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## Police make big change after Dafonte Miller case

Martin says the change is needed to ensure accountability, transparency for police

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**DRPS Chief Paul Martin says his force will now be notifying the SIU of all instances involving police officers, of any service, on or off duty, if the circumstances require it. (Photo courtesy of DRPS).**

By Joel Wittnebel/The Oshawa Express

Durham Regional Police Chief Paul Martin says he will now notify the SIU of any serious injuries in Durham Region involving a police officer regardless of their police force.

The change, announced during the Police Services Board meeting on Sept. 11, stems from the assault of teen Dafonte Miller in Whitby by off-duty Toronto police officer Michael Theriault and his brother Chirstian in December of 2016.

The high-profile incident has led to heavy criticism of both the Toronto Police Service and the Durham Regional Police who chose not to report it to the Special Investigations Unit (SIU), the oversight body responsible for reviewing cases of serious injury involving police officers. It wasn't until months later, when Miller's lawyer Julian Falconer brought the case to their attention that the SIU was made aware of the incident.

According to Falconer's and Miller's summary of the incident, which has not been tested in court, Miller and a group of friends were walking through a Whitby suburb when they were confronted by the Theriault brothers, one of whom was carrying a metal pipe. Miller was left with serious injuries, including a broken nose, fractured wrist, a broken orbital bone and an eye so severely damaged it will need to be surgically removed.

Martin has defended his police force's stance not to report it to the SIU, noting that under the provincial legislation, it falls to the police officer's employer, in this case the Toronto Police Service, to report it.

And while not stating it was a mistake not to inform the SIU, he notes that the DRPS procedure did not go far enough to address the situation.

"What I have come to realize as a result of the Dafonte Miller case is that these, our policies, were inadequate and that the expectations of our community were greater than that for accountability and transparency and I've taken some steps today to make sure that accountability and transparency is addressed," Martin said following the meeting and the release of his lengthy statement.

Martin notes that this is the first instance of such a case involving an officer from another jurisdiction in Durham Region, and that in the future, any similar case will be reported.

"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," he states. "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."

Procedurally, Martin explains that with any future incidents, the police force employing the officer will be notified, and the DRPS will follow-up to see if the incident will be reported to the SIU. If the other service chooses not to, then Durham police will take a second look.

“At the end of the day, if they choose not to call, we’ll hold up a second standard and say if this was our police officer, in our jurisdiction, on or off duty, would we call the SIU? And if the answer is yes, then we’ll ensure that the SIU is notified.”

Following the change, Martin says he has notified other police chiefs in the Greater Toronto Area, and acknowledges the change may not be popular with everyone.

“There may be criticism about what we are doing. That’s okay. We’re not doing it to be popular We’re doing this because it is the right thing to do for our community,” he says.