

# Toronto cop found guilty on lesser charge in killing of Sammy Yatim

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A jury found Toronto police officer James Forcillo guilty of attempted murder this week in the 2013 killing of 17 year-old Syrian immigrant Sammy Yatim, while delivering a “not guilty” verdict on the more serious charge of second degree murder.

The verdict marked the end of a prominent three-month trial that predictably saw the police close ranks around one of their own. However, it also intensified the widespread hostility of the broader population toward the brutality and contempt with which the police increasingly treat the mentally ill, the poor, and the working class.

In the early morning of July 27, 2013, Forcillo was one of several police officers who responded to a report that Yatim had barricaded himself inside an immobilized Toronto streetcar while brandishing a knife. Witnesses reported that he had exposed himself on the streetcar before ordering all the passengers and driver to leave.

By the time the police arrived on the scene, Yatim was alone on the streetcar. He posed no threat to bystanders, but was clearly in an agitated state. Despite this, Forcillo immediately escalated the situation. He approached the young man with his gun drawn, ordering the distraught Yatim to “drop the fucking knife,” and warning that he would shoot if Yatim took another step forward.

Seconds later, after Yatim took a half-step toward the front of the streetcar, the police officer shot three times, hitting the youth in the heart and the spine. After Yatim crumpled to the floor mortally wounded, Forcillo fired another salvo of six shots. As Yatim lay dying on the streetcar, a second police officer approached and tased him. The entire incident transpired in far less than a minute.

The killing provoked widespread outrage across the city, owing in no small part to bystander video footage that exposed the savagery and callousness of the police officers’ actions. Protests organized by Yatim’s friends and family attracted hundreds of supporters and, combined with public anger and the incriminating nature of the videos, ultimately forced the provincial government to indict Forcillo.

Without the multiple video sources documenting the

shooting, it is highly likely that Forcillo would never have been indicted and at most would have received a slap on the wrist.

Forcillo is the first cop to be convicted on murder, attempted murder, or manslaughter charges since the creation of Ontario’s Special Investigations Unit (SIU) in 1990. Although nominally independent, the police oversight body is stocked with former police and is notorious for ignoring and excusing criminal police conduct.

Even in the face of incontrovertible evidence that Forcillo entered the streetcar with his gun drawn, verbally threatened Yatim and then fired on him unprovoked, the police, his lawyers, and the officer himself obstinately insisted throughout the trial that Yatim was the author of his own death.

Forcillo insisted that Yatim intended to do him harm, making aggressive and threatening gestures and readying to charge off the streetcar, knife drawn. However, video evidence, including footage from the streetcar, made clear that the youth had a mocking, but non-threatening demeanor.

Forcillo further claimed that he fired the second six-bullet salvo at a prostrate Yatim, because he thought he saw the fatally wounded Yatim rise and lunge toward him. Forcillo’s colleagues testified to the same effect, painting a bizarre picture of the lanky teenager resurrecting himself after suffering lethal injury so he could tear them limb from limb.

Perhaps the most cold-blooded and unscrupulous conduct during the trial was that of Forcillo’s attorney, Peter Brauti. The attorney once complained that the SIU, by referring to the deceased as “Sammy” during their investigations, had helped to “humanize” him presumably diminishing the defence’s chances of portraying the teenager as a deranged lunatic.

Brauti also submitted an unsuccessful motion to introduce an “expert witness” who was to testify that Yatim had been seeking a “suicide by cop.” This filthy conception has become the go-to rationalization for police officers who murder civilians, especially when the victims suffer from mental illness.

The motion was made all the more insulting by evidence showing that Yatim was traumatized by multiple circumstances, including the war in his home country of Syria that was fomented by the US and its allies (including Canada), impoverishment, and his recent expulsion from his father's home.

Despite these debilitating personal traumas, Yatim had sought to re-connect with his family and seek help, and though clearly suffering an acute personal crisis, had no wish to die. Prosecuting attorney Ian Bulmer pointed out that the young man met none of the criteria for "suicide by cop" established by a previous study. Presiding Justice Edward then dismissed Brauti's motion to hear the "expert witness."

The prosecution argued that Forcillo irreversibly escalated a relatively minor situation, instead of calmly speaking to Yatim to buy time for a trained police-negotiator (or a level-headed officer) to reach the scene. However, Forcillo's actions were merely presented as those of a bully angered by Yatim's behaviour, rather than an expression of the increasing lawlessness and violence which pervades police forces in Canada, the United States and internationally.

The media mouthpieces of the Canadian ruling elite have unequivocally lauded the attempted murder verdict. The *Toronto Star* breathlessly proclaimed an "end for police impunity," while the *Globe and Mail* remarked, in self-assured fashion, that "even the police are not above the law." Toronto police union head Mike McCormack, meanwhile, is claiming that the Forcillo verdict will have a "chilling effect" on other police officers.

None of this is true.

The trial's outcome constituted a whitewashing of Yatim's murder. Despite having shot Yatim without provocation multiple times in two separate volleys, Forcillo was found guilty only on the lesser charge of "attempted murder," a charge which related solely to the second volley of bullets he fired. In declaring him "not guilty" of murder or even manslaughter, Canada's justice system has exonerated the most significant and egregious of Forcillo's actions, finding him not criminally culpable for having immediately challenged and threatened Yatim, then shot him dead.

According to the trial verdict, it was not criminal to kill Yatim unprovoked, merely to pump his body full of five additional bullets when he lay fatally wounded on the streetcar floor.

Nonetheless, the media's attitude to Forcillo's conviction points to a mood of nervousness among sections of the ruling elite. They recognize there is growing anger over police violence, over the regularity with which people across the country, most of them entirely innocent or guilty of no more than misdemeanors and petty crimes, are beaten, tased,

raped, and shot by those in uniform.

As the *Star* editorial board admitted after the ruling, "This verdict comes at a time when concern is building in Canada and across North America about police use of lethal force. Cases of officers being charged with murder or manslaughter, much less convicted, are rare in Ontario. There have been 11, including Forcillo, since 1990. All the others were cleared."

The media's claims that Forcillo's conviction will end police impunity notwithstanding, the arming of police forces across Canada with military-grade hardware continues. So too does the police's expanding use of tasers; the granting of additional powers to the police, such as the ability to detain "terrorism suspects" without charge for up to seven days; and the practice of "carding," whereby poor and minority youth are subject to random questioning, i.e. harassment, in an effort to intimidate low-income and working class neighborhoods.

The police are a tool of the ruling class tasked with upholding capitalism's brutal class divide and suppressing resistance to the depredations of the profit system from the working class and left and socialist organizations. As exemplified by the repression of the 2010 Toronto G-20 protest and the 2012 Quebec student strike, the ruling class will, under conditions of ever-worsening social inequality, increasingly rely on their "bodies of armed men" to violently crush social opposition.

They calculate that by punishing a criminal thug like James Forcillo they can appease public anger and present a semblance of "reform," while continuing their drive to expand the repressive powers of the police and national-security apparatus.



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