

# Sammy Yatim shooting puts police accountability front and centre

JAMIE LEVIN JULY 30, 2013

Nearly four years ago I was assaulted by the police and, along with my 65-year-old father, illegally detained in front of my house on a usually quiet residential street in downtown Toronto as my neighbours stood watching. We had broken no laws. It was an unfortunate case of being in the wrong place at the wrong time. Thankfully, I suffered no lasting physical injuries, nor did my father, though I was profoundly shaken by the incident.

Raised in the middle-class values of the school system of the 1980s, I had, until that time, a naive faith in the police as an institution that represented fairness and justice. In my childhood mind, the police stood tall, protected our streets, locked up bad guys, and led by example. Surely, what happened to me that fateful night, I thought, was not the failing of the police, but of a rogue cop, more like those found in televised crime dramas than the police who visited a generation of middle schools instructing students on how to use crosswalks.

So I filed a complaint. In fact, I was one of the first people in the province to turn to the new provincial watchdog, the [Office of the Independent Police Review Director](#) (OIPRD), which had begun operation only that week.

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The Special Investigations Unit (SIU) and OIPRD were established in order to remedy a systemic problem: complaints lodged against the police were investigated by the police themselves (in the most egregious cases, such as the death of a prisoner, another police force might be called in to investigate).

Recognizing this, the provincial legislature set up the SIU and OIPRD as a sort of independent ombudsman to which aggrieved citizens could turn — the type of oversight mechanisms under which many government agencies now operate. Transparency and independence, it was thought, would make the police more responsible and accountable.

OIPRD dutifully investigated my case, assigning two officers who produced a 50-odd page report. Despite eyewitness accounts of police misconduct and troubling inconsistencies with the police testimony, it was determined that no further investigation was needed and my case was dropped.

But perhaps more troubling than the conduct of the investigation was how the report itself was delivered to me. It was sent not by the independent body charged with investigating police abuse, but by the Toronto police themselves, the very same body under investigation.

What has emerged over the years is a pattern not only of police abuse, but a failure to hold those responsible to account. In a 2003 report, the attorney general stated that the SIU “[overwhelmingly clears officers](#)” in their investigations. In 2007, Ontario Ombudsman André Marin stated that the police “[control its investigations.](#)” And a 2010 report by the Toronto Star found that despite 2,400 complaints lodged with the SIU, criminal charges

found that despite 3,700 complaints lodged with the OIC, criminal charges against police officers were laid in less than 3 per cent of cases, resulting in jail time for only three officers.

Despite their claims of independence, the police watchdog agencies have clearly not maintained sufficient distance between themselves and the police, undermining their ability to conduct thorough and unbiased investigations.

The weekend shooting of 18-year-old Sammy Yatim on an empty streetcar is only the most recent incident in a long line of fatal police shootings in the city, many involving the mentally ill. The SIU has assigned eight officers to investigate the shooting. Though the province's watchdog failed me, it is never too late to begin restoring the tarnished image of the police force in the eyes of the public it serves.

The formation of independent police review boards by the provincial legislature promised to deliver a new era of accountable policing and that is exactly what Torontonians expect. It is up to the SIU to deliver. It is imperative that these provincial watchdogs begin to live up to their responsibilities.

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