

# 'There will be no exceptions': Durham police draft new SIU reporting protocol after Dafonte Miller case

**Chief Paul Martin says if a Durham police officer is involved in an incident, SIU will be notified**

By Amara McLaughlin, [CBC News](#) Posted: Sep 11, 2017 12:36 PM ET Last Updated: Sep 11, 2017 12:36 PM ET



Dafonte Miller, 20, is shown before and after an alleged attack with a steel pipe in the early morning hours of Dec. 28, 2016. (Leisa Lewis)

Durham Regional Police Service, under fire for its handling of an alleged beating of a young black man by an off-duty Toronto constable and his brother last year, have launched a new procedure for notifying Ontario's police watchdog when an officer is involved in an incident.

Chief Paul Martin said, "we need to do more" after the Special Investigations Unit wasn't notified for months about Toronto police Const. Michael Theriault's alleged involvement in the assault of 20-year-old Dafonte Miller.

"I am confident my department followed established procedures in keeping with provincial laws and regulations," Martin said in a statement on Monday following an internal review of its reporting protocol.

'There will be no exceptions: if the officer is from our police service the procedure will apply, on duty or off.' - Chief Paul Martin

"But what is now equally clear to me is those procedures are inadequate and need to be changed. Specifically, the standard protocols we followed failed to ensure the public community has a right to expect."

The SIU is responsible for investigating reports involving police where there has been a death, serious injury or allegations of sexual assault.

Ontario's Police Services Act stipulates: "A chief of police shall notify the SIU immediately of an incident involving one or more of his or her police officers that may reasonably be considered to fall within the investigative mandate of the SIU."

- [Durham police to review handling of Dafonte Miller](#)
- [Toronto cop, father of 2 men accused of assaulting Dafonte Miller, connected to case: police report](#)

Miller was chased down a street and allegedly beaten repeatedly with a steel pipe by Theriault and his brother Christian Theriault, a civilian, in Whitby in the early morning hours of Dec. 28, 2016.

But according to the original report filed by a Durham police officer, who responded to the 911 call made during the incident, the Theriault brothers alleged Miller had stolen money from their father — John Theriault, who is also a Toronto police officer. It was also alleged that a car was broken into that night.



Michael and Christian Theriault are charged with aggravated assault, assault with a weapon and public mischief in connection with the alleged beating of Dafonte Miller. (Lisa Xing/CBC)

Miller was originally charged with five offences, including theft under \$5,000, two counts of assault, possession of a weapon and possession of marijuana. Those charges were all withdrawn following a pretrial hearing on May 5.

According to Miller's lawyer Julian Falconer, Theriault was an off-duty officer when the incident began, but he identified himself as a police officer during a subsequent 911 call from the scene.



Toronto police Const. Michael Theriault was off-duty when the incident began, but he identified himself as a police officer during a subsequent 911 call from the scene, converting his status to on-duty, Dafonte Miller's lawyer said. (Submitted by Joseph Briggs)

Neither Durham police nor Theriault's employer, Toronto Police Service, notified the SIU. Investigators were only made aware of an officer's involvement after Miller's lawyer contacted them directly in April — four months after the incident.

The Theriault brothers have been charged with aggravated assault, assault with a weapon and public mischief in connection with the alleged beating of Miller.

- ['It was not a cover-up': Police chief faces mounting questions over Dafonte Miller case](#)
- [Former SIU directors question 'deplorable' police handling of Dafonte Miller case](#)

Toronto police Chief Mark Saunders told reporters in July that he did not notify the SIU and it wasn't clear whether the off-duty officer identified himself during the incident.



"I'm sure if there's paperwork that talks about the occurrence, and if that paperwork states that the person identified himself as an officer, then we've got an issue, we definitely have an issue," Saunders said.



Toronto police Chief Mark Saunders denied that a delay in notifying the SIU about an alleged beating by an off-duty officer was a cover-up. (Barry Smith/CBC)

To prevent that issue from occurring in future, Martin stated: "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 SIU, then I will do so.

"There will be no exceptions. If the officer is from our police service, the procedure will apply, on duty or off."

He went on to say that incidents requiring an SIU investigation in Durham Region will be his responsibility and that he will help other police departments manage these types of incidents.

"As the Chief, I guarantee it," said Martin.