
Strip Searching as Sexual Assault

The issue of strip searching is not new. Women in prison have been subjected to this degrading procedure for many years. Advocates for women in prison, community workers and academics have published their concerns about the ongoing abuse of women, frequently quoting the words of women in prison.¹ Their words have fallen on deaf ears, as prison departments and Corrective Services Commissions in Australia have ignored the voices of the women in prison and those who have supported them, and have continued the practice of strip searching. Women in watch houses and those subjected to police powers of search have also continued to be strip searched.

The voices of women in prison, are all too often unheard behind prison walls.² For those not familiar with the issue of strip searching, or de-sensitised through work practices, the public enactment of a strip search in Adelaide on 31 October 2000 was intended as a demonstration by visual impact, on behalf of women whose experience of state sanctioned sexual assault is hidden from the public eye.³ Strip searching was exposed as essentially brutal and abusive, unacceptable by our community standards and unacceptable in prison. The contradiction of maintaining community standards requiring sexual assault to be punished while using sexual assault to control women in custody has been raised by Amanda George and Laura Russo.⁴ Women in prison are being stripped of their civil right to protection by the law against abuse.

It is particularly abhorrent that this abuse is perpetrated against women who are among the most likely to be survivors of abuse in our community. The enormity of the ongoing abuse and disempowerment of women in prison is supported by research findings that the majority of women in prison are survivors of sexual or other physical abuse.⁵ A recent study of women in prison in Queensland found that some 98% of women in prison had experienced physical abuse, 89% had been sexually abused, 19% are survivors of ritual abuse, as many as 85% may have experienced childhood sexual abuse and many are survivors of multiple abuse.⁶

Why strip searching is sexual assault

In the 1993 NSW Sexual Assault Committee's report on the physical, emotional and psychological harm caused by sexual assault, the 'methods of coercion' used to make women feel powerless during sexual assault were identified as 'betrayal of trust; use of psychological coercion; abuse of power and authority; and playing on the victim's

fear.’⁷

Prisons throughout Australia and elsewhere are guilty of employing such methods of coercion. Prison staff have the power to compel a woman to be strip searched, should she contemplate passive or active resistance.⁸ A refusal to co-operate may result in more prison officers being involved in the strip search, or a woman being placed in an isolation cell on 24 hour observation on the basis that she is identified as being ‘at risk.’ As a result of non-cooperation, a woman may incur a disciplinary breach. In Queensland, where parole and transfer dates are frequently ignored or overridden, a disciplinary breach diminishes the likelihood of a woman being transferred to a lower security prison, or of being granted parole.

A woman’s experience of strip search, in each case, is that she is degraded by having to expose herself to people who exercise power over her daily existence in a variety of ways, that she has no choice but to obey, and that she will be punished for any resistance to the abuse. Women have described feelings consistent with feelings of being sexually abused or re-traumatised and shamed.

‘I honestly felt the only way to prevent the search becoming more intrusive or sexual was to remain as quiet and docile as possible. I later wondered why I was so passive. All I could answer was that it was an experience similar to sexual assault. I felt the same helplessness, the same abuse by a male in authority, the same sense of degradation and lack of escape.’⁹

‘I was never allowed to forget that, being a prisoner, even my body was not my own.... I was compelled to submit to be undressed and searched.’¹⁰

‘I have reluctantly tolerated strip searching whenever I have had to.... It is utterly degrading, humiliating and frankly disgusting ... I cannot imagine what it feels like for women who have been abused.’¹¹

‘On the one hand you would feel great about the visit but really raped and angry about the strip search afterwards. It was impossible to ‘get used to it’ or ‘switch off from it’ or be objective to it. In fact some women preferred not to have a visit because they couldn’t handle the strip search afterwards.’¹²

Strip searching re-traumatizes women who are survivors of sexual abuse

Strip searching of women in prison who have already suffered the trauma of sexual abuse is likely to re-activate the trauma that this power abuse has caused.¹³ Post-traumatic Stress Disorder (PTSD) subsequent to sexual assault or other forms of abuse may be chronic, and when re-activated by the prison experience, ‘prison life is like one big collection of stimuli that is guaranteed to bring alive abuse memories.’¹⁴ Symptoms of PTSD are either ‘intrusive,’ for example in the form of flashbacks; or ‘constrictive’ such as emotional numbing and social isolation.¹⁵ Flashbacks may be triggered by imprisonment.

Flashbacks can be quite traumatic for a woman because they can get her directly in touch with the experience of abuse to such a degree that she may actually can relive the experience.¹⁶

While an essential element of flashbacks typical of PTSD is the sense of powerlessness reinforced in every aspect of prison life,¹⁷ strip searching is analogous to a re-enactment of sexual assault. For many women, a strip search will trigger flashbacks and will re-traumatise them as survivors of sexual abuse.

The repeated and systematic re-traumatisation of women who have been sexually assaulted or subjected to other forms of personally devastating abuse of power is inexcusable. Strip searching enforces social stereotypical patterns of learned helplessness and passivity for women who may have dared to challenge these through disobedience to the law. Strip searching also breaches the principle contained in Article 10 of the International Bill of Human Rights: All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Dr Liz Culliford, a government medical officer, gave evidence at a Queensland Criminal Justice Commission enquiry into police powers of strip search, that Aboriginal women 'feel extremely embarrassed about removing any clothing.'¹⁸ This is consistent with other studies which suggest that strip searching of Aboriginal and Torres Strait Islander women may offend against cultural standards of dignity and modesty,¹⁹ and may reinforce indigenous women's historical experience of racism and sexism.²⁰

The ICASS, and all involved in the 31 October 2000 protest have condemned the practice of strip searching women in custody as unacceptable, and called for the abolition of strip searching of women in prison.

Why strip searching may increase prison drug use

'Constrictive' symptoms of PTSD are attempts to deal with trauma by 'shutting down' the intensity of the experience of abuse.²¹ It is not surprising to find that a large number of women who have survived sexual and other power abuse attempt to 'shut down' by chemical means, resorting to drug abuse, as a form of self-medicating. This may be a conscious response to sexual abuse, or a response to other problems associated with abuse, such as low self-esteem,

Mood altering drugs have a long history of use in human societies, and the twentieth century saw tranquilliser drugs widely used in the community, and widely prescribed by the medical profession.²² One in ten per population, predominantly women, in the United States were addicted to opiates at the time the Federal Government first legislated to regulate narcotics in 1914.²³

The use of self-medication to deal with past trauma, such as sexual or physical abuse, is the clearest indicator that strip searching cannot

contribute to the reduction of drug use in prison. In many cases, women who have been re-traumatised by strip searching, will seek out a means to 'shut down' the experience. Resort to self-medication may be the only readily available relief in a prison environment where there is no support 'safely' to deal with personal trauma.

The Hypocrisy of Prison Prohibition

Prison and departmental authorities in Australia and elsewhere are apparently insensitive to the irony of promoting 'rehabilitation' rhetoric ('to reduce the risk of re-offending'), while at the same time maintaining policies and practices that disempower women, and may encourage drug abuse. Drug prohibition is highly selective. Benzodiazapines, for example, despite being highly addictive and damaging are legally prescribed and used to control women in prison.²⁴ The irony of punishing women for using certain drugs, while tranquillising them with other, equally addictive, drugs passes unchallenged in the system.

Aside from the politics of prohibition, the basic reasoning used for justifying this approach is fundamentally flawed. Prohibition is based on a misconceived idea that sanctions imposed to enforce prohibition can effect actual change in women's addictions. This belies the fact that change requires personal choices by women who feel empowered to want to change their lives. Strip searching and other methods used to enforce prohibition are disempowering. As one doctor with long-term experience in drug issues in prison has said:

True change can only come from within the individual. No amount of external manipulation produces long-lasting, effectual change. Individuals need to be supported and respected in achieving that change for themselves.²⁵

Legislating a 'War on Drugs'

Prison systems in Australia and elsewhere have attempted to justify and legitimise strip searching as a means of stemming the tide of drugs in prison. The lack of evidence that strip searching either achieves this end or is likely to disclose any contraband has not prevented the process from being enforced. The introduction of legislation in the 1980s targeting the use and distribution of drugs identified as illegal in Australian States, such as the *Drugs Misuse Act (Qld)* 1986, gave police wide powers of search and entry onto private property without a warrant, and legalised the strip searching of people in public places.

As in the United States, in Australia the 'war on drugs' has targeted the arrest of street level drug possession and distribution.²⁶ The drive against street drugs has been two pronged. It has consisted on the one hand of legislating to increase police powers of search and arrest in relation to drugs, as well as imposing heavier penalties in the Courts.

The increased allocation of criminal justice funds in Australian States, for drug law enforcement, serves to emphasise the highly political nature of the 'war on drugs.' As a direct consequence of the criminalisation of drug addiction, prisons throughout Australia have become a 'dumping ground' for many women and men addicted to prohibited or 'street' drugs. The corollary of the increasing criminalisation of drug users by the criminal justice system, has been an increasingly punitive approach to prohibited drugs in prison.

The response of prisons in Australia

Australian prison departments' response to the huge increase of drug addicted prisoners in the past 10-20 years, has included little analysis of or interest in the causes of drug abuse. Policies and procedures have targeted punishment of women and men in prison, their visitors, and frequently their children. Policies and procedures require prisoners' visitors to be searched, prisoners to be randomly urine tested, and the use of compulsory and systematic strip searching of women and men in prison. Sanctions include placing suspected or 'identified' drug users on non-contact visits, and imposing penalties and disciplinary breaches on women and men in prison who are found to be using prohibited drugs.

The 'anti-drug' practices are highly selective and inconsistent. For example, passive drug sniffer dogs are frequently used on prisoners' visitors. Where the dog sits next to a person, the visitor is denied a contact visit, irrespective of the absence of any factors indicating that the visitor is carrying drugs, and irrespective of overriding concerns such as the fact that the visitor is a child visiting a parent.

The rationale for denying contact visits, is the 'risk of drugs being passed to prisoners.' Despite this, prison staff and contract workers are not required to submit to the drug dogs or to body searches, strip searches or other drug detection procedures. Prisoners' visitors are searched and not permitted to take personal items into secure prisons, while prison staff are permitted to take their bags and personal items into the prison without being searched. In most Australian states, prisoners are automatically strip searched after contact visits with family and friends, yet prison officers who have regular, even daily, contact with prisoners are not required to submit to strip searches prior to entering a prison. Procedures targeting prisoners' visitors are particularly unfair given the lack of published evidence that visitors are in fact the main source of drugs in prison.

Much has been said elsewhere about the ineffectiveness of strip searching as a means to detect contraband.²⁷ Cook and Davies found that 595 strip searches at Fairlea Women's Prison in Victoria in April 1995, failed to disclose any contraband. Five hundred and six strip searches at the same prison in August 1995 found two women carrying cigarettes.²⁸ Sisters Inside Inc. conducted a search under Freedom of

Information after the opening of the new Brisbane Women's Correctional Centre in July 1999. Of 1,472 official strip searches (including a baby) conducted in the first five months after the opening of the prison, no contraband was found.²⁹

Attitudes to strip searching attempt to legitimise the process

Part of legitimising the process of strip search has been a culture of insensitivity among some prison employees, and authorities responsible for the development of policies and practices in prisons. This has often been accompanied by a high degree of denial that the search has any detrimental effects on women being strip searched, although some officers are disgusted by the process.³⁰

A disturbing feature of the 31 October 2000 strip search protest at the Conference was the hardened attitudes of some prison employees who were overheard to say words to the effect of: 'If they're going to do a strip search, why don't they do it properly? Make them squat and cough.' The inescapable implication was that the women had a conscious knowledge that the process is abusive, and were calling for anyone challenging the process to be punished in like manner to those in prison.

A more subtle approach to legitimising strip searching is the perception by many within the prison system that it is inevitable, and that, therefore, claims that it is abusive are irrelevant. In Dr Culliford's evidence to the CJC enquiry into strip searching, for example, she admitted that women were traumatised by the process of strip searching, but presented a 'no-nonsense' approach, thereby attempting to deny or invalidate the feelings of those being strip searched. Dr Culliford stated that when she has asked women how they feel about the search 'almost all of them have said: "Well, it goes with the turf, doesn't it, doc?"'³¹ This is inconsistent with Dr Culliford's comments about the extreme embarrassment suffered by Aboriginal women, and admissions that:

Somebody who is in custody for whatever reason has a high anxiety level, and this is just one more thing to cop. So, very often the police officers are met with a barrage of bad language and a barrage of anxiety and, 'I'm going to kill myself if you do this.'³²

Another approach to legitimising the process has been to mask the fundamentally abusive nature of strip searching with the use of words such as 'dignity' and 'appropriate' in the context of a strip search. Dr Culliford stated that in her 12 years of practice she had 'personally never seen an *inappropriate* search by female police officers.' Strip searching is implicitly 'appropriate.'³³ In Queensland, the words of section 27A(2)(b) of the *Corrective Services Act 2000 (Qld)* provide that: 'A corrective services officer carrying out the search must take reasonable care to protect the prisoner's dignity.' It is difficult to imagine how this is achieved, given that the officer may during the

strip search 'require a prisoner ... to stand [naked] with legs apart and bend forward to enable a visual examination to be made.'³⁴

The use of words such as 'dignity' and 'appropriate' belie the arbitrary nature of the strip search, and the broad range of situations in which a strip search is *required* to be carried out, without any provision in Queensland legislation, that there be a 'reasonable suspicion' that a prisoner has a prohibited item. Current directives from the Director-General of the department of Corrective Services, Queensland, provide that strip searches *are required* any time a prisoner enters a prison, enters a health centre in a prison under a 'crisis support order,' enters a maximum security unit under a 'maximum security order,' begins a 'special treatment order,' or has a contact visit with a personal visitor, among other situations.³⁵

Alternatives to strip searching

By legitimising strip searching as a means to detect drugs and other contraband, authorities avoid challenging the dominant political paradigm. They attempt to avoid responsibility for the multiple effects of the harm that strip searching causes to women themselves and ultimately to society, and to avoid any investigation into real alternatives.

Queensland, perhaps more than other State, has seen what a political scapegoat prisoners become for desperate governments. It is no co-incidence that, at a time when the Queensland government was in the throes of its greatest crisis over electoral roting, it rushed legislation through parliament that, in effect, retrospectively increased many prisoners' sentences. The then Minister for Corrective Services, Tom Barton, was quoted in front page coverage by the *Courier-Mail* as saying, of prisoners: 'These are the bastards who've offended against society.'³⁶ The intention to present people in prison as being essentially different from the rest of the community was clear. The 'law and order' political agenda evident in all Australian State elections, and fed by conservative media, discourages enquiry into alternatives to the retributive models of law enforcement and imprisonment. It also effectively serves to deceive the public about issues of crime and punishment, and discourages public scrutiny of prison practices.

Even given the present limitations of the prohibitionist stance on illegal drugs, there are alternative technologies that can be used for drug detection. These include metal detectors and swabs. If State governments and prisons in Australia are genuine, as they claim they are,³⁷ about protecting individuals and society against the harm caused by drug addiction, attention must be given to the harm caused by strip searching in prisons.

Harm minimisation as a strategy for dealing with drug addiction may be implemented by prisons, at least as a part of any other

strategies adopted by prison systems. Prisons must start from the reality that, despite prohibitionist 'drug strategies' implemented pursuant to the National Drug Strategy in Australian prisons since the mid-1990s, prohibited drugs are still readily available in prisons. Strip searching has not prevented these drugs from entering prison, nor prevented their use.

Oberschongrun prison in Switzerland began a form of needle exchange via the prison doctor in 1993. Prisoners with drug addictions were given needles on demand. This strategy acknowledged that some prisoners use IV drugs despite prohibition, and has sought to minimise infection and other problems associated with dirty needle use. The prison reported 'no incident concerning distribution and use of syringes,' no increase in overdoses or drug-related deaths, and the disposal of syringes did not cause any reported injuries to staff or prisoners.³⁸

Of paramount importance to women's reintegration back to the community from prison, is their access to the same support services that women in the wider community have. A high level of counselling support may be required by individual women who wish to address drug related issues, and this cannot be supplied by prison employees, given the existing relationship of disempowerment of women in prison. Trust, an essential component of a counselling relationship, may be violated by providing women in prison with only prison employed counsellors and psychologists. Emu Plains Correctional Centre in NSW, nevertheless, has a 'drug-free unit' and full-time drug and alcohol workers in an attempt to provide women with positive choices.³⁹

Harm minimisation recognises the complexity of drug addiction. It acknowledges that the struggle to deal with or overcome an addiction is an individual process, which can only be supported, not compelled. Policies that punish women for drug use in prison, drive the problem further underground. Women who might otherwise seek help are driven into a cycle of guilt-ridden clandestine drug use. Such unhelpful and disempowering policies cannot assist women to deal with drug addiction.

Why Strip Searching must stop

- strip searching constitutes sexual abuse by the state;
- strip searching re-traumatises survivors of sexual or physical abuse;
- strip searching violates article 10 of the International Bill of Human Rights;
- strip search fundamentally disempowers women and is therefore likely to be detrimental to a woman's ability to meet the challenges of returning to the community, surviving, and making

her life personally meaningful;

- strip searching promotes negative attitudes to women in prison and creates an environment in which women are devalued;
- strip searching enforces outdated and unhealthy stereotypical gender roles of passivity and helplessness.

In summary, the current practice of strip searching women in prison not only increases the trauma of imprisonment, it is essentially abusive. It is an abuse of power by the prison system, and it provides an environment in which prison officers are required to treat women in prison as less than equal, less than human. While the criminal justice system demands imprisonment of people whom it sees as not complying with acceptable social standards, the prison system adopts a practice which in any other context is a criminal offence. There is no context in which involuntary strip searching can be seen as healthy or acceptable in terms of social standards by which women in prison are being so harshly judged. The hypocrisy must stop. There are alternatives for detection of drugs and other items. If authorities are unwilling to consider more enlightened alternatives to prison, they can at least start by not doing what is abusive and damaging.

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This article is a revised re-print of an article which appeared in Women in Prison Journal Vol 2, October 2001, a journal published by Sisters Inside Inc., a Brisbane based organisation which supports and counsels women in prison.

- ¹ Amanda George, 'Strip searches: sexual assault by the State,' in Women and Imprisonment Group, eds., *Women and Imprisonment*, Melbourne, Fitzroy Legal Service: 1995: 61-68; Pat Carlen, *Sledgehammer: Women's Imprisonment at the Millennium*, London, Macmillan: 2000; Debbie Kilroy and Greer White, 'Women in prison and sexual assault' *Women in Prison Journal*, Vol 1, October 2000: 5-9.
- ² Women are literally silenced by their imprisonment, as was demonstrated when a woman at Townsville Correctional Centre in North Queensland gave a telephone interview to a journalist in June 2000 detailing allegations against prison staff. Both parties to the interview were charged with breaches of the *Corrective Services Act* 1988 for participating in an 'unauthorised interview.'
- ³ The article was written following a public protest by two women, solicitor Amanda George and prison support worker, Jade Blakkary, on 31 October 2000, in which they enacted a prison style 'strip search' before an audience of 250 prison employees and members of the public attending the Australian Institute of Criminology's 'Women in Prison' conference in Adelaide. As they stripped off their clothes, women read details of the large numbers of women in prison who are survivors of sexual assault, domestic violence and ritual abuse. The decision to enact a prison style strip search was a courageous one by these women, and arose out of discussions between prison advocates, ex-prisoners, and community workers, who have formed the International Coalition against Strip Searching (ICASS). Debbie Kilroy, Director of Sisters Inside Inc. has been a strong proponent of abolishing strip searching in prisons for some time. Those involved in the decision to enact the strip search were keenly aware that, however much it was a protest, it also constituted a form of abuse.
- ⁴ George: 62; Laura Russo, 'Prison Strip Searches' *Women in Prison Journal* Vol 1, October 2000: 30.

- ⁵ Sisters Inside Survey, unpublished, 2000; Terry Kupers, *Prison Madness: The Mental Health Crisis Behind Bars and What We Must Do About It*, San Francisco, Jossey-Bass Publishers: 1999.
- ⁶ Debbie Kilroy, 'When will you see the real us? Women in Prison,' *Women in Prison Journal* Vol 2, October 2000:14
- ⁷ Jenny Barga and Elaine Fishwick, *Sexual Assault Law Reform: A National Perspective*, A Report for the Office of the Status of Women: 1995: 32
- ⁸ Carlen: 44.
- ⁹ George: 61, describing the experience of a St Kilda pedestrian
- ¹⁰ Carlen: 43.
- ¹¹ Carlen: 43.
- ¹² Russo: 31, quoting Andrea, formerly a prisoner in NSW.
- ¹³ Kilroy and White: 5-9.
- ¹⁴ Kilroy and White: 7.
- ¹⁵ Kupers: 149.
- ¹⁶ Kilroy and White: 7..
- ¹⁷ Kilroy and White: 6.
- ¹⁸ *Investigation into Police Powers: Strip Searching*, Transcript of Public Hearing by the Criminal Justice Commission, Queensland: 10 February 2000.
- ¹⁹ Cathy Pereira and Suzanne Beri, 'There's More To It: A response to the Women's Policy Unit Needs Analysis: The Needs of Women Offenders,' unpublished submissions: October 2000: 38.
- ²⁰ Helen Corbett and Marine Paxman 'Aboriginal Women and the Law,' in Women and Imprisonment Group eds., *Women and Imprisonment*, Melbourne, Fitzroy Legal Service: 1995: 29-32.
- ²¹ Kupers: 148.
- ²² *Drugs and Our Community*. Report of the Premier's Drug Advisory Council, Victoria: March 1996:2; Stephanie R Bush-Baskette, 'The "War on Drugs": A War against Women?,' in Sandy Cook and Suzanne Davies eds., *Harsh Punishment: International Experiences of women's Imprisonment*, Bloomington, Northeastern University Press: 1999: 215.
- ²³ Bush-Baskette: 215.
- ²⁴ Helen Barnacle, 'Women and Drugs,' in Women and Imprisonment Group eds., *Women and Imprisonment*, Melbourne, Fitzroy Legal Service: 1995: 73.
- ²⁵ Wendell J Rosevear, 'Drug and Alcohol Problems in Relation to Corrective Services,' an unpublished paper, Prisoners Legal Service Inc. Brisbane.
- ²⁶ Bush-Baskette: 211.
- ²⁷ For example: Suzanne Davies and Sandy Cook 'Women, Imprisonment and Post-Release Mortality,' *Just Policy* No.14 November 1998: 15-21; Russo
- ²⁸ Davies and Cook: 19.
- ²⁹ Sisters Inside Survey, unpublished, 2000; Pereira and Beri: 38.
- ³⁰ Carlen: 117.
- ³¹ Criminal Justice Commission, Transcript of Public Hearing, 10/02/00: 57.
- ³² CJC Public Hearing.
- ³³ CJC Public Hearing 10/02/00:63.
- ³⁴ *Corrective Services Regulations 2000* Qld section.8(2)(a)(ii).
- ³⁵ Helen Ringrose, Acting Director-General, Department of Corrective Services, Qld, 'Directions to Persons in Charge of Secure Facilities for Strip Searching of Prisoners,' 1 July 2001.
- ³⁶ *Courier Mail*, 14 November 2000: 1.
- ³⁷ Joachim Nelles, 'Drugs and HIV/AIDS in Swiss Prisons,' in Barry Ellem ed., *Drugs in Prisons*, Brisbane, Queensland Corrective Services Commission: 1998:64.
- ³⁸ Nelles: 190.
- ³⁹ *Interim Report: Issues Relating to Women*, Select Committee on the Increase in Prisoner Population, NSW Legislative Council: July 2000: 72.