

Const. James Forcillo sentenced to 6 years in Sammy Yatim shooting

Judge says Toronto police officer committed “an egregious breach of trust” when he shot the fatally wounded teenager with a second volley of bullets as he lay dying.

Const. James Forcillo will get at least five years in Sammy Yatim shooting.

By [ALYSHAH HASHAM](#) Staff Reporter, and [PETER EDWARDS](#) Star Reporter
Thu., July 28, 2016

Lawyers for Const. James Forcillo will seek bail for their client in a Toronto court this afternoon after the police officer was sentenced to six years in prison for shooting 18-year-old [Sammy Yatim](#) on a streetcar in July 2013.

Forcillo was handcuffed by a court officer, ordered to give a DNA sample and then taken into custody after Justice Edward Then delivered the sentence in a Toronto courtroom this morning.

The judge called Forcillo’s actions “unreasonable, unnecessary and excessive” when he fired a second volley of shots at Yatim after fatally injuring him seconds earlier as Yatim stood alone in a Dundas streetcar.

He also concluded Forcillo misused his firearm, and failed to follow his training by finding alternatives to use of force



Toronto police Const. James Forcillo, shown arriving for the first day of his sentencing hearing after being convicted of attempted murder in the July 2013 death of Sammy Yatim. (ANDREW FRANCIS WALLACE / TORONTO STAR FILE PHOTO)



Toronto police Const. James Forcillo arrives at the 361 University Ave. courthouse this morning for sentencing in the Sammy Yatim shooting. (ANDREW FRANCIS WALLACE / TORONTO STAR) | ORDER THIS PHOTO



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A jury convicted Forcillo of attempted murder for firing the second set of shots, but acquitted him of second-degree murder for the first volley, which an autopsy concluded actually caused Yatim's death.

While Then said there was no evidence of malice in Forcillo's actions, he called the shooting "an egregious breach of trust" by the police officer.

Then noted that Forcillo hasn't expressed any remorse for the shooting. While he said that wasn't considered an aggravating factor in his sentencing decision, he also said there was no leniency as a result.

Outside the court, Yatim's parents praised the judge but said they felt no joy or relief.

"I'm always angry," said his mother, Sahar Bahadi. "Since I lost my son, I'm always angry. I have screams inside myself."

Forcillo faced a mandatory minimum sentence of five years for attempted murder with a restricted firearm, and Then began his decision by rejecting an argument that such a sentence would violate Forcillo's constitutional rights.

The defence had argued [the minimum sentence requirement was unconstitutional](#) since Forcillo was acting in "excessive self-defence" while carrying out his duties as a police officer. They said the mandatory minimum sentence should be overturned so Forcillo could serve a two-year sentence on house arrest.

Warning: Graphic content. Toronto police officer James Forcillo found not guilty of second-degree murder and manslaughter after firing two volleys of shots at knife-wielding 18-year-old Sammy Yatim in empty streetcar.

The Crown had asked for a sentence of eight to 10 years, arguing that [Forcillo failed in his duty of care](#) to Yatim by not using the de-escalation techniques he was trained in.

Forcillo and his partner were the first officers to arrive at the streetcar after police received a call about a young man with a knife on a streetcar.

At the end of a minute-long standoff that lasted less than a minute and captured on security and bystander videos, Forcillo shot Yatim three times, paused for five seconds, then shot him again six times.

The first set of shots struck Yatim in his spine, paralyzing him, in his arm and, fatally, in his heart. Of the second volley, five out of six shots struck Yatim's lower body as he lay dying on the floor of the streetcar.

After a four-month trial that ended in January, a jury acquitted Forcillo of second-degree murder, finding the first round of shots was justifiable or in self-defence. However, they found him guilty of attempted murder for the second round of shots – a set of verdicts described by many as a “compromise.”

Forcillo has already filed a notice of appeal for his conviction. The appeal argues that the jury should not have been allowed to consider the murder charge and attempted murder as separate offences because both charges stem from one continuous act, and as result the verdicts are inconsistent.

Read the full decision

[Forcillo decision](#) by [torontostar](#) on [Scribd](#)

The appeal also argued that Then erred by refusing to allow the defence to present certain pieces of evidence to the jury, including testimony on “suicide-by-cop.”

Yatim’s father said outside the court that he hopes police learn more about how to de-escalate situations like the one in which his son died.

“It’s not about vengeance,” Nabil Yatim said, adding he hopes his son will be remembered as a “kind, nice, beautiful and talented young man”

Both parents both spoke well of the judge, and Nabil Yatim said he still thinks well of most police.

“I think the majority of them are superb, nice people but you always have a bad apple or two,” he said.

The Yatim family’s lawyer said today was not the time to talk about a possible lawsuit against police, but added that police must learn more about defusing tense situations with disturbed people without using bullets.

“You have people who are not well and they’re shot like dogs in the street,” Julian Falconer said.

Yatim’s parents both said it bothered them that they received no apology from Forcillo.

“What he did was wrong and he should have admitted,” Nabil Yatim said.

They also both said the pain of their son’s death won’t go away.

Forcillo’s lawyer, Peter Brauti, said his client was held in protective custody, away from other prisoners, after he was led from court.

Toronto Police Association president Mike McCormack said it was a tragedy for the Forcillo and Yatim families, as well as the police and community.

“The sentence will be reviewed,” Brauti said.

Asked the mood of his client, Brauti said; “I think he had a stoic looking attitude.”

Toronto police Chief Mark Saunders released a statement saying Forcillo had been suspended without pay after his court appearance on Thursday.

Saunders said he could not comment on the decision as it is under appeal.

“The last three years have been difficult for everyone involved, including the families of Sammy Yatim and James Forcillo,” Saunders said. “The Toronto Police Service will continue to protect and support the public, and each other, and I am certain members will continue to do their jobs professionally and with respect.”