

Sammy Yatim's mother, sister hire civil-rights lawyer



City of Toronto Police Constable James Forcillo leaves the court house after being granted bail. Forcillo has been charged with second degree murder from the shooting of 18-year-old Sammy Yatim in Toronto. (Nathan Denette/THE CANADIAN PRESS)

Kathryn Blaze Carlson and Vidya Kauri

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Sammy Yatim's family hired a prominent civil-rights lawyer on Wednesday, just as the internal police review into his shooting death hit a snag when the retired judge assisting with it withdrew amid controversy.

Julian Falconer said he will consider all legal options, including mounting a formal complaint with a provincial body that investigates police incidents, on behalf of his clients: Mr. Yatim's mother, Sahar Bahadi, and his sister, Sarah.

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“Our firm is often retained in these kinds of matters to help families navigate what is a very, very difficult journey,” he said. “This is a procedural nightmare for lawyers, much less laypeople who have had one of the most grievous, horrible losses land in their laps.”

Mr. Yatim was alone on a streetcar and wielding a knife when police shot him multiple times and then tasered him. The 18-year-old’s death on July 27 has riveted a city and led to two protests and a vigil. Constable James Forcillo has been charged with second-degree murder, and several investigations are under way.

Mr. Falconer is well-known for his work representing families whose relatives have died in interactions with police. He was retained by the family of Edmond Yu, a paranoid schizophrenic shot to death on a city bus after wielding a hammer in 1997, and the family of Lester Donaldson, also a paranoid schizophrenic, who was fatally shot in 1988 after threatening police with a knife.

News of his hiring contradicts one of the family’s earlier statements saying they had hired Ed Upenieks, a Brampton-based lawyer. Those statements, however, have come primarily from Mr. Yatim’s father, Nabil. Ms. Bahadi said she and her son’s father are separated and have not talked to each other about legal actions over Mr. Yatim’s death.

Mr. Falconer said he will launch his own investigation into Mr. Yatim’s death and will meet with the Crown to get regular updates on the Forcillo case. He said it is too soon to know how the Yatim family will proceed, but said his clients could choose to mount a complaint against the tasing officer with the Office of the Independent Police Review Director, an arms-length provincial agency with the power to investigate certain complaints against police.

Also on Wednesday, the former judge appointed to assist Chief Bill Blair with a mandated review following the Yatim shooting withdrew from the process, citing concerns raised over a possible conflict of interest.

Although Mr. O'Connor said his association with Borden Ladner Gervais – a law firm that has acted in civil suits involving allegations of wrongful police use of lethal force – would not affect his ability to offer sound advice on police practices, he announced in a statement that he will step aside. “I regret that this issue has arisen but I am of the view that if there is any possibility of concern in a matter such as this, it is best to address it at the outset,” he said.

Chief Blair said in a statement he has “great respect for Mr. O'Connor and his work” and that he would make an announcement about the review on Friday.

Mr. Falconer said Mr. O'Connor deserves credit for his withdrawal, calling Borden Ladner Gervais the “legal face of policing.”

“He has put the process and its need for perceived independence above all else,” he said in a written statement. “The families I act for, including the Yatim family, ... are grateful to former Associate Chief Justice O'Connor for his willingness to listen and act on their concerns.”

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