

OPEN LETTER TO PREMIER WYNNE
REGARDING JUSTICE FOR DAFONTE MILLER



The Honourable Kathleen Wynne,
Premier of Ontario
Room 281,
Main Legislative Building, Queen's Park
Toronto, Ontario M7A 1A1

September 30, 2017

Dear Premier Wynne,

We, the Equity Committee of the Toronto & York Region Labour Council, are no longer surprised when a Black youth is subjected to brutality at the hands of a police officer. The injury sustained by Dafonte Miller in his encounter with off-duty police Officer Michael Theriault has become all too familiar for Black youth in our society. Such frequent cases are painful reminders that anti-Black racism is actively thriving in the GTA.

We are heartened that the Special Investigations Unit (SIU) laid charges in this case. Furthermore, we welcome the establishment of the Anti-Racism Directorate, through the enactment of Bill 114, Anti-Racism Act, 2017, and the government's 3-year Anti-Racism strategic plan – A Better Way Forward. However we remain skeptical as to the depth of impact the Directorate will have on transforming police interactions with the Black community.

The life altering outcome of Dafonte Miller's encounter with Officer Theriault is by no means unique. Since the Dafonte Miller case came to light another similar case has been made public. Toronto's Metro News (August 25) published a report of another case where a Black youth was beaten by an off duty police officer. As in Dafonte Miller's case the SIU was notified by someone other than the police and long after the incident despite the law being clear that police forces have a duty to report cases of serious injury to the SIU.

Recently, the Province announced the results of a much-anticipated Independent Police Oversight Review, led by Court of Appeal Justice Michael Tulloch. The Tulloch report makes 129 recommendations to improve police oversight in Ontario. The Equity Committee is concerned that many of these recommendations can be easily circumvented by simply not notifying the SIU as required by law.

It is our belief that the current laws allow police officers to exercise their power with impunity. The lack of diligence on the part of both Durham and Toronto Police in reporting this case to SIU indicates complicity across municipal jurisdictions and a blatant disregard of civic rights. Therefore we have reason to question the following:

- the SIU's ability to carry out an impartial investigations;
- the current structure of self-governance that allows police forces to choose if and when they report incidents to SIU;

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- the viability of an unbiased trail of the Theriault brothers in a system struggling with systemic racism;
- the readiness with which charges were laid against Dafonte Miller after he was beaten by a police officer;
- the relative ease with which the Theriault brothers were able to have their encounter with Dafonte Miller’s remain concealed for months;
- the Ontario government’s commitment to ensuring effective policing of police officers in a manner that is unbiased and transparent

[This committee is deeply disheartened by the initial claim made by Toronto Police Service Chief Mark Saunders, as reported on August 25th CBC news, “that his officers studied the incident carefully and concluded that it did not meet the legislated requirements for SIU notification”.](#)

The Dafonte Miller case has revealed the dire need for policing of the police, to ensure that those tasked with safekeeping of civilians do not themselves become the threat to fear and hide from. We feel strongly, that the Ontario Government needs to:

- expedite implementation of Justice Tulloch’s 129 recommendations;
- take them further by implementing legislative reform whereby the SIU is not populated by ex-police officers but by community members trained in the necessary investigation practices and tools;
- tighten the loopholes currently in place that allows for broad interpretation of who and when must report incidences of violence perpetrated against civilians by police officers;
- legislate consequences for those police officers that choose not to report incidents of violence perpetrated against civilians by police.

[Our statement on the death of Abdirahman Abdi \(September 2016\) speaks unequivocally to the need for legislative action.](#) It is traumatic and frustrating for the community to repeatedly present evidence, narrate personal testimony and wait for progressive change while both young and old suffer from the racism and violence. We ask you, for fairness and transparency in justice for ALL Ontarians. An injury to one is an injury to all.

It is our intention to make both this letter and your response available to the public to ensure transparency of dialogue. We trust you will give these concerns serious attention worthy of immediate resolution.

Sincerely,



Mark Brown
Co-Chair, Labour Council Equity Committee



Joy Davis
Co-Chair, Labour Council Equity Committee

CC: Minister Michael Coteau, Minister of Children & Youth Services and Minister Responsible for Anti-Racism

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