IN THIS ISSUE

**Forcillo Verdict: Police Accountability and the Use of Lethal Force (Duration 16:33)**

The case would change the way Toronto police respond to incidents where suspects show disturbing behaviour. On a July night in 2013, 18-year-old Sammy Yatim boarded a streetcar and began acting irrationally, exposing himself and threatening passengers with a knife. Constable James Forcillo arrived at the scene and within minutes fired his weapon nine times, killing Yatim. Following an investigation, Forcillo was charged with second degree murder. In January 2016, after six days of deliberations, a jury found Constable Forcillo guilty of attempted murder. But he was cleared of the other charge. The jury felt he was justified in firing the first three bullets. Finding an officer guilty of murder when they were responding to an incident is a rare verdict in Canada.

**News in Review Study Modules**
Michael Brown's Shooting: Racial Divide in America, October 2014
The Killing of Sammy Yatim, October 2013
Cracking Down on Tasers, February 2008
Policing and Race in Canada, December 2002

**Related CBC Programs**
*Are RCMP Officers Outgunned?*
*Hold Your Fire*
*Mounties Under Fire*
*ReVision Quest – Aboriginal People and the Police (CBC Radio)*
*Sammy Yatim: Report on Use of Lethal Force (CBC Radio)*

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Teaching Note:
A classroom culture of trust and mutual respect is important for all learning. A classroom culture of belonging and inclusion is especially important when dealing with controversial and sensitive issues. Teachers should prepare students regarding the violent nature of the topic covered in this News in Review and may want to provide a different option for students who do not wish to view the graphic video of Sammy Yatim’s death. A discussion about the differences between media violence, as experienced in video games and in television shows, and real violence, as experienced in the lives of people in our community, is an important starting point to a conversation that precedes learning activities based on this story.

Before Viewing

1. Find the video of the shooting of Sammy Yatim online. (Search: Sammy, Yatim, shooting, July, 2013)

2. With the audio turned off, view the cellphone footage of the shooting of Sammy Yatim taken by a witness. What do you see? What do you infer? What questions do you have?

3. Watch the same cellphone video footage with the audio turned on. Does hearing the sound add to your understanding of what happened? Why?

4. What questions remain for you after watching the cellphone footage?

Viewing

1. How old was Sammy Yatim when he died?

2. Constable James Forcillo was charged with the first degree murder of Sammy Yatim.
   - True  - False

3. The jury found Constable Forcillo guilty of attempted murder.  - True  - False
4. How many times did Constable Forcillo fire his weapon at Sammy Yatim?

5. Explain how the officer could be guilty of attempted murder yet not guilty of second-degree murder.

6. What is the minimum sentence Constable Forcillo faces?

7. Why is it important that police officers receive training on how to effectively respond in stressful situations?

8. At which part of the body are police officers trained to aim their gun? Why?

9. Staff Sergeant Syd Gravel was exonerated after 6 years of court appearances and investigations.
   □ True □ False

**After Viewing**

1. Did the *News in Review* video help to answer any of your unanswered questions from the Before Viewing section? Explain.

2. What questions remain for you? Investigate one of your chosen questions and share your findings with a partner.

3. What are your personal feelings regarding the verdict? Was justice served? State your opinion one way or the other and be prepared to share your rationale with a classmate.
THE STORY

Questions to consider

1. Is it important for police officers to be held accountable for their actions? Why or why not?

2. Some people have advocated for body mounted cameras on police in order to increase accountability. Do you think this is a good idea? Why are you for or against body cameras for police officers?

3. Read the booklet “Know Your Rights: A Citizen’s Guide to Rights When Dealing With Police” written by the Canadian Civil Liberties Association. (You can find a PDF of the booklet by typing the title and the organization name into a search engine.) What information did you find the most relevant and why?

4. Read The Story and answer the following questions:
   a) What is the most important lesson you can learn from the case of Sammy Yatim and the need for police accountability?
   b) How does the idea of police accountability impact you personally?

How police are held accountable

All professions have a code of conduct, standards of practice, and rules and regulations regarding their behaviour while on the job. Doctors, dentists, teachers, lawyers, and police officers are just some examples of public servants who have special powers due to their training, expertise and position in society. If public servants behave unethically and abuse their powers, the results can be especially damaging since individuals may be harmed — not to mention the damage done to the professional they represent.

Police have a lot of power: they represent law and order and they carry lethal weapons to assist them in enforcing the law and protecting the public. Accountability measures for police help maintain the trust of the public. Police officers who abuse their powers undermine the support they rely on from civilians.

So what are the accountability measures for police officers in Canada? And who gets to oversee complaints and investigations against the police? Some people argue that only civilians can impartially oversee complaints and investigations of members of the police force while others argue that the police themselves are best equipped to investigate their peers since they have the required expertise.

Independent police review

In Ontario in 2009, the Office of the Independent Police Review Director (OIPRD) was created for the purpose of providing civilian oversight of officers and reducing the frequency of police investigating police. As an independent office, the OIPRD also allows complaints to be filed online and by a third party. Why would anonymity be necessary? Let’s say that you were the victim of police brutality or that you witness an officer committing a crime. You may not feel
safe enough to personally come to the OIPRD to make your claim because of the stress and fear of filing a complaint against the police.

So to what degree has the OIPRD improved police accountability? Many observers believe the agency is too bureaucratic and understaffed. One critic summed it up by stating that most Ontarians don’t even know what the OIPRD is and they do not know how to access its services. In other words, the OIPRD is under-utilized. For example in 2012-2013, the OIPRD investigated 119 complaints and referred 1 316 back to the same police service where they originated. In cases where a complaint is found to be true, it is still the chiefs of police who conduct the disciplinary hearings and administer the discipline. This system seems to replicate one where police investigate themselves.

The G20 protests in Toronto in 2010 marked a turning point in public criticism of police behaviour and the use of undue force. While the OIPRD released a review of police management at the G20, it did little to hold individual officers accountable for unprofessional behaviour. The public continues to call for de-escalation training and the increased deployment of mental health crisis intervention teams to assist police during interactions with people exhibiting signs of mental illness. The OIPRD has been ineffectual in lobbying to make these tactics a policing reality.

The Special Investigations Unit
Sammy Yatim was an 18-year-old man who threatened streetcar passengers with a knife. While the passengers fled the streetcar, Yatim was left alone to face the police. Videotape evidence shows responding officers asking Yatim to drop his knife and warning him not to step toward them. After he took a step forward, Constable James Forcillo fired his gun nine times. Later, another officer used a Taser on Yatim. It was eventually determined that eight of the nine shots fired by Forcillo hit Yatim and that he was lying on the ground when the last six shots were fired. After Sammy Yatim was shot and killed by Constable James Forcillo in July 2013, the Special Investigations Unit (SIU) was called in to conduct an investigation. The SIU investigate cases where the police are involved in the death, serious injury or sexual assault of a civilian.

This SIU investigation marked another turning point in improving police accountability in Toronto. Following SIU protocol, Forcillo’s

OVERSIGHT IN ONTARIO
There are three agencies that oversee different areas relating to police services.

The Office of the Independent Police Review Director (OIPRD) is responsible for ensuring that the public complaints system works for all Ontarians — both the community and the police. The OIPRD will intake, process and, in some cases, investigate complaints against municipal, regional and provincial police services in Ontario. We also provide training, outreach and education on the public complaints system.

The Special Investigations Unit (SIU) is a civilian law enforcement agency with a consequence-based jurisdiction to conduct criminal investigations. The SIU investigates incidents involving the police and civilians that have resulted in a serious injury, death or allegations of sexual assault.

The Ontario Civilian Police Commission (OCPC) is an independent oversight agency committed to serving the public by ensuring that adequate and effective policing services are provided to the community in a fair and accountable manner.

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A sergeant took his gun and cellphone right after the shooting. The sergeant also separated him from his colleagues at the scene to prevent the officers from talking and possibly corrupting the investigation. The SIU’s investigation of the tragic events on the streetcar ended with SIU director Ian Scott calling for a charge of second degree murder to be laid against Constable Forcillo.

The public reaction to the charge was mixed with some people applauding the fact that the police officer was taken to task for the teen’s death, while others criticized the laying of charges because they believed the officer used force appropriately. The trial that followed provided a platform for a public debate regarding whether or not the use of force was on that fateful night in Toronto was appropriate.

Eventually, James Forcillo was found guilty of attempted murder (he was found not guilty of second degree murder). He is free on bail — suspended from the police service with pay — awaiting sentencing. It could be years before he is sentenced and many legal insiders wonder if his sentence will even be upheld.


In 2014, Toronto police fired their weapons 24 times and 20 of those involved shooting an injured animal. Toronto police shot at human suspects only three times. There are more than 5,000 Toronto police officers serving a population of nearly three million.
STATISTICAL ANALYSIS

Task: Analyze these statistics and answer the questions that follow.

The Stats

- In 2014, Vancouver police had 30,000 interactions with the public; Toronto police had 20,000.
- 1 in 5 Canadians will experience mental illness in their lifetime.
- People in mental health crisis account for 40 per cent of civilian shooting deaths by police in Canada.
- While the number of shootings involving police per capita remained fairly static between 2004 and 2014, the percentage of those cases involving people in a mental health crisis grew.
- Four people were fatally shot by the police in the U.K. (population: 52 million) from 2010 to 2014
- 94 people were fatally shot by police in Australia (population: 23 million) between 1992 and 2011.
- 224 people were been fatally shot by police in Canada (population: 35 million) between 2000 and 2014.
- According to the U.S. Bureau of Justice Statistics, 913 people are fatally shot by police on average in the U.S. (population: 318 million) each year. However, not all policing agencies report to the bureau. According to the Free Thought Project, 1100 people were killed by U.S. police in 2014 alone.

Questions

1. Which statistical information alarms you the most? Why?
2. What possible solutions can you provide to one of the problems indicated in these statistics?
3. Draw two defendable conclusions based on your analysis of these statistics.

Follow up

Identify one statistic that was included here that you would like to investigate further. Conduct research on the statistic. Why did this particular statistic interest you? How did your investigation help inform your thinking about police accountability and the use of lethal force?


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<th>Total cases</th>
<th>Firearm injuries</th>
<th>Firearm deaths</th>
<th>Custody injuries</th>
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Source: Toronto’s Special Investigations Unit, http://www.siu.on.ca/en
VIEWPOINTS

Task: With these two questions in mind, read the following viewpoints concerning the death of Sammy Yatim:

- Does your opinion on the tragedy change when you read any of these viewpoints?
- Why or why not?

"It has long been clear that Mr. Yatim’s death was unnecessary, even senseless. Mr. Yatim was not a blameless, innocent bystander. He had pulled out a small knife on a streetcar and threatened people, and they had fled. But by the time the police got there, Mr. Yatim, who was clearly not in his right mind, was alone on the streetcar, which was surrounded by well-armed officers. The goal should have been to lower the temperature and take the suspect into custody... Sammy Yatim should never had ended up in the morgue. The case is a reminder that, in Canada, nobody is above the law, especially those sworn to serve and protect."


"It shouldn’t be us against the police any more. It should be us - the community - along with good police officers, all against bad policing."


"Question: Speaking of mental health issues, there was Sammy Yatim’s death. Do you recall what your thought process was like when you first heard what had happened, and when you first saw the video of the shooting?

“Answer: For me, I thought that people were watching that video and not having a context of what police are trained to do and the dangers of a person with a weapon. Clearly, this video can be interpreted in many different ways without context. I had a concern that it was going to be a trial by YouTube, which is what it has been. I think we as an association have not done a good enough job in educating the public as to what we really do and what the challenges are. You have people who ask why you can’t just shoot the knife out of somebody’s hand, and that’s just not a reality. And I’ve heard of no evidence that Sammy Yatim had any mental health issues."

– Q and A by Jon Sufrin with Mike McCormack. Toronto cops’ biggest defender. Toronto Life (December 12, 2014).

"Forcillo could have asked Yatim what was wrong. He could have asked if there was someone he would like to call. He could have offered him a glass of water, a sympathetic ear. He could have said, “Son, this doesn’t have to end badly. Can we talk about this?” Forcillo had all the time on his side. He had plenty of back-up. He had the gun. But he didn’t even pause long enough to get his name...He made no effort to have any interaction with Mr. Yatim for the purpose of creating a dialogue. All those opportunities to de-escalate the situation never materialized. There was no effort. Those opportunities only increased as more police arrived. They could have used pepper spray, barricaded the door with a police car or simply flicked the switch by the headlight that would have shut Yatim inside the streetcar. Forcillo could have waited for the sergeant armed with a Taser, all while trying to talk Yatim down.”

“None of that happened. There was no action plan."

– Summary of the testimony at the trial of James Forcillo by Crown Witness, Robert Warshaw, a former American police chief and an expert on use of force. Toronto Sun (November 18, 2015).
DEALING WITH BIAS AND ASSUMPTIONS

Task: Consider your own biases and assumptions about James Forcillo and Sammy Yatim. Which of these two individuals do you relate to most? How do your beliefs and attitudes impact your feelings about whether justice was served in the death of Sammy Yatim? After you have read the following accounts, determine if any of your beliefs and attitudes have changed by learning personal information about Forcillo and Yatim.

Who is James Forcillo?
James Forcillo is a 31-year-old second-generation Italian-Canadian. After exploring his career options, he decided to enroll in a criminal justice program to pursue a career as a police officer. Upon his graduation, Forcillo worked as a security guard and studied psychology at York University. Eventually he was accepted into the Toronto Police Service training program. Around the same time, he married his wife, Irina, and, within a few years, they had two children.

Forcillo told his wife that he loved his work but he preferred coming straight home to be with his family rather than socializing with his colleagues. When Irina admitted her worries about his safety as a cop, he told her that he could go his whole career without using his gun. In fact, he hoped he would never have to use his service weapon.

James Forcillo had never fired his gun until that night. He had drawn it during an arrest but managed to persuade two armed suspects to surrender without incident.

Within hours of the shooting, reporters descended on his home in North York. Reporters harassed his wife, family and friends for information. His family had to move into their grandmother’s home temporarily since there was no way to get out of the house safely. Death threats against Forcillo started popping up on social media.

Immediately after Yatim’s death he saw the department’s psychologist, which is standard for officers involved in fatal shootings, and he continues to see a psychologist today. He is currently on bail and suspended with pay after he was found guilty of attempted murder. It could be years before he is sentenced, and many legal insiders wondering if his sentence will even be upheld.

Who was Sammy Yatim?
Sammy Yatim grew up in Aleppo, Syria, and came to Canada in 2008 to live with his father in Scarborough, Ontario. He attended Brebeuf College, an all-boys Catholic high school. In his senior year of high school, he transferred to an alternative school where he reportedly began hanging out with a new, tougher crowd. He seemed less focused on his education and eventually moved out of his family home after a series of arguments with his father. He began staying with different friends while he figured out what to do next.

In the final weeks of his life, his close friends reported he seemed upbeat about his future and was planning to study health services management. Friends and family described him as a sweet and gentle young man.

On July 26, Yatim and a friend were hanging out at Fairview Mall and planning a party. The pair smoked a few cigarettes. Yatim’s friend watched Sammy walk into Don Mills station at about 10:30 p.m. It was the last time he’d see him alive.
Sammy Yatim’s friend was named Jeries. He says he had no idea what Yatim got up to between 10:30 and his death on the Dundas streetcar about an hour and a half later. Jeries can’t understand why his friend was even downtown. Their preferred stomping ground was Scarborough. “I’m pretty sure he never took a streetcar in his life before,” says Jeries. “I don’t know what made him do that that night.”

No one knows why Yatim did what he did on the streetcar. According to witnesses, he appeared to be in distress, though his family has stated that he did not have any prior mental health issues. However, toxicology results indicated that he had traces of ecstasy, cocaine and marijuana in his bloodstream.

Shortly after police arrived at the scene, and Yatim failed to comply with repeated requests to drop the knife, he was shot nine times by Forcillo.

Sources: