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Durham police chief vows to implement new policy on reporting incidents to SIU



The SIU is called on to investigate any time someone is killed or injured in an incident involving police.

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Published Monday, September 11, 2017 10:25AM EDT

In the wake of the Dafonte Miller case, Durham Regional Police Chief Paul Martin has vowed to implement a new policy for reporting incidents to the Special Investigations Unit.

In a written statement released Monday, Martin said the provincial regulations relating to the notification of the SIU do not “serve our community” and the chief promised to implement a procedure that is “more transparent and accountable.”

“From here on, if a conflict between one of our citizens and a police officer takes place in our community, and the incident meets the criteria for calling in the Special Investigations Unit, then I will do so,” Martin’s statement read.

“There will be no exceptions: if the officer is from our police service the procedure will apply. If they are from another service, the procedure will apply, on duty or off. Whatever happens in Durham will be the responsibility of the Durham Regional Police Service.”

The statement comes after both the Durham Regional Police Service and Toronto Police Service were criticized for failing to contact the SIU after an off-duty Toronto police officer allegedly assaulted and severely wounded Whitby teen Dafonte Miller last December.

Miller's lawyer Julian Falconer previously said that 19-year-old Dafonte Miller was walking to a friend's house in the area of Thickson Road and William Stephenson Drive in Whitby in the early morning hours of Dec. 28 when he walked by two men standing in a garage.

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 the teen.

According to Miller's lawyer, the men eventually caught up with Miller and allegedly beat him "within an inch of his life."

Falconer said that following the attack, Miller's left eye was dislodged from its socket and was split in four, causing him to permanently lose vision in that eye. Falconer added that Miller also suffered a broken nose, broken orbital bone, bruised ribs, and a fractured wrist.

Although one of the men involved in the incident was an officer with the Toronto Police Service, the SIU was not initially notified about the incident by Durham police or Toronto police.

The police watchdog launched an investigation in April after the agency was contacted by Falconer. Const. Michael Theriault and his brother were later charged with aggravated assault, assault with a weapon, and public mischief.

None of the allegations have been proven in court.

The SIU is tasked with investigating cases where a member of the public has been seriously injured, killed or sexually assaulted while in the presence of police.

According to provincial regulations, if an off-duty officer is involved in an incident where a civilian is seriously wounded or killed, the SIU should be notified if police equipment or property is involved, or the officer identifies themselves as a police officer.

The responsibility of notifying the SIU falls to the police service where the officer is employed, but in the case of Theriault, Toronto Police Chief Mark Saunders previously said the officers involved in investigating the incident did not believe it met the SIU's threshold.

"I can tell you that the officers that were investigating from an SIU perspective were dealing with the information that they knew at the time and at the end of the day, their decision was that he did not identify himself as a police officer to the person that he was in contact with," Saunders previously said.

Falconer said after reviewing the evidence in the case, it is clear the accused identified himself as a police officer. Falconer also alleges that the father of the two accused, who works in the Toronto Police Service's professional standards unit, interfered with the investigation.

The professional standards section is a unit that would have been involved in any internal probe into allegations of misconduct against Theriault.

In an interview with CP24 in July, Saunders rejected any suggestion that attempts were made to “cover up” the incident.

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