

Selwyn A. Pieters

Subject Matter Expertise: Racial profiling, race & ethnicity, anti-black racism (law enforcement, security, education, law, criminal justice system), racial bullying, African-Canadian urban culture and race relations, social inequality, law enforcement, policing culture in Ontario, Canada; Guyana and Trinidad

Selwyn A. Pieters, B.A. (Toronto), LL.B. (Osgoode), L.E.C. (U.W.I). Lawyer & Notary Public (Ontario). Attorney-at-Law (Republic of Guyana and Republic of Trinidad and Tobago).

Litigation

Selwyn has appeared at all levels of courts, including the Supreme Court of Canada in *Fraser v. Ontario*, 2011 SCC 20 and the racial profiling case of *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Bombardier Inc. (Bombardier Aerospace Training Center)*, 2015 SCC 39, [2015] S.C.J. No. 39.

Selwyn has also appeared in the Ontario Court of Appeal in *Freeman-Maloy v. Marsden* 267 D.L.R. (4th) 37 (C.A.); *Bangoura v. Washington Post* (2005) 202 O.A.C. 76 (C.A.) and most recently *R. v. Steele* 2015 CarswellOnt 3334, 2015 ONCA 169, [2015] O.J. No. 1253 (Ont. C.A.). Leave to the Supreme Court of Canada denied: *R. v. Steele*, 2015 CanLII 43092 (SCC) where an allegation of racial profiling was made against a Hamilton Police Officer.

Selwyn argued numerous case of racial profiling in Criminal Courts including: *R. v. Agil, Chambers, Fullerton, Jimale and Brown* 2011 CarswellOnt 18099 (Ont. CJ. July 14, 2011, Khawley J.) [Carding led to a big gun, drugs and gang case that I successfully litigated in Toronto... Project Threadbare the Judge called it because of the lack of evidence]; *R. v. Steele*, 2010 ONSC 233 (ON S.C.) and *R. v. Egonu*, 2007 CanLII 30475 (ON SC) - Driving while black and *R. v. Bramwell-Cole* [2010] O.J. No. 5838 (ON S.C.) - walking while black. Charges of cause disturbance and assault police can be pretextual racial profiling charges: *R. v. Roach*, 2005 O.J. No. 5278 (Ont. C.J.) (Criminal Law - Causing a Disturbance); *R. v. Ramsaroop*, 2009 CarswellOnt 5281, 2009 ONCJ 406 (Ont. CJ.); *R. v. Taylor*, 2010 CarswellOnt 6584, 2010 ONCJ 396, [2010] O.J. No. 3794 (Ont. CJ.).

Selwyn has litigated numerous human rights, constitutional and administrative law cases before the Human Rights Tribunal of Ontario, Canadian Human Rights Tribunal, Superior Court of Justice and Federal Court of Canada, the most recent being *Roberts v. Toronto Police Services Board*, 2016 HRTO 1464 (HRTO). He has appeared in Divisional Court on Judicial Review applications.

M. (R.) was a case involving a youth 14 years old who was arrested four times by Toronto Police all based on racial profiling and improperly targeted him for arrest and detention based on *Code*-related grounds. He has no convictions yet was targeted, carded, arrested, detained, on several occasions. His case was fiercely litigated by Toronto Police and the reported decisions stand as a monument to the challenges litigants face in litigating racial profiling:

M. (R.) v. Toronto Police Services Board, 2013 CarswellOnt 12134, 2013 HRTO 1472

M. (R.) v. Toronto Police Services Board, 2013 CarswellOnt 11941

M. (R.) v. Toronto Police Services Board, 2013 HRTO 1102

M. (R.) v. Toronto Police Services Board, 2013 HRTO 73

M. (R.) v. Toronto Police Services Board, 2012 CarswellOnt 11158

M. (R.) v. Toronto Police Services Board, [2011] O.H.R.T.D. No. 618, 2011 HRTO 410

M. (R.) v. Toronto Police Services Board, 2011 ONCJ 143, 2011 CarswellOnt 1980, 2011 ONCJ 143, 274 C.C.C. (3d) 272 (Ont. C.J.)

M. (R.) v. Toronto Police Services Board, 2010 CarswellOnt 9121, 2010 HRTO 2349

M. (R.) v. Toronto Police Services Board was settled to the satisfaction of all parties and the terms of settlement reached remain confidential.

Selwyn represented then Toronto Police Inspector David McLeod in a racial profiling case commonly known as the “Gas pump incident” in 2005 – 2006: *Toronto Police Association v. Ontario (Civilian Commission on Police Services)*, 2010 ONSC 246 and most recently Constable Dameian Muirhead of York Regional Police Service who alleged that he was subjected to racism, discrimination, malice, and bias in his own police service.

Selwyn was the successful litigant in the racial profiling/carding case of *Peel Law Association v. Pieters* 2013 CarswellOnt 7881, 2013 ONCA 396, 228 A.C.W.S. (3d) 204, 116 O.R. (3d) 81, 306 O.A.C. 314, 9 C.C.E.L. (4th) 233, [2013] O.J. No. 2695(Ont. C.A.)

Lectures, Papers, Symposiums

Pieters, Selwyn and Frank, Rick, Police Bias in a Criminal Investigation – Constitutional and Civil Consequences for Criminal Defense Lawyers and Defendants, at Legal Aid Ontario (LAO) and Innocence Canada symposium entitled “Unravelling the truth: Investigations, Interviews and Confessions” November 30, 2016

Presented a paper at the Ontario Bar Association: Selwyn A. Pieters, "Using Public Interest Remedies to Impact Cultural Change" Online:
<http://www.selwynpieters.com/documents/HumaRights_Ontario_PublicInterestRemedies_PietersPaper.pdf> November 02, 2016

Pieters, Selwyn and Frank, Rick, Police Interrogations and The Psychology of False Confessions, at Innocence McGill's 10th Anniversary Conference: online
<http://www.selwynpieters.com/documents/Police_Interrogations_and_The_Psychology_of_False_Confessions.pdf>
February 22, 2016

OBA Constitutional, Civil Liberties and Human Rights (CCLHR) program entitled "Hot Headlines in Human Rights - Racial Discrimination and the Legal Profession" September 10, 2013

Street Law Smarts Training Day, Justice for Children and Youth and the Law, November 8th, 2012

"Data Collection, Race, and Criminal Justice in Canada: Building a Firm Foundation for Progress" By Selwyn A. Pieters, B.A., LL.B., L.E.C. and Adrian Roomes, J.D., Critical Race Symposium Osgoode Hall Law School at York University, November 2, 2012

"What role does data collection play in ensuring that police agencies are fulfilling their human rights obligations?" Accessing Justice and Accountability in Policing, Law Enforcement Accountability Project (LEAP), University of Windsor

Presented at the Black Law Students Association of Canada, 19th Annual Conference Theme: "Partnering for progress and unprecedented possibilities" February 24, 2010 and a CRARR event on racial profiling.

March 19, 2008: University of Windsor Faculty of Law RACIAL PROFILING AND THE LAW - Guest Speakers (Selwyn Pieters and Raj Dhir)

March 15, 2008: SPINLAW 2008 "Solidarity: Law at the Grassroots." The Jane/Finch Community The Jane-Finch community has long been painted by the media as a centre of violence, gangs, drug busts and other criminal activity, largely committed by racial minorities. This panel hopes to engender discussion on issues affecting the community, and to dispel some of the myths and problematic stereotypes associated with the Jane-Finch neighbourhood. Panelists: Selwyn Pieters, criminal lawyer; Tonika Morgan, community organizer; Dauda Massaquoi, community legal worker at Jane Finch Community Legal Services.

March 04, 2006: The High School Drop Out Rate and the Safe Schools Act: A Panel Discussion with Liz Sandals, MPP Guelph-Wellington, Parliamentary Assistant responsible for the Safe Schools Act Review and Selwyn Pieters, lawyer and activist involved in human and civil rights, working with the community concerning safe schools and racial profiling

February 23 - 26, 2006, Black Law Students' Association of Canada Conference, The Ripple Effect of One Voice; Seminar "Critical Race Practice: Setting Up an Equality Practice" with Donald McLeod, Barrister & Solicitor; Plenary "Black and Aboriginal Racism in the Legal Profession" with Professor Michelle Williams, Dalhousie Law School

January 28, 2006, "Knowing Your Rights" BLING SUMMIT, Bring Love In Not Guns, Black Youth Coalition Against Violence, University of Toronto.

December 09, 2005, Human Rights and Justice Series, Presentation to youths in Malvern, Hoodline.

November 29, 2005, Safe Schools Act Review at Holiday Inn

November 23, 2005, presentation to detained youths at the York Detention Centre.

October 11, 2005, CACO meeting with the Mayor David Miller

October 04, 2005, CACO meeting with the Premier of Ontario, Dalton McGinty, Minister of Education, Gerrard Kennedy and the GTA Caucus, to discuss the Safe Schools Act and increasing violence in the Community

September 17, 2005, Better Policing for Toronto, "Controlling and Preventing Racial Profiling", Innis Town Hall, University of Toronto

August 19, 2005, "What Are Your Civic Responsibilities", 33rd Annual National Education & Training Conference, National Black Police Association, with Theodore M. Shaw is Director-Counsel and President of the NAACP Legal Defense and Educational Fund, Inc. (LDF); Anthony R. Rodgers, Edwards Waters University and Hazel A. Wallis, NBPA USA Consultant

August 08, 2005, Career Choices, Tropicana and Malvern Youth Club, with Angela James, Regional Manager, Children and Youth Services and Basil Jardine, Soul Images.

June 04, 2005, "Dealing with Authority/Knowing Your Rights", Malvern in Motion Conference, with Kike Roach - civil lawyer, Roach Schwartz & Associates

April 07, 2005, Deputations, Toronto Police Services Board , "Hate Crimes" and "Race Relations"

March 05, 2005, "Fighting Racial Profiling: Legal strategies and tactics", Law Union of Ontario Annual Conference 2005, with Kike Roach - civil lawyer, Roach Schwartz & Associates and Hadayt Nazami - immigration lawyer, Jackman & Associates

March 05, 2005, "Barriers to Equal Opportunities in Education", Fifth Annual Spinlaw Conference, Bridges and Barricades -- The Roadmap to Domestic Human Rights , with Marie Chen, African Canadian Legal Clinic and Maxwell Nelson, Berkshire Group of Companies

February 03, 2005, oral and submissions to the Standing Committee on Government Operations and Estimates, House of Commons, on Bill C-11 Public Servants Disclosure Protection Act

November 02, 2004, written submissions to Justice Lesage Chair of the Review of the System for Complaints by the Public Regarding the Police was established by the Government of Ontario .

March 20, 2004, Are courts appropriate forums for litigating racial harassment claims? A look at the elusive quest for harassment free and respectful workplaces" (paper and oral presentation), Ryerson University Equity Conference 2004 .

May 30, 2003, Presentation to Ontario Human Rights Commission Racial Profiling Inquiry "Racial Profiling at Canada Customs: Personal and Society's Implications and Measures to Combat this Unlawful Treatment of Canada's Black Population" (paper and oral presentation)

March 08, 2003, The Third Annual SPINLAW Conference, Expanding the Boundaries of Human Rights Litigation - Post 9/11, Racial-Profilng and the impact of the Pieters Settlement (submitted paper)

April 2002, Racial Profiling, Association of Black Law Enforcers (hand-outs)
February 22, 2002, "How to become an legal activist" - Panelists included, Julian Falconer, Barrister and Solicitor; and Pat Case, Equity Advisor, University of Guelph. Moderator: Louise James, Law Student, University of Toronto Law School

January 18, 2001, Trials on Poverty, with Elan Ohayon, Peter Rosenthal & Vilko Zbogar, University of Toronto

March 29, 2000, Affirmative Action & Employment Equity: Case Studies in the Struggle for Racial Justice in Ontario and Michigan with Dr. Chandrakant Shah, Dr. Kin-Yip Chun, Karen Thom, ASSU, University of Toronto.

Media

Print, broadcast, television and social media nationally and internationally.

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