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Ombudsman's report slams police training as the problem

People in crisis like Sammy Yatim are dying not because cops don't follow the rules, but because they do, says Paul Dubé's report, which makes 22 recommendations to change that. Ontario Ombudsman releases report following a three-year investigation into how the ministry of community safety and correctional services trains and directs police on use of force.
(THE TORONTO STAR)

By WENDY GILLIS
News reporter
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Nabil Yatim believes that if police officers in Ontario received more training on how to use words instead of weapons, his son Sammy would be alive today.

"I'm almost positive he would be," Yatim told reporters at Queen's Park Wednesday, after the release of a much-anticipated investigation by Ontario's ombudsman into how the provincial government trains and directs police on use of force.

Sammy Yatim's high-profile death in July 2013 at the hands of Toronto police Const. James Forcillo prompted ombudsman Paul Dubé's investigation. Since Yatim's death, 19 more people have been shot dead by police in Ontario. In many cases, they were people in crisis, Dubé writes in his report.

In a biting indictment of police training, Dubé's report concludes that people in crisis are dying at the hands of police not because officers aren't following their training. "It's because they are."

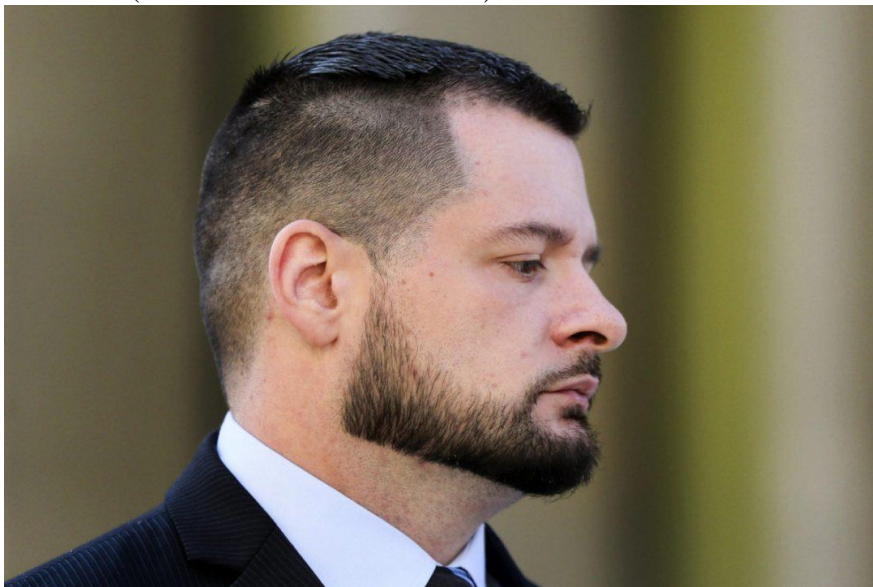
His 90-page report makes 22 recommendations, ranging from ramping up training to calling on the province to create a regulation requiring police to use de-escalation techniques in all possible conflict situations — before resorting to force. The report calls for that regulation to be in place by this time next year.

"The issue of how police are trained to handle situations of conflict with people in crisis is not a matter of academic debate. It is literally a matter of life and death, and one that has been neglected in this province for too long," Dubé said at a news conference.

Joanne MacIsaac, whose brother Michael was killed by police, is "cautiously optimistic" about changes as a result of the ombudsman's report, though many such recommendations in the past have not been followed. (MELISSA RENWICK /TORONTO STAR) | ORDER THIS PHOTO



Toronto teenager Sammy Yatim was shot to death by Toronto Police constable James Forcillo. (THE CANADIAN PRESS)



Toronto police Const. James Forcillo was convicted of attempted murder in the 2013 shooting death of Sammy Yatim. (ANDREW FRANCIS WALLACE / TORONTO STAR) | ORDER THIS PHOTO



Family members who have lost loved ones to police shootings, listen as Ombudsman Paul Dube speaks to the media at Queen's Park on Wednesday. (MELISSA RENWICK / TORONTO STAR) | ORDER THIS PHOTO



Nabil Yatim, the father of Sammy Yatim, speaks to the media at Queen's Park after the release of a new report on police use of force in the province. (MELISSA RENWICK / TORONTO STAR) | ORDER THIS PHOTO

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Dubé, who officially took over from André Marin in April, said the need to improve police training is “urgent.”

Among the probe’s most troubling findings was that constables get far less basic training in Ontario than anywhere else in Canada — just 12 weeks at the Ontario Police College, compared with 24 weeks for new RCMP recruits.

(Some police services do provide additional training after the mandatory provincial training. Toronto police recently upped their additional training to 11 weeks, adding more de-escalation training.)

More importantly, the kind of training officers receive at the college needs to change, Dubé found.

“The majority of their training focuses on exerting authority and establishing control over armed or hostile subjects, principally by drawing their weapons and yelling commands,” he writes in the report.

Among Dubé’s 22 recommendations for the Ministry of Community Safety and Correctional Services:

In addition to Yatim’s death, the report references other cases of fatal police shootings of people in crisis in Ontario — the “human toll” — including the deaths of Evan Jones (Brantford police in 2010), Michael Eligon (Toronto police in 2012) and Steve Mesic (Hamilton police in 2013).

Speaking to reporters after the report was issued, David Oraziotti, the new minister responsible, said he accepted all of the recommendations. “I recognize that things need to change,” he said.

They align with the goals of Ontario’s ongoing review of the Police Services Act, the legislation that governs police in the province, Oraziotti said, including the urgent need to modernize policing to meet changing demands.

Asked if a new rule requiring police to use de-escalation techniques will be written into the Police Services Act, Oraziotti said he was “absolutely committed” to that.

But when asked, twice, what sort of teeth would be built into the regulations — how officers could be disciplined if they did not use such techniques — Dubé did not elaborate.

“We’re not talking about enforcing; we’re talking about arming officers with the skills they need,” he said.

Camille Quenneville, chief executive officer of the Canadian Mental Health Association’s Ontario Division, said the buy-in from the province is promising.

“The other piece of this story, of course, is whether there is a will to do something, and I believe there is,” she said in an interview Wednesday.

Jennifer French, the NDP’s Community Safety critic, said Oraziotti’s vow to accept the recommendations is different than acting on them.

“This is a government that has chosen not to act before; we’re hoping that this is going to be a different case,” she said.

Julian Falconer, the lawyer representing members of Yatim’s family in a civil suit, also pointed to decades of inaction on the issue of police use of force.

Dubé’s report is an addition to “an already large body of work that recognizes that police use-of-force training in Ontario is an anachronistic exercise.” This “constant re-statement of the obvious” is becoming embarrassing, he said in an email.

“That this Ombudsman had the courage to restate the tragic reality is not a bad thing but I wonder when the political and police leadership will show the courage to actually institute change.”

The ombudsman’s office conducted 95 interviews, including with academics, psychiatrists and psychologists, family members of people killed in interactions with police, and employees at the Ontario Police College.

The report was produced with the help of two retired police chiefs — Vern White, former Ottawa police chief, and Mike Boyd, former chief of the Edmonton police — who acted as special advisors.

But Margaret Parsons, executive director of the African Canadian Legal Clinic, wonders why her organization was not consulted. She was disappointed the report failed to acknowledge that race is too often a factor in police use of force.

“How could you talk about police use of force, and in particular deadly force, without wanting to address race and racism?” she said.

Yatim was shot eight times by Forcillo while alone on a downtown Toronto streetcar, after wielding a small knife and exposing himself to passengers. The shooting was captured on bystander video, which was quickly disseminated, prompting public outrage.

Forcillo, 33, was charged and ultimately found not guilty of second-degree murder for the first three shots that killed Yatim, but guilty of attempted murder for the second volley of six shots fired six seconds after the initial three. Superior Court Justice Edward Then is now deciding Forcillo’s sentence, to be pronounced in late July.

The ombudsman’s investigation was one of three systemic reviews of police use of force launched in the wake of Yatim’s death.

Just weeks after Yatim’s death, then Toronto police chief Bill Blair initiated an independent review of use of force within his own police service, tapping retired Supreme Court justice Frank Iacobucci to conduct the recommendation.

One year later, Iacobucci released a comprehensive report making 84 recommendations, including increased training, changes to hiring practices, and a shift in the workplace culture. Toronto police said last year they had implemented, in full or in part, 79 of the 84 recommendations.

Mike McCormack, president of the Toronto Police Association, said he welcomed “any recommendation that will improve the outcome of interactions between officers and citizens.”

The Office of the Independent Police Review Director (OIPRD), a provincial agency that reviews police complaints, also launched a systemic review of police use of force following

Yatim's death — only the second systemic review launched by the OIPRD since its inception in 2009.

Rosemary Parker, spokesperson for the OIPRD, said in an email that the agency expects to release the first of two parts of the review this fall, and the second in early 2017.



Nabil Yatim, the father of Sammy Yatim, speaks to the media at Queen's Park after the release of a new report on police use of force in the province. (MELISSA RENWICK/TORONTO STAR)



Joanne MacIsaac, whose brother Michael was killed by police, is "cautiously optimistic" about changes as a result of the ombudsman's report, though many such recommendations in the past have not been followed. (MELISSA RENWICK/TORONTO STAR)



Karen Greenwood-Graham, whose son Trevor was killed by police, says it's important at this point that many citizens, not just those who have lost a loved one, speak up for changes in policing. (MELISSA RENWICK/TORONTO STAR)



Willy Reodica was disappointed his own teenage son Jeffrey's death wasn't mentioned in Ombudsman Paul Dube's report. (MELISSA RENWICK/TORONTO STAR)