CLEO Connect
Training and tools for community workers

Policed while Black: Recognizing, proving, and challenging racial profiling

Thursday, November 12, 2026 from 12:00 p.m. to 1:30 p.m. EST

Speakers:

Chuks Nwajei, Staff Lawyer, Black Legal Action Centre

Brought to you by:

CLEO

Land Acknowledgement

CLEO acknowledges that our office is located on the traditional territory of many nations, including the Mississaugas of the Credit, the Chippewa, the Haudenosaunee, and the Wendat. This land is now also home to many diverse First Nations, Inuit, and Métis Peoples. This area of Tkaronto, also known as Toronto, is covered by Treaty 13 signed by the Mississaugas of the Credit and the Williams Treaties signed by multiple Mississauga and Chippewa First Nations.

We acknowledge the ongoing impacts of colonization, anti-Indigenous racism, and white supremacism on which this city and our legal system are built. We are all Treaty people and we commit to working in solidarity towards truth and reconciliation.

CLEO Resources

Steps to Justice – free legal information

- stepstojustice.ca

Guided Pathways – help completing legal forms

- stepstojustice.ca/guided-pathways-home/

CLEO publications – free print resources

- cleo.on.ca

CLEO Connect – training for community workers

- cleoconnect.ca

What can you expect today?

- 90 minutes (1 presenter and 2 Q and A periods).
- The webinar may contain legal information. As a reminder, this is not legal advice. The information is current as of today's date, November 12, 2026.
- Links to the recording, slides, and handout will be sent by email to all registrants within a few days.
- Subtitles (closed captioning) have been enabled.

The Law Foundation of Ontario

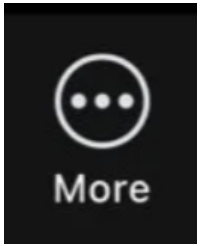
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Speaker Introduction

Chuks Nwajei, Staff Lawyer, Black Legal Action Centre



BLACK LEGAL ACTION CENTRE

Policed While Black: Recognising, Proving and Challenging Racial Profiling

Prepared by Chuks Nwajei

Funded by the Foundation for Black Communities

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Land Acknowledgement

Land Acknowledgement

Black Legal Action Centre (BLAC) recognizes that our work takes place on traditional Indigenous territories across the territory now called Ontario. We acknowledge that there are 46 treaties and other agreements that cover the Province.

BLAC also acknowledges that our head office is located on the land known as Tkaronto. Tkaronto is the unceded and ancestral territories of the Anishnabeg, the Chippewa, the Haudenosaunee confederacy, the Mississauga's of the Credit River, the Wendat and many diverse First Nations, Inuit and Metis peoples. It is covered by Treaty 13 with the Mississauga's of the Credit and the Williams Treaties signed with multiple Mississauga's and Chippewa bands, to peaceably share and care for the lands around the Great Lakes.

BLAC also acknowledges the many people of African descent who are not settlers, but whose ancestors were forcibly displaced as part of the transatlantic slave trade, brought against their will, and made to work on these lands.

We believe that advancing Indigenous sovereignty is deeply and inextricably linked to Black liberation and we will continue to mobilize and take action in solidarity with Indigenous people and communities.

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Introduction to BLAC

Who We Are

- An **independent not-for-profit community legal clinic** established in 2017
- Our **Mission:** Combat individual and systemic anti-Black racism through legal services, research education, and law reform
- We provide **free legal services** to low and no-income Black Ontarians
- Today's Goal: **Empower you** with knowledge about your rights and how to recognize and address discrimination within the correctional system

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Disclaimer

This presentation material is provided for educational and informational purposes only and does not constitute legal advice. The content is intended to support legal clinic education, advocacy training, and professional development and should not be relied upon as a substitute for independent legal advice or legal representation.

While every effort has been made to ensure the accuracy and currency of the information presented, the law may change, and its application will vary depending on the specific facts and circumstances of each case. Participants are encouraged to consult applicable legislation, case law, tribunal rules, practice directions, and supervising counsel where appropriate.

Participation in this training does not create a solicitor-client relationship.

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1. “Something Felt Wrong” But was it Racial Profiling?

Policed While Black: Recognising, Proving and Challenging Racial Profiling

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Scenario

Scenario:

A Black man is driving through his neighbourhood when a police officer pulls him over.

The officer asks him where he is going and whether there is cannabis inside the vehicle.

The driver says no and asks why he was stopped. The officer provides a vague explanation but does not identify any specific behaviour that raised suspicion.

The driver feels he was singled out because of his race.

Was this racial profiling?

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Examining the Interaction

1. Understanding the Interaction:

- What happened?
- Why did police say they approached the person?
- What objective information supported that decision?

2. Identifying Potential Concerns:

- What facts raise a possible human-rights concern?
- Could the conduct be improper without necessarily amounting to racial discrimination?

3. Evidence:

- What additional information would be needed?
- What could help establish whether race was a factor?

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Additional Evidence

What information could help us understand what happened?

- Police notes and records
- Body-camera or dash-camera footage
- Witness statements
- The individual's account of the interaction
- Any personal recordings or documentation

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Important Distinction

Improper police conduct does not automatically equal racial profiling.

A police interaction may be intrusive, discourteous, unfair or poorly explained. However, that alone does not necessarily establish racial discrimination.

So, how do we determine whether racial profiling occurred?

We must examine the full circumstances of the interaction, including:

- The reason police provided for their actions.
- Whether there was objective information supporting their decision.
- The officer's conduct and explanations throughout the interaction.
- Any additional evidence, including police notes, video footage and witness accounts.
- Whether the circumstances suggest that race played a role in the treatment.

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2. How Human Rights Law Understands Racial Profiling

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What is Racial Profiling?

Definition:

- Racial profiling occurs when police actions, decisions or increased scrutiny are influenced by a person's race, ethnicity or perceived identity, rather than being based on legitimate, objective considerations.

Racial profiling can involve:

- Conscious or unconscious bias.
- Assumptions based on racial stereotypes.
- Increased suspicion, questioning, surveillance or intervention.
- Decisions influenced partly by race, even when other factors are also involved.

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How Does Racial Profiling Occur?

Individual racial discrimination

- Decisions made by an individual officer.
- Conscious or unconscious racial bias.
- Stereotypes influencing how someone is treated.

Systemic racial discrimination

- Patterns within an organization or institution.
- Policies or practices that result in racialized groups experiencing greater scrutiny.
- Organizational practices that may appear neutral but produce discriminatory outcomes.

Does Racial Profiling Require Explicit Racism?

Scenario:

A police officer stops a Black individual and claims their behaviour appeared suspicious. The officer never makes a racial comment, but the circumstances raise questions about whether racial stereotypes influenced the decision.

Can racial profiling occur even when the Officer has not said anything explicitly racist?

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Understanding Intersectionality

Racial profiling can involve more than one aspect of a person's identity.

A person's race may intersect with other characteristics, such as:

- Age
- Gender
- Disability
- Religion
- Ethnicity

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How is Racial Profiling Established?

1. They have a characteristic protected under the Ontario Human Rights Code, such as race.
2. They experienced adverse or negative treatment in a protected social area, such as policing services.
3. Their protected characteristic was a factor in that treatment.

Importantly:

- A racial slur is not required.
- An admission of racial bias is not required.
- Direct evidence of discrimination is not always available.
- Tribunals can consider circumstantial evidence and draw reasonable inferences.

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3. From Memory to Evidence

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What to Record after Police Interaction

As soon as possible, write down:

- Date, time, and exact location
- Names or badge numbers of officers, if known
- Police vehicle numbers, unit numbers, or other identifiers
- Names and contact information of witnesses
- What led to the interaction
- What officers said and did and What you said or did
- Whether you were searched, detained, arrested, or asked to provide identification
- Any force used or injuries sustained
- What happened when the interaction ended

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Preserving Evidence

Potential evidence can include:

- Phone recordings, photographs, or video
- Police body-camera or vehicle-camera footage, where applicable
- Security-camera footage
- Witness statements and contact information
- Medical records, photographs of injuries, and treatment documentation
- Police paperwork, tickets, notices, or reports
- Text messages, emails, or other communication

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Writing Clear Timeline of Incident

When – Date and time of each event

Where – Location of the interaction

Who – Officers, individuals, and witnesses involved

What happened – Describe events in the order they occurred

What was said or done – Record important words and actions

Evidence – Note recordings, photos, documents, or witnesses

After the incident – Record what happened afterward, including injuries, medical treatment, or reports made

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4. Documenting the Impact

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Documenting the Impact

- Emotional harm: Fear, humiliation, anxiety and loss of dignity.
- Psychological harm: Stress, trauma and ongoing distress.
- Physical harm: Injuries or other physical consequences.
- Financial harm: Medical expenses, counselling costs and lost income.
- Behavioural changes: Avoiding certain places or changing routines because of fear of future police interactions.
- Family and community impacts: Effects on loved ones, witnesses and broader Black communities.
- Loss of trust: Reduced confidence in police and other public institutions.

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Why does Documenting the Impact Matter?

- Helps demonstrate the harm experienced beyond the immediate encounter.
- Provides evidence of emotional, psychological, physical and financial consequences.
- Helps establish the personal impact of the discrimination.
- Can support requests for monetary compensation, including injury to dignity and feelings
- Can help support requests for other appropriate remedies through the HRTO.

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5. Choosing the Accountability Route

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Law Enforcement Complaints Agency (LECA)

LECA is an independent civilian oversight agency.

It is responsible for receiving, managing, and overseeing public complaints about police misconduct (other than those covered by SIU).

LECA objective is to ensure that all public complaints against the police are dealt with.

Law Enforcement Complaints Agency (LECA)

LECA:

- Receives and accepts complaints about the misconduct of police officers

Law Enforcement Complaints Agency (LECA)

Complaints can happen in a couple of main ways:

- Online complaint form
- By Fax: 1-877-415-4773
- Filling out the complaint form and mailing
- or in person at LECA ‘s main office or at a police station.

LECA does not accept complaints over the phone.

Complaints must be made **within 6 months** of the date of the incident. If made after this deadline, they may not be accepted.

Law Enforcement Complaints Agency (LECA)

Sadly, no complaint can be made anonymously. You will need to provide:

- Officer's name
- Badge number
- Division/ or station that they work
- Some personal information
- Details about the situation

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Law Enforcement Complaints Agency (LECA): Remedies

- LECA complaints do not provide monetary remedies
- If misconduct found remedies can include reprimand, unpaid suspension or retraining
- If misconduct severe enough can lead to long term suspension or termination of employment

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Law Enforcement Complaints Agency (LECA): Timelines

Investigations are expected to be conducted within 120 days of commencing.

If not completed within 120 days, they must give notice of the status every 30 days .

Filing Complaints: Human Rights Tribunal of Ontario (HRTO)

If incident involved discrimination, you can potentially file a HRTO complaint
Determine if your Human Rights have been breached.

File an application with the HRTO **within one year** of the incident.

Attend mediation.

If mediation is unsuccessful, prepare for and attend a hearing.

BLAC provides assistance to eligible persons who have experienced anti-Black racism.
The Human Rights Legal Support Centre (HRLSC) provides free help with filing applications. Contact them at 1-866-625-5179.

Filing Complaints: Human Rights Tribunal of Ontario (HRTO)- Test

1. They have a characteristic protected under the Ontario Human Rights Code, such as race.
2. They experienced adverse or negative treatment in a protected social area, such as policing services.
3. Their protected characteristic was a factor in that treatment.

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Scenario

Scenario:

A 22-year-old Black man, Marcus, is walking home when police receive a robbery report describing the suspect as a young Black male wearing dark clothing. Officers notice Marcus nearby, follow him, block his path, and point their firearms at him. Although Marcus does not meet the full suspect description, he is handcuffed and questioned before police realize he is not the suspect.

Marcus is released without charges but feels frightened, humiliated, and racially targeted.

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Community and legal resources

Find your community legal clinic or call 1-800-668-8258

Legal Aid Ontario: How do I apply for Legal Aid?

Visit Pro Bono Ontario or call 1-855-255-7256

Ontario Legal Information Centre offers appointments with a lawyer, in English or French.

Thank you for joining us!

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QUESTIONS or COMMENTS?

Contact info@cleoconnect.ca