

# THE DEATH OF SAMMY YATIM AND THE TRIAL OF JAMES FORCILLO

## Learning Objectives

- To raise students' awareness about the circumstances leading to the police shooting death of 18-year old Sammy Yatim.
- To clarify the legal issues and the verdict in the trial of the Toronto police officer who killed him, Constable James Forcillo.

- To provoke discussion about how police and the public should interact in stressful and dangerous situations.

**WARNING:** The teaching and learning strategies for this resource involve watching raw videos of Mr. Yatim's death. Language and images are graphic.

## Teaching and Learning Strategies

**1.** Tell students that they will be learning about the Sammy Yatim case and the legal trial of the police officer who killed him. Many students may be familiar with elements of this story but others may not. Ask how many students have heard of this case and what they know about it. Focus student discussion on the events that took place on the streetcar, then ask how many students have seen video footage of the shooting. Summarize the key points from the discussion on a blackboard or smart board.

### Suggested teacher prompts:

- Do you think the police often use force when making arrests?
- When is this ok? When is it not ok?
- What are some things that we know for sure about this case?

## Materials

- Copies of the Student Handout portion of the resource (one per student)
- Smartboard or blackboard and appropriate writing tools
- Computer and data projector
- Preloaded videos (see below)
- Printed copies of news and web articles or hyperlinks (optional)
- Poster paper or Bristol board and markers or other materials suitable for creating a visual timeline (optional)



- How many people have seen videos from the night of the shooting?
- What did you think when you saw the video footage?

**2.** Ask students to move into pairs or small groups. Explain that they will be watching two videos: one taken from the sidewalk by a pedestrian who happened to be at the scene that night and one taken from inside the streetcar by a Toronto Transit Commission on-board camera.

### Show the first video.

Video 1: <https://www.youtube.com/watch?v=IG6OTyJzAgg>.

Clarify that the voices heard are those of Sammy Yatim and Officer Forcillo. When it has finished, allow students a few minutes to think, discuss, and write down some responses in their pairs or small groups. Ask some students to share their reactions with the class.

### Suggested teacher prompts:

- What is your initial reaction to this?
- How would you describe the situation before shots were fired?
- What is your impression of Sammy Yatim's demeanor?
- What is your impression of Officer Forcillo's demeanor?

### Show the second and third videos.

Video 2: <http://www.theglobeandmail.com/news/news-video/video-toronto-officers-trial-sees-video-of-sammy-yatim-shooting/article26922407/>

Video 3: <https://www.youtube.com/watch?v=dx2iQnYMQfM>

Hold an open discussion, checking for understanding throughout. Clarify that a medical examination found that Mr. Yatim had the drugs ecstasy, cocaine, and THC, the active ingredient in cannabis, in his blood.

### Suggested teacher prompts:

- Does what you have just seen change your impression of the events?
- Do you think the drugs in Mr. Yatim's system were influencing his behaviour?
- Was Mr. Yatim a threat to the people on the streetcar?
- Was Mr. Yatim a threat to the police officers or anyone else during the confrontation?
- What strategies did the police use to try to keep the situation calm?
- What other strategies could the police have used to keep the situation calm?
- Was any use of force necessary?
- Was this much force necessary?
- Do you think police are trained to deal with



people whose mental state is affected by drugs?

**3.** Distribute the *Student Handout*. Ask students to read Part A independently or have them take turns reading aloud to the group, pausing as necessary for questions and comments.

- Project Part B (The Law) on a screen or white board and read it together. Check for understanding. Highlight and explain the following: why there are exceptions for police officers; the role of the police officer's perception of a threat as justification; and the difference between the mandatory minimum sentences for each of the offences with which Constable Forcillo was charged. Clarify that at trial, Constable Forcillo plead not guilty by reason of justification. This meant that the prosecution had to prove that he was not justified in his use of deadly force with respect to either of the charges and either round of shots fired.

**4.** Many students may be aware of the verdict, but for the benefit of others who are not, clarify the jury's findings. At trial, the jury found Constable Forcillo guilty of attempted murder. It found him not guilty of second-degree murder or manslaughter.

Show the fourth video, in which defence lawyer James Miglin explains the verdict. Discuss the verdict and the legal explanation as a class.

Video 4: <https://www.youtube.com/watch?v=rJcd6hBdwKA>

### Suggested teacher prompts:

- Do you agree that the first and second rounds of gunshots were two different events, or do you see them as a single event? Why?
- The charge on which Mr. Forcillo was ultimately found guilty was added by the Attorney General nearly a year after the initial murder charge was laid. Why do you think this charge was added? Do you think it was a wise strategy for the prosecution?
- The mandatory minimum sentence for second-degree murder is life imprisonment with a chance of parole after 10 years. The mandatory minimum sentence for attempted murder with a firearm is four years imprisonment. How might this gap in sentences have impacted the jury's thinking?
- Do you think the jury reached the right conclusion? Why? Can you think of one good argument against your opinion?
- Did the videos help you to understand what happened?
- How important was it that these videos were available? What do you think would have happened if there were no videos in this case?
- What could police have done differently that night?

## Extension

- Have students work in small groups to create a timeline of events on chart paper or Bristol board. Ask them to identify at least seven crucial points in this story, mark them on the timeline, and share the reasons for their choices with the class.
- Follow the civil suits launched by Sammy Yatim's family, emphasizing the lower burden of proof in civil matters as opposed to criminal prosecutions.
- As of February 2016, Toronto Police Service is conducting a pilot project in which officers record significant interactions with the public using cameras mounted on their uniforms. Hold a class debate centred on whether the added transparency and accountability they offer outweighs the risks to privacy posed by having police film the public.
- These events prompted the Toronto Police Service to commission former Supreme Court Justice Frank Iacobucci to review and make recommendations for police interactions with the public. Investigate these recommendations and have students choose one and write a brief response about how it might have changed what happened between Sammy Yatim and the police.

## Further/Suggested Reading

**OJEN Resource** – *Policing and Society* - <http://ojen.ca/resource/4088>

*The James Forcillo Trial Verdict Explained* - <https://jeffmanishen.wordpress.com/2016/01/26/the-james-forcillo-trial-explained/>

*Attempted murder in Sammy Yatim's death? Why the jury may have compromised* - <http://www.theglobeandmail.com/opinion/attempted-murder-in-sammy-yatims-death-why-the-jury-may-have-compromised/article28386171/>

*At the heart of the Forcillo trial, a brave and thoughtful jury* - <http://www.theglobeandmail.com/opinion/at-the-heart-of-the-forcillo-trial-a-brave-and-thoughtful-jury/article28401478>

*Details of Iacobucci report implementation revealed by Toronto Police* - <http://www.thestar.com/news/crime/2015/09/16/details-of-iacobucci-report-implementation-revealed-by-toronto-police.html>

*Police Encounters with People in Crisis: An Independent Review Conducted by The Honourable Frank Iacobucci for Chief of Police William Blair, Toronto Police Service* - [https://www.torontopolice.on.ca/publications/files/reports/police\\_encounters\\_with\\_people\\_in\\_crisis\\_2014.pdf](https://www.torontopolice.on.ca/publications/files/reports/police_encounters_with_people_in_crisis_2014.pdf)