This paper is an adaptation of a Community Summary Report delivered to the Toronto Police Service Board (TPSB) in response to their decision to shut down the Sexual Assault Audit Steering Committee. The original report documents the public goals, mandate, and evolution of the committee, and contains appendices that detail the Terms of Reference, Executive Summary, Curriculum Assessments, research, and presentations referred to in this text. The original report was written and presented with a commitment from the TPSB, who govern the police, to make it accessible on their website, and to reference it whenever the Toronto Police Service (TPS) engages in policy/protocol reform or discussion regarding police investigation of sexual assault. The authors await the actualization of that decision. We welcome this opportunity to present portions of the report here as a somewhat hopeful—if unsuccessful—chapter in feminist organizing.

In June of 1998 the Ontario Court of Justice found the Toronto Police Service guilty of negligence in their investigation of sexual assault (Jane Doe v Metropolitan Toronto Commissioners of Police). Writing that their investigation was “irresponsible” and “grossly negligent,” Madame Justice Jean McFarland further found the police conduct to constitute gender discrimination, and ruled that both sections 7 and 15 of the Canadian Charter of Rights and Freedoms had been breached in the police investigation. These sections pertain to the right to equality and the right to life, liberty, and the security of the person.

In response to that decision, Toronto City Council immediately ordered Auditor General Jeffrey Griffiths to conduct a social audit or investigation into the policing of sexual assault. Although they were not involved or consulted with as to the mandate and purpose of the audit, women working in the anti-violence movement, including the authors of this paper, lobbied to insert ourselves into the audit process. We formed the Audit Reference Group (ARG) from which three women were hired to consult and assist with internal audit processes. Released in October of 1999 and titled Review of the Investigation of Sexual Assaults: Toronto Police Service, the audit produced 57 recommendations for change and called for the collaboration of the police with the women’s anti-violence community to effect that change (Griffiths).

There was, however, no mechanism or impetus embedded in the audit to effect implementation of any of the recommendations. The concept of a Sexual Assault Audit Steering Committee to do so was then initiated by community members of the ARG. We proposed that the committee be composed of an equal number of women who work in the anti-violence sector who were experts in the area of sexual assault,7 and police officers of senior command; that women be paid for their expertise; and that the committee work with an outside facilitator. After considerable lobbying the proposal was supported by the City of Toronto’s Audit Committee and adopted by City Council at its meeting in February of 2000.

Additional attempts to engage the Toronto Police in an inclusive dialogue or process on the subject of the sexual assault of adult women were not successful until the official commencement of the Sexual Assault Audit Steering Committee.
Committee (SAASC or “Steering Committee”) in 2003. But, it was not until February of 2005 that the TPSB officially approved the establishment of a Steering Committee to provide expertise with respect to the implementation of the recommendations contained in the 2004 Auditor General’s Follow-Up Report.\textsuperscript{10}

Values Governing the Work of the Steering Committee

From the start, the Steering Committee recognized that to improve the policies and practices of police investigation of the sexual assault of adult women, its work must be driven by a commitment to implement the recommendations made by the Auditor General through a process of collaboration between the TPS, TPSB, and the women’s anti-violence community. We identified a set of values (commitment, collaboration, respect for differences, equity, and inclusion) defining our approach to the work; these are values that arguably come directly out of community organizing and feminist anti-racist services.

A key element in the erratic progress of the work, however, turned out to be differing interpretations of these values. In agreeing to work together, members of the SAASC acknowledged the importance of being open to and respectful of the different viewpoints at the table. It was acknowledged that sexual assault impacted women as individuals and as members of groups—each group having unique features, different experiences of sexual violence, and different barriers to accessing police services. The community members on the Steering Committee therefore asserted that the investigation of sexual assaults must be inclusive of women’s various social identities. This was a concept that some of the police services members disagreed with, but understood rather in terms of “cultural differences” that were race based and historically fixed, granting no agency or autonomy to the groups of women in question.

The community members asserted that the investigation of sexual assaults must be inclusive of women’s various social identities. This was a concept that the police understood in terms of “cultural differences” that were race based and historically fixed, granting no agency or autonomy to the groups of women in question.

The Mandate of the Sexual Assault Audit Steering Committee

The Committee agreed to focus on recommendations in the audit(s) that were specific to the following areas:

- Sexual assault investigation training.
- Police practice/policy regarding warnings or community alerts specific to sexual assault.
- Police policies/protocols related to the use of technology in the investigation of sexual assault, in particular ViCLAS (Violent Crime Linkage Analysis System) and the Sexual Assault Evidence Kit (SAEK).
- The development of police policy for a complaints system for women who are sexually assaulted, with a specific focus on Aboriginal and racialized women.

Apart from the four targeted areas above, it was identified that Criminal Investigations Procedure 05-05 (which under the Police Services Act governs the investigation of sexual assaults in the City of Toronto.

- Collaboration between anti-violence experts in the women’s community, members of the TPS and the TPSB was important to the implementation of the recommendations made by the Auditor, with potential outcomes to increase police success and women’s access to quality police response, in investigating sexual assaults.
- Differences in perspectives and focus among Steering Committee members need not prevent the development of a creative and effective response to the Fol-
The use of woman blaming, fear-based messages/warnings, versus the provision of information that would allow women to make more informed choices, prevented community alerts from surpassing the domain of paternalism effectively regulating women’s presence and movement in public space.

psychiatrized, homeless, and/or economically dis-enfranchised.

Lastly, community members would set out the terms of a general critique of the audit.

Work Results of the Steering Committee

The work of the Steering Committee began on a high note and with a mutual desire to effect change in sexual assault training and practice that would assist officers in investigating those crimes and encourage women to report. It was discussed and resolved by all at initial SAASC meetings that the auditor’s expectation of a six-month turn-around was impractical given the scope and intensity of our mandate. Police personnel and community members were in agreement that timelines could not and should not affect the committee’s work.

Following is an account of that work:

i) Sexual assault investigation training

In May of 2006, nearly one year after we had begun, the police responded to our ongoing requests for officers in charge of training to join or be present at the Steering Committee meetings and for community members to attend training sessions. Community members were invited to attend and monitor the Sexual Assault and Child Abuse (SACA) training program held over a two-week period, at C. O. Bick College with a view to reviewing the curriculum. The SACA training program is mandatory for all detectives tasked with investigating sexual assault.

As a result of our observations, community members Jane Doe and Beverly Bain compiled curriculum assessments based on the 18 training modules offered in the first week of the course. The Executive Summary of our assessment of the trainings was presented in part to the TPSB in February 2007 (Bain, Doe and Komiotis Appendix 2).

Community members found that sexist and racist stereotypes and language permeated the training. We also found evidence of adherence to rape mythology, especially the notion of “False Allegations.” We observed and documented the absence of a gendered analysis that is specific to adult women; the lack of anti-racist analysis and philosophy; the use of gender neutral and re-victimizing language; the use of racial stereotypes; the uniform lack of opportunity for questions, discussion and interactive learning methods; and material that contradicted or omitted audit recommendations. Our recommendations generally stated the imperatives that:

• Training should be redesigned within a gendered anti-racist analysis and must focus on adult women (currently the focus is on youth and children).
• Training should be delivered by professional adult educators (external to TPS) with expertise in the subject of sexual assault, not untrained police officers, some of whom were on duty while teaching.

Although recommendations to improve training were enthusiastically received, (especially by the heads of the TPS Training and Education Unit), and despite the agreement of the Steering Committee to follow-up on our assessments, community members were not informed of any actions taken or currently in progress to do so. Neither has any formal invitation been extended to community members to participate in a process to monitor changes to training, as had been the original mandate of our work.

ii) Rape warnings or community alerts delivered by police regarding sexual assault

In April of 2007 it was agreed that a member of the TPS Public Information section would attend Steering Committee meetings to lend her expertise and to work with the Committee on the issue of Rape Warnings or Community Alerts released by the police regarding the presence of a stranger or serial rapist in a specific area. Considerable progress was made in communicating the necessity to utilize gender specific and anti-racist language in such communiqués and interactions with the media generally. However, the use of woman blaming, fear-based messages/warnings, versus the provision of information
that would allow women to make more informed choices, prevented community alerts from surpassing the domain of paternalism effectively regulating women’s presence and movement in public space. Community members also critiqued the over representation and generalized descriptions of Black males, suspected of sexual assault, in police composite drawings released to the public and used in police training material. Community members requested that warnings/community alerts remain on the agenda and that they be systemically reflected and integrated into other recommendations in the committee’s purview.

It was agreed that the TPS Public Information section would provide the committee with information regarding the response of investigating officers to the use of gender specific language in rape warnings, and the provision of information on the actions of the perpetrator versus the woman who experienced the crime. To date, there has been no follow-up and community members have not received any progress report or plan for the implementation of this “new” procedure.

iii) The use of technology as a crime fighting tool especially ViCLAS and the Sexual Assault Evidence Kit (SAEK)

The SAEK or “rape kit” is central to the investigation of sexual assault cases. Although a presentation on the kit was on the agenda for the next Steering Committee meeting and current literature/research on the kit was distributed to police and TPSB members (Bain, Doe and Komiotis Appendix 5), the subject was not addressed by the Steering Committee. The material questioned the benefits of the kit, its invasive and corroborative nature, and failure of the rape kit to produce convictions.

In September of 2007 community members presented a draft overview on the use and efficacy of ViCLAS as a sexual assault investigative tool (Bain, Doe and Komiotis Appendix 5). ViCLAS (the Violent Crime Linkage Analysis System) is a computerized data base used to investigate major crimes of a serial nature such as sexual assault and murder. It was concluded that the victim and offender profiling categories in the 35-page booklet, which investigating officers are mandated to submit, reinforced racist and sexist stereotypes and mythology about sexual assault, the women who experience the crime, and the men who commit it. ViCLAS, indeed, codifies and thereby necessitates a set of norms that reinforce the very attitudes and practices the Steering Committee was theoretically empowered to address and redress. The fact that it is mandated by provincial legislative requirements (under the Police Services Act) made its obstructive power “untouchable.” Here again, the codification of so-called False Allegations as a significant category was highlighted. Community members of the Steering Committee were clear that ViCLAS policy functioned to override any progressive changes regarding gendered and racist biases and stereotypes in sexual assault training and investigation.

iv) A complaints system for women who are sexually assaulted with a focus on Aboriginal and racialized women.

This recommendation was not discussed by the Steering Committee before it was shut down.

v) Procedure 0505 and the TPS sexual assault website

Both were identified as critical pieces to assess in order to implement the Auditor General’s recommendations. A sub-committee was formed to examine Criminal Investigative Procedure 05-05 (the police policy book for sexual assault investigation), and it was recommended to the larger group that the document could not be appropriately reviewed until the work of the committee neared completion. It was likewise agreed that the Toronto police sexual assault web site be re-evaluated at that time. There was no opportunity to discuss either again.

vii) Review of the Special Victims Section

Staffed primarily by Sexual Assault officers, this section deals with sexual assaults committed against sex workers. Although it was noted in curriculum assessments that there is no police training regarding adult women who are sex workers, and despite a presentation on sex work and problems inherent in the Special Victims Section (Bain, Doe and Komiotis Appendix 6), this review was not conducted by the Steering Committee before its closure.

viii) Women who experience sexual assault who are psychiatrized, homeless and/or economically disenfranchised.

These issues were never discussed by the Steering Committee.

ix) General critique of the audit

The opportunity to deliver a general critique of the audit process was not made available.

While the Steering Committee experienced some success, most notably in the area of the intent to utilize gendered language in rape warnings, our work as laid out in the mandate and terms of reference is by no means complete in any of the targeted areas. In fact the Committee did not even approach several areas designated as part of our mandate.

Notice of Closure of the Sexual Assault Audit Steering Committee

On December 18, 2007 community members of the Steering Committee each received letters from the Chair of the Toronto Police Service Board (who also functioned as the Chair of the Steering Committee) informing us that:

At this time, it is my view that the Steering Committee has completed its work in each of the four broad areas arising from the recommendations made by the
Auditor General in his review of the investigation of sexual assault by the Toronto Police Service: (1) complaints (related to sexual assault investigations, and, specific to women of colour); (2) warnings (community safety notifications) and a protocol; (3) technology and ViCLAS; and (4) training.

The decision to issue a notice of closure of the Steering Committee without due process or consultation with community members, contravened several conditions agreed to by members the Steering Committee in our Terms of Reference. In particular:

1. Representatives of the Steering Committee work collaboratively and by consensus.
2. All members of the Steering Committee are equal partners and carry equal weight and no organization/individual carries a veto within the Steering Committee Process.
3. If the ultimate implementation of a recommendation differs from that of the recommendation made by the Steering Committee, the Chief of Police will be required to provide a rationale for the difference to both the Steering Committee and the Police Services Board (Bain, Doe and Komiotis Appendix 1).

Although the letter from the Chair presented the work of the Steering Committee as a fait accompli, community members found that the recommendations and policy reform issues as outlined in the original and follow-up audits have not been completed on any significant level. For this reason, we provided an account of the actual work completed to date in a Community Summary Report (Bain, Doe and Komiotis). In it we stated that it was critical that the work of the Steering Committee be fully and accurately presented to the broader community of women seeking improvements in the police response to investigating sexual assaults in the City of Toronto. The TPSB chair and co-chair agreed and gave verbal promises at a Steering Committee meeting in March of 2008 that the report would be accessibly located on their website and included in all future business regarding the audit. That commitment was ratified by the co-chair at a Police Service Board meeting on May 22, 2008, but has not been fulfilled.

**Barriers to Civic Engagement on the Sexual Assault Audit Steering Committee**

Historically, the women’s anti-violence community has experienced great difficulties in our attempts to address police training and other areas of policy and procedure in the investigation of sexual assault. In 1987 women from a variety of agencies (some of which were represented on the Steering Committee) formed an umbrella group known as WAWAV (Women Against Violence Against Women). They met with the then “Police Commission” and senior ranking officers to discuss police training and protocol specific to sexual assault. After one year, the committee broke down. Women’s groups cited police failure to acknowledge gender and race stereotypes and the inherent systemic issues as the primary obstacles. In 1989, Women Against Racist Policing (WARP) was formed to respond to the gendered racism and violence that many racialized and Aboriginal women experienced when dealing with the Toronto police. Despite numerous attempts, WARP members were not permitted to meet with the Police Commission or City Councillors to address and improve police response. While the police and their governing body did not initiate the Steering Committee, the decision to allow it to proceed was made under the leadership of members who spoke of a responsive approach to community-police relations and interactions located in progressive, anti-oppressive methodology. At the outset, it was our belief that the TPS and the TPSB were committed to realizing comprehensive change to police procedures and practices in the investigation of sexual assault of women and that this could be accomplished via the Steering Committee.

There were clear benefits and progress in the work of the SAASC. The curriculum assessments we undertook and the recommendations arising from them held promise of transforming the content and relevancy of TPS sexual assault investigation training. Significant strategies were developed to remodel sexual assault warnings. That and other material we brought to the SAASC table were enthusiastically received by police personnel and management who articulated the timeliness and usefulness of our work to their personal and professional knowledge bases. There was a sense of openness and sharing amongst committee members that at the time seemed to be real.

Despite a change in police chiefs and attendant senior brass that totaled three separate administrations for the audit processes alone, our community team remained engaged and active in our attempts to find realistic apertures for change, no matter their limitations. These attempts included reports back to the larger community. Nonetheless, it was our experience that our recommendations were soon curtailed, disallowed, refused entry or validity in the infrastructural processes of the TPS and the TPSB.

In his letter, the Chair wrote:

[T]he ultimate responsibility for the implementation rests with the Toronto Police Service and the Chief of Police, who in turn, reports directly to the Toronto Police Services Board.

This statement suggests that the regulatory and institutional practices of the TPS and the TPSB overrode the legitimate and democratic process of the Steering Committee as laid out and agreed upon in its mandate and terms of reference. In our view, the work of the Steering Committee encountered resistance from the very insti-
The institution best positioned to facilitate and accommodate infrastructural change—the TPSB. Instead, we are left once again with the chimera of “impression management,” as was clearly identified and condemned in both reports from the Auditor General and the judge’s decision in Jane Doe v. Toronto Police.

An additional clash of approaches to change in procedures soon came to reveal itself as a structural (ours) versus individual (the police’s) approach. Police viewed the management of the work charters in the Steering Committee’s purview as single issues, as opposed to components in a systemic problem regarding sexual assault investigations. This difference in conceptualization further explains the failure of the Committee to realize its goals. This clash resulted in one area remaining mired in pre-audit frameworks and practices while “total success” was being claimed in another area, ultimately completely undermining the project as a whole by the lack of an overall approach or coordination. At times, our critiques were referred to as “not fair” to the officers in the room, who were “not like that.” They were unable to hear these critiques as legitimate revelations of problems engrained in the systems we had all identified as of mutual interest and had committed to altering through honest examination of the issues.

From the committee’s inception, community members’ attempts to expose the problems of that management style were perceived as pushing the process beyond the boundaries and limits defined for us, not by us. We were constantly reminded of our role as outsiders—inside a process that was not ours, in an institutional framework imposed upon the committee’s mandate.

Specific examples of our exclusion include:

- Community members were not consulted or involved in the Chair’s assessment of the Steering Committee’s work or the decision to shut down the process.
- Police personnel were invited and included in committee business without consultation or agreement from Committee members.
- Members’ presentations to the Steering Committee were undermined by invitations from the Chair to non-committee members to “answer questions.”

Feminist research and academic theory we presented and referenced were subverted and conflated by the institutional discourse of the TPSB in order to accommodate their regulatory requirements.

Community members were not informed at all or in a timely manner about meeting dates or when Steering Committee business was discussed at TPSB meetings.

Veiled threats were made to the employment of one of the Steering Committee members through direct correspondence with her employer alleging that she was a liability to her organization because she raised concerns about police sexual assault practices at a TPSB meeting.13

Although we were successful in negotiating a small honorarium ($150 per meeting, which included all research, writing and other preparatory and follow up work14) the concept of appropriate pay for our work as expert consultants to the police was critical for us in this endeavor. In a labour context where expertise is hired and remunerated at consultants’ rates, coupled with the aforementioned undervaluing of feminist academic work and expertise, the institutional recognition of the work of the community members as professional was crucial to redressing the power imbalances at the table. Even this small victory was constantly turned against us with charges, including from a former mayor of Toronto, that we were “in it for the money.”

The lost opportunity the Sexual Assault Audit Steering Committee represents is not particular to this one endeavor. A silo of TPSB/TPS community committees exists, charged to examine racism, homophobia, domestic violence, each one deliberately distanced from the other, functioning separately, none with the authority and ownership that is critical to effect civic engagement. Our requests to co-ordinate with them in order to share information, not duplicate work, and to advance our own work went unanswered.

We left this historic process recognizing that the inflexibility of the structure of the Toronto Police Service and the Toronto Police Service Board will not allow for the analysis and democratic civic engagement necessary to realize constructive change. We are even less certain that our Community Summary Report will become a component of the final report to the Toronto Police Service Board, or
Amanda Dale is a consultant to community-based not-for-profits in Canada and internationally and is completing her Masters in international human rights law at Oxford University. She is a founding member of the SAASC and was a consultant to the Auditor General in his "Review of the Investigation of Sexual Assaults: Toronto Police Service."

Beverly Bain is an anti-violence, anti-racism activist and trainer. She has managed women’s shelters and was the Executive Director of the National Action Committee on the Status of Women (NAC), 1992-1995. She was a consultant on the "Review of the Investigation of Sexual Assaults" and a founding member of the ARG, the SAASC, and in 1989, Women Against Racism Policing (WARP). She currently teaches women’s studies and sociology in the Laurentian University program at Georgian College.

1See the Sexual Assault Audit Steering Committee: Community Summary Report (Bain, Doe and Komiotis).

2As with virtually all Canadian police services, a civilian governing board or commission exists to establish, after consultation with the Chief of Police, the objectives and priorities of the provision of police services. This applies only to matters not deemed operational by the Chief. In Toronto, political appointments to the Board are made by the municipal and provincial governments. Two of seven seats are open to public nomination.

3We purposefully use the terminology “women working in the anti-violence sector/ movement” to indicate community-based women who work specifically in the area of sexual assault/rape. We also avoid naming practices such as “victim” and “survivor” and victim constructs of women who experience rape/sexual assault.

4Members represented about two dozen diverse women’s agencies including the Assaulted Women’s Helpline, Canadian African Newcomer Aids Centre, Canadian Tamil Women’s Community Services, Disabled Women’s Network, METRAC, National Action Committee on the Status of Women (NAC), Nellie’s Shelter for Women, Scarborough Women’s Centre Toronto Rape Crisis Centre/Multicultural Women Against Rape, University of Toronto Sexual Assault Counselling Centre and YWCA Toronto. Membership also included women working in hospital based and municipal government services, feminist educators and individual women with expertise in sexual assault. The group attempted to ensure that the issues of women who were Aboriginal, racialized, disabled, immigrant, psychiatricized, homeless and or sex working were central to the Auditor General’s process and information base.

5Beverly Bain, Amanda Dale and Sally Gaikzezheyongai were hired following a formal hiring process by the City of Toronto.

6The absence of an implementation process has proven a barrier for other reports, inquests and inquiries into crimes of violence against women across Canada. In Toronto, for example, the inquests into the murder (by their male partners) of Arlene Mays and Gillian Headly contain viable recommendations but no impetus for implementation and remain unrealized.

7A call for submissions for community member appointments to the Steering Committee was advertised on the TPSB website. Requirements included expertise in the area of the sexual assault of adult women, an adult education background and prior experience in police/community relations. We were also successful in ensuring that the majority of women selected/hired brought their lived experiences/analyses as racialized women to the work of the committee. In addition to the authors of this paper, Peggy Gail DeHal Ramson was also appointed to the Committee. Wendy Komiotis joined the group in May of 2007.

8Police personnel who sat on the Steering Committee included: the Chief of Police, two staff inspectors, the Chair of the Toronto Police Service Board (who also
functioned as Chair of the Steering Committee) and a City Councillor who is co-chair of the TPSB. Other high-ranking police officers attended meetings but were not part of the committee.

9 Margaret Corion was our excellent facilitator/mediator and works through St. Stephen's Community House. She was selected through an interview process in which police personnel and community members of the Steering Committee took part. Her skills and services allowed for better communication with the TPS/TPSB, although they refused to partake in conflict resolution when it arose. Her fee was paid by the TPSB.

10 As is standard practice, the Auditor General of Toronto conducted a review of his 1999 audit to determine if changes had been made as per his recommendations. His scathing follow up report blasted police inaction and contravened then Chief of Police Julian Fantino's November 2003 report to the TPSB that all recommendations had been implemented. The Auditor General also criticized police failure to consult with community-based women working in the area of sexual assault.

11 A fuller elaboration of this difference in perspective was set out in documents prepared for the use of the Steering Committee by the community members. See note 1.

12 Over the years support for the work of the Steering Committee grew to include the African Canadian Legal Network, Canadian Association of Elizabeth Fry Societies, Canadian Association of Sexual Assault Centres, EGALE Canada, Ernestine's Shelter for Women, Maggie's: The Toronto Sex Worker Action Project, Native Youth Sexual Health Network, Ontario Coalition of Rape Crisis Centres, Parkdale Community Legal Clinic, Sistering, Toronto Police Accountability Coalition. Urban Alliance on Race Relations, Voices of Positive Women, and more—and with apologies to anyone not mentioned.

13 Personal correspondence from the Chair of the TPSB (May 2008).

14 Steering Committee members who were salaried employees of community organizations did not claim the honorarium.

References


Police Services Act, R.S.O. 1990c.