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PRESS ADVISORY

TORONTO POLICE SERVICE S.11 REPORT REVEALS THAT IT BREACHED ITS OWN POLICY IN FAILING TO NOTIFY THE SIU OF THE ASSAULT AGAINST DAFONTE MILLER

November 23, 2021

Today, the Toronto Police Services Board reviewed the s.11 Report completed pursuant to the *Police Services Act* in respect of the assault against Dafonte Miller.

The report was completed by the Waterloo Regional Police Service at the request of former Police Chief Mark Saunders in order to ensure transparency. The report was completed on October 9, 2020, and only made available to the public this week.

The report found that Michael Theriault engaged his oath of office when he arrested Mr. Miller, and this was known to the Toronto Police at the time they determined that no SIU notification was necessary.

The report indicates that “a police officer cannot detain, arrest, use force and/or search an individual as a private citizen (i.e., a “citizen’s arrest”). If the officer exercises any of those powers, they do so as a police officer, and arguably put themselves on-duty, as well.”

The report concluded that based on the TPS procedure of the Special Investigations Unit, Inspectors Boyd and/or Moreira failed to follow the procedure by not notifying the SIU of this incident at the time, and as such this matter should be referred to the Chief for discussion on appropriate action under Part V of the *Police Services Act*.

Inspector Boyd has retired, and Chief Ramer, in his report to the TPSB, determined that Inspector Moreira was subordinate to Inspector Boyd in the final decision-making process and no discipline would be commenced against him.



Dafonte Miller commented: **“The October 9, 2020, s. 11 report, confirms the findings of the OIPRD in August of 2020, namely, that the Toronto Police Service failed to follow the law in the notification of the SIU. No explanation has been provided as to why we are only learning of this October 2020 report a full year later, in November of 2021. The Toronto Police Service has stressed the importance of transparency in their review of my matter, but my family and I are at a loss as to why they are only transparent with us right before they make something public. This is not an effective way to build bridges with my family and the black community.”**

Lawyer Julian Falconer of Falconers LLP who acts for Dafonte Miller and his family in investigating the police misconduct and commencing Mr. Miller’s civil lawsuit, stated:

“This report merely confirms what we have known all along, that the Toronto Police Service failed to follow the law when they did not report the incident to the SIU in December of 2016. The Toronto Police Service has been sitting on this report for over a year. No efforts of ‘transparency’ about the report were made with my clients until just prior to it becoming public.

And once again, just like with the OIPRD, no one is accountable. Inspector Boyd is retired and apparently Inspector Moreira was just following orders and so he won’t be disciplined either. Chief Saunders, Inspector Boyd, have all retired out of accountability. The more they drag their feet on these matters the more opportunities those in charge have to ride off into the sunset without answering for their part in the cover-up.

The Toronto Police Service failed Dafonte Miller in December of 2016, and they have failed him again today but not holding those responsible for trying to keep a lid on what was done to Dafonte Miller accountable.”

For further information, please check our website at www.falconers.ca



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