

Police must follow the law: Editorial

Reforms to police oversight bodies won't be worth much if police forces fail in their basic duty to report serious incidents to the Special Investigations Unit.



Dafonte Miller in a photo (left) from before his altercation with off duty Toronto police officer Michael Theriault and in hospital (right). (SUPPLIED PHOTO)

By **STAR EDITORIAL BOARD**

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[The story told by the family of 19-year-old Dafonte Miller](#) is shocking enough, without getting into issues of police oversight.

According to them, the young man, who is Black, was walking with friends in a neighbourhood in Whitby one night last December when they were challenged by a man who identified himself as a police officer and chased them when they didn't stop. Miller ended up with serious injuries and was charged with a series of offences.

Now, seven months later, the charges against Miller have been dropped but charges of assault have been laid against Michael Theriault, a constable with Toronto police who lives in Whitby and was off duty at the time of the incident.

Those bare facts raise a host of questions: a young Black man, pursued for no apparent reason, ends up in hospital, beaten so badly that he may lose an eye. An off-duty police officer faces serious charges of assault, which will be tested in court.

To make matters even worse, though, the official body whose job it is to investigate incidents in which police officers seriously injure or kill members of the public didn't get involved until four months after the incident.

Neither police in Durham Region, where the incident took place, nor the Toronto force, which employs Theriault, reported it to the Special Investigations Unit (SIU). This, despite language in the provincial Police Services Act that requires a chief of police to "notify the SIU immediately" of any incident involving his or her officers that "may reasonably be considered to fall" within its mandate.

Instead, it was left up to the lawyer acting for Miller's family, Julian Falconer, to tell the SIU about the encounter between Dafonte and the man in Whitby – four months after the fact.

This is more evidence, if any was needed, that the system for holding police accountable in Ontario is badly broken.

The very least police forces should be doing is making sure they follow the law. Instead, the Durham force insists it wasn't its job to report the incident and the Toronto force won't even discuss it. Rather than

making sure the SIU was notified about a matter that it clearly should have known about, both forces apparently found reasons *not* to act.

The Ontario government has a report in hand, [authored by Justice Michael Tulloch](#), on ways to improve the “transparency and accountability” of the province’s police watchdogs, including the SIU.

It includes dozens of recommendations on ways to make the SIU more effective – everything from increasing the number of investigators who have a background in something other than policing, to expanding the definition of “serious injury” needed to trigger an investigation.

These are worthwhile steps, but they won’t be worth much if police forces fail in their basic duty to report serious incidents to the SIU. Making sure that happens will require changes in the forces themselves, not in the watchdogs that oversee them.

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