

# Statement from the Board concerning the Dafonte Miller Matter



<https://www.tpsb.ca/mmedia/news-release-archive/listid-2/mailid-148-statement-from-the-board-concerning-the-dafonte-miller-matter?tmpl=component&tmpl=component>

In response to questions that have been raised, I would like to provide a brief update on the Section 11 investigation in the case of Dafonte Miller.

The Board takes this matter very seriously, as does the Chief. We understand and appreciate the significant public interest in this case and also that limited information may create more questions than answers in the community. We felt it was important to provide some insight into the perceived delay in the Section 11 investigation and report being completed.

**Section 11 investigations are required under the Police Services Act when an SIU investigation has also occurred. Section 11 investigations require the Chief of Police to review the procedures, policies, governance, and all other relevant matters associated with a case, but not possible criminal offences arising from the use of force – that is the role of the SIU.**

At the Board's July 2017 meeting, Chief Saunders advised that due to the fact that there were conflicting versions of the case in the public domain, he recommended an independent police agency conduct the Section 11 investigation in this case in order to maintain the integrity of the process. **Waterloo Regional Police Service** was identified as an independent and neutral agency that could undertake the investigation.

Given that this matter is now before the courts, the Section 11 process has been put on hold until the conclusion of the trial. The trial was set to begin on February 19, 2019, but has since been rescheduled to begin at a later date. It is normal practice for Section 11 investigations to be put on hold until both the criminal investigation and trial are completed.

In an effort to promote transparency, we will provide additional updates at future meetings, should there be any further developments.

## News Release

[https://www.siu.on.ca/en/news\\_template.php?nrid=3123](https://www.siu.on.ca/en/news_template.php?nrid=3123)

# SIU Lays Additional Charges in Case Where Man in Whitby Sustained Serious Injuries

Case Number: 17-TCI-098

### OTHER NEWS RELEASES RELATED TO CASE 17-TCI-098

[SIU Lays Charges against Toronto Police Officer](#)

**Mississauga, ON** (21 July, 2017) ---

On July 17, 2017, The Director of the Special Investigations Unit, Tony Loparco, caused several Criminal Code charges – *aggravated assault*, *assault with a weapon* and *public mischief* – to be laid against Toronto Police Service Constable Michael Theriault in relation to the injuries sustained by a 19-year-old man during an interaction in Whitby in December of 2016.

Yesterday, upon his determination that there were also reasonable and probable grounds to believe that Christian Theriault, a civilian, committed the same offences in relation to the same incident, Director Loparco caused a further information to be laid charging Michael Theriault and Christian Theriault jointly with *aggravated assault* and *assault with a weapon*, contrary to section 268 and 267(a) of the *Criminal Code*, respectively, and each individually with *public mischief*, contrary to section 140 of the *Criminal Code*.

On December 28, 2016, Cst Michael Theriault, off-duty at the time, and Christian Theriault were involved in an interaction with the man in the area of Thickson Road and William Stephenson Drive. Officers with the Durham Regional Police Service arrived and arrested the man. He was taken to hospital where he was diagnosed with serious injuries. The SIU was notified of the incident on April 27, 2017 by the man's lawyer.

Director Loparco said, "Though the SIU investigates and, where warranted by the evidence, charges police officers in cases of serious injury and death, the allegation in this case is that Cst Michael Theriault and Christian Theriault acted together and were parties to the same assault upon the 19-year-old man on December 28, 2016. Accordingly, upon **consultations with and advice received from the Crown Law Office – Criminal of the Ministry of the Attorney General**, and in view of the exceptional circumstances of this case, I am satisfied that the overall interests of justice are best served by trying both accused together in one trial; thus, the new information that was sworn yesterday."

Christian Theriault was arrested by the SIU today and subsequently released and required to appear before the Ontario Court of Justice at 150 Bond Street in Oshawa on August 10, 2017.

The matter is now properly before the courts. In consideration of the fair trial interests of the accused, the SIU will make no further comment.

*The SIU is an independent government agency that investigates the conduct of officials (police officers as well as special constables with the Niagara Parks Commission and peace officers with the Legislative Protective Service) that may have resulted in death, serious injury, sexual assault and/or the discharge of a firearm at a person. All investigations are conducted by SIU investigators who are civilians. Under the Special Investigations Unit Act, the Director of the SIU must*

- consider whether the official has committed a criminal offence in connection with the incident under investigation*
- depending on the evidence, cause a criminal charge to be laid against the official where grounds exist for doing so, or close the file without any charges being laid*
- publicly report the results of its investigations*

Monica Hudon, [monica.hudon@ontario.ca](mailto:monica.hudon@ontario.ca)

SIU Communications/Service des communications, UES

Telephone/No de téléphone: 416-622-2342 or/ou 1-800-787-8529 extension 2342

<p><b>Theriault was suspended with pay when the charges were laid by the SIU in 2017 and he was subsequently convicted, with an unsuccessful OCA appeal.</b></p>
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<p><b>Also following occurred:</b></p>
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| <p><b>1) An disciplinary hearing was commenced after conviction resulting from SIU charges (pending)</b></p> <p><b>2) an investigation by OIPRD, the Office of the Independent Police Review Director, regarding officers who did not ensure SIU was notified after the serious injury (case against chief completed and cases against other officers pending)</b></p> <p><b>3) a section 11 investigation <u>referred to the Waterloo police</u> by the Chief into the events surrounding the Toronto and Durham police's failure to report the incident to the SIU (pending)</b></p> <p><b>4) and Miller filed a civil suit against Toronto police (pending)</b></p> |
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