

Uncovering Conceptual Practices

Bringing into “Lived Consciousness” Feminists’ Activities on the Toronto Police Sexual Assault Audit and the Follow-up Sexual Assault Audit Steering Committee

BEVERLY BAIN

Cet article est une analyse des activités anti-violence des féministes de Toronto inscrites dans le Police Services Audit (TPS) qui ont mis sur pied un service de surveillance sur l’implantation des recommandations soumises par les vérificateurs et décidées par le Conseil de ville de Toronto. Elles font suite au procès qui fut intenté il y a 12 ans et gagné par Jane Doe, une femme dont on a transgressé les droits à l’égalité et dont on a été accusé de négligence dans l’enquête sur son viol. Cet article examine comment les “faits” des femmes activistes dans un procès institutionnel sont occultés dans la rédaction des documents officiels. C’est une critique qui entend révéler comment ces procédures fonctionnent pour “minimiser” nos “faits” et les moyens que nous avons utilisés pour y résister.

In 1998 Toronto City Council passed a motion that ordered the Auditor of the City of Toronto to conduct an audit or investigation into how police investigate sexual assault in response to the successful lawsuit filed 12 years earlier by the woman known as Jane Doe (*Jane Doe v Board of Commissioners of Police*).¹ In the *Jane Doe* case, the police were found responsible in law for contravening her equality rights and for negligence in the investigation of her rape. The 1999 *Review of Sexual Assault Investigations: Toronto Police Service* (Griffiths 1999) referred to here as “the Audit,” produced 57 recommendations for change aimed at creating better accountability and procedural mechanisms to guide police officers in their investigations of the sexual assault of women. An essential feature of the Auditor’s recommendations was the involvement of women anti-violence activists in the implementation process.

In 2000, as a result of women’s lobbying, Toronto City Council recommended the immediate establishment of a Steering Committee that would advise on the implementation of the Audit recommendations. The Steering Committee was finally formed in 2005 as a result of the strategizing and further lobbying of Jane Doe, myself and several other women from the anti-violence community

who made deputations at Toronto Police Services Board (TPSB) and City Council meetings when the Audit was discussed, over the course of five years.

On December 18, 2007, community-based women who sat on the Sexual Assault Audit Steering Committee (SAASC) received a letter from the Chair of the Steering Committee (who was also Chair of the TPSB) stating that our work had ended. This letter took us by surprise as we were still in the initial stages of developing a process to implement the Auditor’s recommendations. The sudden decision of the TPSB/SAASC chair to sever us from work that was not his initiative and to which the governing body of the Police Service was obliged to contribute, reveals the insidious nature of power in the institutional context.

I begin this essay at the disjuncture between the experiences of women anti-violence activists engaged in improving sexual assault investigations and the organization of that work within the institution of policing. The absence of documentation of the enormous work of the anti-violence women’s community in this nine year process and the disappearance of those activities in documents produced at the institutional level reveals the presence and power of regulatory mechanisms in the production of such official discourses. Dorothy Smith (2005) refers to this regulatory process as “institutional discourse.” She states that institutional discourses “are distinctive in that they displace and subdue the presence of agents and subjects other than as institutional categories: they lack perspective; they subsume the particularities of everyday lived experience” (113).

What will become visible in this discussion is the manner and degree to which the Auditor’s original work in 1999 (Griffiths 1999) and the follow-up Audit he conducted in 2004 (Griffiths 2004) (in order to determine the extent of implementation of the recommendations of the 1999 Audit report) regulated the “doings” of community-based anti-violence women. I will further reveal how our “do-

ings” came to be suppressed in the Sexual Assault Audit Steering Committee process. I use the term “doing(s)” to refer to the ongoing ways in which we—community members of the Steering Committee—engaged, and to indicate the active nature of our work.

The challenge for me in this essay is to open up spaces that reveal our “doings” and the way the institutional mechanisms of the police worked to subvert them. To do so I am using Dorothy Smith’s method of inquiry that involves “uncovering how things are put together” (1999: 97). Lauren Eastwood referred to this as a process

tional process. I will then provide a brief discussion of our work experiences on the SAASC and demonstrate how the TPSBchair’s decision to abruptly end our work was made possible by the already existing institutional text of the Auditor’s 1999 report.

The Beginning – Sexual Assault Audit Process, 1998

In 1998, I accompanied Jane Doe and three other women anti-violence activists to the City of Toronto Auditor’s office to discuss the proposed audit. We insisted that

My status as an “outsider/within” had a particular impact for me as a black feminist lesbian with an anti-racist/anti-colonial analysis. I experienced a level of on-going surveillance and distrust from the Auditor that was not extended to my white feminist counterpart who was also hired as a consultant.

of “discovery” (181). It is thus a way for me to see and to learn what I did not know about institutional processes, and also to reveal places of power where I and other women intervened as “doers” in a state process.

I analyze the work I undertook as an “outsider/within”, within both the Audit and the Steering Committee. Patricia Hill-Collins developed the term “outsider/within” to describe the varying and unequal power relations that exist between and among women such as myself and Jane Doe, for instance, who is a white woman, and between us and the state officials engaged in a change process (5). The outsider/within status is constructed at the intersections of gender, class, race, heterosexuality, whiteness and maleness. This status had a particular impact for me as a black feminist lesbian with an anti-racist/anti-colonial analysis. Hill-Collins reminds us that this position is fraught with contradictions. These contradictions were evident in the processes of both the Audit and the Steering Committee. Even though we as anti-violence activists held the expertise required for admittance into those processes, we were not empowered to determine any outcomes.

In what follows I will refer to portions of the Audit and communication from the Chair of the TPSB to trace institutional regulatory processes and show how our roles and knowledge were subverted. I will illustrate how we seized strategic moments to allow for the lived experiences of raped and sexually assaulted women to influence the framing of particular recommendations for change.

I will commence by summarizing key portions of the Audit and discuss my role in the process. In doing so, I will reveal our intervention at critical junctures, as well as the complexity of the Audit process. I examine how gender, race, class and sexual orientation shaped the outcome and defined/regulated me within the institu-

tion from the anti-violence community, experts in the area of sexual assault, be made part of the process. Prior to our intervention the Audit committee was composed of City councilors, City bureaucrats and Toronto Police Services staff.

Having established our commitment to this work and that we would not “go away,” our next move was to organize a Reference Group that became the “official” Audit Reference Group (ARG) comprised of approximately 24 women’s anti-violence agencies.² The ARG created a mandate that, among other things, called for a focus on the sexual assault of adult women as opposed to an examination of “family violence” as mistakenly articulated by City Council. We also insisted on an honorarium for each woman on the committee, and required the Auditor to hire three women representative of diverse communities as consultants (Griffiths 1999: 22).³

I was hired as one of the consultants to work with the Auditor’s staff team. The job involved providing a context for how women across race, class, sexuality, age and ability interpreted their experiences of sexual assault and barriers in the police investigation process. I participated in developing interview questions for women who had been sexually assaulted and in conducting some of those interviews. The Auditor was clear from the start, however, that while he was seeking “input” from women’s groups and from myself as a consultant, the conclusions and recommendations the report produced would be his—and his alone.

“Strange Bodies, Knowing Bodies”⁴—The Outsider/Within

The “outsider/within” status of women who engage with state bureaucracies is indeed familiar in the feminist anti-violence community. Our attempts to seize points of entry

into state processes have often lead to substantial changes or awareness of how state apparatus could better work in the interests of women.⁵ My earlier reference to how we moved to create the ARG and to push for consultants to work closely with the Auditor resulted in his making recommendations for change in sexual assault investigations which demonstrated some gender sensitivity in the final production of his report (Griffiths 1999).

Other examples of how our “doings” were effective are discussed in the report authored by Jane Doe, Amanda Dale, and Beverly Bain (included in this volume). It documents, for instance, that during our tenure on the SAASC we had some success in accessing police training and in developing curriculum assessments. It is crucial to note, however, that the police and the TPSB resisted those attempts for years and anything we accomplished was the result of our work or “doings.” For example, we actively pushed for and got police sexual assault trainers to be present at a meeting where all agreed that an assessment of the sexual assault training program was required and that “we” were the ones to do it.

However, this “outsider/within status” is complex. While we managed successful interventions as described above, we also saw our activities replaced by institutional categories that appropriated our doings back into the institution. We saw our activities transformed into yet more recommendations to be assigned and taken up elsewhere at the institutional level. For instance, the Audit Reference Group spoke strongly against the Auditor’s recommendation that the Toronto Police Service create a hotline for women to report sexual assault as this service is already provided by anti-violence agencies with expertise in sexual assault. The Auditor went ahead and made the recommendation anyway.

He delivered recommendations directing the TPS to build relationships with hospital and other institutional services such as Victim Services and Sexual Assault Care and Treatment Centres (SATCs) in order that police conduct a “proper” investigation. This, despite our insistence and expert opinion that community-based anti-violence services must be used as the first line of support for sexually assaulted women and as the source of the most critical information for investigation. Indeed nowhere in his 1999 Audit report did he recognize women’s anti-violence services or expertise in this way.

My status as an “outsider/within” had a particular impact for me as a black feminist lesbian with an anti-racist/anti-colonial analysis. This status is constructed at the intersections of gender, class, race, heterosexuality, whiteness and maleness. In consequence, I experienced a level of on-going surveillance and distrust from the Auditor that was not extended to my white feminist counterpart who was also hired as a consultant. I was often reminded by him to not repeat any of the discussions that took place on the internal audit team with other members of the ARG. On one occasion I was accused of releasing

information prematurely to the ARG. It was later realized that the information in question came from inside his bureaucracy.

In *Fighting Words: Black Women and the Search for Justice*, Patricia Hill-Collins writes that “techniques of surveillance work especially well in situations of proximity characterized by a power imbalance” (5). As a black anti-violence lesbian feminist working in proximity to white male heterosexual power, my experience was that I was constructed as dangerous and untrustworthy.

In my work in the original Audit process I found it difficult to fit my experience as a black woman and that of other racialized and Aboriginal women into the established framework of sexual assault.⁶ The discourse both in the women’s community and in institutional documents that frame sexual assault has been premised on the rape of the white, middle class, heterosexual woman. The sexual assault of racialized women remains extrinsic to both these discourses. When the sexual assault of racialized women is taken up in the established discourses, it is often in the context of culture marked by backwardness, oppression, and silence.

Sherene Razack and Kimberle Crenshaw have written extensively on how racialized and “black” bodies are superfluous in discourses of sexual assault and violence against women. The dominant discourse of racialized and First Nations women as “strangers” permeates our understanding of citizenship and nation building. Sarah Ahmed tells us that a “stranger is not any-body that we have failed to recognize, but somebody that we have already recognized as a stranger, as a ‘body out of place’” (2000: 55). She writes that:

Strange bodies are precisely those bodies that are temporarily assimilated as the inassimilable. Within the encounter: they function as the border that defines both the space into which the familiar body—the body which is unmarked by strangeness as it is a mark of privilege—cannot cross. (2000: 54)

Attempts to fit “my bodily” experiences and “bodies like mine” into the established discourses on sexual assault and rape have only been assimilated in the context of difference. Not difference that is neutral, but rather different and inferior (Bannerji). The difficulty in finding a way to talk about the lives of racialized women was evident in the Auditor’s discussion. In the audit interview process, many racialized women spoke of the racist, cultural and gendered stereotypes police officers often held about them as reasons they did not report their sexual assault to police. But this appeared nowhere in the Auditor’s report. Instead, he recorded that most “minority” and immigrant women did not report their sexual assault because of a general mistrust of police officers (Griffiths 1999: 61). This characterization of the problem re-inscribes the raced and sexed rape myth that women’s mistrust of police in

the investigation of sexual assaults has no basis in lived experience.

The Sexual Assault Audit Steering Committee, 2005

The Sexual Assault Audit Steering Committee finally got off the ground in April of 2005. As indicated earlier, and in the article by Doe, Dale and Bain in this volume, it took five years to do so. Three of the four anti-violence activists on the Steering Committee were also members of the ARG. We did as we had done previously: we created Terms of Reference to steer the decision-making and implementation process. “We” insisted on having a paid mediator to deal with conflicts and differences when they came up between “us” and members of the TPSB and the TPS. We engaged in numerous “doings” related to training, rape warnings (also known as “community alerts”), the Sexual Assault Evidence Kit (SAEK), and the use of technology in sexual assault investigations. “We” saw this as our final opportunity to influence change in police investigation of sexual assault.

I struggle with the use of “we” and “us” throughout my description of both processes because these terms have a way of closing off the “doings” and experiences of individual agents like myself, even if used for strategic purposes. The Audit and SAASC process were organized around the experiences of Jane Doe and the TPS handling of her sexual assault. It was difficult to shift the focus from one woman’s experience to simultaneously account for how race, class, sexual orientation and disabilities affect the police investigation and their treatment of the woman involved.

The Letter

It seemed that the process began with good intentions. Members of the TPS and TPSB appeared committed to dealing with the recommendations we identified as key to improving police sexual assault investigations. A year into the process tensions began to develop with respect to the length of the process and our status on the committee. Tensions between “us” and the members of the TPS and TPSB increased as the Chair employed several underhanded tactics. For instance, he set meeting dates without checking whether “we” were available to attend. When we protested that the meeting be cancelled and dates chosen that also accommodated “us,” the Chair failed to call another meeting for several months and would not discuss the matter. This marked the beginning of the end of “our” work on the SAASC.

In December of 2007 community members received a letter from the Chair of the SAASC/TPSB signaling our termination. He wrote:

As I reflect on the work that we have done together since the inception of the Steering Committee, I

believe that the Steering Committee has successfully fulfilled its mandate. And I am convinced that its recommendations will lead to real, substantive change in the way in which sexual assaults investigations in cases involving adult women are carried out by the Toronto Police Services. (Mukherjee)

This passage implies a unanimity that did not exist. He is certain that the recommendations “will lead to real, substantive change.” How was he able to determine or predict that result? Did he have information beyond the process to which we had all agreed? His statement seems to suggest that he had knowledge to which we were not privy. Could it be that some of the work that was to be done by the SAASC was considered already implemented by the TPS and TPSB?

In “Mapping Institutions as Work and Texts,” a study of a municipal government process on land development involving residents, Susan Turner discovered that by the time the residents had received notice of the consultation process on whether to rezone, decisions had already been made by the municipality to begin tearing up the land. Similarly, we were informed by the Toronto Chief of Police at one of the few Steering Committee meetings he attended—despite being a full member—that he had to move forward with the implementation of the Auditor’s recommendations. Turner tells us that community members who engage in a process with the institution, are often unaware of numerous other documents at play in determining policy decision-making. The Toronto Chief of Police seemed confident that he could move ahead with or without the work we were doing on the SAASC. Yet, what was being communicated back to us by him and other TPSB and TPS members was their commitment to improve police investigation practices based on our input.

Sarah Ahmed, in her discussion of how documents get taken up as signs of good performance and as expressions of “commitment,” found that those responsible for compliance in the institution often “perform an image of themselves as doing a good job” (2007: 594). She refers to this as “doing the document” instead of “doing the doing.” The Chief of Police may have already begun “doing the document” while “we,” the women on the Steering Committee, were “doing the doing,” only to have our work shut down before the process was over because “our doing” was taking longer than the time line arbitrarily set by the TPSB and the TPS.

The use of the first person “I” by the Chair of the SAASC in his letter implies that he had the authority to make an independent decision about the status of the work on the committee. After all, he was also Chair of the Toronto Police Services Board, which oversees the operation of the Toronto Police Service. And regardless of the fact that the mandate of the Steering Committee stated that all members are “equal partners and carry

equal weight and no organization or individual carries a veto within the Steering Committee process,” the power he was exercising in terminating the process came from elsewhere in the institution and carried more weight than that of the Steering Committee.

In “Incorporating Texts into Ethnographic Practice,” Dorothy Smith asserts that “higher order texts regulate and standardize texts that enter directly into the organization of work in multiple settings” (2006: 79). The Auditor General’s Audit Report stated that the process for implementation is the “responsibility of the Chief of

into one process that gave rise to another—a process that I was involved with for nine years. I wanted to make visible how we worked as women anti-violence activists; how we engaged with institutional power; and why I often felt invisible even though I was so close to the process. I feel I have addressed some of these questions via the use of official documents and my lived experiences. I would like to add a few words about the suppression of our activities and work as contained in TPSB documents and our resistance to the claims to authority made by such institutional practices.

The work that appears in police documents shows no trace of the actual activities performed by “us” and other women from the anti-violence community. Instead, “our” activities have been appropriated under categories that are seen as the accomplishments of institutional actors.

Police” (Griffiths 2004). In his letter the Chair relies on that text to override the mandate and Terms of Reference of the Steering Committee.

Nearing the end of his letter the Chair uses the collective term “we” in reference to his statement, which reads:

[W]e need to bring closure to the work of the Steering committee. To that end, the Board has set aside \$150.00 per community member to cover payments for a meeting in January as well as a preparatory meeting. This will help me prepare a report to bring back to the board. (Mukherjee)

Implicit in this comment is that he is closing down the work of the committee. The “we,” while implicating us women as agreeing with his decision, did not allow us any opportunity to give our input or withhold our approval. The decision was made and “we,” the community women members on the Committee were being paid off to “go away.”

The Chair ends his letter by thanking “us” for our valued participation on the Steering Committee. From our point of view, however, the implementation process was not complete. Nor did a similar notice of closure of the committee go out to TPS members on the SAASC. This signaled to “us” that some other process might be utilized that would not require any actual “doings.” We soon learned that there would be new “bodies” in the form of an “action group” appointed to “perform doings”—“doings” the SAASC chair has already reported to the TPSB as “done.”

Conclusion “Thinking Through”

I began this essay as a discovery, as a way to open spaces

As is common on committees that resemble the Steering Committee, the TPSB provided an administrative staff person to record minutes that documented each meeting. We did note early in our process that institutional record-keeping would not capture the language and intent of matters put forward by ourselves and other feminist researchers and scholars on whom we relied. We therefore endeavored to find and were successful in securing our own feminist note taker/record-keeper to document discussions at SAASC meetings. In this way we created our own research and generated a report⁸ that documented our “doings” as well as the end of the Sexual Assault Audit Steering Committee.

As outsiders/within, our knowledge allows us to take a step back and recognize the failure of institutional processes to account for all of “our” experiences (Smith 1999). At times we tried to translate our expertise, knowledge and activities into something that was recognizable in the institution, thus entangling us in what Eastwood calls “intentional institutional capture” (189).⁹ These experiences and activities became attributed to others who appear as the originators of these experiences. The work done on both the SAASC and ARG that appears in police documents shows no trace of the actual activities performed by “us” and other women from the anti-violence community. Instead, “our” activities have been appropriated under categories that can be recognized at the institutional level and are seen as the accomplishments of institutional actors (Eastwood).

Can or should feminist anti-violence activists ever hope to engage in state processes without having our “doings” transformed and suppressed at the institutional level? Smith tells us that we always run the risk of disappearing in the givens of institutional discourse. But there is fluidity that exists in language that in the moment of dialogue

has the potential to shift the coerciveness of institutional discourse. While the power that pervades the institution is regulatory, our position as “experts” and our expertise in the area of sexual assault of women in the context of the SAASC allowed us to engage in a dialogic struggle that resulted in small changes regarding police sexual assault warnings (community alerts). Traditionally the warnings have read, “women [or more commonly, “people”] should be vigilant about their surroundings.” Police committee members were in agreement that such alerts should read “women must continue to be aware of their surroundings.” This statement recognized that women were already “doing” this “doing.” However, it must be noted that there is no policy or protocol to guide this new “warning” practice. Its realization depends on the individual police officers who generate the alert and players from the media who do—or do not—report it.

Mikhail Bakhtin asserts that a particular discourse is produced in a context where speakers and receivers represent different perspectives. These perspectives are ideological, such that struggles over meanings ensue. Our struggle involved a disparity in power between the TPS, TPSB members and “us” on the SAASC. However, we had established a terms of reference (See Doe, Dale and Bain in this journal issue) to allow for women community members to influence change in sexual assault investigations. The development of the terms of reference was a way to recognize the disparity in power that existed on the SAASC and a means to oppose much of the dominant institutional discourses of the sexual assault of women. It provided “us” in that moment of interaction with the institutional actors, a space to resist the established discourse of sexual assault warnings that imposed a regulatory behavioral response on women.

The question we must determine is not whether we should engage and struggle within state processes or not—but how? An emphasis on tracing and documenting our “doings” while keeping an eye to the regulatory practices of state process is a place to begin.

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 Audit Reference Group (ARG), the Sexual Assault Audit Steering Committee (SAASC), and in 1989, Women Against Racist Policing (WARP). She currently teaches women's studies and sociology in the Laurentian University program at Georgian College.

¹Judge Jean MacFarland ruled that the police failed in their duty to protect Jane Doe and other women in the neighbourhood from a serial rapist.

²See the report of the SAASC process by Doe, Dale and Bain in this issue.

³The report can be accessed at the TPS website.

⁴Sara Ahmed (2000) describes the stranger as a category produced in the encounter between two bodies. One body constructed as the knowable body and the other as stranger. The former is the body marked by privilege. I used “knowing bodies” to reveal our knowledge of the past meetings involving changes to sexual assault investigation practices with members of the TPS that were unsuccessful.

⁵Women against Violence Against Women (WAVAW) formed in 1987 and Women's Action Against Racist Policing of which I was as a founding member. See Doe, Dale and Bain in the issue of this journal for discussion of both groups.

⁶The only Aboriginal woman who was one of the three consultants in the audit process resigned early in the audit process. In discussions with her, she indicated that she did not feel that the gendered framework used in the audit process was sufficiently adequate to deal with the sexual violence against Aboriginal women. Writers such as Patricia Monture-Angus, Sherene Razack, and Bonita Lawrence have all written on the intersection of colonial and sexual violence in the lives of Aboriginal women. They emphasized that ending sexual or any other forms of violence against Aboriginal women must incorporate a comprehensive legal, social and economic approach that recognized the intersecting systems of colonialism, racism and sexism in the lives of Aboriginal women.

⁷I took up Himani Bannerji's use of “Thinking Through” in the same way she did, as a critique that reveals the social production of discourse and experience. In taking up this approach my intention is to begin the process of opening up spaces to see how we were implicated in two institutional processes and how we resisted these regulatory discourses.

⁸Report of the Sexual Assault Steering Committee of Toronto, Community Summary Report by Beverly Bain, Jane Doe, and Wendy Komiotis (unpublished).

⁹Concepts such as ARG came to replace the Women's Reference Group (WRG) in the TPS Audit Process and community members came to stand in for women anti-violence members. We took them up as a way to have “our” activities at the level of the institutional a feature of institutional intentional capture. However, these concepts operated to subsume the activities we conducted as members of both committees.

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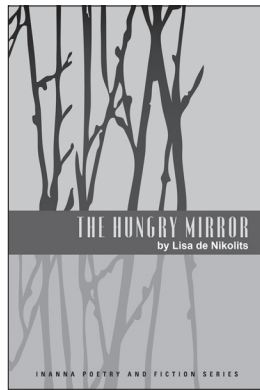
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Maura Hanrahan is the author, co-author, or editor of ten books in several genres, including creative non-fiction, history, etc. Her writing has won awards in Canada, Britain and the U.S. She is a member of the Sip'kop Mi'kmaq Band.

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