

Toronto police officer sentenced to six years in jail for 2013 streetcar shooting of 18-year-old Sammy Yatim

NP

PAOLA LORIGGIO, THE CANADIAN PRESS | July 28, 2016 3:19 PM ET

[More from The Canadian Press](#)

TORONTO — A Toronto police officer has been sentenced to six years in prison for gunning down a troubled teen on an empty streetcar in 2013.



Facebook via Canadian Press Toronto teenager Sammy Yatim is shown in a photo from the Facebook page 'R.I.P Sammy Yatim'

Const. James Forcillo was convicted of attempted murder in the death of 18-year-old Sammy Yatim, which was captured on a cellphone video that went viral and spurred public outrage in Toronto.

The disgraced police officer, wearing a dark suit, stood straight and stone-faced as he was handcuffed. Murmurs ran through the courtroom as Justice Edward Then delivered his sentence. Yatim's parents looked at Forcillo, then turned to one another in silence.

In handing down his sentence, Then said the cellphone video was “powerful evidence” that what Forcillo said occurred on the streetcar did not happen.

The judge spent almost 90 minutes dissecting the evidence that came to light during the trial, delivering a series of stinging rebukes to Forcillo's conduct that July night three years ago.

Forcillo's behaviour “constitutes a fundamental failure to understand his duty to preserve all life, not just his own,” Then said.



Peter J. Thompson / National Post
Sammy Yatim's family stands in front of photos of him as they speak to media outside the courthouse.

Outside the courtroom, Forcillo's lawyer, Peter Brauti, said an appeal has already been filed on the conviction and sentencing. Forcillo's lawyers were to seek bail for their client from the Ontario Court of Appeal later Thursday afternoon.

“It wasn't how we saw the nature of offence,” Brauti said.

Mike McCormack, president of the Toronto police union, called the entire case tragic.



Laura Pedersen / National Post
Sammy Yatim's mother Sahar Bahadi exits the courthouse towards media after the sentencing.

“We go out there and do our professional job each and every day, and this decision is under appeal,” he said. “This is a tragic day for the Forcillo family, the Yatim family — there will never be any good outcome from this, it’s tragic all around.”

The outrage over Yatim’s death prompted the city’s police chief to launch a review of officers’ use of force and their response to emotionally disturbed people.

Justice Then rejected the defence's assertion that Forcillo should not be subjected to the mandatory minimum sentence of five years in prison for the attempted murder conviction. But he also said the Crown's request that the officer spend between eight to 10 years behind bars was "unreasonable."



YoutubeA Youtube video screen-grab of the scene of the police shooting of Sammy Yatim, July 28,2013 at Dundas Street West and Bellwoods Avenue

Forcillo's lawyers, who had argued for house arrest instead of a prison sentence, filed a constitutional appeal, arguing the mandatory minimum was never intended to apply to peace officers who legitimately carry a gun at the behest of the state in order to protect society.

Prosecutors argued the mandatory minimum is meant to apply to everyone and that police officers shouldn't get special treatment. They also argued that Forcillo's case appears to be "among the most egregious examples of unjustified violence by a police officer in Canada."

Yatim's mother, Sahar Bahadi, told the court she will never forgive Forcillo for killing her child.



Peter J. Thompson/National Post Forcillo is escorted through a media horde on his way into his sentencing in a Toronto courtroom.

"They say to move on, you have to forgive," she said during her victim impact statement. "But as a mother, I will not forget and I will never forgive. Human life matters. My son, Sammy, matters."

The teen's father also said he struggled to make sense of his son's death and wondered what would have happened if another officer had been on duty that night.

Forcillo's wife, meanwhile, said her husband doesn't deserve to go to jail because he isn't a risk to society.

Toronto Police Service News release



40 College Street • Toronto, ON • M5G 2J3

www.torontopolice.on.ca

Statement from Chief Mark Saunders

SHARE    

Broadcast time: 13:13
Thursday, July 28, 2016

Corporate Communications
416-808-7100

The sentence handed down today to Constable James Forcillo is being appealed, preventing any member of the Service, including me, from responding to the decision.

Shortly after this morning's court appearance, Constable Forcillo was suspended without pay. He still faces disciplinary matters in the Toronto Police Service Tribunal.

The last three years have been difficult for everyone involved, including the families of Sammy Yatim and James Forcillo. 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.

Meaghan Gray, Corporate Communications, for Chief Mark Saunders

In a letter Then, Irina Forcillo said her husband is “the one whose purpose has always been to protect.”

Forcillo had been out on bail since being charged. He's seeking bail again today pending an appeal.

Related

The officer fired two separate volleys — three shots and then six shots — at Yatim, who had consumed ecstasy and was wielding a small knife on an empty streetcar.

Forcillo testified that he never wanted to kill anybody when he confronted Yatim, but fired because he thought the teen was about to come at him with his switchblade.



Peter J. Thompson/National Post Sahar Bahadi, right, arrives with family members Thursday at a Toronto courthouse to hear the fate of Toronto Police Services Constable James Fircillo after being found guilty of attempted murder in death of her son Sammy Yatim.