid against Theriault, Toronto Police Chief Mark Saunders called in [Waterloo Regional Police](#) to investigate how his department handled it.

It's good that Saunders turned to an outside force rather than rely on an internal investigation. And it's also good that Mayor John Tory has promised the eventual report will be made public.

But one police force investigating another is not a truly independent investigation. It would be far preferable for a completely impartial authority, such as a judge, to oversee an investigation. That would ensure it is completely free of police influence.

Worse, Durham Region Chief Paul Martin has simply ordered a secret, [internal review](#) of his officers' actions.

As former SIU director Howard Morton argues, that will not satisfy anyone. "I don't think this will be a true investigation and, even if it is, the public's perception will be that it is not," he says.

He is right. The public needs to know that both police forces want to — and will — get to the bottom of how they handled the events of Dec. 28, and why they didn't contact the SIU immediately.

Not notifying the SIU is not an oversight that can be swept under the rug. The delay in notifying the unit is so serious, in fact, that three former directors — André Marin, Ian Scott and Morton — have raised concerns about it.

Until proper investigations are held, the public — and especially the Black community — will be left wondering whether the police forces were more concerned with protecting their own than with protecting citizens.