"A Radical Feminist Analysis of Women's Experiences of Body-Searching in Prisons in England"

Thesis submitted in accordance with the requirements of the University of Liverpool for the degree of Doctor in Philosophy by Amy Elizabeth Hughes-Stanley

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Abstract

Despite changes to strip searching policy as spearheaded by the Corston Report (2007), there is limited academic research regarding women's experiences of body-searching within prisons in England. In order to address this gap in knowledge, this research was concerned with a radical feminist analysis of women's experiences of body-searching within prisons in England. To this end, the research was focussed upon an analysis of four key searching practices: strip-searching, intimate-searching, rub-down-searching, and searches using technology. In order to achieve the aims of the thesis, the research adopted a radical feminist theoretical lens concerned specifically upon the salience of gender to imprisoned women's experiences. Furthermore, a feminist theory of sexual violence and the state was implemented in order to understand the institution of the prison within the broader context of patriarchal society. A feminist epistemological and methodological perspective was also utilised within the research, which placed women's narratives as central to the thesis and the production of knowledge. The research utilised a qualitative methodological approach and conducted eighteen interviews with formerly imprisoned women with experience of being body searched and professionals with knowledge of women's imprisonment and body-searching. Additionally, an analysis of official policy documentation regarding the practices of body-searching within HM Prisons was undertaken.

Through the course of the thesis, the state's legitimisation of body-searching practices have been exposed, and women's testimonies have countered official justifications of body-searching, which have demonstrated significant discrepancies between the so called "purpose" of body-searching and the reality of its effects. As such, this thesis has demonstrated that coercion, punishment, power and discipline are at the heart of official discourse regarding body-searching, as opposed to security, safety and good order. The thesis has argued, through the adoption of radical feminist theory, that body-searching can be understood within women's prisons in England as a mechanism of state-inflicted, patriarchal sexual violence, which seeks to control women in line with socially acceptable norms of gender and femininity. The arguments developed within this thesis have contributed to an understanding of not only women's experience of body-searching, but also the ways in which women use their own bodies to resist the powers of the prison. Furthermore, "alternative" methods of body-searching have been explored, and this thesis has determined that these methods in fact act as pervasive forms of control and punishment of women, and further entrench punitivity within society's response to female "deviance" and act against abolitionist goals. Overall, this research has acted as a platform for marginalised women to express their experience of patriarchal state sexual violence, and practical recommendations have been made regarding the future of body-searching.

Acknowledgements

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Preface

Historically, the issue of women's imprisonment was largely overlooked within academic and political discourse, with women's experiences of imprisonment neglected within criminological thought (Bosworth, 2000; Menis, 2020). It was not until the 1960's, with the development of the second wave of feminism, that the issue of women's imprisonment began to be commented upon critically, redressing and challenging male-centred interpretations of the penal system (Smart, 1976; Heidensohn, 1968; Davis, 2003). Whilst imprisonment is understood within academic discourse to be harmful for women, body-searching, however, is a seldom explored issue in relation to studies of imprisonment, particularly within the context of English prisons for women. Accordingly, this thesis has adopted a radical feminist framework in order to explore the issue of women's body-searching in prisons in England. In doing so, this thesis is original in its contribution to the lacuna of knowledge regarding body-searching in women's prisons both nationally and internationally.

This preface is structured around four sections. It first provides a brief contextualisation of the history and current state of women's prisons in England. It then provides the reader with an understanding of what constitutes "body-searching" and explores a short outline of the existing literature. Next, an overview of the theoretical framework adopted in this research is outlined, as well as the aims of the research, along with the methods adopted to answer such aims. Finally, the chapter outlines the structure of the thesis, and the key aspects of each chapter.

Women in Prison and Body Searching: A Brief Context

Traditionally it is understood that women have *always* been shoehorned into institutions designed by and for men, within which they have been subjected to paternalistic and patriarchal attitudes and closer surveillance than their male counterparts; however, it was not until the early 1900's that a special agenda for the treatment of women was developed (Zedner, 1994; Carlen and Worrall, 2004: 10). The turn of the 20th century brought with it a specific focus upon training in domesticity, illustrating the influence patriarchal concepts of femininity in the regimes utilised within women's

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prisons (Menis, 2020). By the 1950's, the dominant discourse regarding women in prison shifted, and began to focus upon the idea that incarcerated women needed psychological help due to their emotional instability, disturbances and "mental deficiencies" (Smith, 1962; Dobash, Dobash and Gutteridge, 1986). Discipline through medicine, which transcended across the entire penal estate, was rooted in the idea that female offenders are medically, emotionally, psychologically and socially different from men, which stemmed from women's different biological makeup and socialisation, placing women as the "other" due to ideological assumptions of around both femininity and womanhood (Carlen, 1983; 1995).

By the late 20th century, the gap between the rhetoric of therapy and the reality of the conditions for women in prison began to be commented upon by penal critics, however, discourses surrounding "gendered needs", medicalisation and the therapeutic "treatment" of women in prison continued into the early 2000's whilst prison populations in the women's estate soared under successive New Labour Governments (Carlen and Worrall, 2004; Corcoran, 2010). Commissioned by the Home Office in 2007, Baroness Jean Corston undertook a review of women with "particular vulnerabilities" within the criminal justice system in response to the deaths of six women in HMP Styal over a 13-month period. The review focussed upon women's imprisonment and sought to improve the conditions that led to the tragic deaths of the women within HMP Styal, and the treatment of women with "particular vulnerabilities" in the criminal justice system more generally (Corston, 2007: 15). Corston (ibid: 15) highlighted that women in prison shared many similar characteristics, but rather than labelling women as "vulnerable", she chose to consider women according to particular "vulnerabilities", which fall into three interrelated characteristics:

> First, domestic circumstances and problems such as domestic violence, child-care issues, being a single-parent; second, personal circumstances such as mental illness, low self-esteem, eating disorders, substance misuse; and third, socio-economic factors such as poverty, isolation and unemployment. When women are experiencing a combination of factors from each of these three types of vulnerabilities, it is likely to lead to a crisis point that ultimately results in prison. It

is these underlying issues that must be addressed by helping women develop resilience, life skills and emotional literacy.

The women's prison estate was critiqued by Corston as male-centric, through which she argued that women have been shoehorned into a system largely designed by and for men. With this in mind, Corston (ibid: 2-3) called for a "holistic... woman-centred approach", which included a recommendation that women's prisons should be replaced by suitable, geographically dispersed, small, multi-functional custodial centres. Similar to 20th century discourses regarding the medicalisation of women in prison, Corston (ibid: 37) also called for an increase in therapeutic interventions for female offenders within both the community and during custodial sentencing. Whilst many recommendations were approved by the government, such as changes to strip-searching policy (which are discussed later within this preface), recommendations such as small multi-functional custodial centres were rejected. Corston however, contributed towards government discourse regarding a gender-responsive prison system in England (Bloom, Owen and Covington, 2002; Evans, 2011; 2018). Further recommendations regarding the treatment of women in prison and the criminal justice system more broadly have been made since Corston, with community solutions, as noted within the Female Offender Strategy (2018), central. The most recent review of the female custodial estate in England was conducted by Lord Farmer (2019), which built upon the gender-responsive justice strategy first widely rolled out by Corston (2007). Critically, Farmer (2019) looked to strategies to maintain women's relationships with their families, which included changes to custody such as increased use of Release on Temporary Licence, the roll out of visits conducted via video-link, as well as the installation of phones within cells in prisons for women. Such changes may be seen as a promising turn in direction for the female custodial population and those women who are engaged in the criminal justice system more broadly. The execution of gender-responsive justice, however, has been criticised by scholars such as Karen Evans (2011; 2018), as not allowing for radical change to responses to women's offending, community punishment, and conditions of imprisonment. Gender-responsive justice, may therefore call for ways to "punish better" in line with gender, rather than

considering the fundamental problems of imprisoning women, whether this be within traditional prisons or those adapted in line with gender responsive concerns (Evans, 2018).

As of the 9th of April 2021, there were 3,086 women in prison in England[1] (Gov.uk, 2021). Statistics indicate that for the year ending June 2020, a total of 6,090 women were sent to prison either on remand or to serve a sentence, which was a decrease of 1,116 from 2019 (Prison Reform Trust, 2021). Women represent only 4% of the prison population in England and Wales, with most women (77%) entering prison under sentence for a non-violent crime (Prison Reform Trust, 2021: 36). Despite women representing a very small proportion of the prison population, the proportion of women who are sent to prison on short sentences has rapidly risen in recent years (ibid). To this, in 1993, a third of women sent to prison served sentences of less than six months, whereas in 2019, this number had almost doubled to 62% (ibid: 36). In terms of the issues affecting the lives of the current female prison population in England, it is highlighted by Women in Prison (n.d) that 53% of women in prison have experienced emotional, physical or sexual abuse during childhood. Furthermore, 46% of women in prison also report having suffered from domestic violence, however this number is likely to be an underestimate of the true scale of violence and abuse women in prison have experienced throughout their lifetimes (Prison Reform Trust, 2017a; Women in Prison, n.d). With regard to mental health, women in prison are five times more likely to suffer mental health problems than those within the general population and also account for 28% of self-harm incidents in prison, with 46% of the population having attempted suicide at some time in their lives, which is twice the rate of their male counterparts (Women in Prison, n.d). As illustrated by these statistics, female prisoners can be categorised as a complex, often "vulnerable" population, with multiple physical, emotional and psychological needs which are neglected within a system designed and populated by men (Loucks, 2004; Corston, 2007; Gelsthorpe and Morris, 2008).

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[1] There are currently no prisons for women in Wales.

Since the publication of the Corston Report in 2007, the issue of body-searching in women's prisons in England has received some, albeit limited, attention from policy makers. Corston (2007: 5) found that strip-searching was having a significantly negative impact upon women's experiences of imprisonment and recommended that the practice be "reduced to an absolute minimum" and that the adoption of technologies, such as ion-scanner machines, be investigated to replace strip-searching for drugs. As a result of Corston's (2007) recommendations, current policy (National Offender Management Service, 2011; 2016) stipulates that women are only to be strip searched upon intelligence, with intimate searches outlawed, rub-down searches conducted upon arrival instead of strip searches, and the use of searching technologies should be integral to the body-searching of women in prison. Despite such changes to policy, the 2011-2012 HM Inspectorate of Prisons (2012: 9) Annual Report, found that searching measures remained "disproportionate and degrading". Similarly, in 2017, the HM Chief Inspector of Prisons found during a review of HMP Peterborough, that too many strip searches still continued to take place on entry to the prison, and little attention was being paid to the impact that trauma had upon women's experiences of being strip-searched.

This thesis therefore examined four key body searching practices which are noted within *Prison Service Instruction 07/2016 Searching of the Person* (National fender Management Service, 2016): strip searches[2] rub-down searches[3], intimate searches[4] and searches using technology[5]. Despite some

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[2] Strip searches, otherwise known as full searches in England and Wales, involve a two-step process of the removal of a woman's clothing, and then the visual inspection of her body by two prison officers of the same gender as the prisoner (National Offender Management Service, 2016.

[3] Rub-down searches, also referred to as pat-down searches, and are conducted over the clothes of the prisoner and include two levels of practice, Level A and Level B (National Offender Management Service, 2016).

[4] Intimate or internal searches are classed as a search which involves the "intrusion into a body orifice, i.e the mouth, anus or vagina" (National Offender Management Service, 2016: 37).

[5] Searches using technology are searches which use "technical aids" to assist a search, such as metal detection scanners, X-Ray machines, or the Body Orifice Security Scanner which is a moulded chair designed to detect small amounts of metal hidden inside the body of a prisoner (National Offender Management Service, 2016: 43).

attention from policy-makers as noted above, little *academic* attention has been paid to the issue of body-searching in women's prisons in England. Furthermore, of the limited literature that addresses the practices of body-searching in women's prisons in England, most consideration is paid to the use of strip-searching (with some limited attention paid to internal searches). Within such literature, strip searches have generally been understood as a mechanism for enforcing shame and degradation upon women in prison, and scholars have noted that strip searches may be experienced as institutionalised sexual abuse (Dobash, Dobash and Gutteridge, 1986; Devlin, 1998). Unfortunately, beyond recommendations to implement body searching technologies to assist in, or replace, the strip-searching of women in prison (HM Inspector of Prisons, 1997; Devlin, 1998; Corston, 2007), little is known regarding the impact of these technologies and how they are experienced by women in prison in England or internationally. Similarly, what little is discussed of rub-down searches has generally related to debates on cross-gender searches and the protection of prisoner privacy and dignity (see Jackson, 1998; Amnesty International USA, n.d), however, there has not yet been an academic study concerning the contemporary policy, practice, experiences or impacts of rub-down searches for women in prison in England. Outside of the locale of England, there have been further analyses of women's experiences of strip-searching, which have categorised the practice as a weapon of punishment (Aretxaga, 2001; Moore, 2010; Pickering, 2002; Corcoran, 2006; Pohlman, 2015), state sanctioned sexual violence and a mode of gendered control (George, 1992; Pereria, 2001; McCulloch and George, 2009; VanNatta, 2010; Hutchison, 2020). These issues are important in the context of this thesis, as prisons for women in England have been similarly understood as institutions of punishment and gendered social control (Dobash, Dobash and Gutteridge, 1986). This thesis is therefore original in its contribution to contemporary knowledge regarding strip-searching within prisons for women in England, and is unique in its broader exploration of practices of body-searching more widely. Furthermore, this research also serves a critical role in creating a theoretically informed knowledge base of body searching practices in women's prisons in England. These issues are explored further within Chapters Two and Three.

The Theoretical Context

One of the crucial objectives of this thesis was to examine the issue of women's body-searching within prisons in England from a radical feminist perspective. Radical feminist theory derives from the second wave of feminist thought, and is concerned with the impacts of power, patriarchy and gendered socialisation upon the lives of women and girls (Chester, 1979). The notion of "gender" is paramount to an understanding of women's lives, and radical feminist theory significantly developed this concept. As such, radical feminist theory defines gender as a mode of socialisation informed by patriarchy which ascribes men with positions of dominance, masculinity and power, whilst assigning women little institutional power, promoting subordination and passivity (Millett, 1970). Crucial to the work of gendered socialisation are institutions such as the family, church and state, which act to reinforce women's subordination to men (Tong, 1996). This thesis therefore adopted a radical feminist theoretical framework in order to understand women's social position and their relationship to the prison and society more broadly. Such concepts are developed further within Chapters Three and Four.

This thesis also utilised knowledge of the state, and the prison as a state entity (MacKinnon, 1989; Bertrand, 1999), to develop and broaden an analysis of violence against women. As denoted within the literature discussed above, the relationship between sexual violence and practices of body-searching, namely strip-searching, have been commented upon within academic thought. The way that power is exerted upon the *bodies* of women is central to a radical feminist theoretical perspective, with one of the significant areas of thought within this branch of feminism concerned with understanding women's experiences of sexual violence. I drew upon the works of Susan Brownmiller (1970) and Liz Kelly (1988) and, as such, this thesis recognised sexual violence to exist as a continuum of acts which have the capacity to instil fear, intimidation and intrude upon women's lives. Such acts are not linear nor hierarchical, and can range from intimidation, street harassment, unwanted touching, rape and incest (Kelly, 1988). Crucially, a radical feminist understanding of sexual violence

understands the coercive nature of violence and places an emphasis upon women-centred definitions of sexual violence, resistance and survival. This thesis therefore drew upon such radical feminist theoretical imperatives in addressing how women experience practices of body-searching and as such, developed innovative understandings of sexual violence and its relationship to prisons and thus the state.

Utilising key radical feminist concepts regarding power, gender and violence to theorise and analyse the practice of body-searching in women's prisons in England presents one of this thesis' vital contributions to original knowledge. So, whilst scholars have understood *strip-searching* as sexual violence, the *broader* practice of body-searching and its relationship to sexual violence has not been considered, nor from a radical feminist perspective. With this in mind, the application of a radical feminist theoretical analysis to an exploration of body-searching policies and practices, which includes not just strip searching but intimate searches, rub-downs *and* searching technologies in women's prisons in England, is a significant original contribution of this thesis.

Research Aims and Methods

As discussed above, this thesis aimed to explore, through the adoption of a radical feminist theoretical framework, women's experiences of being body searched within women's prisons in England. Whilst Her Majesty's Prisons and Probation Service's remit extends to both England *and* Wales, there are currently no prisons for women in Wales, so this analysis focussed solely upon England. In doing so, seven key research aims were developed, which illustrated the main objectives of the thesis. These were:

1. To collate, explore and analyse existing literature concerning the use of body-searching, both nationally and internationally.
2. To examine and analyse the history, trajectory and function of body-searching policies as they relate to women in prison.
3. To understand how body-searching is legitimised and justified within official policy and consider how this relates to women's experiences of being body searched.

4. To uncover, examine and analyse how criminal justice experts and professionals understand the practice of women's body-searching in prisons.

5. To examine, through the undertaking of qualitative data collection and analysis, how women experience body-searching within prisons in England and to consider how *different forms* of body-searching, those being rub-down searches, strip searches, intimate searches and searches using technology, are experienced by women with experience of imprisonment in England.

6. Consider how prison body-searching for women is situated within the broader structures of patriarchy through the adoption of a radical feminist theoretical framework.

To meet these aims, I utilised feminist epistemological and methodological principles, and adopted a qualitative approach to data collection. Using qualitative methods allowed the research to prioritise the voices of women with lived experiences of imprisonment and body-searching, which is crucial to a feminist methodological approach (Stanley and Wise, 1990; Holland and Ramazanoglu, 2002). The qualitative data collection focussed upon two populations: women who had once been imprisoned and had direct experience of being body searched, and women who worked in a professional capacity with women in the criminal justice system and have expert[6] knowledge regarding women's imprisonment and women's body-searching, such as criminal justice practitioners, academics, campaigners and activists. I conducted nine narrative interviews with formerly imprisoned women who had direct experience of being body searched (four of whom also worked in some capacity as criminal justice professionals and therefore *also* had knowledge of body-searching and women's imprisonment on account of their profession), and nine unstructured interviews with women with expert knowledge of women's imprisonment and body-searching who had not personally experienced being body searched, but had worked in the field of women's imprisonment and criminal justice. Due to the hidden nature of the population on which this thesis is focussed, accessing participants was particularly difficult, details of such difficulties are discussed in greater detail in Chapter Four.

I utilised a range of methods to recruit participants using snowball and purposive sampling. I gained access to two organisations in the Merseyside area which commonly support women with experience

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[6] Please note that the notion of what constitutes an "expert" or "expert knowledge" is discussed critically within Chapter Four.

of imprisonment and used snowball sampling to recruit and interview five women with experience of being body searched. Four women with experience of being body searched also worked as criminal justice professionals, two of which were identified via snowball sampling at professional networking events related to women's imprisonment, one of which was interviewed face to face, and one via the telephone. The final two women with *both* experience of being body searched *and* professional knowledge of women's imprisonment and body-searching were recruited via purposive sampling due to their presence on a public online networking platform, in which they identified themselves as having direct experience and professional knowledge of women's imprisonment and were interviewed via the telephone. Of the nine women with expert knowledge of women's body-searching on account of their profession, I again used purposive sampling to identify participants and carried out seven interviews via the telephone and two in my private office within the University of Liverpool. All participants were interviewed using an unstructured interview framework, which champions an open, interviewee-led style with little interference from the researcher (Bergen, 1993).

Crucially, the thesis also critically examined written official policy documentation in the form of the *Prison Service Instruction 07/2016 Searching of the Person* (National Offender Management Service, 2016) and juxtaposed such policy documentation against the testimony of those with professional knowledge of body-searching and/or lived experience of being body searched. This analysis of body searching official policy *and* practice therefore makes this thesis original in its scrutiny of both written official discourse and its application.

The Thesis Structure

This thesis is based around eight interrelated chapters. Chapter One presents literature relating firstly to women's imprisonment more broadly, and discusses key concepts relevant to a critical criminological understanding of women's imprisonment. Vital themes within this chapter are those of gender and femininity, race, medicalisation, discipline, violence, resistance and abolition. Next, the chapter moves on to a detailed analysis of existing literature concerning the body-searching of women

in prison, which provides the reader with an understanding of the critical gaps in knowledge and where this thesis fills such gaps. This chapter therefore fulfils the first aim of this thesis.

Chapter Two outlines the key international and national policies which relate to body-searching in prisons, with a focus upon such provision as it relates to women. Changes to body-searching policies are outlined thematically, and the reader is taken though a timeline of significant policies. Key themes in body-searching provision are outlined, such as Human Rights approaches, and gender- specific approaches. Current national policy regarding the body-searching of women in prison is outlined, priming the reader for its analysis within Chapters Five, Six and Seven. This chapter therefore speaks to the second aim of this thesis.

Chapter Three outlines and explores the theoretical basis of this thesis, which provides the foundations for fulfilling the sixth aim of this thesis. The chapter begins by guiding the reader through the history of radical feminist thought, and then focusses upon developing an understanding of patriarchy, gender, and violence from this theoretical perspective. The politics of feminist theory and action are outlined, and I illustrate how radical feminists understand power and its relationship to sexual violence, the state and resistance. This chapter therefore lays the foundations for this thesis's epistemological and methodological approach, and grounds these in a strong theoretical base.

Chapter Four broadens the reader's knowledge of feminist theory, and demonstrates how feminist epistemology and methodology are understood and practiced in the field. The chapter challenges androcentric epistemological positions, and demonstrates the importance of female subjectivity and women's knowledge. My reflexive position as a researcher is also outlined, and I critically examine my own position and power in the research. The sensitive nature of this research and its design is critically explored, and I discuss how I approached this study whilst centring feminist ethics. The way in which I contacted participants, collected the data, and analysed both qualitative interview data and official discourse is also discussed.

Chapter Five is the first of three thematic results chapters of this thesis which all draw upon an analysis of the eighteen qualitative interviews and official policy collected during the research. The chapter first examines the biographies of the women with experience of being body searched who took part in this study, and highlights their shared experiences of imprisonment. Women's early experiences of being strip searched in prison are explored, and the impact that this had upon their identities. The chapter then conducts an analysis of official policy on body-searching, and looks to the ways in which body-searching is positioned within official discourse in order to legitimise and justify its practice within women's prisons. Critically, such official justifications are juxtaposed against the testimonies of participants, which demonstrates discrepancies in rhetoric verses reality. The chapter then introduces a woman-centred definition of strip-searching and internal-searching, and begins to explore the impacts of body searching practices upon the bodies and minds of women. This chapter therefore speaks to aims three, four and five of this research.

Chapter Six is the second of three results chapters, which extends the analysis developed within Chapter Five and looks more closely to the embodied experience of women. Drawing upon the theoretical imperatives outlined within Chapter Three, this chapter explores body-searching practices as a continuum of sexual violence and considers their relationship to the state as a patriarchal entity. The relationship between women's social roles both inside and outside of prison are considered, and the way in which body searching mirrors women's experiences of gendered oppression is reflected upon. As such, the role of gender, both for prisoners and acting prison officers, is considered in line with radical feminist theoretical imperatives, which offers a significant insight into the practice of body searching and its effects. This chapter explores aims three, four, five and six of this thesis.

Chapter Seven, the last of the three results chapters, looks to resistance and the future of practices of women's body-searching in prisons in England. The chapter first explores the myriad of ways in which women resisted searching practices. As such, the ways in which women weaponised their gender to resist searches are considered, which provides both practical and theoretical insights into the nature

and expression of gender, coercion and control inside women's prisons. Technologies used for the purpose of body-searching women, and their capacity to be considered as "alternatives" to intrusive body searches are explored against participant testimony and official discourse, and their legitimacy as "non-intrusive" practices questioned. The thesis therefore offers a unique insight into the effects of searching technologies, and challenges official policy approaches. Extending the analysis in Chapter Six, it explores the impacts of body searches upon staff-prisoner relationships, denoting the issue of power, or lack thereof, as central to this relationship. A final consideration of the future of women's imprisonment and body searches are deliberated, and abolitionism is discussed in line with participants' testimonies. This chapter addresses aims three, four, five and six of this thesis.

Finally, Chapter Eight concludes the thesis and draws together the critical themes central to the research and discusses these in light of the structural changes that must be considered in relation to the future of the practice of body-searching and women's imprisonment more broadly. The contribution of this thesis to knowledge of women's imprisonment and body-searching in England and further afield is considered and recommendations for practice are developed.

Chapter One

Contextualising Women's Imprisonment and Body-Searching

1.1 Introduction

The aim of this chapter is to introduce and discuss the key issues relevant to researching women's imprisonment and body-searching. Divided into key interlinking themes which emerged from my reading of critical literature, this chapter first provides a contextualisation of critical analyses of women's imprisonment both globally and nationally. The chapter then discusses the ways in which gender is central to an understanding of women's imprisonment, and explores how the nexus of race, gender, class and other intersectional identities shape women's experiences of imprisonment. Women's experiences of violence, both within prison and the community, are also explored. Further to this, the use of medicine to "treat" imprisoned women, and the use of discipline as a mode of gendered control are discussed. Arguments surrounding the abolition of prisons for women are also noted, and their importance outlined. The subject of this research more specifically, body-searching in women's prisons, is discussed later within the chapter, in which critical literature regarding this practice is identified and discussed. Salient themes regarding the study of body-searching are then explored, such as the use of searching as a weapon of punishment, searching as sexual violence, and the adoption of "alternative" forms of body-searching, namely technology and rub-down searches. The way in which this research will contribute to and challenge existing understandings of body-searching is finally outlined.

1.2 Critical Analyses of Women's Imprisonment: A Thematic Review

Commenting upon Vivien Stern's (1998: 138, cited in Carlen and Worrall, 2004: 43) assertion that "nowhere in the world do women make up more than one in ten of the whole prison population", Pat Carlen and Anne Worrall (2004: 43) noted that despite widely differing overall prison populations

across the globe, there are some consistencies and universality in the attitudes towards women who commit crimes and are subject to imprisonment. This section of the literature review discusses key critical literature regarding women's imprisonment, which are examined through interlinking themes.

1.21 Gender and Femininity

A significant focus of literature regarding women's imprisonment is upon the gendered, disproportionate punishment of women in comparison to that of men. In light of these differences, Hazel Kemshall (2004: 213) highlighted that women generally have very different pathways to imprisonment than those of men, with abusive relationships, poverty, gender inequalities and other structural issues acting as contributing factors. For Kemshall (ibid) the contexts of male and female offending therefore tend to reflect their different positions in society and their relationship to gendered power.

Diana Medlicott (2007) has argued that even before women enter prison they are sentenced to more severe punishment than men, despite committing less serious crimes. This, according to Carlen (1983: 18), is due to female offenders not being judged by the *seriousness of their crimes*, but by their *adherence to gender roles and norms*, such as motherhood and marriage. Within her research on women's imprisonment in England, Scotland and Wales, Carlen (ibid: 18) further argued that the meaning of women's imprisonment is fragmented across discursive practices and forms often unrelated to penology, for example, within the conventions of the family and within the ethics of domesticity and masculinity. To this, Carlen (ibid: 18) noted that the general motto of prisons for women across England, Scotland and the United States of America (USA) is "discipline, medicalise and feminise!". The relationship between discipline and medicalisation are further discussed below.

The notion that women in prison are shoehorned into a system designed by and for men is nothing new, as highlighted within Nicole Rafter's (1990) history of women's prisons in the USA. Rafter, in her analysis of women's state imprisonment between the years of 1800-1935, argued that due to broader techniques of patriarchal social control, masculinist prison structures, governance and gender-

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stereotyping in prison regimes, women experience less than "partial justice" and a significantly inferior treatment to that of men. Discussing the gendered nature of women's imprisonment in both Great Britain and the USA, Carlen (1983) stated that training in traditional feminine roles, such as domesticity and motherhood, are at the heart of women's custodial regimes. Drawing upon women's first-hand experiences of prisons within England and Wales, this view is echoed by Dobash, Dobash and Gutteridge (1986: 157), who argued that gendered and patriarchal assumptions of "femininity" dictate the treatment of women within contemporary prisons. The authors highlight that integral to the operation of women's prisons are therapeutic regimes which attempt to transform "deviant women" into "proper women" who comply with gendered and patriarchal norms (ibid: 157). The role of prison in transforming women into gender-compliant subjects is of particular importance to this thesis, therefore the work of Dobash, Dobash and Gutteridge (ibid) not only assists in this research's understanding of the gendered nature of prisons for women, but also provides a basis of knowledge of which this thesis will contribute to. These themes return within Chapters Five, Six and Seven and form a significant area of the data analysis and results.

The ways in which gender compounds women's experiences of imprisonment has therefore led to women facing particularly *gendered* pains of imprisonment, to which it is argued that women suffer greater difficulties during their imprisonment in comparison to those of men due to separation from their children, and because imprisonment mirrors the experiences of powerlessness women experience outside of prison (Carlen, 1998; Crewe, Hulley and Wright, 2017). To this, Carlen (1998) theorised that women in prison are doubly punished, being made to feel guilty for not only breaking the law, but also for stepping outside of their gendered social "role" as women. Carlen (1983) critiqued the gendered nature of women's imprisonment, stating that the overemphasis upon female domesticity and traditional feminine roles leads to women's dependency upon men, which contributes to the patriarchal control of women. Carlen's assertion that prison contributes to the patriarchal control of women is particularly significant to this research due to its consideration of body

searching and its relationship to gender and patriarchy, as per aim six of this study. Prison as a mode of patriarchal control is explored in more detail within Chapter Three, where this research considers prison as an arm of the patriarchal state apparatus (MacKinnon, 1989). This is also of significant focus of Chapter Six in relation to the prisons use of body-searching and women's experiences of being body searched.

1.22 Race and Ethnicity

In discussing the centrality of gender to an understanding of state punishment in the USA, Angela Davis (2003) highlighted the importance of race in the treatment of women prisoners. Davis (2003) noted that much critical literature regarding women's imprisonment focuses upon the treatment of white women, ignoring the ways in which black[7] and Native American women are subject to state punishment. Similarly, Adrian Howe (1994) questioned feminist studies of women in prison and asked who "we" are in representations of women of marginalised racial and ethnic backgrounds in prison. This oversight is particularly problematic as Rafter (1990) noted that black women specifically have long been overrepresented within prisons since their popularisation in the 19th Century. To provide context to her analysis of contemporary women's imprisonment in the USA, Davis (2003) drew upon the treatment of enslaved black women to illustrate how regimes of punishment have historically differed for black and white women. To this, Davis (ibid) highlighted that traditionally, black women have been brutally punished for conduct considered ordinary for free white women. Davis noted how the experience of contemporary imprisonment differs drastically for white and black women, and highlighted how the sexual abuse of female prisoners by male guards is translated into hyper-sexuality of women prisoners, a stigma closely associated with black women stemming from the sexual coercion of female slaves by slave masters and women's subsequent punishment for supposed "sexual deviance". Within the milieu of contemporary imprisonment, Davis (ibid) argued that the idea that female deviance always has a sexual dimension still prevails; thus, the intersection between criminality

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[7] Davis is referring here to African-American women.

and sexuality continues to be racialised, enforcing further stigma upon black women within the prison system.

Researching the experience of female prisoners in Canada, Lisa Neve and Kim Pate (2005) brought attention to the ways in which intersections of race, class, gender and disability contribute to the criminalisation and imprisonment of women of marginalised racial and ethnic backgrounds, and posited that the disproportionate imprisonment of Aboriginal women illustrates the lasting impacts of brutal colonization. Furthermore, the authors outlined the prevalence of medicalisation and "treatment" among criminalised women of ethnic minority backgrounds, highlighting the blurred lines between the prison and the psychiatric hospital for such women; due to discourses within the Canadian Criminal Justice System which seek to criminalise, imprison and medicalise women who step out of the boundaries of acceptable race, femininity and class (ibid: 25). Additionally, research indicates that women of colour[8] in the USA suffer increased likelihood of health problems whilst in prison, and poorer outcomes in terms of resettlement post-release (Oser et al, 2017). Overall, for women of colour, the compounding of racialised, classed and gendered oppression can result in a disproportionate level of incarceration in comparison to their white counterparts, which has led to mass incarceration of women of colour, particularly African-American women in the USA (Gross, 2015). Similarly, in England and Wales, black[9] women are more likely than any other group of women to be sentenced to prison, to which the Prison Reform Trust (2017b) noted that there is a significant lack of data readily available regarding the disparities experienced by women from minority ethnic groups[10], which shields the HM Prison Service from scrutiny of its treatment of women from marginalised ethnic groups. What we do know, however, is that women from minority ethnic groups serving prison sentences in England and Wales are likely to receive less mental health support whilst

[8] Please note that this is the terminology used by the authors, Oser et al (2017).
[9] Here, "black" refers to women from African or Caribbean descent (Prison Reform Trust, 2017b).
[10] The term "women from minority ethnic groups" reflects the terminology used by the Prison Reform Trust (2017b), which refers to Black, Asian and Minority Ethnic women. This terminology was adopted by the Prison Reform Trust from the Lammy Review (2017, cited in Prison Reform Trust, 2017b).

in prison, feel less safe in custody, and are more likely to experience stigma from their own communities (Prison Reform Trust, 2017b). The relationship between systems of subordination, those being race, ethnicity and gender, are important to developing an understanding of how race, ethnicity and gender intersect to impact women's experiences being body searched. Chapter's Three and Six of this thesis explore deeper the relationships between gender, race, ethnicity and practices of imprisonment.

1.23 Medicalisation

As posed by Frances Heidensohn (1985), there are two common assumptions made regarding female offenders, firstly, that female offenders are subject to individual pathology, and secondly, that female offenders are mentally ill. Dobash, Dobash and Gutteridge's 1986 study provided insight into medical and therapeutic interventions within women's prisons in Scotland and England, to which they noted that the language used by officials to describe institutions are marked by "linguistic ambivalence" (ibid: 130), for example, prisoners are called "inmates" or "residents" and the prison is called a "therapeutic community" or "hospital", blurring the lines between prisons and mental institutions and conflating punishment and medical intervention. They argued that three linked sets of beliefs have contributed to the medicalisation and reliance on "therapeutic intervention" within female prisons, these are: the view that women generally are more mentally unstable than men, the assumption that female offenders are mentally disordered, and the idea that women prisoners are more difficult than their male counterparts and react to imprisonment in a more "neurotic" way (ibid: 129). Dobash et al thus proposed that due to these three dominant beliefs about women in prison, they are viewed as *triply mad*, and unlike men, are all in need of treatment, which has led to the medicalisation of women in prison.

Joe Sim (1990), in his study of the Prison Medical Service in England and Wales from 1774-1989, highlighted the gendered focus upon women's mental health within prisons, to which he noted the "therapeutic interventions" imposed by male medical and psychiatric professionals. Sim (ibid) argued

that the basis of such medical and psychiatric interventions were rooted in the belief that women who enter prison are biologically and socially faulty and had stepped out of their social role as wives and mothers. Thus, according to Sim , the concept of femininity, encompassing notions of sexuality, domesticity and pathology, is central to the relationship between medical professionals and imprisoned women. Sim posited that from these assumptions regarding femininity, women's behaviour is pathologised and that any behaviour that is deemed to step outside of the boundaries of typical femininity is closely monitored. Women's behaviour is therefore categorised, classified and treated within programmes of what he called "medical surveillance" and the medicalisation and pathologisation of women's behaviour is used as a way of enforcing discipline through intense technological surveillance and attempts to "normalise" their behaviour in accordance with typical feminine ideals. This intense surveillance of the bodies of women in prison is of relevance to this thesis, furthermore, the relationship between medicalisation and body-searching practices are discussed within Chapter Five.

1.24 Discipline

Commenting upon the patriarchal nature of women's prisons in Scotland, Carlen (1982) argued that female prisoners are infantilised by patriarchal prison hierarchies, with prison disciplinary and security measures imposing childlike characteristics on adult women, removing their maturity and any positive forms of independence. Carlen (ibid: 98) noted that patriarchal regimes of discipline subject women to contradictory definitions of legitimate womanhood, sociability, family and adulthood, deconstructing and reconstructing female prisoners' identities:

> The features of the disciplinary regime which are specific to women's imprisonment elevate, fracture and realign opposed ideological elements of the prisoners' subjective experience until they have been constructed as women both irrevocably within and without adult female subjectivity. Women prisoners are contradictorily defined as being: both with and without family and sociability; both within and without femininity; and, concomitantly with the two previous conditions, both within and without adulthood.

Carlen (ibid) highlighted that prior to imprisonment, women are controlled through the nuclear family unit, and that discourses surrounding the family are thus reflected within prison discipline. Specific modes of discipline which are utilised to control women in prison, she observed, are based around the issuing of "fatherly" rules, meaning that every move women make is monitored, such as the way they dress, when they wash, how they eat, how they talk, to whom they talk and what they talk about. Furthermore, the issuing of domestic duties is also a significant aspect of discipline, as well as bodily and psychological confinement in which women are subject to constant surveillance. This prison disciplineattempts to train women into a domesticity which many of them see as a source of their issues (for example, within home life and the nuclear family), and which many have previously rejected. Thus, Carlen demonstrated how the women's prison is characterised by its specific form of discipline, which is rooted within gendered and patriarchal norms. The role of discipline within women's imprisonment is of particular importance to this thesis, with particular forms of body-searching, such as strip searches, described by scholars to be a crucial form of prison discipline (Aretxaga, 2001; Corcoran, 2006). Body searches as a mode of gendered discipline is further developed within this Chapter, and is also discussed within Chapters Five, Six and Seven.

Against the backdrop of the prison as a place of "therapy", similarly to the work of Sim (1990), Dobash, Dobash and Gutteridge (1986) noted the ways in which the prison acts to discipline women whose behaviour is subject to medicalisation and therapeutic intervention. Despite prisons in England and Scotland providing no official policy regarding disciplinary measures at the time of their study, the authors (ibid) highlighted that there was a strict disciplinary regime in place at the prisons they surveyed (Corton Vale and HMP Holloway), which was enforced by prison officers and other staff. Dobash, Dobash and Gutteridge (ibid: 147) found that aspects of behaviour which were medicalised by prisons as being due to "mental disorders", such as attempted suicide, self-harm and "cracking up" were routinely dealt with through the disciplinary system, with one Inspectorate Report for HMP Holloway asserting that there is a "natural link" between "personality disorder" and indiscipline.

Reflecting upon the discipline-medicalisation nexus, the authors (ibid) concluded that "therapeutic intervention" as posed by Corton Vale and Holloway has done nothing but widen the net of behaviours that are deemed controllable, exacerbating the conditions of confinement to which women are subject, resulting in increased disciplinary control and punishment.

The relationship between the body, prison discipline and punishment were examined critically by Howe (1994: 216) who drew critical attention to the relationship between women's experiences of social control both outside and inside of prison:

> One such power site where women undoubtedly exist is that of the prison. Another is the so called private prison in which many women live their lives. Analyses of the social control of women reveal that discipline and punishment as well as power relations cross over institutional boundaries, impacting on the female body within and without the prison walls.

Howe therefore encouraged us to not only study the ways in which women are disciplined and punished within the boundaries of the penal sphere, but also outside of it and to explore the scope of corporeal disciplinary practices both inside *and* outside of prison, with the lines between the two somewhat blurred.

1.25 Violence

Carlen (1998: 91) emphasised the state sanctioned penal powers and violence exercised upon the bodies of women in prison in England, using the term "intimate intrusions" to describe this phenomenon. She (ibid) highlighted the violence women suffer within prison on a daily basis, where they are engaged in a constant battle to maintain their dignity in the face of threats to it by staff. According to Carlen, aspects of intimate intrusions women find most difficult to suffer are those in relation to food, hygiene and institutional sexual abuse in the form of violations of body privacy and forced inspections of the body, such as strip-searching. More broadly, Carlen not only looked to women's experiences within prison, but also within wider society, noting that the pains of imprisonment for women amplify the forms of gendered oppression, violence and powerlessness they suffer within wider society. This mirroring and amplification of gendered oppression and violence is

something that this thesis is particularly concerned with, and is an important subject of analysis within Chapter Six and Seven.

Linda Moore and Phil Scraton (2009) similarly discussed women's experiences of prison violence, however they did so from a perspective which focuses upon Northern Irish prisons. To illustrate the violent, degrading, intimidating and humiliating nature of female imprisonment, the authors drew upon Liz Kelly's (1988) concept of the "continuum of sexual violence". Kelly , within a study regarding women's experiences of sexual assault, found during her research that the women she interviewed all experienced similar forms of male violence within the public and private sphere, such as cat-calls, inappropriate touching, sexual assault and rape, are discussed further in Chapter Three. These instances of sexual violence, according to Kelly , permeate women's lives in such a way that the fear and threat of violence impact women's everyday lives, underpinning patriarchal power and control. Scraton and Moore (2009) argued that Kelly's (1988) analysis not only relates to interpersonal violence, but should also include institutional manifestations of violence. The continuum of violence women suffer within prison includes strip searches, solitary confinement, institutional negligence, punishment block strip cells and violence towards women who resist. With this in mind, Scraton and Moore (2009) theorised that the prison is therefore an institutional manifestation of women's powerlessness and vulnerability, with the threat of violence and abuse within civil society remaining prevalent throughout women's experiences of imprisonment.

The relationship between sexual violence and imprisonment is also commented upon by Michelle VanNatta (2010), who noted that women are particularly at risk of state-sanctioned sexual violence and abuse whilst imprisoned. To this she stated that "the oppressive nature of prison underlies all such abuse and agents of the state directly inflict some of this abuse" (ibid: 27). VanNatta thus argued that "multiple layers of oppression intersect the bodies of women prisoners", and drew upon the work of Kristen Bumiller (2009, cited in VanNatta, 2010: 42) to argue that as women in prison have already

suffered violence, control and state surveillance, prison merely holds a mirror to their everyday life and experiences. Alice Ristroph (2006, cited in VanNatta, 2010: 44) contended that the state control of bodies, which is central to the function of the prison, therefore lends imprisonment to a form of sexual punishment. Ristroph (2006: 147) noted:

> One respect in which contemporary imprisonment is a sexual punishment stems from the fact that incarceration is, first and foremost, a physical experience. Prisons rely on the physical limitations of the human body to restrain their captives; prisons restrain effectively because humans cannot slip between narrowly spaced bars, or leap high walls, or survive a spray of bullets. Besides being restrained, the prisoner's body is nearly always visible to others and very frequently subject to immediate and direct regulation.

Ristroph argued that due to the sexual, embodied and physical nature of the prison, all prisoners could be said to be survivors of sexual violence, an assertion supported by VanNatta (2010: 21) who stated that "prison sexual abuse is fundamental to incarceration itself, as a central manifestation of, and reinforcement for, the multiple oppressions that subjugate prisoners' bodies, minds and spirits". It may therefore be argued that imprisonment is not only violent but enacts sexual violence upon all women who are imprisoned. The relationship between sexual violence, prison and practices of body-searching forms a central theme of this thesis, which is explored in further depth within this Chapter, as well as Chapters Five, Six and Seven.

In a study addressing the effects of imprisonment upon women who have suffered domestic violence and killed their abusive partners, Lisa Vetten and Kailash Bhana (2005) highlighted the ways in which South African women are institutionally failed by the Criminal Justice System, for example, by being discriminated against and their experiences of abuse being invalidated by the legal system and by a legal counsel unwilling to fight their cases adequately. The results of the study point to the ways in which, for women, imprisonment is similar to being in an abusive, violent relationship, for example, Vetten and Bahana (ibid: 265) state:

> Both are characterised by authoritarianism, a marked power imbalance, enforced restrictions of movements and activities, lack of freedom of association, violence, and the enforcement of arbitrary and trivial demands. It is therefore difficult for

women to work through and heal from the damaging effects of domestic violence. Indeed, many of the strategies used to cope in an abusive relationship, such as compliance with others' demands, denial of one's own wishes and thoughts, defensive violence, suppression of feelings, may be very necessary to surviving in prison.

Vetten and Bahana thus illustrated the ways in which, via imprisonment, violence towards and the coercive control of women shifts from their partner's hands to the state, often exacerbating already underlying problems, such as mental health difficulties. Furthermore, with women's common position as the primary carer of children, this abusive relationship with the prison institution often extends women's punishment to her children. An understanding of the state, and thus prison, as an abusive, coercive force is of significance to this research, is further theoretically and empirically developed within later Chapters.

1.26 Resistance

In a study regarding race, gender, sexuality and resistance, Mary Bosworth and Eamonn Carrabine (2001) discussed the ways in which black and ethnic minority women negotiate power relations within prisons in England, and the ways in which power is resisted. The authors signalled that there is a lack of research conducted into the ways female prisoners interpret the gendered restrictions they face, and how they resist daily control. Bosworth and Carrabine (ibid) noted that for many, small acts of resistance, which can be found in everyday interactions with staff, provide women with a sense of control over their imprisonment. Small acts of resistance by prisoners demonstrate that women are sometimes able to negotiate power relations, counteracting notions of traditional, passive femininity in the face of discipline and control. Reflecting upon power, race and resistance and the policing of women of colour by white guards, Bosworth and Carrabine highlight that for many women of colour, alliances between other prisoners from similar backgrounds and cultures act as a form of resistance that may destabilise power relations between women of colour and white prison officers. Similarly, they argued that the formation of lesbian relationships within prison may not only be ways to give and receive love, companionship and intimacy, but may also act as a way to resist the pains of

imprisonment and more broadly, resist stereotypical constructions of femininity enforced by the prison institution.

Similarly, Scraton and Moore (2014) have also discussed the ways in which, despite their punitive treatment, women in Northern Irish prisons have resisted the regime. According to Scraton and Moore (ibid), many women showed resistance to the prison institution by remaining dignified and courteous in the face of routine provocation. Furthermore, despite their imprisonment rendering them invisible to the outside world, women kept diaries and wrote letters home to family and friends, enabling their voices to be heard. Women also took official routes of resistance, for example, they took legal action or made formal complaints regarding treatment they deemed unjust. Although many positive forms of resistance are taken by women, Scraton and Moore (ibid) asserted that asymmetrical power relations between the prisoners and staff still remain, and are visible within the violent responses to forms of resistance staff deemed troublesome, such as verbal or physical opposition. Prisoners who resisted in these ways are often punished and disciplined through overt physical violence, the removal of "privileges" or solitary confinement. The authors highlighted that although women's actions portray agency, they often had limited impact and had significant negative implications.

In a study concerning self-injurious behaviour and female prisoners in England, Anastasia Chamberlen (2016) considered the ways in which women understand imprisonment and resistance through their gendered bodies and complex identities. In light of the gendered nature of imprisonment, and the ways in which imprisonment serves to emphasise women as gendered subjects (Carlen, 1983), Chamberlen (2016) argued that women resist gendered penal regimes by conducting self-injurious behaviour, which women associate with a sense of rejection of and resistance to, gender and feminine aesthetics. Despite women finding a sense of resistance and agency to the penal regime through cutting, it is important to highlight that Chamberlen's (2016) research illustrates that many women in prison often experience the "pains of imprisonment" through "pains of the body", internalising the violent regime of prison. As well as understanding how women experience being body searched,

resistance to its practice is also of particular importance to this research. Resistance to body-searching is therefore be explored in further depth within Chapter Seven.

1.27 Considering the Abolition of Women's Prisons

Significant criticisms of the use of imprisonment against women as highlighted in the above discussion, has led to many questions regarding the viability of prison for women. As such, abolitionists argue that the notion of a "reforming" the prison is an oxymoron, and the only way to radically change the penal system is to abolish "the role of the prison as it is presently constructed and constituted in the policing and regulation of dangerous individuals" (Sim, 2009: 159). Prison abolitionism is therefore a radical departure from reformist agendas, which according to Thomas Mathiesen (1990) do little to challenge the legitimacy of imprisonment, and merely allows for the continued restructuring, rejuvenation and construction of more prisons, further entrenching them into the fabric of society and common-sense assumptions around dealing with "criminality".

Carlen (1990) argued that women's prisons are a "prime candidate" for abolition, with the removal of the majority of women's prisons having no impact upon the safety of society due to the small percentage of women in the prison system and the non-violent nature of their crimes. Taking into consideration to the widespread harm inflicted upon women by the prison institution, Davis (2003) therefore argued that abolition must be considered as a viable alternative to the already failing prison system. Despite the All Party Parliamentary Group on Women in the Penal Systems' recommendation that prison sentences of less than 12 months should be abolished for women (The Howard League for Penal Reform, 2018), the emphasis upon "gender responsive justice" across the Criminal Justice System has led to a further expansion of schemes to better attend to the needs of imprisoned women, undermining attempts to reduce the women's prison estate (Carlton, 2016). Margaret Malloch (2016) argued that illusions regarding "therapeutic" prisons and custodial communities have contributed to the problem of women's imprisonment by *broadening* the women's penal estate, rather than *reducing*

it. With this in mind, according to Malloch, any attempt to "transform" or "reimagine" justice for women must break free from the centrality of the prison, extend its view beyond community punishments and commit to social change above and beyond the justice system. The implications of abolition go far beyond the justice system itself, and rely upon ensuring "resourced health services; education and employment opportunities; safe places to live and work, where local communities are able to claim resources from the State and to have democratic control over how they are used" (ibid: 164).

This section of the Chapter has set out a landscape of literature relevant to the study of women's imprisonment and has signalled the importance of such literature to this research. How this thesis adopts and develops upon these key pieces of research has also been discussed. The next section of the Chapter *specifically* focusses upon literature concerning body searching and demonstrates the relevance of such literature to this thesis. The research presented within the next section of this chapter therefore forms the backbone of the thesis's existing knowledge regarding body-searching.

1.3 Critical Literature on Body-Searching

Body-searching in prison is a long-standing practice within countries such as Australia, Northern Ireland, the United States of America, Canada and the United Kingdom (George and McCulloch, 2009). Whilst the focus of this research is upon a range of body-searching practices, as discussed within the Preface to this thesis, the majority of relevant literature pertaining to body-searching practices focusses almost exclusively upon strip-searching in particular. As a result, there is a dearth of literature available which concerns an analysis of intimate searches and the use of searching technology in women's prisons, furthermore, there is currently *no academic research* conducted into rub-down searches. Owing to the lack of literature on internal searches, searches using technological equipment and rub-down searches, the literature regarding strip-searching discussed within this section assists in contextualising these practices.

1.31 Strip-Searching as a Political Weapon of Punishment[11]

A strip search, otherwise known as a "full search" (National Offender Management Service, 2016: 25), involves a prisoner removing their clothing for a visual inspection of the body and the search of his or her clothing by hand (Bennett, 2008). The claimed purpose of strip searches are to ensure the safety of prisoners, staff and visitors, as well as the detection and deterrence of security threats and contraband. It was not until the early 1980's that academic literature regarding strip-searching in particular began to emerge, the focus of such mainly being upon women's prisons in Northern Ireland (George and McCulloch, 2009). Within recent history, the issue of women's strip-searching has been of great importance in Northern Ireland. Due to the prevalence of literature regarding strip-searching in Northern Ireland specifically, it is essential that this literature review explores strip-searching within a Northern Irish context.

Northern Ireland is a society emerging from sustained violent, political conflict, which has seen, over the course of the "Troubles", more than 3,700 people killed, and over 40,000 injured (McGrattan, 2010, cited in Moore, 2010: 104). Throughout the course of the Troubles, which was sustained from 1968 to 1998, most violence was a direct result of Republican (Catholic, anti-partition) or Loyalist (Protestant, pro-Union) paramilitaries, and also the state (Moore, 2010). However, often there were collaborations between the state and Loyalist non-state paramilitaries, reflecting the interests of the British state (ibid). Due to political conflict, penal regimes were therefore shaped by political interests, with high rates of imprisonment for "politically motivated" offences (McEvoy, 1998; cited in Moore, 2010: 104). The Northern Irish prison system was largely shaped by existing societal divisions, with the majority of prison officers originating from the Protestant, Unionist community. Although both Loyalists and Republicans were subject to imprisonment due to politically motivated crimes, Republicans were militant and consistent in their opposition to criminalisation (Moore, 2010).

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[11] This theme is concerned with the use of strip-searching within states of conflict, therefore the use of "militarised" language is drawn upon to reflect the political context in which the strip searches occurred.

Throughout the Troubles, the only women's prison in Northern Ireland, until its closure in 1986, was Armagh Jail (Loughran, 1986). Like their male counterparts, Republican women played an important role in collectively resisting their criminalisation and fighting for recognition as political prisoners (Scraton and Moore, 2014). By 1981, there were 29 sentenced Republican women in Armagh Jail, serving sentences alongside 29 "ordinary" prisoners (Fairweather et al, 1984: 212; cited in Scraton and Moore, 2014: 82). Resisting their status as "criminals" and "terrorists", Republican women organised in paramilitary fashion via acts such as refusing prison work; thus, from March 1976, all women entering Armagh Jail joined the campaign for political status (Scraton and Moore, 2014: 83). As a result, "non-cooperating" women lost 50 per cent of remission and other "privileges" and were subject to long periods locked in cells (ibid).

In 1982, following a hunger strike which ended in prolonged conflict within Armagh Jail, strip searches began to be used *randomly*, the rationale for such searches, according to the Secretary of State and prison governor, was for the maintenance of the security of the prison (Aretxaga, 2001: 7). Before the "random" use of strip searches, women were subject to a strip search on admittance to the jail (alongside a bath), and were given a rub-down search accompanied by a metal detector on exiting prison at the end of their sentence (ibid). In March 1983, the use of strip searches was dramatically increased; female prisoners could be called for a strip search at any given time despite not leaving the prison or having no scheduled visits (ibid). These arbitrary searches left women feeling uncertain about their safety and had a profound impact upon their mental and physical wellbeing, attracting condemnation by political, feminist and community organisations (Aretxaga, 2001; Pickering, 2002). Research by Sharon Pickering (2002) highlighted that the trauma suffered by women due to strip searches was so severe it caused women to suffer panic attacks and for their periods to stop. Armagh Jail was closed in 1986, and all female prisoners were transferred to Maghaberry (Scraton and Moore, 2014), a newly built, high security prison that was equipped with state-of-the-art surveillance technology, making potential breaches of security near impossible (Aretxaga, 2001). Despite such high

security measures in Maghaberry, strip-searching still continued, and in 1992, a mass strip search of unprecedented violence was carried out, which according to the Governor of Maghaberry, was merely a "routine security procedure" (ibid: 2).

On the morning of March the 2nd, 1992, the mass strip search of 21 Republican prisoners was undertaken, beginning at 9am and not ending until 9pm that night (Moore, 2010). Both male and female guards in riot dress, making their gender indeterminate, undertook the search (Aretxaga, 2001). Begona Aretxaga (ibid) observed that the mass strip search in Maghaberry prison was used as a *weapon of punishment*. Using a Foucauldian Feminist perspective, she considered the interweaving threads of technologies of power, structures of sexual difference and the production of political identities for Republican women. Aretxaga's research concerning the strip-searching of Republican women draws primarily upon the voices of such women, centring the women's experiences throughout. This provides the reader with an in-depth understanding of women's narratives, for example, Karen (cited in ibid: 10) stated:

> All day long these screams of anguish came from the cells and I had to sit and listen to what the women were going through and helpless to do anything about it. The male screws stood laughing and taunting the women who were in the wing while these women were being raped. It was nerve wracking waiting and knowing that they would eventually get to me.

Similarly, Shaureen (cited in ibid: 10) also shared her experience:

> During most of the attacks I saw and heard both male and female screws laughing and jeering while women were being pinned down and stripped naked. At one stage I watched a male screw making sick and disgusting sexual remarks. I cannot describe what it is really like to watch women being trailed off the window bars to be sexually assaulted and to listen to their cries and screams- it's a nightmare.

Drawing upon the narratives of women, Aretxaga examined the conflation of gender distinctions between male and female prison officers, considering the work of Judith Butler and the performance of gender. Butler (1990, cited in Aretxaga, 2001: 19) asks us to "consider gender as a *corporeal style*, an "act", as it were, which is both intentional and performative, where "*performative*" suggests a dramatic and contingent construction of meaning", thus, it is argued by Aretxaga that women officers

"acted" as men, performing a fantasy of collective rape during the mass strip search. Importantly, Aretxaga (ibid: 19) asserted that "in performing this "act", the guards *de facto*- psychologically and politically if not legally- carried out a rape that was heterosexual and ethnically marked". Thus, she insisted that the strip searches of 1992 constitute a military mass rape, one in which the female officers present at Maghaberry acted as an extension of the male body. Female officers' role in conducting body searches, and the gendered power relationships between such officers and imprisoned women are further explored within Chapters Three and Six.

Aretxaga further argues that not only can the strip searches be understood as male violence, but also understood as state violence aimed at subduing women into forms of submissive femininity and their subjugated place within the ethnic hierarchy. For the women, strip-searching was understood as enforcing the ethnic hierarchy of Northern Ireland, within which Catholics, especially women, had to be put in their subjugated place (ibid: 21). The Republican women were therefore targeted in an attempt to transform them from political prisoners, to docile, passive and conforming female subjects, inscribed by their lower status as both females and Catholics. However, the author (ibid: 22) argued that rather than creating conforming female subjects, the impacts of the mass strip search served to strengthen the women's radicalised, Republican political identity, challenging the hegemonic constructions of gender identity and state power. State power, male violence and resistance are themes which are also drawn out within Chapters Three, Five, Six and Seven.

Similarly to Aretxaga, Mary Corcoran (2006) also examined the use of strip-searching in both Armagh and Maghaberry Prison. Influenced by Foucauldian theory, Corcoran examined the repeated strip searches of Northern Irish women in terms of a re-moralising and re-disciplining turn in penal governance, concluding that such strip searches were utilised as a method to control the unruly bodies of women prisoners. Corcoran considered the practice of strip-searching Republican women to be a form of politicized state violence against women, and she asserted that whilst the exposure of their bodies was inarguably connected to sexual domination, its context places strip-searching within the

domain of "political retribution and deterrence" (ibid: 184). Important to Corcoran is the recognition

of strip-searching in the Northern Irish context as a nexus of gendered power, penal power and state

power, which all act to discipline the bodies of women who defer from acceptable femininity and

political ideology and practice. Thus, Corcoran (ibid), like Aretxaga (2001), understood strip-searching

not only as a form of gendered and sexual violence, but also state violence.

With further regard to Northern Irish prisons for women, In 2016 Azrini Wahidin published the

monograph *Ex-Combatants, Gender and Peace in Northern Ireland* in which she also explored strip-

searching as a gendered form of state punishment, sexual violence and discipline of Republican

women. Wahidin analysed official discourse relating to strip-searching in Northern Irish Prisons and

argued that what is presented of strip-searching in official policy is not congruent with women's

experiences. For example, whilst official policy stated that strip searches were to be conducted in a

"half and half" fashion, by which "the subject removes clothing from the top half of the body… and

the naked part of the body is examined visually… and the process is repeated for the lower half of the

body" (NAICRO, n.d, cited in Wahidin, 2016: 177), Wahidin found that women prisoners experienced

such searches very differently. Rather than strip searches being conducted in a "half and half" fashion,

in practice strip searches involved "the removal of clothes and the visual inspection of the body",

where women were "instructed to open mouths, lift breasts and open legs" (Wahidin, 2016: 177). This

signalled a significant disjuncture between official policy, and how strip searches were conducted in

practice. Thus, women understood and experienced being strip-searched very differently to the state's

definition of a strip search.

The disjuncture between official policy and practice also leaked into official justifications of strip

searches, where Wahidin also criticised the notion of "security" as central to the state's rationale for

strip searches, and argued that the use of strip-searching to create security is that of an oxymoron, as

the "security" efforts of the prison result in an environment of authoritarianism, terror, degradation

and violence. Furthermore, Wahidin paid attention to Republican women's resistance to being strip searched, which she termed "passive resistance", in which women were presented with so few options to resist and such overwhelming fear of physical violence, that women repressed their desire to physically resist and instead, remained silent at the time of the strip search. When women did resist, however, this often led to being strip searched by force, further punishment by the prison, and charges with breaches of prison rules. This reinforced the notion that the women were powerless to resist the authority of the prison. Wahidin's (ibid) discussion of resistance is of importance to this research, particularly in relation to the differences between "active" and "passive" resistance, is discussed further within Chapter Seven.

As well as academic literature analysing the strip-searching of Irish women throughout the Troubles, many campaigns prioritised the strip-searching of Irish women as a significant issue for public concern. For example, the campaign *Stop the Strip Searches* was organised in London in the 1980's to protest the brutal strip-searches of political prisoners in Armagh Jail in Northern Ireland, and highlighted that strip-searching women is indicative of sexual assault (Stop Strip Searches Campaign, n.d). Similarly, Liverpool Women and Ireland (n.d) also held demonstrations against the repeated strip-searching of republican women Ella O'Dwyer and Martina Anderson in Brixton Prison in England (New Statesman, 1985), and stated that strip-searching is used as a form of torture against women in prison. The London Strategic Policy Unit (1988) also extensively campaigned against the strip-searching of women in prison in Northern Ireland (and England), citing strip-searching as a form of punishment and violence against women. Further to campaigns, many newspapers and journals have also discussed the issue of strip-searching. In 1985, the *New Statesman* published an article concerning the repeated strip-searching of O'Dwyer and Anderson, and highlighted that despite frequent complaints made by the women to the Home Office, these had no effect upon their treatment. Additionally, in 1986, *The Guardian* also published an article concerning the strip-searching of Ella O'Dwyer and Martina

Anderson, and reported that the High Court refused to ban the strip searches that the women were subject to.

The use of strip-searching against female prisoners as a political weapon is also discussed by Annie Pohlman (2015). Her writing concerns women, sexual violence and the Indonesian mass killings of 1965-1966, where the Indonesian Army targeted members of the Indonesian Communist Party, murdering between 500,000 to 1 million during an anti-communist purge. Throughout the conflict, a vast network of prisons, camps and other detention facilities were erected across Indonesia, where Indonesian Communist women were specifically targeted for strip searches. Pohlman (ibid: 150) argued that strip searches were used against women and girls to terrify and harm them; as sexualized methods of control and punishment and as a way to "identify them as the treacherous, Communist women that they were". The strip searches used against Communist women and girls served a specific function of the state, according to Pohlman, to disempower female victims and cause them great humiliation. Interestingly, she notes for the Indonesian Army, strip searches were a fundamental method of punishment used in conjunction with other forms of sexualised violence, such as enslavement and forced prostitution. Thus, Pohlman's work suggested that strip searches are integral to the incitement of state violence against female political prisoners, as is also demonstrated by Arextaga (2001), Corcoran (2006) and Wahidin (2016).

1.32 Strip-Searching as Sexual Abuse

Amanda George (1992) is an Australian scholar who has conducted extensive research into the strip-searching of women in prison. Within her research, George (ibid: 212) argued that strip-searching constitutes a "cruel and unusual punishment" and is, therefore, in breach of international human rights law and, moreover, comprises sexual assault. Although the state has officially denied that it uses strip-searching as sexual assault, the author argued that the state in fact uses this sexually abusive practice as a means of control. George argued that due to definitions the legal system has historically used to describe rape and sexual assault which hinge upon an individualistic and interpersonal

definition of sexual violence, women's experiences of strip-searching are often dismissed and not considered within the spectrum of sexually abusive behaviour as they take place within an institutional setting. However, George (ibid: 212) emphasised that strip-searching, due to the sexual and non-consensual nature of the practice, would be legally defined as sexual assault if conducted outside of the closed, "hyper-male military environment" of the prison where these acts are justified as lawful state practice. To highlight the overuse of strip-searching in prisons, George drew upon a Freedom of Information Request to the Victorian Office of Corrections. The Freedom of Information request revealed that over a one-month period, 386 strip searches were conducted on the sixty women in Fairlea prison. As a result of further Freedom of Information Requests made by George, she asserted that women are routinely forced to submit to strip searches, with any prisoner who refuses the search being charged with an offence. With this in mind, she noted that as some 70% of women in Australian prisons are survivors of incest and sexual abuse, the repetitive forceful use of strip searches are often experienced by women as a re-enactment of their abuse, causing extreme mental distress.

As well as strip searches, George (ibid: 211) also noted that during internal searches in hospital, women, up until 1991, were required to "wear handcuffs during the internal, in front of an officer". Although the requirement for women to be handcuffed during an internal examination had officially been abolished, women were still forced to undergo an internal examination in front of prison officers. The violation of women's privacy during medical interventions, as highlighted (ibid), demonstrates the extent to which women lose their bodily autonomy whilst in prison. This loss of bodily autonomy is a particular focus of this thesis and is discussed in greater depth within Chapters Five, Six and Seven.

Importantly, George (ibid: 212) also emphasised that the state goes to great lengths to hide its use of sexual assault within the prison environment, justifying the use of strip-searching by labelling its victims "a class deserving of the treatment" and thus ignoring their experiences of victimisation altogether. It is through these processes that the state denies that these acts of sexual assault are crimes and negates responsibility for victims' trauma. Furthermore, George asserted that the state

pedals the myth of "stranger danger" to hide its own abusive behaviour within state institutions. In concluding her analysis of women's strip-searching in Australia, George (ibid: 216) claimed that the sexual abuse of women via strip searches is not a matter of "focussing on the few bad apples argument", and emphasised an abolitionist approach, to which she noted that if prison officers are given the power to strip search, they are given the right to sexually assault women with impunity. The arguments presented by George (ibid: 214) provide a clear picture of prison life for women, one where "she loses her humanity, her individuality, her right to freedom from assault, humiliation and fear, and her right to resist those assaults". Her work provides an useful understanding of how state power can be used to negate responsibility for the sexual abuse of women within its prisons, which is unpacked in further detail in Chapters Three, Five, Six and Seven.

Similarly, Cathy Pereira (2001) also argued against the use of strip-searching in female prisons in Australia. Furthering arguments made by George (1992), Pereira (2001) asserted that the physical, emotional and psychological harm caused by sexual assault, and methods of coercion, abuse of power and authority used during sexual assault are all perpetrated during prison strip searches. Thus, for many women who experience being strip searched, their experiences mirror that of sexual assault, with women often describing feelings consistent with those of being sexually abused or re-traumatised and shamed (ibid: 188) This is also often the case in Canadian prisons, as highlighted by Arbour (1996). Drawing upon the lived experiences of survivors of strip-searching, Pereira (2001: 188) noted women's own narratives:

> I honestly felt that 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.

Pereira not only emphasised the sexually abusive, re-traumatising nature of being strip searched, but also addressed the lack of resistance available to women, to which she argued that if women attempt to resist the procedure, they are often searched by force, or punished more severely. Strip-searching

was further problematised by Pereira, where she asserted that this practice also fortifies stereotypical patterns of passivity and learned helplessness, reinforcing women's role within wider society. Furthermore, when applied to Aboriginal and Torres Strait Islander women, strip-searching re-enforces indigenous women's historical experiences of racism and sexism. The interrelationship between drug use and strip searching was also interrogated by Pereira, to which she noted that this abusive practice further perpetrates women's drug dependency, as many use drugs to escape the trauma of sexual abuse, a form of self-medicating.

Although Australia's prison system claims to centre the "rehabilitation" of women, Pereira affirms that the practice of strip-searching is in opposition to the concept of rehabilitation, as it actively disempowers women and removes agency. Like George (1992), Pereira (2001) argued that strip searches are also highly ineffective, for example, at Victoria Prison in August of 1995, of 506 strip searches conducted, officers found only two women carrying tobacco cigarettes. Considering the harm strip-searching causes to women, Pereira (ibid: 192) questioned how the process is legitimised by prison staff and wider authorities. It is argued that strip searches are legitimised through a culture of insensitivity among prison staff, which allows prison officials to deny the harm and detrimental impacts suffered by victims of this abusive practice. Furthermore, Pereira (ibid: 192) contended that the legitimising process also takes place within strip search policy, for example, the use of words such as "dignity" and "appropriate" in the context of a strip search mask the fundamentally sexually abusive nature of this practice. Concluding her critique of strip-searching, Pereira (ibid: 193) considered the use of searching technology, which she refers to as "alternatives to strip searching", such as metal detectors and swabs for the detection of contraband. The author asserted that these searching devices are a viable way of minimising the harm done to women by intrusive strip searches. Although Pereira (ibid: 193) touches upon these "alternatives" to strip-searching, she fails to foster a critical discussion of the potential of these methods as genuine, less problematic alternatives to the degrading and inhumane practice of strip-searching.

Commenting upon strip-searching in Australian prisons for women, Debbie Kilroy (2003: 32) has similarly critiqued strip-searching as a form of sexual assault which she asserted is used as "a powerful weapon of social control used by the state". Drawing upon the work of George (1992), Kilroy (2003) argued that whilst strip searches are justified in order to keep a "safe environment" within the prison, they serve little use in identifying contraband such as drugs, and are instead used as a mechanism of control. Furthermore, Kilroy (ibid) maintained that the random or routine strip-searching of women in prison constitutes sexual assault *unless* there is reasonable suspicion which justifies the intrusion of a woman's body. Kilroy (ibid) asserted that not only do repeated routine or random strip searches constitute assault, but also contravene Australia's International Covenant on Civil and Political Rights (ICCPR), particularly in relation to the protection of women's rights to dignity, and protection from degrading treatment and torture. Using routine strip searches as a form of currency which women must to pay in order to get visits with family and lawyers, argued Kilroy (ibid: 39), therefore verges on torture. This has resulted in many women refusing visits from friends and family in order to avoid being strip searched, which only adds further to their isolation. Moreover, as a significant number of women in prison experienced sexual abuse as children by people in a position of authority and trust, Kilroy (ibid: 35) argued that these power dynamics are repeated during strip searches in prison:

> It is cruel and inhuman treatment to revictimize these women by subjecting them to routine, random, or mandatory strip-searches by people who exert considerable authority and control over them and their lives.

The dynamics of power between prison officers and women prisoners during searches will be discussed further in later Chapters.

Combining an analysis of strip-searching in Northern Ireland, Australia and Canada, Jude McCulloch and Amanda George (2009) have provided an in-depth examination of the impacts of strip-searching in women's prisons across the globe. Drawing upon the work of Davis (2003), McCulloch and George (2009) argued that the sexual abuse of women has now become a routine aspect of female imprisonment across the world. Furthermore, considering prisoners' experiences of sexual and

gendered violence, patriarchal culture, religion and race outside of prison, McCulloch and George asserted that the practice of strip-searching compounds women's experience of such practices as violence and extreme violation. It is these experiences of sexual and gendered violence on the outside which amplify the harm and suffering experienced by women when strip searched within prison. McCulloch and George give a detailed analysis of the impact that strip searches have upon women in prison, to which they stated that the circumstances in which strip-searching occurs, such as before and after visits, has meant that many women do not have contact visits with family, friends and children due to their objections to being strip searched. According to the Office of the Correctional Services Commissioner (2001: 32, cited in McCulloch and George, 2009: 112), in Victoria, Australia, 13% of women have denied themselves visits because of strip searches, which has impacted upon their family ties and outside relationships. Similarly to Pereira (2001), McCulloch and George (2009: 117) analysed the ways in which the state legitimises body-searching. Focussing upon Northern Ireland and Australia, they noted that strip searches are justified in terms of "prison security", for example, to stop the entry of contraband and weapons; and to maintain "good order". The authors (ibid: 119) remarked that despite policies such as "bend and part" and "squat and cough", which only serve to deliberately humiliate and degrade women, evidence suggests that strip searches do not have any value in creating a "safe" environment for inmates and in fact create an environment where women often resort to increased illicit drug use to combat feelings of degradation and un-safety. Overall, McCulloch and George concluded that the global phenomenon of strip-searching in women's prisons acts as state-sanctioned sexual abuse, which maintains and amplifies the oppression of women, particularly those who are poor and of marginalised ethnicities. The discrepancies between official legitimisations of body-searching, and the lived reality of *being* body searched, is further explored within Chapters Five, Six and Seven and forms a crucial aspect of this study's analysis.

Dobash, Dobash and Gutteridge (1986) discussed in their analysis of women's imprisonment in England the significance of searching for women. They noted that strip searches serve as a symbolic

function of reaffirming imprisonment, shame and the loss of status which comes with serving a prison sentence. The random occurrence of searches leave women feeling shocked, with many women commenting that strip searches were hard to bear and were conducted with disregard for their dignity. Women stated (ibid: 205):

> The searching after visits sickens you. Sometimes it's worse than others. You can be stripped any time and searched. You often are on your way back from work.

> Once in Borstal some money went missing. We all had to strip naked and bend forward, even those who had periods.

Dobash, Dobash and Gutteridge importantly demonstrated that far from strip-searching being a practice which is legitimated for the sake of prison security, it serves a significant symbolic purpose of reinforcing shame and degradation upon female prisoners.

Angela Devlin (1998) also provided valuable academic literature concerning strip-searching, internal searches and the use of searching equipment. In a study focused upon the provision of custody for women in English prisons, Devlinhighlighted that many women, particularly those who have suffered from past sexual abuse, found the experience of being strip searched so shocking that they preferred to not discuss it, and commented that those who were willing to discuss the experience found it extremely degrading. Devlin drew upon the voices of women to demonstrate the deeply traumatizing impacts that being strip searched can have upon female prisoners, and focussed upon how being strip searched can conflict with Muslim women's religious beliefs and how they practice Hijab. Devlin (ibid: 37) noted the revulsion one Muslim woman felt when being strip searched:

> You have to strip naked and lie on your back with your knees in the air, then let your legs flop apart like you do for an internal examination when you're pregnant. They look inside you but thank god they aren't allowed to touch you. It's horrible having those officers look at you like that. Then you have to stand up naked and bend forwards so they can look at the other side.

Furthermore, Devlin (ibid: 37) also highlighted the voices of women who have been strip searched by force, and noted that they experienced such forced strip searches as "a kind of rape". Further to this point, the author noted an incident which occurred in June 1997 at HMP Highpoint, where four male

officers forcibly stripped a female prisoner and held her down whilst a male doctor performed an internal search. This account highlights the abusive and sexually violent nature of internal searches and strip searches within women's prisons in England. The works of Dobash, Dobash and Gutteridge (1986) and Devlin (1998) are of significance to this research due to not only their focus upon English prisons for women and practices of body-searching, but also due to their questioning of the official legitimacy of body-searching women.

VanNatta (2010) also commented upon the relationship between sexual abuse within prisons and the use of strip-searching. VanNatta placed the use of strip-searching alongside other forms of state perpetrated abuse women experience in prison, such as sexually-orientated surveillance, coerced sexual activity under threat of discipline, physical overpowerment and rape, insisting that they are inherently connected under the sexually coercive nature of the prison (Ristroph, 2006). Interestingly, the author highlighted that whilst some, albeit limited, Bureau of Justice Statistics funded research has been conducted into prison sexual abuse, the research had narrow definitions of sexual violence, and did not include strip searches or internal searches as a form of sexual violence or abuse. Similarly to George (1992), VanNatta (2010: 29) noted that this is due to a fundamental flaw in understanding the ways in which prisoners experience sexual violence, which "cannot be fully explored in a survey which presumes that concepts of sexual violence and consent have the same meanings within prison as they do outside". VanNatta drew attention to the severe trauma women can experience through strip searches, in which women can feel humiliated, harassed and intimidated; she furthermore posited that these practices must be understood as a form of routinised state sexual abuse, which, if it took place outside of the prison, would be a criminal act. The inability of the state to recognise prison practices as a form of sexual abuse demonstrated, according to VanNatta (ibid: 43), the limited definitions of sexual violence, which "remain rooted in a social construction of sexual abuse that relies on an individually focussed approach". Despite their best intentions to tackle sexual violence, the

author argued that even rape crisis centres unfortunately lack the knowledge surrounding state sexual violence, which can hinder women's ability to heal from such trauma.

In 2020, Jessica Hutchison published a study based upon five interviews with women in prison in Canada regarding their experiences of strip-searching. Hutchison (2020) noted that despite the popularisation of the #MeToo movement in the West, the notion of institutionalised sexual assault, namely that of the sexual assault of women in prison, was not understood to be an issue of importance. Hutchison (ibid: 161) highlighted that despite the high number of women in federal prisons in Canada who have been sexually abused prior to their imprisonment, which is 68%, the practice of "forcing women to remove their clothes under threat of (serious) consequence is socially (and legally) acceptable" and remained largely unquestioned or queried. As such, through in depth qualitative interviews underpinned by a feminist epistemological position, Hutchison found that not only did the women in her study experience strip searches as sexual assault and abuse, but confidently asserted that strip-searching is not just "state sanctioned" sexual assault, as posed by scholars such as McCulloch and George (2009), but is in fact "state inflicted" sexual assault, which according to Hutchison "allows for a more nuanced and accurate understanding of the structural violence inherent in state policies and practices and locates the responsibility within the state rather than individual actors" (Hutchison, 2020: 169). By recognising strip-searching as state *inflicted* rather than state *sanctioned*, Hutchison placed the state as the responsible agent and recognised that strip-searching is not a passive act conducted by individual prison officers, but is an active violation of the bodies of women designed, enforced and conducted *by* the state. Furthermore, Hutchison (ibid: 172) importantly recognised that the strip-searching of women in prison mimics the myriad of forms of social control, abuse and trauma women have experienced outside of prison within controlling and violent relationships, to which she argued that strip-searching is a form of sexual assault and that further "research exploring how women experience being strip searched is necessary to effectively draw connections between women's experiences of sexual victimization at the hands of men during

childhood and adulthood and at the hands of the state during their imprisonment". Hutchison therefore called into question the parallels that can be drawn between male violence and the violence women experience at the hands of the state, questions which are central to this thesis and a radical feminist perspective.

1.33 Considering "Less Intrusive" Body-Searching "Alternatives": Searching Technologies and Rub-Down Searches

There has been very little academic literature that has focused upon the study of body-searching technologies and rub-down searches. Looking specifically to body-searching technologies, within an English context, the HM Chief Inspector of Prisons (1997) report *Women in Prison: A Thematic Review* was particularly influential in sparking discussions regarding the potential for the adoption of technological alternatives to strip searches. As a result of the review, the HMCIP report recommended that the Prison Service should "investigate what reliable electro-mechanical detection devices (particularly for drugs detection) are available to assist with searching". Devlin (1998) noted in her analysis of women's imprisonment in England that the HMCIP suggested that electro-mechanical devices should "replace" strip searches, however, it must be recognised that the HMCIP merely suggested that electro-mechanical devices should be used to *assist* strip searches, not *replace* them. To this, Devlin (1998: 37) stated that the Prison Service should "investigate some form of electro-mechanical detection device to replace the strip search", however, "in the meantime, strip searches should be carried out sensitively by specially trained staff, and staff behaviour should be carefully monitored". In a similar vein to the HMCIP's recommendation, in 2007, Baroness Jean Corston (2007: 32) recommended that the use of technologies to "eradicate time consuming and degrading strip-searching" should be investigated by the Prison Service. Devlin's (1998) assertion that strip searches should be carried out "sensitively" arguably lacks critical understanding of the unequal power relationship which occurs between women and prison officers when strip-searching is enacted upon female prisoners (George, 1992; Aretxaga, 2001). Thus, it may be suggested that there is a

fundamental flaw in Devlin's (1998: 37) logic, as strip-searching may be understood as an inherently *in*sensitive, abusive practice, according to scholars such as George (1992) and Hutchison (2020), whether or not prison officials are "specially trained" or "carefully monitored".

Within the United States of America, the Washington State Department of Corrections (2017: 6) published a review of "full body scanners" as an "alternative to strip searches", in which they assessed the viability of the use of commercially available technologies such as "Backscatter X-Ray", "Millimeter Wave" and "Transmission X-Ray". Whilst the Department of Corrections (ibid: 8) asserted that "full-body scanners could reduce the frequency of strip searches in a correctional setting", they note that such technologies should "not replace the requirement to conduct strip searches in a limited setting". This assertion therefore calls to question whether the implementation of searching technologies would truly act as a viable alternative or *replacement* to intrusive strip searches for women, or if they would merely be used to search more quickly and "efficiently", whilst ignoring the key factors impacting women's experiences of body-searching, such as trauma and loss of bodily autonomy. Debates regarding whether searching technologies should be used to eradicate strip searches, or should be used alongside them, is discussed in greater detail in Chapters Two and Seven.

After a pilot of body scanners at the Washington Corrections Centre for Women from the 1st of April 2019 to the 30th of September 2019, the Washington State Department of Corrections published the findings of their pilot study, to which they noted significant advantages *and* disadvantages to using body scanners. The Washington State Department of Corrections (2019) noted that the pilot study revealed advantages in the detection of contraband, in which 7450 scans took place and 129 positive reads were recorded. However, it must be questioned whether 129 positive reads out of a total of 7450 truly constitutes a significant result. More advantages of the body scanners, according to the Department (ibid: 8), were attributed to their ability to save time, enable more searches to be

conducted, and to save staff and prisoners the "unpleasant"[12] experience of undertaking a strip search in which women are required to "allow a visual inspection of their most private areas in front of employees" (ibid: 8). Furthermore, the Department suggested that the use of body scanners "was able to significantly reduce the average number of monthly strip searches overall" however, "there were still 152 instances where strip searches were required" on average per month. This however, *is* a significant reduction from an average of 1989 average monthly searches in 2018 (ibid: 6).

Despite the "advantages" of the piloting of body scanners, there were some difficulties in the implementation of the scanners, such as the increased use of "dry cells" (ibid). Dry cells are used when an individual gives a positive reading on the body scanner but does not voluntarily retrieve contraband, as such, women are put in a cell with no standard toilet for "up to 84 hours or three bowel movements with 24-hour extensions granted and documented as needed" (ibid: 8). During the pilot study, "primarily due to females being able to conceal contraband in the vaginal area", this resulted in numerous women being on dry cell watch concurrently (ibid, 2019: 9). As 87 women were placed in dry cell conditions, in which two officers of the same gender as the prisoner must continuously observe the inmate, this resulted in a significant strain on prison staff and accounted for "1,390 hours of required extra posts and over 1,000 overtime hours" (ibid: 9). Further to this, it may be argued that the use of dry cells could result in extreme degradation for the women subject to their use, however, this was not commented upon by the Department. Despite such "difficulties", the Washington State Department of Corrections (ibid: 10) concluded that the use of body scanning technologies is "a viable option to reduce (although not eliminate) strip searches of incarcerated individuals".

Within an Australian context, in 2001, Pereira recommended that the use of alternate technologies such as metal detectors should be used within women's prisons in the detection of drugs as opposed to strip searches, with the ultimate goal of eradicating strip-searching altogether due to their

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[12] Please note that this is the wording adopted by the Washington State Department of Corrections, and that the use of the term "unpleasant" can be interpreted as a significant understatement of the harm that strip-searches inflict, as per the previous discussions within this Chapter.

traumatising impacts upon women in prison. Similarly, the Human Rights Law Centre (2017) published a paper regarding the use of strip-searching in prisons in the state of Victoria, which proposed the use of "alternative approaches" such as searches using technologies and rub-down searches. The Human Rights Law Centre cited pat-down searches as an "alternative approach" to strip searches, and noted that their effectiveness is improved when used in conjunction with searching technologies. Furthermore, the Human Rights Law Centre recommend the "use of modern technology" as alternatives to strip-searching women in prison including the use of full body scanners, metal detectors, body orifice scanners (such as the Body Orifice Security Scanner) and ion scanner machines. Critically, the Law Centre suggested that "in addition to established technologies in operation in prison and airport security contexts, there are a number of emerging technologies that will potentially offer other alternative options to physically intrusive searches of people in prison". Crucially here, it is important to note that whilst Corston (2007) and Pereira (2001) recommended the adoption of technologies to *eradicate* strip searches, others such as the HMCIP (HM Chief Inspector of Prisons, 2017), the Washington State Department of Corrections (2017; 2019) and the Human Rights Law Centre (2017) recommended the use of searching technologies to *assist* in strip searches. This, therefore, raises questions regarding the intended purpose of searching equipment and technologies, are they to be adopted in order to replace strip searches, or merely to assist in their performance? Furthermore, although Corston (2007), HMCIP (1997), Devlin (1998), Pereira (2001), Human Rights Law Centre (2017) and the Washington State Department of Corrections (2017; 2019) have recommended the adoption of searching technologies in women's prisons due to their non-intrusiveness, there has yet to be any published academic research which *evidences* the effectiveness of searching technologies *as less intrusive* means of body-searching in prisons. As such, despite claims that strip searches should be replaced by searching technologies, no scholars have attempted to demonstrate *how* technological alternatives to strip-searching are less problematic than strip searches, or whether they are *experienced* by women in prison as less intrusive than strip-searching.

It is therefore a focus of this research to contribute to this gap in academic discourse regarding body-searching technologies and "alternatives".

In terms of literature regarding the practice of rub-down searches, after extensive library, online and archival searching, I have determined that there have been no published pieces of academic research concerning this practice within women's prisons in England. According to the National Offender Management Service (2016: 28) a rub-down search is conducted by a single prison officer using open hands with fingers spread out, does not usually require the removal of clothing and is not intended to be intrusive. Where the practice of rub-down searches have been noted within the literature, such writings have been primarily based within the USA, and have concerned cross gender "frisk" searches in prisons. Whilst the USA terms pat-down searches as "frisk" searches, it is crucial to point out that in the USA, access to women's breasts and genitals are required during a pat-down search (Amnesty International USA, n.d), whereas in England, this is unlawful. With regard to such pat-down searches, Jackson (1998: 959) questioned the appropriateness of the surveillance and pat-down-searching of male prisoners by female guards, noting that such cross-gender searches had the capacity to create feelings of humiliation and degradation, removing male prisoners' right to bodily integrity. Jackson, drawing upon the USA's Fourth Amendment Right, therefore argued that prisoners should not be subject to cross gender pat-down searches on account of their protected right to privacy. Whilst Jackson discussed pat-down searches and their infringement upon men's rights to privacy, she does not provide any similar analysis of such searches in relation to women, nor does she question the nature or practice of pat-down-searching practices outside of their cross gender application. Outside of academic literature, Amnesty International USA (n.d: 22) published a report which examined issues impacting women in prison, in which they asserted that in the USA, there were significant issues relating to the cross-gender rub-down searches of women in prison, which Amnesty International USA categorised as "inherently degrading" and "open to abuse". Further to this, Amnesty International USA (ibid: 22) recognised that "women staff members may also abuse their power to intimidate

women inmates by using intrusive pat-down searches and other sexually based power violations", which crucially acknowledged the potential for rub-down searches to be used as a way to enforce penal power.

As noted previously, Carlen (1998: 91), within her work titled *Sledgehammer: Women's Imprisonment at the Millennium* emphasised the state sanctioned penal powers exercised upon the bodies of women in prison in England, using the term "intimate intrusions", first coined by Betsy Stanko (1985), to describe this phenomenon. "Intimate intrusions", according to Carlen (1998: 91), can take form in the loss of bodily privacy and enforced submissions to inspections of body parts normally protected from the public gaze. Whilst it is assumed by the Human Rights Law Centre (2017) that rub-down searches and searches using technologies are less intrusive alternatives to strip searches, this research seeks to develop an evidence base to understand how women who have experienced rub-down searches and searches using technologies comprehend these practices. Thus, Stanko's (1985) and Carlen's (1998) understanding of "intimate intrusions" can perhaps be useful in order to explore whether supposedly "alternative" (Pereira, 2001: 195; Devlin, 1998: 37: Corston, 2007) forms of searching such as rub-down searches and the use of searching devices *are* legitimate non-intrusive alternatives to strip-searching, as suggested within the literature discussed within this chapter.

1.4 Conclusion

This chapter has provided an analysis of critical issues regarding the imprisonment of women. As such, discourses concerning gender, race, medicalisation, discipline, violence and resistance have been discussed and their significance outlined. Importantly, the centrality of gender to an understanding of practices of women's imprisonment has been identified, a theme which is explored throughout this thesis. The way in which violence against women in the community is not only mirrored but also amplified within prisons has also been discussed, and arguments regarding the relationships between male violence in the community and the violence of the prison have been considered. The chapter has also drawn upon literature regarding body-searching and has demonstrated that body-searching is an

under-researched area, with the limited volume of published literature concerning the abusive nature

of strip searches. Strip searches have, therefore, been problematised as not only sexually violent, but

a form of state-sanctioned, or inflicted, sexual violence. Furthermore, the damaging impacts of being

strip searched, such as feelings of traumatisation, degradation, humiliation, and sexual assault and

abuse have been explored. The use of strip-searching as a gendered and political weapon against the

bodies of women has also been outlined, and global trends explored. Crucially, the chapter has drawn

attention to the significant lacuna of academic knowledge regarding rub-down searches and searches

using technology, and has offered a framework in which to explore such issues. The next chapter turns

to an analysis of national and international policies regarding body-searching women in prison.

Chapter Two

Understanding Official Policies on Body-Searching

2.1 Introduction

This chapter examines relevant policy pertaining to the practices of body-searching in women's prisons in England. To this end, the chapter first discusses the function of the Prison Rules (1999) in relation to body-searching. The impact of the Human Rights Act (1998), as well as the turn to a "gender specific" approach to body-searching for women as spearheaded by Corston (2007) are also outlined and their importance discussed. The influence of international guidance on body-searching in women's prisons, namely the development of the Bangkok Rules (United Nations, 2011) is also reviewed and its efficacy commented upon. Importantly, current national policy regarding body-searching for women is detailed, which primes the thesis for its analysis of such official policy within Chapters Five, Six and Seven. Finally, the chapter looks to HM Chief Inspector of Prisons Annual Reports in order to understand the current climate of body-searching within prisons for women and the deeply entrenched problems associated with such practices.

2.2 A Brief History of Prison Policy on Body-Searching

In England and Wales, the Prison Act 1952 is the primary legislation regarding the operation of prisons and it enables the Secretary of State to make rules regarding the regulation and governance of Her Majesty's Prisons (Loucks, 2000: 6; Bennett and Jewkes, 2008: 217). As many provisions of the Prison Act 1952 date back to the nineteenth century and remain unaltered, penal critics such as the Prison Reform Trust (1996) have described the Act as anachronistic (cited in Cavadino and Dignan, 2007: 231). Prison Rules 1999 (created under the authority of the Prison Act 1952) are at the heart of prison policy in England and Wales (Loucks, 2000: 6; Bennett and Jewkes, 2008: 217). The Prison Rules comprise a regulatory framework that outlines the day-to-day administrative rules, principles and procedures that govern the operation of prisons in England and Wales. The same Rules cover a wide range of issues such as disciplinary procedures, the governance of female prisoners, the use of force

and security measures (Loucks, 2000; Prison Reform Trust, 2018; Bennett and Jewkes, 2008: 217). As highlighted by Lazarus (2004: 158), many of the Prison Rules utilise language such as "may", "so far as reasonably practicable" and "where possible", which calls to question the status of the Prison Rules as Statutory Instruments. Similarly, Livingstone and Owen (1999) questioned the legitimacy and enforceability of the Prison Rules, and suggested that their ambiguity and unenforceability under law allows for significant discretion by prison authorities. Paying attention to this ambiguity within official policy is of crucial importance to this thesis, which is explored in more detail throughout this chapter, as well as later analysis chapters.

Prison Rule 41 (Home Office, 1999) governs the practices of searching and states:

> (1) Every prisoner shall be searched when taken into custody by an officer, on his (sic) reception into a prison and subsequently as the governor thinks necessary or as the Secretary of State may direct.
>
> (2) A prisoner shall be searched in as seemly a manner as is consistent with discovering anything concealed.
>
> (3) No prisoner shall be stripped and searched in the sight of another prisoner, or in the sight of a person of the opposite sex.

When reflecting upon subsection 1 above, the language used to detail this instruction allows governors complete discretion regarding types of searches used and their frequency. Furthermore, the Prison Rules make no distinction between the different types of searches involved, such as cell searches or body searches and do not give clear instructions upon differences in searching practices between men and women. This lack of specificity regarding the types of searches that governors may utilise therefore leaves room for wide discretion and means that potential abuses of power might arise (Livingstone, Owen and MacDonald, 2003). Furthermore, the power of prison governors to create local rules in conjunction with the Prison Rules also suggests that there may be significant inconsistencies in the application of Prison Rules across the entire prison estate in England and Wales (Prison Reform Trust, 2018).

In order to provide further guidance for prison officers, Prison Service Orders (PSOs) and Prison Service Instructions (PSIs) are issued under the Prison Rules (Lazarus, 2004). Prison Service Orders, issued until the 31st of July 2009, are long-term mandatory instructions that are in operation indefinitely until they are formally cancelled or replaced by new orders (HM Prison and Probation Service, 2017; Prison Reform Trust, 2018). Prison Service Instructions, conversely, are short-term directions that contain an array of rules, regulations and guidelines that dictate the operation of prisons (Prison Reform Trust, 2018). Although both PSOs and PSIs contain mandatory elements, their status as legal instruments remain unclear (Loucks, 2000). The current policy outlining the operation of body-searching in women's prisons in England is provided by Prison Service Instruction (07/2016) *Searching of the Person* (National Offender Management Service, 2016), which provides instructions for "gender specific" strip searches (known as full searches), rub-down searches, internal searches and searches using technological equipment. The details of this Instruction are discussed later in this chapter and form part of this thesis's data analysis within Chapters Five, Six and Seven.

2.3 A turn to a "Human Rights" Approach to Body-Searching

The Human Rights Act (HRA) 1998 is another piece of legislation which affects policy regarding body-searching in prisons in England and Wales. Importantly, the advent of such legislation brought with it a coordinated internal review of vulnerability within the HM Prison Service (Scott, 2006: 80). Such review of vulnerabilities raised many questions regarding the strip-searching of prisoners, both male and female, and the use of strip cells. Thus, it was decided by the HM Prison Service that for prisoners at risk of self-harm or suicide, strip-searching was to be discontinued as the practice seemed "likely to be challenged under article 3 of the European Convention on Human Rights, which protects citizens from 'torture or inhuman and degrading treatment'" (PSI 27/2000, cited in Scott, 2006: 80). Despite changes made by the Human Rights Act, a report by INQUEST (2007), which investigated the death of a young woman at HMP Durham, found that women with significant vulnerabilities such as poor mental health and risks of self-harm or suicide were still subject to strip searches. The work of inquest

(ibid) suggests that although the HM Prison Service may have adopted HRA (1998) provisions within its *policies* on strip-searching for those with vulnerabilities, these may not have been adopted within prison *practice* within the women's estate. Understanding this gap between body-searching policies versus practice is therefore crucial to this thesis.

Although the Prison Rules (1999) and the Human Rights Act (1998) apply to body searches for both men and women, there have been various recommendations and changes to provision for the searching of *women* in the prison estate. Following an unannounced inspection of HMP Holloway in 1995, it was found that there were significant failings regarding the management of the prison, due to a range of serious inadequacies in the overall management of prisons for women (HM Chief Inspector of Prisons, 1997). Thus, in 1997, Her Majesty's Chief Inspector of Prisons (ibid) commissioned a full review of the women's penal estate, which intended to help the Prison Service improve its operating standards. During the course of the review, researchers visited every establishment holding women prisoners, and interviewed 10% of women prisoners in every institution. Results of the study highlighted that female prisoners had complex needs which were not being fulfilled within prisons designed and operated with male needs in mind (ibid). Significant concerns regarding the welfare of female prisoners were raised, as the research discovered that many women within the prison system were at risk of self-harm and suicide, had serious substance misuse issues with histories of poly-substance abuse, and had suffered frequent sexual and physical abuse at the hands of men close to them (ibid).

The review brought to light significant issues surrounding the body-searching of female prisoners, with the HM Chief Inspector of Prisons (ibid: 29) describing searching as "one of the most difficult areas to manage" due to the concealment of drugs and other prohibited items in prisoners' vaginas. Despite internal searches by staff being forbidden, it was noted by the HM Chief Inspector of Prisons that staff could require female prisoners to bend over or squat, who critiqued the practice as an ineffective and damaging technique due to the high proportion of women in prison who have suffered sexual abuse.

To combat these difficulties in detecting contraband concealed internally, the report recommended that the Prison Service should investigate reliable electro-mechanical detection devices that can be used to assist with searching. The use of technological searching methods is crucial to this thesis, therefore the recommendations made by the HMCIP are important for this thesis to consider.

Despite difficulties faced by prisoners, such as histories of sexual abuse, the Chief Inspector of Prisons (ibid: 29) argued that strip-searching is "obviously necessary where there is well founded suspicion that a woman may be carrying items which could be used to harm herself or others", however, many of the women who were interviewed throughout the review stated that they had been strip searched despite no well-founded suspicion of concealment or security concern, but as a way of demonstrating the control of staff over prisoners. As searching is likely to be traumatic for women with histories of sexual abuse, it was also recommended that staff should receive specialist training and staff should "approach strip searching on the assumption that any individual may have a history of being abused" (ibid: 30). Importantly, the report recommended to the Prison Service that the decision to strip search a female prisoner in closed conditions should be authorised by the Governor of the prison, and effective monitoring and recording of the circumstances in which the search takes place should be followed in all cases in order for staff to be held accountable for their actions (ibid: 30).

2.4 A Turn to a "Gender Specific" Approach to Body-Searching

As noted in the Preface, in 2007 Baroness Corston was appointed by the Home Office to conduct a review of women in the criminal justice system with particular vulnerabilities; the review took place over nine months and aimed to formulate practical solutions to some "long-term and well-known problems" (Corston, 2007: i) facing women in custody and beyond. Considering the Equality Act 2006, Corston (ibid: 31) argued that the development of gender specific practices must be given priority, to which she stated that the "regular, repetitive, unnecessary use of strip-searching" must be radically changed. She problematised the use of strip-searching for women and, asserted that it is not only degrading, humiliating and undignified, but for those with histories of sexual abuse, it reminds them

of their previous victimisation. Corston (ibid: 31) further argued that strip-searching is damaging for staff-prisoner relationships and is also highly ineffective.

During the review, Corston met with many women prisoners and interviewed them regarding their experiences. Corston (ibid: 31) spoke to one woman who was working for a voluntary organisation in preparation for her release, and was informed that the woman was strip searched every day on return to prison:

> I was both amazed that this fell within the prison regulations and appalled that it was happening. This was a woman trying to rebuild her life, preparing herself for release back into the community, considered by the authorities of sufficiently low risk to be in an open prison and to work outside, yet she had to undergo the humiliation of daily strip searching on her return. An odd way to demonstrate trust and increase this woman's sense of worth and self-esteem! When I asked if this procedure was normal and in accordance with the rules, I was surprised to find that those responsible for operational policy in the women's prison estate seemed unconcerned about this particular case.

Corston (ibid) called for gender specific operational requirements to be made with regard to women in prison. Thus, in her policy recommendations she stated, similarly to the HM Chief Inspector of Prisons (1997), that the use of routine strip searches in women's prisons is unnecessary and should be reduced to the absolute minimum. Corston also recommended that strip searches should not be randomly applied and should only ever be conducted via intelligence-based information in order to abolish the regular, repetitive, humiliating and unnecessary use of strip-searching. Furthermore, similar to the recommendations made by HM Chief Inspector of Prisons (1997), Corston suggested that the Prison Service should investigate the use of technology (such as ion scanning machines) in order to eradicate time-consuming and degrading strip searches.

The implementation of the Gender Equality Duty (GED) in April 2007 marked a turning point for the HM Prison Service. Until this time, there had been no Prison Service Standard or Prison Service Order written specifically to meet the needs of women, other than in the case of women located in Mother and Baby units (HM Prison Service, 2008). The Gender Equality Duty (2007) placed a statutory General

Duty on all public authorities to eliminate unlawful discrimination and harassment, and to promote equality of opportunity between men and women (Equal Opportunities Commission, 2006: 6). Thus, in 2008, the Prison Service formed Prison Service Order (PSO) 4800, in order to "establish appropriate consistent standards for the treatment of women in prison" in line with the GED. Her Majesty's Prison Service (2008: 2) noted that specific policy pertaining to the treatment of women in prison is necessary, and importantly stated:

> Although some aspects of how imprisonment affects a woman is clearly gender specific and will only apply to her and not a male prisoner (an example would be facilities for pregnant women), other elements of imprisonment are likely to impact women differently or to a significantly different degree and therefore it is appropriate to set a different standard.

Following recommendations made by HM Chief Inspector of Prisons (1997) and Corston (2007) to consider women's gendered needs in the establishment of prison policy, it may be argued that PSO 4800 (2008) is a welcome change to what is generally considered a male-oriented prison system, designed by and for men (Corston, 2007).

In response to Corston's (ibid) recommendations, in 2008, the government announced the end of automatic strip-searching for women upon reception into prison, unless there is evidence to support such a search (Corston, 2011). These changes were written into PSO 4800 (HM Prison Service, 2008: 55), which stated that "full searching" (formally referred to as a strip search) for women prisoners would now, subject to the outcome of a pilot scheme, only be undertaken on the grounds of "risk" and/or "reasonable suspicion" and would be "intelligence collated". Furthermore, following Corston's recommendations, PSO 4800 also stated that women should only be required to remove as much clothing as necessary on these grounds, and should not be required to remove underwear or external sanitary items, unless necessary. PSO 4800 (HM Prison Service, 2008) also noted that staff must receive training to maintain appropriate relationships with women, and that searching should always be clearly explained to women in advance. The changes to women's body-searching, as provided by PSO 4800, were subsequently written into Prison Service Instruction 48/2010 in 2010 (which has since

been replaced by PSI 07/2016), signalling the fully-realised implementation of Corston's 2007 recommendations into official prison rules, regulation and guidance.

2.5 International Guidance on Body-Searching in Women's Prisons

In 2010, the Bangkok Rules, officially known as the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders*, were devised to provide international guidance on the treatment of women in prison (United Nations, 2011). The Bangkok Rules (ibid: 2) were developed in light of the Tokyo Rules, which stressed the importance of considering gender specific issues relating to women in contact with the criminal justice system. Furthermore, the Bangkok Rules (ibid: 3), like Corston (2007), recognised that female prisoners are a group who experience vulnerabilities and thus have specific gendered needs and requirements; and that despite the rise in the number of female prisoners worldwide, women are often detained in prison facilities designed for male prisoners. Moreover, the Rules recognised that not only do the majority of women prisoners pose no threat to society, but that their imprisonment creates obstacles to their integration back into civil society. The United Nations (2011) thus created seventy points of guidance for policy makers, sentencing authorities and prison staff, which Member States were encouraged to adopt (Penal Reform International, 2018), including the provision of appropriate, gender-specific physical and mental healthcare, suicide and self-harm prevention, the protection of women from violence, the right to contact with family and children. In particular, the Bangkok Rules (United Nations, 2011: 17) set out specific guidance for the searching of women which stated:

> **(a) Searches**
>
> *Rule 19*
>
> Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.
>
> *Rule 20*

Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

Rule 21

Prison staff shall demonstrate competence, professionalism and sensitivity and shall preserve respect and dignity when searching both children in prison with their mother and children visiting prisoners.

Similar to Corston, the United Nations clearly problematised the use of body-searching, specifically strip-searching, as an invasive process which may impinge upon prisoners' dignity and respect. Furthermore, the United Nations (ibid: 17) also recognised the potential for the "harmful psychological and possible physical impact" of searches. Akin to the HM Chief Inspector of Prisons (1997), the United Nations recommends that "alternative" measures should be developed to replace strip searches and invasive body searches, such as scans.

2.6 Current National Policy on Body-Searching

Her Majesty's Prison and Probation Service (HMPPS), known as the National Offender Management Service prior to 2017, is responsible for official policy pertaining to body-searching in England and Wales. As such, *Prison Service Instruction 07/2016 Searching of the Person* is one of "a number of Prison Service Instructions (PSIs) covering the searching function of the National Security Framework" (National Offender Management Service, 2016: 3), and is applicable for both public sector and contracted (private sector) prisons. The document (ibid: 4) provides "lawful and effective procedures… for the searching of prisoners" in order to ensure that:

- Escapes are prevented;
- Threats to the security, order and control of the establishment are detected and deterred;
- Crime is detected and deterred;
- The number of illicit and unauthorised articles present in establishments is reduced;
- Harm to self and others is reduced;
- Searching contributes to a safe and decent environment by being proportionate to the risk assessed.

A range of body-searching methods for women are outlined, including Level A rub-down searches; Level B rub-down searches, full searches, and searches of "other body areas" and the expectation is that women are to be given a "gender specific search" (ibid: 6).

2.61 Rub-Down Searches

The general rub-down procedure for women in prisons in England requires an officer to "check the back from collar to waist, back of the waistband and seat of the trouser or skirt", however, there are two types of rub-down search used within all prisons in England, Level A and Level B (ibid: 28).

On initial reception to a closed prison, when returning from release on a temporary license or from an outside party, according to the *Prison Service Instruction 07/2016 Searching of the Person* (ibid), women must be given a *Level A rub-down search*, and must be searched using a hand held metal detector. On reception from a transfer from another prison, women must be given a *Level B rub-down search* and must be searched using a hand held metal detector. Instructions for a Level A rub-down search for women (see Appendix A) involve a thorough search of the outer clothing of the prisoner, including the removal and searching of jewellery and headgear worn by the prisoner, a search of the prisoner's hair, a look around and inside the mouth, nose and ears of the prisoner, a search of the shoulders, underneath the breasts and top of the bra of the prisoner, a check of each leg from the crotch to the ankle using hands and a metal detector, and the removal and search of prisoners' shoes (ibid: 29-30). Instructions for Level B rub-down searches of women prisoners (see Appendix B) involve a less thorough searching procedure that does not require the searching of hair, a check inside the mouth, ears or nose, or the removal of shoes (ibid: 30-31).

As per Section 8A of the Prison Act 1952, rub-down searches (as well as a metal detector scan of a prisoner) can be conducted by anyone who is a (private) contractor or is a direct employee of the prison (ibid: 20). Rub-down searches can therefore be conducted by a range of prison employees such as prison officers, operational managers, prison custody officers, instructional officers, catering staff

and nurses in healthcare (ibid: 20-21). Rub-down searches, "may be carried out by a single officer using open hands with out-spread fingers" and are "not intended to be intrusive searches" (ibid: 28). With this in mind, it is not normally expected that prisoners be asked to remove their clothes during a rub-down search. However, according to the *Prison Service Instruction 07/2016 Searching of the Person* (ibid: 28), when conducting a rub-down search, if there is "intelligence or reasonable suspicion" that contraband is being concealed, prisoners may be asked to raise or remove outer clothing which must be conducted in private and out of sight of persons of the opposite sex, further to this, a full search may be mandated. Whilst HMPPS stated that rub-down searches are not intended to be intrusive searches, it is important for this thesis to critically interrogate this assertion within its analysis. This is developed further within Chapters Five, Six and Seven.

2.62 Full Searches

For both male and female prisoners, a full search, previously referred to as a strip search (National Offender Management Service, 2011: 19), is authorised to be carried out by Operational Managers or Prisoner Custody Officers. HMPPS's *Prison Service Instruction 07/2016 Searching of the Person* (National Offender Management Service, 2016: 34) states that full searches must be conducted by two officers of the same sex as the person being searched, with officer one "in charge of the search and responsible for controlling it", as well as explaining "the need for the search and each step, taking into account any cultural or religious sensitivity". Officer two is "responsible for receiving and searching clothing and items" and is "vigilant to potential risks and remains alert throughout the search" (ibid: 34). Importantly, at no time during a full search should a prisoner be completely naked, furthermore, full searches must not take place in sight of someone of the opposite sex. Critically, when conducting full searches, staff must not deviate from standard procedure as outlined by *Prison Service Instruction 07/2016 Searching of the Person* (ibid: 32), as to do so would render the search to be considered "unlawful".

HMPPS (ibid: 31) emphasise that the full search procedure for women is different from that used to search men, women visitors and staff. For example, hand-held metal detectors *may* be used when full searching men, however they *must* be used as part of a full search for women. Further to this, whilst male prisoners can be asked to squat, women "under no circumstances" may be asked to squat as part of a full search (ibid: 32). The full searching of women (full instructions can be found in Appendix C), consists of two levels of searches:

> Level 1 involves the removal of the woman's clothing apart from her underwear; Level 2 involves the removal of all of the woman's clothing including her underwear... Level 2 of the search must only be applied if there is intelligence or suspicion that the woman has concealed an item in her underwear or if illicit items have been discovered about the woman's person during Level 1 of the search. (National Offender Management Service, 2016: 32)

Following changes made to searching policy due to the findings of the Corston Report (2007), women prisoners must only be full-searched on intelligence or "reasonable suspicion that an item is being concealed on the person which may be revealed by the search" (National Offender Management Service, 2016: 15) and should not be searched as a matter of routine. Importantly, when a full search is enacted, a record of why, when and where the search took place must be filed whether or not an item has been found during the search (ibid: 6). Despite the *Prison Service Instruction 07/2016 Searching of the Person* (ibid: 6) having stated that full searches must be recorded and filed, a Freedom of Information Request conducted by Women in Prison (2012) found that there is "no centrally held record of the number of full searches carried out, nor of the percentage of these that yield positive findings of contraband goods, thus prompting questions of how effectively this system is really working".

The *Prison Service Instruction 07/2016 Searching of the Person* (National Offender Management Service, 2016: 53) sets out "religious and cultural arrangements" for the searching of prisoners, and highlights that prisoners should normally be allowed to wear religious or cultural headwear such as "Muslim women's headscarves and Rastafarian hats etc". The policy highlighted that during a search,

such headwear must be subject to a search, however, "care must be taken to treat it with respect" (ibid: 53). The headwear may be searched using a hand-held metal detector during a rub-down search, however during a full search, women are required to remove their headwear for it to be searched by hand. Furthermore, *Prison Service Instruction 07/2016 Searching of the Person* (ibid: 53) asserts that although the Qur'an forbids nakedness of Muslims in front of others: "full searches are allowed under Islamic law when such a search is necessary for the maintenance of security and safety of staff, visitors and prisoners alike". The justification of such full searches on account of the maintenance of security and safety are considered critically within later chapters.

2.63 Intimate Searches

Prison officers do not have legal mandate to conduct intimate searches, which is defined by the *Prison Service Instruction 07/2016 Searching of the Person* (ibid: 37) as "an intrusion into a body orifice, i.e. the mouth, anus or vagina". For items hidden in the mouth, staff may visually inspect prisoner's mouths during a full-search or a rub-down search, however, "they must not physically intrude into the person's mouth" (ibid: 38). HMPPS's therefore noted that "the basic principle here is that anyone who is legally a female (from birth or acquired via a GRC) must not be asked to bend or squat neither should anyone who has a vagina (regardless of legal gender)" (ibid: 64). Similarly, staff must not remove, or ask women to remove an internally fitted tampon during a full-search. Although prison officers are not legally authorised to conduct intimate searches, official policy (ibid: 37) stated that prisoners who have secreted contraband internally may require an intimate examination by a healthcare professional on medical grounds. Importantly, this internal search must only be carried out with the prisoners consent and must only be conducted for "clinical need" (ibid: 38). Whilst intimate searches may only be conducted on "clinical need", it is important for this research to examine the confines of what exactly is "clinical need", and under what circumstances "clinical need" may be justified.

2.64 Searches Using Technology

All prisons in England and Wales are required to have procedures in place for the use of "technical

aids" and how to deal with and investigate positive readings. *Prison Service Instruction 07/2016 Searching of the Person* (ibid: 43) noted that a wide range of equipment is available for the detection of contraband such as drugs, weapons and mobile phones, however, "manufacturers and suppliers can make extravagant claims for detection capacity". With this in mind, the PSI highlighted that "high levels of false positive results can waste staff time and causes undue suspicion to be place [sic] upon individuals" (ibid: 43).

The use of searching equipment has become integral to the procedures used when conducting the body searches of women in prison. As such, it is a requirement for hand-held metal detectors to be used during both rub-down searches and full-searches of female prisoners, however, this is not a requirement for male prisoners (ibid). There are a vast range of searching technologies used for searching prisoners, such as metal-detecting portals, X-ray machines, hand-held metal detectors, and the Body Orifice Security Scanner (ibid). Despite the wide range of searching equipment available for use by "trained staff", hand-held metal detectors are the only form of technical aid whose use is *mandatory* during searches for women, as outlined by national policy (ibid). The use of other forms of searching equipment is subject to local arrangements (ibid: 43).

According to the *Prison Service Instruction 07/2016 Searching of the Person* (ibid: 44), hand-held metal detectors are "used to detect metallic items on the person or within areas or goods/property". As noted previously, these devices are a mandatory requirement when conducting both rub-down searches and full searches of women, the procedure (pictorial instructions can be found in Appendix D) which must be followed when conducting a scan is as follows (ibid: 44):

- Ask the person to stand with their arms spread out.
- Run the detector closely along the person from head to toe.
- If the warning light or alarm sounds, ask the person to give an explanation for it.

In the event that staff discover prohibited items as part of a search, according to the *Prison Service*

Instruction 07/2016 Searching of the Person, staff must then refer to *National Security Framework 3.3: Dealing with Evidence* (cited in National Offender Management Service, 2016: 44).

Following concern regarding the effectiveness of HM Prison Service's measures for disrupting the supply of drugs to and within prisons, the Blakey Review (2008) was commissioned by the Director General to analyse the effectiveness of methods employed to prevent the supply of drugs in prison. As a result of this review, it was recommended that the Body Orifice Security Scanner (BOSS) be introduced for use across all institutions within the prison estate, and with that, the BOSS was incorporated into searching protocol in 2009 (Eagle, 2009). National policy regarding body-searching provides "detailed instructions" for the use of the BOSS, which describes the equipment as "a non-intrusive scanning system within a moulded chair, designed to detect small metallic objects… concealed within anal or vaginal cavities, the abdominal area and around the shins" (National Offender Management Service, 2016: 45). To detect contraband, the BOSS uses metal detecting technology with sensors located in the chair frame. The sensors are connected to an audible alarm panel, which will sound if any metal is detected on or within the body of the person being scanned.

The *Prison Service Instruction 07/2016 Searching of the Person* stipulates that the BOSS may be used on prisoners (as well as staff and visitors) at any time in which a search would normally be conducted, however, "the frequency of searches using the BOSS and policies for its use are for local discretion and must form part of the Local Security Strategy (LSS), to be agreed by the Governor and Deputy Director of Custody" (ibid: 45). Thus, individual establishments must also formulate the detail of their own local strategies for dealing with refusals to be scanned and managing positive indications by the BOSS. Importantly, for punitive action to be taken on the basis of positive indications from the scanner, staff must ensure that the chair is "maintained and calibrated correctly"; furthermore, "records of maintenance and calibration must be retained in case of legal challenge" (ibid: 45).

The BOSS may also be used in conjunction with a rub-down search or a full search, and as part of "targeted, intelligence-led searches" (ibid: 46). It may also be used in instances "following a full search in instances where suspicion remains that a metallic illicit item is concealed internally" (ibid: 46). Two members of staff must be present to undertake a search using the BOSS, one to explain the search process and observe, and the other to monitor the alarm panel. HMPPS's *Prison Service Instruction 07/2016 Searching of the Person* (ibid: 47) outlines the general procedure for dealing with refusals to be scanned and positive indications as follows:

> If a BOSS search of a prisoner gives a positive indication, the prisoner should be given a direct order to remove the suspected item.
>
> If the prisoner refuses to comply with a search or refuses to remove a suspected item, they should normally be located in the segregation unit (or equivalent) and full-searched if assessed to be appropriate. Prisoner Officers may use reasonable force to affect the search.
>
> If, after full search, staff have reason to believe that the prisoner has contraband concealed that cannot be recovered, the Head of Security or the Duty Governor may decide to authorise the prisoner's continued segregation under Good Order or Discipline if considered reasonable and proportionate.
>
> In order to return to a normal residential area, the prisoner will normally be expected to either hand over the suspected concealed item or provide a negative indication on the BOSS and a negative full search.

As evidenced by the above quote, if a prisoner gives a positive indication or refuses to comply with a search using the BOSS, this can lead to a prisoner being subjected to a full search by force and continued segregation. It is also important to highlight that the *Prison Service Instruction 07/2016 Searching of the Person* (ibid: 46) noted that there may be an "innocent explanation" as to why the BOSS has given a positive indication, such as an intimate piercing or an internal metal plate. It is thus advised that "information notices should advise that in such cases medical certificates authenticating the condition should be produced" (ibid: 46). Refusal to comply with a search using the BOSS may also lead to further punishment of women in prison (ibid: 47):

> If a prisoner is ordered to comply with a BOSS search or to remove any item indicated by the BOSS and refuses, he /she may be charged with disobeying a lawful order

under Prison Rule 51 (22) or YOI Rule 55 (25). Closed visits may be imposed following a risk-assessment should the indication give rise to a risk that the prisoner may pass further items on visits.

Despite the supposed "non-intrusiveness" of searches using equipment, it is apparent from the national policy that the use of technical aids, such as the BOSS, may lead to being full searched by force, segregation and further punishment. Similarly, the validity and appropriateness of arguments put forward by authors such as Devlin (1998), Pereira (2001) and Corston (2007), which suggest that electro-mechanical devices should be adopted to avoid the use of intrusive strip searches, are also called into question. This claim to the "non-intrusiveness" of searching technologies is of great focus of this research, and is explored in further detail in Chapter Seven.

Following a trial across 10 prisons in 2019 (HMPPS, 2019), Her Majesty's Prison and Probation Service announced in May 2020 that they were to implement new innovative searching technologies in prisons in England and Wales. As such, HMPPS (2020) declared that they were to spend "£28 million on "game changing" advanced X-Ray technology in prisons" in a bid to tackle "drugs and violence". The installation of X-Ray scanners which were specially developed for the HM Prison Service and can "produce instant images from inside the human body and can reveal internally concealed contraband, including drugs, mobile phones and weapons", were set to be installed across 16 "challenging prisons" in Spring 2020 (HMPPS, 2020). Whilst there was a significant amount of promise regarding the implementation of such technology, none of the X-Ray scanners were scheduled for installation in any of the twelve women's prisons in England. As only the most "challenging" prisons were chosen for this new technology, this may suggest that despite Corston's (2007) recommendation for the HM Prison Service to investigate technology which can eradicate time consuming and degrading strip searches, HMPPS does not find it a priority at the moment to place its focus upon such searching practices in women's prisons.

2.7 HM Chief Inspector of Prisons Annual Reports and Body-Searching

The HM Chief Inspector of Prisons (HMCIP) Annual Report acts to detail conditions and treatment of those imprisoned in England and Wales (HM Inspectorate of Prisons, 2014b). HM Inspectorate of Prisons is an independent body, whose role is to report on the conditions of treatment for those detained in facilities such as prisons, immigration detention centres, youth offender institutions and police custody. HMCIP reports directly to the Justice Secretary, Home Secretary and other Ministers regarding the conditions of prisons and treatment of prisoners, seeking to promote a "healthy" prison environment, where staff work to support prisoners to "reduce reoffending and achieve positive outcomes for those detained and for the public" (ibid: 56). Importantly, the work of the HMIP fulfils part of the United Kingdom's obligations as a signatory of the United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, in which the protocol requires signatory states to enforce regular independent inspections of places of detention (ibid).

Prior to 2014, Her Majesty's Inspectorate of Prison's (2014a) used a generic set of standards to assess the outcomes for those serving sentences in prisons in England and Wales. Drawing upon the work of Corston (2007) and the Bangkok Rules (United Nations, 2011), in 2014, HMIP published a set of standards which specifically addressed the outcomes expected for women in prison, titled "Expectations: Criteria for assessing the treatment of and conditions for women in prison". The function of the Expectations (Her Majesty's Inspectorate of Prisons, 2014a: 8) are to ensure that the Inspectorate fulfils its statutory duty to provide the Secretary of State with a report on the treatment of prisoners and conditions of prisons; furthermore, the Expectations also form the basis of HMIP's independent inspections, which act as part of the UK's obligation to the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

HMIP (ibid: 8) noted that the Bangkok Rules are directly applicable to women's prisons in England and Wales, and highlighted the importance of such rules for the governing of the treatment of women in prison, which include:

• Human rights standards relating to prisoners apply to all – men and women – without discrimination

• Because women prisoners have specific needs and realities, these need to be taken into account through standards that apply to their specific needs and realities

• Providing for women's distinctive needs in this way is necessary to advance gender equality [and shall not be regarded as discriminatory]

• The fact that – across the world – women usually represent a small percentage of the prison population has meant that their specific needs are often overlooked.

The practice of body-searching is discussed throughout the Expectations (ibid), with multiple "indicators" outlining how expectations regarding body-searching should be met and evidenced. The Expectations begin with *Section 1: Safety*, and within this section, standards for women's early days in custody are outlined. HMIP (ibid: 19) indicate that in order for expectations to be met, "women are treated with respect on arrival at the prison" and are searched "thoroughly but sensitively by a member of the same sex", with religious and cultural needs taken into account. Furthermore, during searches on arrival, the Expectations also state that staff are to be able to "identify signs of abuse and appropriately trained to search women with physical disabilities" (ibid: 19). Within *Section 1: Safety*, under subheading *Security*, expectations for body searches are also outlined. The Expectations (ibid: 37) noted that effective security intelligence is integral to the upkeep of women's wellbeing, thus, "strip searching of women is intelligence-led and only carried out when deemed necessary". Further to this, authorisation for strip searches are to be clearly recorded, "along with sound reasoning for why less intrusive alternatives could not be used" (ibid: 37). Similarly, it is also asserted that women are only to be strip searched in the presence of two trained members of staff of the same sex, and are to never be squat searched (ibid: 37). Body-searching is also highlighted within the subsection *Disciplinary Procedures* within *Section 1* of the Expectations (ibid: 42-43):

28. Women are located in special or unfurnished accommodation, or placed in mechanical restraints or strip clothing, only as a last resort and are subject to measures which protect their human dignity.

• Women are not automatically strip searched or deprived of their normal clothing on placement into special or unfurnished accommodation. In circumstances where such actions prove necessary, reasons are recorded and normal clothing is returned at the earliest opportunity.

29. Women are kept safe at all times while segregated and individual needs are recognised and given proper attention.

• …Segregated women are searched thoroughly and respectfully. Strip searches are only conducted where the need has been identified through risk assessment.

Whilst reviewing HMIP's (2014a) Expectations, it is apparent that discourse regarding body searches, particularly strip searches, is often shrouded in language insisting the non-intrusive, dignified, appropriateness and respectful nature of such searches. This is in stark contrast to the United Nations (2011: 17) criticisms of body-searching which recognise the potential for the "harmful psychological and possible physical impact" of such practices. These contradictory accounts are deliberated further in later chapters.

Despite significant changes made to body-searching policy in light of the 2006 Equality Act and the 2007 Corston Report, the HMCIP Annual Report for 2008-09 (HM Inspector of Prisons, 2010) found that there were still some significant issues relating to the delivery of body-searching for women in prisons across England. HM Chief Inspector of Prisons (2010: 58) noted in her report that although routine strip-searching for women upon arrival to prison had come to an end, there was otherwise "relatively little operational impact". Furthermore, it was also found that strip-searching whilst under restraint was still being conducted, even for women at risk of self-harm (HM Inspectorate of Prisons, 2010: 67). Similarly, five years after the publication of the Corston Report (2007), the HMCIP Annual Report for 2011-12 (HM Inspectorate of Prisons, 2012) reiterated that there were still significant operational issues relating to the body-searching of women in prisons. As well as high levels of self-harm still prevalent in many women's prisons, the report suggested that "all too often women's

prisons appear to be run to meet the requirements of the 95% of the prison population that is male"
(ibid: 3). HMCIP (ibid: 9) recognised in the 2011-12 Annual Report that notwithstanding the end of
strip-searching on entry to prison for women, measures remain "disproportionate and degrading".
Moreover, according to the Annual Report (ibid: 9), degrading treatment occurred at HMP Send where
health inspectors found that a woman attending a hospital appointment had "remained cuffed to an
officer while getting undressed and undergoing an intimate examination". This finding suggests that
recommendations made by Corston (2007) and resultant changes to policy have not been upheld
within prison practice. Again, this gap between policy rhetoric and the reality of body-searching
practices forms a key focus of this thesis's analysis within later chapters.

Similarly, the 2012-13 HMCIP Annual Report (HM Inspectorate of Prisons, 2013: 52) mirrored issues
raised in previous reviews of the women's prison estate:

> In one case at New Hall, a new arrival who refused to hand over open-toed sandals and
> a strappy top (clothing allowed at her sending prison but not at New Hall) was restrained,
> put in the segregation unit and had her clothes cut off as she was forcibly strip searched.

This treatment demonstrates HM Prison Service's lack of regard for women's wellbeing and right to
life without degrading treatment, as treaty to the Human Rights Act, Article 3 (1998). Despite the
previous use of forceful strip-searching, in an unannounced inspection of HMP New Hall in 2015, it
was reported by the HM Chief Inspector of Prisons (2015: 21) that "strip-searching was all intelligence-
led and appropriately authorised", which suggests an improvement in searching provision for women
in comparison to 2012-13's Annual Report. However, survey data from the unannounced inspection
showed that there were in fact "significantly worse" outcomes for lesbian or bisexual prisoners in
comparison to their heterosexual counterparts; for example, when asked "when you were searched
in reception, was this carried out in a respectful way?" 92% of heterosexual women agreed, whereas
only 76% of lesbian or gay women agreed that they had been searched in a respectful manner (ibid:
106).

Contrary to damning reports of HMP New Hall, a 2015 report of an unannounced inspection of HMP Holloway observed that during women's early days in custody, searches were conducted sensitively, and strip-searching was performed infrequently (HM Chief Inspector of Prisons, 2015: 21). According to HM Chief Inspector of Prisons (ibid: 27), strip searches at Holloway were conducted with permission from a proper authority "on average three to four times a month" and instances of strip-searching was fully recorded. Similarly, in a 2016 unannounced inspection of HMP Foston Hall, the HM Chief Inspector of Prisons reported that searches, including strip searches, were intelligence- led and when requested, acted upon promptly. Notwithstanding relatively positive reports from the aforementioned unannounced inspections at HMP Holloway and HMP Foston Hall, an unannounced inspection of HMP Peterborough in 2017 exposed some significant problems with the prisons use of strip-searching for women.

On inspection of HMP Peterborough, the HM Chief Inspector (2017: 24) found that on entry to the prison, too many women were strip searched, with 70 instances of strip-searching taking place within a nine-week period, far more than is typically seen in a women's prison, according to the report. The use of force and strip-searching in day-to-day prison life was also of concern, as highlighted by the HM Chief Inspector (2017: 5):

> Use of force was far too high at more than double what we usually see in women's prisons; we saw examples where not every opportunity to de-escalate the situation had been used. Use of strip- searching was also too high, which was particularly disappointing given the heavy investment in training staff about how past trauma can be reignited in the prison setting.

Furthermore, the reasons given for searches were ambiguous and unclear, with staff in reception providing inconsistent rationales for the use of strip-searching (ibid). Local prison policy on searching was also found to be of significant concern as it did not offer sufficient guidance on when a strip search should take place, and did not encourage officers to utilise alternative ways of obtaining contraband from prisoners; the primary option promoted was the removal of clothes (HM Chief Inspector of Prisons, 2017: 24). The approach to searching taken at HM Peterborough, according to the HM Chief

Inspector of Prisons (2017), did not take into account the impact that strip searches may have for women with past traumas, and directly conflicted with the then current Prison Service Instruction on searching. The mechanism for appropriately and effectively recording instances of strip-searching was also found to be insufficient, with no central record of strip-searching carried out across the prison, which meant that managers could not assess the proportionality of searches (ibid). Importantly, although the local searching policy at HMP Peterborough stated that searches were intelligence-led, in practice, strip searches could be authorised by any senior officer, which is in breach of national and local prison policy on searching (ibid: 28).

Such reports by HMCIP, as discussed above, suggest that despite major changes to body-searching provision led by Corston (2007) and the Expectations (HMIP, 2014a), there are still deeply entrenched problems with the delivery of body searches, in particular strip searches, across the women's prison estate in England. Such reports also assist in contextualising how body-searching policies have been implemented in practice, which was a focus of this thesis.

2.8 England and Wales High Court Decisions on Body-Searching Controversies

Despite detailed guidance regarding the conduct of searches for female prisoners as outlined in *Prison Service Instruction 07/2016: Searching of the Person* (National Offender Management Service, 2016), there have been multiple cases of unlawful searches brought to the High Court of Justice in England and Wales in recent years. In the case of *JT, BK and RH v Secretary of State for Justice in 2014*, three claims of unlawful strip searches were brought before the court. The case contended that three women at HMP Send had been unlawfully strip searched during their prison sentences. The claimant's legal representative, Miss H Mountfield, argued that the women were not given adequate explanation of why searches took place, as stipulated within in *Prison Service Instruction 67/2011 Searching of the Person* (National Offender Management Service, 2011). Furthermore, Miss Mountfield also argued that searching instructions pertaining to women's strip-searching, as defined by *Prison Service*

Instruction 67/2011 Searching of the Person (ibid) were in direct contravention of Article 3 (the right to freedom from torture and inhuman or degrading treatment) and Article 8 (the right to a private and family life, home and correspondence) of The Human Rights Act 1998 due to the intrusive, degrading and humiliating nature of a strip search (JT, BK and RH v Secretary of State for Justice, 2014). The court established that there was a lack of adequate explanation for the strip searches, as contended by the claimants, and the searches were found unlawful. Further breaches of instructions set out by the *Prison Service Instruction 67/2011 Searching of the Person* (National Offender Management Service, 2011) were also noted by the court, such as searches conducted without proper intelligence or reasonable suspicion. However, the claim by Miss Mountfield that searching instructions fundamentally breach Article 3 and Article 8 of The Human Rights Act 1998 were rejected by the court.

Similarly, in 2013, two women brought a case against the Ministry of Justice under the Human Rights Act 1998 and claimed that they were strip searched in a way which deprived them of their Article 3 and Article 8 rights (Garden Court Chambers, 2017). As a result of the litigation, the Ministry of Justice admitted that the searches were in fact conducted unlawfully and conceded that the searches were also in breach of their Article 8 right to privacy as the women were required to remove their underwear unnecessarily during the searches (ibid). Considering the Ministry of Justice's admission of unlawfully searching the two women and their contravention of the women's right to privacy as stipulated by Article 8 of The Human Rights Convention 1998, the Ministry of Justice agreed to a settlement of their claims in 2017 (ibid).

The High Court of Justice, in 2018, saw yet another unlawful strip-searching case, this time against Sodexo Limited (a private sector 'provider') and the Secretary State for Justice (LW, Samantha Faulder, KT, MC v. Sodexo Limited, Secretary of State for Justice, 2019). The claimants, a transgender man and three women, claimed that they had been illegally strip searched whilst serving sentences at HMP Peterborough, which is operated on behalf of the state by private firm Sodexo (ibid). The claimants in the case contended that five strip searches occurred at HMP Peterborough which not only breached

guidance contained within *Prison Service Instruction 07/2016 Searching of the Person* (National Offender Management Service, 2016) for the searching of women and transgender people, but also breached the obligations stipulated by Article 3 and Article 8 of the European Convention on Human Rights (LW, Samantha Faulder, KT, MC v. Sodexo Limited, Secretary of State for Justice, 2019). Sodexo admitted that it had in fact conducted the five unlawful strip searches, as officers had not conducted a Level 1 search in advance of a Level 2 search as in accordance with *Prison Service Instruction 07/2016 Searching of the Person* (National Offender Management Service, 2016). According to Sodexo, the reason for their failure was the inadequate training of staff to conduct full searches, which was ordered by the court to be reviewed and new safeguarding measures introduced, which would be overseen by the Deputy Director of HMP Peterborough (LW, Samantha Faulder, KT, MC v. Sodexo Limited, Secretary of State for Justice, 2019). Sodexo also admitted to "a breach of the positive obligations under Article 8", however, the court rejected the claimant's supposition of an engagement of Article 3 and noted that there was "absence of any clear evidence of systemic breaches of Article 3 by Sodexo" (ibid: 23).

Despite Sodexo's admission of unlawfully conducting strip searches, the Secretary of State for Justice argued that the unlawful searches were not conducted on a routine basis but were based upon intelligence. This was critically disputed by the court, to which Mr Justice Julian Knowles (ibid: 29) stated:

> The searches were routine in the sense that it appears to me that the officers defaulted to the most intrusive form of search without any specific consideration having been given to whether such a sensitive step was warranted on the information available. In my view this point is important. It exacerbates the seriousness of the systemic failures and what I have concluded was the Secretary of State's failure to implement effective systems for the monitoring and supervision of Sodexo's operation of HMP Peterborough.

As such, the court determined that the failures of HMP Peterborough were "serious, systematic and widespread" (ibid: 29), which not only led to unlawful strip searches conducted by Sodexo staff, but also the violation of the claimants Article 8 rights as obliged by the Secretary of State.

2.9 Conclusion

This chapter has outlined and discussed key policies in relation to the body-searching of women prisoners in England. A history of policies relating to the body-searching of women in prison have been discussed, and issues relating to the ambiguity of the Prison Act 1952 and The Prison Rules 2000 were drawn attention to. Crucially, it was argued that significant room for discretion was therefore afforded to prison officers during body searches, which can leave space for abuses of power. The ambiguity surrounding searching policies is further analysed within Chapters Five, Six and Seven.

The advent of the Human Rights Act, and its relationship to women's body-searching have also been discussed. As argued, body-searching practices raise questions regarding HMPPS's engagement with Human Rights provisions, which is discussed in further detail in upcoming chapters. The turn to a "gender specific approach" to women's body-searching was also identified, and Corston's recommendations regarding the abolition of routine strip-searching on entry to prison, and the use of technologies, have been outlined. The impact of Corston's changes to body-searching policy and practice are considered further in this thesis's upcoming chapters.

International guidance related to women's body-searching has also been discussed, and the Bangkok Rules have been explored and their implementation critiqued. Current national policy for the body-searching of women has been outlined in detail, in which legal guidance regarding the undertaking of strip searches, internal searches, rub-down searches and searches using technologies have been explored and critiqued. Such current national policy forms a critical element of later chapter's analysis. Finally, this chapter has also drawn attention to HMCIP reports and High Court cases which have challenged the use of body-searching in women's prisons, and found that despite significant changes to body-searching policy on account of the Corston Report, there are still deeply entrenched issues relating to the body-searching of women in prison.

Vitally, this chapter has outlined and explored the policy landscape which informs the practice of women's body-searching in prisons in England, which informs this thesis's data analysis within Chapters Five, Six and Seven. The next chapter outlines and explore the theoretical framework of this thesis and its significance to the study of women's imprisonment and body-searching.

Chapter Three

"The Personal is Political"[13]: Theorising a Radical Feminist Perspective

3.1 Introduction

The purpose of this chapter is to outline the radical feminist theoretical perspective which underpins this research. As the focus of this thesis is upon women's *gendered* experience of body-searching, a radical feminist theoretical lens was adopted on account of its rich contribution to theories of gender and womanhood. As discussed within Chapter One, prisons for women have been understood as gendered state institutions, with violence and coercion at their core. To this, radical feminism's contributions to how we understand women's relationships to and experience of patriarchy, sexual violence, and the state, made it an appropriate theoretical model for considering women's experiences of being body searched. This chapter is therefore concerned with radical feminism's contributions to conceptualising how gender is *enforced upon* and *experienced by* women, and the role of patriarchy in shaping women's daily lives. Furthermore, as discussed within Chapter One, practices of body-searching have been widely understood as a sexually violent state practice. A radical feminist understanding of sexual violence is therefore also of significant focus within this chapter, and women's resistance to violence is centred. Radical feminist theory offers a rich understanding of the state's relationship with gender. As such, the way in which patriarchy shapes the formation and function of state power is also considered from a radical feminist perspective, which is particularly important to this thesis's understanding of patriarchy, prison and thus the state.

My principal theoretical standpoint is informed by radical feminist perspectives as distinct from other strands of feminist thought – such as post-modern feminism and, in particular, Foucauldian feminism – that are inherently problematic. Foucauldian feminism(s) derive from the works of Foucault, who has been critiqued as decidedly gender-blind in relation to the ways in which women experience

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[13] (Evans, 1986: 105)

power, sexuality, discipline and oppression, resulting in what Lois McNay (1991: 125) has termed the reproduction of a "sexism endemic in 'gender neutral' social theory". Feminist interpretations of Foucault have argued that although Foucault himself paid little attention to the gendered expression of power and discipline in relation to the "woman question" (MacCannell and MacCannell, 1993 :203), his analysis of disciplinary power is still useful to a feminist analysis of women's social control (King, 2004). Whilst recognising the "serious flaws" of Foucault's work in relation to gender, however, Feminist Foucauldians have endeavoured to adopt, adapt, expose, explore and remedy his omissions (King, 2004: 29).

Whilst there are some pertinent explorations of a feminist Foucauldian perspective (see: Bartky, 1988; Ballinger, 1992; Grosz, 1990), there are also feminist critiques of his theorisation of power and violence. In a Foucauldian sense, there are no systematic power relations (Hartsock, 1990). According to Nancy Hartsock (1990) this conceptualisation of power is problematic when applied to an understanding the oppression of women by men, particularly as it obfuscates the role of domination within gender relations. To this, Dean MacCannell and Juliet Flower MacCannell (1993: 205) have argued against a feminist Foucauldian interpretation of power and violence, to which they stated that "power is not neutral, diffuse and freely available but fiercely protected by those who hold it and their agents… threats and the actual use of force and violence remain essential to the exercise of power".

Moreover, as "sexual difference simply does not play a role in the Foucauldian universe, where the technology of subjectivity refers to a desexualised and general 'human subject'" (Braidotti, 1991: 87), merely identifying a social category of 'woman' is also problematic. As such, it is not just the Foucauldian conception of power and violence which has led me to bypass Foucauldian feminism, it is also the social construction of women as "destabilized subjects" or "fragmented selves" (Waters, 1996: 285), in which "there is no such thing as women in the singular, there are only women in the plural, many different particularized, localised, socially constructed, culturally modified women, hence no 'women' in what post-modernists imagine is the feminist sense" (MacKinnon, 2000: 695). This

deconstruction of the very category of 'woman' acts, according to Kristin Waters (1996: 285), to "undermine the newly acquired power of marginalized groups" to name their experiences of oppression by removing notions of the subject and subjectivity (Hartsock, 1990, cited in Waters, 1996: 285). Whilst I do not suggest that there is one single identity for women, or any other group for that matter, a theoretical or methodological position in which social groups are fragmented and destabilised arguably does not allow for individuals with certain positionalities, such as in relation to gender, class, race, and ability, to be meaningfully categorised in relation to their identities or social positions and thus subject to social enquiry (Waters, 1996). This destabilisation of the subject, as well as the difficulties in locating power and domination within a Foucauldian feminist framework (Hartsock, 1990), led me to favour a radical feminist position, which is explored in detail below.

3.2 What is Radical Feminism? An Introduction to Radical Feminist Thought

3.21 "Speak Pains to Recall Pains": The Development of Feminist Consciousness

Radical Feminism, also referred to as "second wave" feminism, emerged from the Women's Liberation Movement, dating from the late 1960's and early 1970's (Thompson, 2001: 2). The Women's Liberation Movement largely sprung from women's experiences of activism in the "Civil Rights, anti-war, New Left and student movements in North America, Europe and Australia" (Bryson, 2003: 164). Despite the so called "revolutionary politics" espoused by the left, women still experienced sexist treatment within left-wing groups, with women's roles "essentially that of a secretary, housewife or sex object, servicing the political, domestic and sexual needs of male activists" (ibid: 164). Women were systematically excluded from decision-making and attempts to raise issue with this exclusion resulted in being ignored or told to "'wait until after', after the revolution or whatever else concerned the men" (Morgan, 1970: xxiii).

Reflecting upon the emergence of the Women's Liberation Movement, Robin Morgan (ibid: xxiii) noted:

> Thinking we were involved in the struggle to build a new society, it was suddenly a dawning and depressing realization that we were doing the same work and playing the same roles *in* the movement as out of it: typing out the speeches that men delivered, making coffee not policy being accessories to the men whose politics would supposedly replace the Old Order. But whose New Order? Not ours, certainly.

In response to the elitism, sexism, and sexual harassment rife within the male dominated left, in the late 1960's, many women split from the left and formed their own women's liberation groups (Evans, 1986: 105; Evans, 2015). Women's liberation groups were influenced by the Chinese communist idea of "speaking bitterness", in which personal experiences are shared to highlight their political implications, and thus cultivate strategies for political change (Bryson, 2003: 164-5). In North America around 1966-67, women began to meet separately from men to engage in what became known as "consciousness-raising" (Morgan, 1970). Consciousness-raising was of central importance to the development of feminist thought, as women came to realise that private problems they thought were their own, were shared by many other women and were thus political issues, not private ones (Morgan, 1970; Evans, 1986; Echols, 1989; Bryson, 2003). Through consciousness-raising, women came to realise that their shared personal problems could only be ended through collective political action, the key message being "the personal is political" (Evans, 1986: 105). The Women's Liberation Movement thus asserted that new theory and strategy regarding women's emancipation from oppression could only be based upon women's shared experiences, not as an add on to previously existing theoretical structures (Klein and Rowland, 1996).

As noted by Renate Klein and Robyn Rowland (1996: 9) "Radical Feminism looks at the roots of women's oppression", with radical meaning "pertaining to the root". In 1968, a newsletter titled *Voice of the Women's Liberation Movement* began to outline the politics of feminist thought. Writing for *Voice of the Women's Liberation Movement*, Jo Freeman (1968: 1) argued that women's liberation does not mean equality with men, as "here equality is not enough". Freeman asserted that women can only be liberated by a total restructuring of society as equality can only be achieved within a society that allows all its members to be "unconfined by the narrow bounds of societal stereotypes"

(ibid: 1). As noted by Gail Chester (1979), radical feminist theory is formulated upon the experiences of women within their day-to-day lives, with theory forming practice, and practice forming theory. This theoretical imperative of feminist thought is evident within the writing of Freeman as early as 1968 (: 1), where she argued:

> By organising women around their very real and very immediate grievances one can work directly on the inherent inequalities of our society and do a great deal toward developing the mass base necessary for any substantial social change.

Moreover, Freeman also linked the oppression of women by men in their everyday lives to the racial oppression of African Americans enacted by white Americans, stating that is of political importance for women to organise without men, as it is for people of colour to spearhead their own movement for civil rights. To this, Freeman (1968: 4) asserted that "whilst we are aware that men are not free either, we, as women, have special problems… which we must talk about among ourselves".

3.3 Theory Building: Getting to the "Root" of the Problem

Despite the work of the Women's Liberation Movement, it was argued by Ti-Grace Atkinson (1969: 1) that until the time of her writing, there had never been a feminist analysis. Atkinson (ibid: 1) drew upon the words of Almanina Barbour, a black militant, who criticised the women's movement as being "the first in history with a war on and no enemy" to highlight the need to develop a mode of analysis which can be used to understand the persecution of women by men. Atkinson (ibid) argued that "traditional feminists", such as those within the women's movement, had become caught in a dilemma of demanding equal treatment to men, whilst ignoring that women are distinct political class not oppressed by *society*, but by *men*. As a result of this, Atkinson (ibid) asserted that *traditional feminists* have proposed dilemmas to their problems, not solutions, by incorrectly identifying society as their oppressor, rather than confronting men directly. Atkinson (ibid) argued that although women have organised in an attempt to resolve their discontent as women, no political or causal class analysis had ever followed. Thus, for Atkinson (ibid: 4), it was the task of *radical feminism* to understand the

position of women as a political class, and act together in opposition to the class enemies of women. According to Atkinson (ibid: 4), it is this interaction between classes that defines political action and is the reason she called her feminist analysis a "causal class analysis".

Atkinson (ibid: 4) contended that the first division of "Mankind" was on the basis of sex; to this she noted that:

> I submit, it was because one half [of] the human race bears the burden of the reproductive process and because man, the "rational" animal had the wit to take advantage of that- that the child bearers or "beasts of burden", were corralled into a political class; transforming the biologically contingent burden into a political or necessary penalty, thereby modifying these individuals" definition from the human to the functional, or animal.

With this in mind, Atkinson understood that the male class, at some time in history, utilised women's biological capacity for reproduction as a reason for, and a means to, subjugate them (Douglas, 1990: 57). It is at this point that there formed an Oppressor class (males) and an Oppressed class (females), in which the Oppressed class were forced to take on the burden of reproduction at the Oppressor class's will, creating a distinct category of "woman". To this she (Atkinson, 1969: 3) noted:

> What separates out a particular individual from other individuals as a "woman"? We recognize it's a sexual separation and that this separation has two aspects, 'sociological' and "biological". The term for the sociological function is "woman" (wif-man); and the term for the biological function is "female" (to suckle); both terms are descriptive of functions in the interests of someone other than the possessor.

Atkinson (ibid: 5) claimed that the *roots* of men's control over women's reproductive capacities stem from humankind's own fundamental impulses and insecurities regarding our own powerlessness and fears. Atkinson (ibid: 5) thus posited that in a search for power, men "took advantage of the social disability of those who bore the burden of the reproductive process", those defined by their capacity to give life, and "appropriated their human characteristic and occupied their bodies", naming them "females" (to suckle) and thus characterising them by their biological functions. Importantly, Atkinson (ibid) does not argue that men are predisposed to oppress, or that oppression of any kind is inevitable;

but argues that men had the *opportunity* to oppress due to women's biological capacity to bear children and took advantage of this opportunity.

The control of women's reproductive capacities by men therefore acts as a form of "metaphysical cannibalism" according to Atkinson (ibid), in which men absorb women's free will and consciousness in order to provide themselves with an illusion of power. However, Atkinson (ibid: 7) asserted that this metaphysical cannibalism is never enough to satisfy the Oppressor and will only "whet his appetite for power… and thus increases his disease and symptoms". Atkinson (ibid: 7) argued that in order to give the illusion of escaping this Oppressor-Oppressed relationship, women fall victim to the "psycho-pathological condition of love" in which they turn their hostility of the Oppressor onto themselves, self-justify males all-powerfulness, and view males behaviour as "protective" rather than oppressive. In order to escape this cycle of oppression, Atkinson (ibid: 8) asserted that women must expose and destroy sex roles, allowing for a restructuring of society and a dismantling and redefining of biological functions. Thus, as Atkinson (ibid: 8) saw the very notions of "womanhood" or "female" as ways in which men dehumanised, othered and oppressed women, she argued that the notion of sex difference should be abolished:

> In order to improve their condition, those individuals who are today defined as women must eradicate their own definition. Women must, in a sense, commit suicide, and the journey from womanhood to a society of individuals is hazardous. The feminist dilemma is that we have the most to do, and the least to do it with, we must create, as no other group in history has been forced to do, from the very beginning.

Consequently, Atkinson (ibid) argued for an abolition of male defined sex roles as a way to end women's subjugation. Importantly, she made clear that it is male *behaviour*, not *biology*, that is the enemy of women; this assertion allows opportunity for change and the eradication of male domination, without suggesting that it is the male *species* which is in need of elimination, which would not allow for a solution to end male supremacy.

Akin to Atkinson, Shulamith Firestone (1970) claimed that the subordination of women originates in the control of women's biology by men. Drawing upon the work of Karl Marx and Friedrich Engels, Firestone (ibid), in her formative work *The Dialectic of Sex*, developed a feminist historical materialism in which sex class was the focus, as opposed to economic class. Whilst Firestone gives credence to Marx and Engels' development of historical materialism, to which she stated "much as it was a brilliant advance over previous historical analysis" (ibid: 5), she insisted that "it would be a mistake to explain the oppression of women according to this strictly economic interpretation" (ibid: 6). Although Engels (1884) did discern that the original division of labour was between men and women for the purpose of reproduction, that within the family structure the husband was the owner, the wife the means of production and the children the labour, Firestone (1970: 6-7) criticised Engels (1884) for only recognising the sex class system in order to illuminate economic class relations. For Firestone, much like Atkinson (1969), biological differences between males and females were the basis of women's oppression, and formed the first division of labour based upon sex. To this Firestone (1970: 9) noted:

> The natural reproductive difference between the sexes led directly to the first division of labour at the origins of class, as well as furnishing the paradigm of caste (discrimination based on biological characteristics).

Despite Firestone's (ibid) assertion that women's oppression is rooted in biological sex, it is important to note that she is not necessarily arguing that biology *per se* is oppressive to women. She does however argue that female biological functions, such as childbirth, menstruation and breastfeeding, leave women vulnerable to the "oppressive power structure set up by Nature and reinforced by man", due to women being the sole bearers of the reproductive burden under male power (ibid: 16). Thus, for Firestone, it is the harnessing of women's reproductive capabilities by men through practices such as forced birth and child rearing, and thus the unequal division of labour between the sexes that form the issue of women's oppression.

If women's oppression is linked to biological differences between men and women, this then calls to question to what extent can *men be blamed* for the oppression of women? This has led interpretations

of Firestone's work to suggest that women's oppression is inevitable, eternal and innate (Sandford, 2010; Annandale, 2009), however, Firestone (1970: 10) combatted such claims by asserting: "but to grant that the sexual imbalance of power is biologically based is not to lose our case. We are no longer just animals. And the kingdom of Nature does not reign absolute". Thus, just as the proletariat must seize the means of *production* in order to attain freedom from the grips of the bourgeoisie, she argued that to assure the elimination of the sex class system, women must seize control of *reproduction*. This, for Firestone (ibid: 11) must involve:

> Not only the full restoration of women of ownership of their own bodies, but also their (temporary) seizure of control of human fertility- the new population biology as well as all the social institutions of child-bearing and child-rearing. And just as the end goal of socialist revolution was not only the elimination of the economic class *privilege* but of the economic class *distinction* itself, so the end goal of feminist revolution must be, unlike that of the first feminist movement, not just the elimination of male *privilege* but that of the sex *distinction* itself: genital differences between human beings would no longer matter culturally.

In order for Firestone's feminist revolution to take place, it was integral for society to therefore develop technologies, known as cybernetics, to be used so that women would be spared the burden of reproductive labour. Technologies such as contraception, sterilisation and abortion were used at the time Firestone (ibid: 11) wrote *The Dialectic of Sex,* however, she envisioned a world in which reproduction could happen entirely outside of the body through artificial means, freeing women entirely of reproductive labour and the responsibility of rearing children:

> The reproduction of the species by one sex for the benefit of both would be replaced by (at least the option of) artificial reproduction: children would be born to both sexes equally, or independently of either... the division of labour would be ended by the elimination of labour all together (through cybernetics). The tyranny of the biological family would be over.

Cybernetics, for Firestone (ibid), was therefore the solution to end the oppressive relationship between women and men, bringing with it the fall of the biological family unit, in which women are relegated to the private realm, propping up the capitalist economy by both engaging in unpaid domestic and reproductive labour. In her view, cybernetics would not only shore the fall of the sex

class system, but as this division is the basis of all class relations, all oppressive relations would dissolve, such as economic class, racism and homophobia. It is important, however, to consider a warning from Firestone (ibid: 182) regarding the misuse of technology as a mechanism to control society, to which she noted "in the hands of the present establishment there is no doubt that the machine could be used- is being used- to intensify the apparatus of repression and to increase established power". Thus, Firestone ultimately reminds us to recognise state power, as well as male power, when considering the position of women in society. Firestone's warning regarding the use of technology is revisited within Chapter Seven in relation to the use of body-searching technologies.

Kate Millett (1970), another early radical feminist, insisted that differences in behaviour between men and women are not in-born, but are sex-class differences created by culture dominated by men (Douglas, 1990). Within her formative work, Millett (1970) argued that there is a distinct power difference between the sexes, which she named "sexual politics". The creation of new language to describe women's realities is a cornerstone of radical feminist thought, something which Millett pioneered in her work and is developed further within Chapter Four (Spender, 1985). Politics, to Millett (1970: 23), did not describe "meetings, chairmen and parties", but "power structured relationships, arrangements whereby one group of persons is controlled by another". To this, Millett (ibid) posited a theory of patriarchy which attempted to prove that sex is a category with political implications. Patriarchy, as defined by Millett, thus refers to the rule of men over women, and permeates every part of society and its institutions, both public and private. Importantly, to Millett, patriarchy has not developed by accident, but is a system constructed purposefully, from which men profit from, prefer and wish to preserve (Spender, 1985: 39). As male control of public and private worlds is, according to Millett, what constitutes patriarchy, male control must therefore be eliminated to ensure the liberation of women (Tong, 1989: 96).

Millett (1970: 25) drew upon the work of Max Weber to describe the relationship between men and women as one of *"herrschaft"*, a relationship of dominance and subordination. To maintain patriarchal

ideology and rule, Millett argued that supposed biological distinctions between men and women are exaggerated and stereotyped along lines of sex category, forming two distinct groups, "masculine", as ascribed to men, and "feminine", as ascribed to women, known as *gender*. The gender hierarchy, as enforced through patriarchy, dictates that temperamental distinctions such as aggression, intelligence, force, achievement and efficacy in men, and passivity, ignorance, docility, motherhood, domesticity and virtue in women, are enforced though socialisation of the sexes from childhood (Millett, 1970: 27). Akin to Atkinson (1969), Millett (1970) argued that women's gender roles are closely tied to her biological capabilities, which she argued reduces women's role as animal-like, with only men able to do distinctly human activities which are not linked to biological functioning, such as childbirth and care. Such patriarchal ideology thus ensures that the male class always secure dominant masculine roles, and in turn women ascertain subordinate feminine roles that hold little institutional power. Importantly, Millett (ibid: 27) insisted that supposed "male supremacy", is not assigned by human nature and is not at all natural in its origin, but is "maintained in the acceptance of a value system which is not biological".

The socialisation of the sexes into gender begins from birth; "every moment of the child's life is a clue to how he or she must think and behave to attain or satisfy the demands which gender places upon one" (ibid: 31). As a result of such socialisation, patriarchal cultural expectations "encourage young men to develop aggressive impulses, and for women to thwart her own and turn them inwards" (ibid: 31), which leads to distinct and power-incongruent gendered roles for women and men. Millett (ibid: 26) asserted that patriarchal ideology "obtains consent through socialisation of both sexes to basic patriarchal polities", which through pervasive conditioning, men gain the apparent consent of the women they oppress. Patriarchy utilises institutions such as the church, the family, and the state to justify and reinforce women's subordination to men, resulting in women's internalisation of their inferiority to men (Tong, 1989: 96).

Millett (1970: 43) argued that although "so perfect is its system of socialisation, so complete the general assent into its values, so long and so universally has it prevailed in human society, that it scarcely seems to require violent implementation", patriarchal ideology still utilises force in order to enact and maintain its rule. The threat and use of physical violence by men is an ever-present instrument of intimidation for women, namely that of sexual violence. For women who attempt to resist or refuse to accept patriarchal gender roles, and thus defy femininity, men often use coercive, violent and sexual tactics in an attempt achieve what socialisation could not- full submissiveness and subordination to patriarchal rule. This, to Millett, illustrated the link in patriarchal societies between feelings of sexuality and feelings of cruelty, with sexuality often equated with power and evil. Thus, as noted by Mary Daly (1978: xi), if women step outside of the norms of feminine behaviour, they are subject to "a variety of cruelties and barbarities" in order to ensure they conform to their ascribed position of powerlessness and inferiority.

Like Atkinson (1969), Millett (1970) argued that the shedding of gender roles and the adoption of an androgynous future was a way to ensure that women would be free from oppression by men. This however, would have to be adopted cautiously, as it is important not to repeat history, as such there would be a

> re-examination of the traits categorised as "masculine" and "feminine", with a reassessment of their human desirability: the violence encouraged as virile, the excessive passivity defined as "femininity" proving useless in either sex; the efficiency and intellectuality of the "masculine" temperament, the tenderness and consideration associated with the "feminine recommending themselves as appropriate to both sexes" (Millett, 1970: 62).

Thus, the abolition of gender roles, for Millett (1970), would lead to a complete restructuring of society, in which the idea of male supremacy would be eroded and women would live free from male oppression. This however, would not be an easy feat, to which Spender (1985: 39) commented "patriarchy would not be easily dislodged, she [Millett] claimed, because of the hold it has over our minds as well as the methods it has established for the unequal distributions of resources". As such,

it is vital that women firstly develop an awareness of sexual politics in order to act against patriarchal oppression.

This section has outlined the important principles of radical feminist thought, which are drawn upon within later chapters in order to understand women's body-searching in prisons in England. Principles of radical feminist thought, namely patriarchy, male power and the subjugation of women by men are integral to this thesis' understanding of women's position in society, as well as women's position within the prison as a state institution, which is discussed in further detail in the next section of this chapter.

3.3 Delving Deeper: Branches of Radical Feminist Theory and Practice

As noted above, analyses by authors such as Atkinson, Firestone and Millett paved the way for feminist understanding of women's position in society, theorising the many ways in which women are subject to male power and control, notably through the controlling of women's bodies via reproductive coercion, and the imposition of gender roles which act to socialise women into a life of restrictive femininity, male violence and submissiveness to masculinity. Whilst these principles are integral to radical feminist thought, many other feminist writers have utilised such early visions of feminist consciousness and expanded upon them, developing deeper into understandings of the oppression of women. This section discusses further manifestations of feminist thought relevant to this study, such as the nature of state power, the use of sexual violence under patriarchy, understandings of 'truth' and the political construction of language. These issues are integral to the study of women's experiences of body-searching practices in prisons on account of the pre-existing literature explored within Chapter One which highlighted imprisonment as a means of enforcing gendered control.

3.31 Gender, 'Sex' and Violence

Prominent radical feminist thinker and legal scholar, Catharine MacKinnon (1983: 635), noted that feminism is a theory (and practice) focussed upon relations of power, with male and female "created

through the eroticisation of domination and submission". With this in mind, according to MacKinnon (ibid: 635), "the man/woman difference and the dominance/submission dynamic define each other", thus, with women's position inexplicably forged through the interplay of power between the sexes and thus gender, we must understand how power is transmitted through such relationships between men and women. Prior to the 1970's, the study of rape and sexual violence and its relationship to power, coercion and control, was little studied; with general attitudes to rape and sexual violence being that it was the fault of the victimised women, and that sexual violence bore no relationship to power differences between men and women (Kelly, 1988).

Diana Russell (1975) was one of the first feminist writers to study the relationship between rape and women's oppression by men. Detailed in her book *The Politics of Rape,* Russell developed a feminist understanding of the power relations that exist within rape. At this time, little was known about rape, to which Russell (ibid: 12) asserted:

> I had seen rape as an extremely sadistic and deviant act, which could be performed by crazy or psychopathic people. I carried around in my head a picture of rape that involved a strange man jumping out of the bushes and attacking and raping a solitary woman on her way home late at night. The notion of rape by a lover or friend or colleague just hadn't occurred to me. I also imagined that rape victims would be young women who would fit common cultural standards of attractiveness.

Russell's (ibid: 12) personal understanding of rape mirrored society's view of sexual violence and rape at the time, to which she stated that "buried deep in me was the notion that rape was something that didn't happen to a "good" woman like me". It was not until systematically gathering women's experiences of rape and sexual violence, that Russell realised that there were deeper political notions at play behind the occurrence of rape. Russell noted that during her research into rape, she reviewed leading research on rape, drawing upon scholarship conducted by clinicians and male researchers, to which she discovered that commonly, research on rape assumed that *rape victims enjoy being raped*. It was thus paramount for Russell (ibid: 13) that her work on rape, founded upon feminist values, gave "serious attention to the feelings of rape victims" and related "rape to the society at large". Drawing

upon ninety interviews with female survivors of rape, Russell determined that rape is utilised by men to express their hostility towards women, specifically towards those women who reject typical feminine gender roles and assert themselves in new ways. Whilst Russell (ibid: 14) was not arguing that the only victims of rape are women who step outside of traditional female roles, she asserted that "threatened male egos may mean more rape"; thus, according to Russell (ibid: 14), the more women who defy gendered expectations, the more risk of rape there may be due to increased male resentment and hostility towards such women.

Understanding of the politics of rape were further informed by the work of Susan Brownmiller, who in her 1975 pioneering writing *Against Our Will: Men, Women and Rape,* laid the foundations for a feminist theory of rape and sexual violence as acts entrenched in power. Within her introduction of *Against Our Will: Men, Women and Rape,* Brownmiller asserted that despite "great" scholars such as Krafft-Ebing, Freud, Alder and Marx and Engels' focus upon power relations within society, the historic power struggles between men and women, and more importantly their relationship to rape, had been ignored. With Brownmiller's (1975: 14-15) aim to "give rape its history", she examined societies historic relationship to rape and argued that:

> Man's discovery that his genitalia could serve as a weapon to generate fear must rank as one of the most important discoveries of prehistoric times, along with the use of fire and the first crude stone axe. From prehistoric times to the present, I believe, rape has played a critical function.

Tracing the history of rape in western civilisation, Brownmiller stated that rape played a key role in the establishment of patriarchal rule, with women seen as male property, merely a form of chattel. To this, Brownmiller (ibid: 17) posited that "concepts of hierarchy, slavery and private property, flowed from, and could only be predicated upon, the initial subjugation of women", in which women were owned by men, the first piece of property in his "house of the father" prior to his offspring. Rape was thus a way of enforcing male ownership over women, with forceable entry into the bodies of women signalling a conquest over her being and the triumph of masculinity.

Reflecting upon rape in the 20th century, Brownmiller postulated that due to women's histories entrenched in the fear of rape by men, women understand rape to be something which happens *to us* because of our *sex.* Girls' socialisation into gender, for Brownmiller (ibid: 309), meant that women are "trained to be rape victims", to this she argued that "to simply learn the word "rape" is to take instruction in the power relationship between males and females" in a world where girls have special victim status and where rape is something done *to us* due to our inferior power status. Rape and sexual violence are thus an exercise of power, used by men to reflect and maintain patriarchal power. Famously, Brownmiler (ibid: 15) boldly argued that rape "is nothing more or less than a conscious process of intimidation by which *all* men keep *all* women in a state of fear", to this she posited that the fear of rape and the act of rape itself, ensures that women are controlled by male power at all times. Here, Brownmiller did not necessarily assert that *all men rape*, but that the *very presence* of male sexual violence against women ensures that women are kept in line with patriarchal powers, which does however *benefit all men* and shores up male power*.*

Within Chapter One I discussed in length the process of strip-searching, and body-searching more generally, as acts of institutionalised sexual violence, rape and abuse by those acting on behalf of the state (George, 1992; Devlin, 1998; Pereria, 2001; Aretxaga, 2000; Scraton and Moore, 2014). Brownmiller (1975: 256) similarly discussed the use of sexual violence within an institutional setting, to which she noted:

> All rape is an exercise in power, but some rapists have an edge that is more than physical. They operate within an institutionalized setting that works to their advantage and in which a victim has little chance to redress her grievance.

Brownmiller's understanding of institutionalised rape emphasised how the very structure and conditions of the prison as a state institution, shrouded in secrecy and misinformation, can allow for the abuse of authority by those working on behalf of the state. The male authoritarian environment, as well as the legally state sanctioned use of force thus protects the prison from detection or

questioning of their abusive actions. Such authority afforded by the state to prison officials thus emanates "an aura of rightness; their actions cannot be challenged. What else can the victim be but "wrong"?" (ibid: 271). This notion of victims as "wrong" is particularly important, which led Brownmiller to a discussion of victimhood and the problems associated with granting women such status. The author argued that victims are not given legitimate victimhood due to cultural myths surrounding rape, which are based upon masculine ideas of womanhood, femininity and fundamental misunderstandings of female sexuality. Brownmiller highlighted that it is commonly thought that women's own behaviour triggers rape to be used against them, such as their behaviour or the way they dress. Similarly, women's creditability as a deserving victim is also mitigated by her adherence to gendered norms of femininity, such as whether she has previously engaged in sexual activity and her "moral character" as a woman (ibid: 373). This results in women's victimhood being reliant on her performance of femininity and adherence to gendered norms of "femaleness", with women with somewhat "tarnished" backgrounds, such as those who know their attacker or have previously engaged in casual sex, branded as liars and blamed; either way, posited by Brownmiller (ibid: 313), "the woman is at fault". Similarly, MacKinnon (1989) argued that women who fall out of patriarchal ideas of femininity, effectively give up their right to victimhood in cases of rape and sexual violence. MacKinnon (ibid: 175) asserted that women who are unvirtuous, such as those engaged in prostitution, are assumed to consent to sex, and therefore cannot be given status as "victims" as their character or behaviour negates their ability to say "no" to sexual activity. Thus, for MacKinnon, "unvirtuous" women are "unrapeable" (ibid: 175).

As noted previously, Brownmiller (1975: 391) argued that rape is not "a crime of irrational, impulsive, uncontrollable lust, but is a deliberate, hostile, violent act of degradation, and possession... designed to intimidate and inspire fear". To this, the author noted that we need to take into account *women's* understandings of rape and sexual violence rather than viewing rape through a *masculinist legal lens*,

which silences women's experiences and renders them invalid; Brownmiller (ibid: 377) explored this notion in more detail:

> To a woman the definition of rape is fairly simple. A sexual invasion of the body by force, an incursion into the private, personal inner space without consent... constitutes a deliberate violation of emotional, physical and rational integrity and is a hostile, degrading act of violence that deserves the name of rape.

Importantly, whilst the use of force is present in many cases of rape and sexual assault, Brownmiller (1975: 381) posited that overt physical force is not always present, and that the *threat of force* is also indicative of acts of sexual violence, reminding us that a central feature of sexual assault is always "an invasion of bodily integrity and a violation of freedom and self-determination wherever it happens to take place". As practices of body-searching are often characterised as a non-consensual invasion of the body (see Chapter One), Brownmiller's work is therefore of great relevance to this research and in establishing a radical feminist analysis of such practices.

Prior to the work of Liz Kelly (1988) and her ground-breaking thesis *Surviving Sexual Violence*, rape had been the focus of much discussion around sexual violence. This had resulted in a lack of understanding within feminist thought regarding other forms of sexual violence such as flashing, inappropriate touching, stalking and incest. Drawing upon 60 interviews with women who had experienced sexual violence in a myriad of forms, Kelly (ibid: 40) argued that in order to have a complete feminist understanding of the nature, breadth and impact of sexual violence, we must distance ourselves from "legal codes which focus on the extreme and less frequent forms of violence" in order to prevent the obscuring of "the subtler and more pervasive forms of abuse of women which are woven into the fabric of society" (Klein, 1981 cited in Kelly, 1988: 40). For Kelly (1988: 77) it was therefore problematic that many incidents that women experience as abusive were not legally recognised as crimes and thus not recorded within official statistics. To this, Kelly determined that in order to develop an understanding of the true nature and pervasiveness of sexual violence against women within British society, she had to create her own model; a continuum of sexual violence.

To theorise such a continuum, Kelly (ibid: 41) established a feminist definition of sexual violence which attempted to reflect both the rage and extent of sexual violence and its impacts for survivors, to which she noted:

> Sexual violence includes any physical, visual, verbal or sexual act that is experienced by the woman or girl, at the time or later, as a threat, invasion or assault, that has the effect of hurting her or degrading her and/or takes away her ability to control intimate contact.

Central to Kelly's (ibid: 41) feminist definition of sexual violence is the notion that all forms of sexual violence involve the exercise of power, and function as a form of social control of women by denying her freedom and autonomy. Drawing on the work of Betsy Stanko (1985 cited in Kelly, 1988: 75), Kelly quoted:

> Women's experiences of male violence are filtered through an understanding of *men's* behaviour which is characterised as either typical or aberrant... In abstract we easily draw lines between those aberrant (thus harmful), and those typical (thus unharmful) types of male behaviour. We even label the aberrant behaviour as potentially criminal behaviour... Women who feel violated or intimidated by typical male behaviour have no way of specifying how or why typical male behaviour feels like aberrant male behaviour.

It is by developing the notion of *sexual violence as a continuum* that Kelly (ibid: 75) sought to enable women to understand their own experiences by demonstrating that the lines between "typical" and "aberrant" behaviour can blur and shade into one another, which in turn makes it difficult for women to identify and name sexually violent behaviour.

Using the concept of a continuum, defined by the Oxford English Dictionary (cited in ibid: 76) as "a continuous series of elements or events that pass into one another which cannot be readily distinguished" allows us to discuss the *common* characteristics which link *all forms* of sexual violence, which for Kelly is the "abuse, intimidation, coercion, intrusion, threat and force men use to control women". Whilst Kelly's continuum defines the *shared characteristics* of sexual violence, the continuum also provides a way to "document and name the range of abuse, intimidation, coercion, intrusion, threat and force whilst acknowledging that there are no clearly defined and discrete analytic

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categories into which men's behaviour can be placed" (ibid: 76). Thus, for Kelly (ibid: 97), "the continuum of sexual violence ranges from extensions of the myriad forms of sexism women encounter everyday through to the all too frequent murder of women and girls by men". It is important to note that although Kelly identified through her research eleven prevalent forms of sexual violence, these being the threat of violence, sexual harassment, pressure to have sex, sexual assault, obscene phone calls, coercive sex, domestic violence, sexual abuse, flashing, rape and incest, she clearly stated that she does not impose a hierarchy of abuse, emphasising that all sexual violence is serious in itself and that it is not the role of a feminist analysis to decide how serious one form of sexual violence is in comparison to another. Furthermore, from my reading of Kelly's work, the very nature of "sexual violence as a continuum" negates the notion of a hierarchy of abuse, as Kelly's central message is that within *all forms of sexual violence* lay the same core characteristic- the control of women. In Chapters Six and Seven, Kelly's "continuum of violence" is drawn upon to conceptualise the violence practices of body-searching, and to explore body-searching as a tool of gendered control.

Throughout Kelly's research an important theme emerged around the process of *naming* sexual violence, to this, Kelly noted that many women felt that their experiences of sexual violence were not "real" due to a lack of common vocabulary to name their experiences. To this, Kelly drew upon MacKinnon's (1979) assertion that "the unnamed should not be mistaken for the non-existent" (cited in Kelly, 1988: 141) and attested that having access to a language which accurately names one experience is essential to defining sexual violence from a feminist and thus women-centred perspective. As discussed earlier within this chapter, Kelly (1988: 141) centred the feminist principle of the *personal* as *political*, and highlighted that although many women may understand their individual experiences of male behaviour as abusive, many do not see their experiences as beyond a personal problem. Kelly (ibid: 141) thus problematised this assumption of sexual violence as a personal issue, and contended:

> It is the lack of *social definition* that is crucial. A social definition/name makes it clear that others may share this experience, thereby undermining the isolation of feeling that you are the only one. A social definition also suggests the possibility of a social cause.

The notion of a *social cause* of sexual violence is an important aspect of Kelly's (ibid: 141) research, as this highlights that acts of sexual violence form and maintain the wider social structure of men's power, control over and removal of women's freedom. Furthermore, addressing that there is a social cause of sexual violence allows women to forge alliances through their common shared experience, which can act as resistance against sexual violence and patriarchy at large.

Crucially for Kelly, throughout her work she used the term "survivor" to describe women who have experienced sexual violence in its myriad of forms. Kelly (ibid: 163) used the term "survivor" rather than "victim" to reflect the strategies of coping, resistance, strength and survival women display in the face of male violence and patriarchy, and to highlight the active and positive ways in which women coped with the aftermath of sexual violence. Reflecting upon the feminist use of the term "survivor", Sandra Walklate (2007) interestingly noted the importance of recognising *duality* and the complex relationship between notions of victimhood and survivorship. To this, Walklate (ibid: 7) reminded us that we can recognise both "the structural location of women (one way of understanding women's powerlessness, a defining characteristic of being a victim), and women's negotiation of their structural location (one way of understanding the term 'survivor')".

The coping strategies employed by women who have faced sexual assault are of importance to Kelly 1988: 160), to which she highlighted that "women's coping responses are active, constructive adaptions to experiences of abuse" which vary from woman to woman depending on issues such as cultural background, age, class, race, availability of resources around her and her own personal knowledge. Kelly (ibid: 161) did however problematise the idea that "coping" should be evaluated by a woman's ability to return to "normal functioning" after single or multiple instances of sexual violence, to which she noted that "permanent changes in attitudes, behaviour and circumstances may

occur", which are often ignored and taken for granted when discussing the aftermath of sexual violence.

Resistance as a form of coping is also highlighted by Kelly, and she emphasised that we must examine resistance as more than a physical act such as physical struggle, but also look to the ways which women resist through defying patriarchal control within their every-day lives. Kelly's understanding of resistance therefore aligns with the forms of resistance drawn upon by imprisoned women, as discussed within Chapter One (see Bosworth and Carrabine, 2001; Scraton and Moore, 2014). Whilst women may not resist through an actual physical assault, Kelly (1988: 161-162) emphasised that women may resist by refusing to be controlled; resistance therefore involves "active opposition to abusive men's behaviour and/or the control they seek to exert... which denies the abusive men certain forms of power over the woman". Whilst many women bury the memories of their abuse, perhaps in order to suppress the feelings the memory evokes, survivors often also engage in shame and self-blame, questioning their own behaviour in provoking the incident of abuse. However, women within Kelly's (ibid: 184) research found that discussing their experiences of sexual violence acted as a form of resistance to the harm they had endured, by helping them to connect their personal experiences of sexual assault to a "wider analysis of gendered social relations based upon power and control". Crucially, Kelly's (ibid: 185) aim within *Surviving Sexual Violence* was to move away from the mentality of women as "inescapable victims" in the face of patriarchy, to recognising women's abilities to resist male violence and understand the complexities of women's experiences of sexual violence, male power and broader structures of patriarchy.

Despite the significant contributions of feminist thought to an understanding of rape, sexual violence and patriarchy, VanNatta (2010) argued that the most marginalised victims, such as women in prison, are often left out of understandings of rape and sexual violence due to the aggressor being an agent of the state. Within a prison context, an understanding of rape and sexual abuse must, according to VanNatta (ibid: 43), therefore look beyond "a discrete timeline to recognize the ongoing sexualised

humiliation embedded in the prison's institutional system as a form of sexual abuse". VanNatta

therefore advocates for framework which allows us to conceptualise, understand and tackle sexual

abuse which is done on behalf of the state and state actors. As such, VanNatta (ibid: 43) argued that

such an understanding must:

> Move beyond a discrete timeframe to recognize the ongoing sexualized humiliation
> embedded in the prison's institutional system as a form of sexual abuse. Also, it must
> transcend individuals or groups of individuals acting on their own behalf. A new framework
> must incorporate an understanding of behavior by individuals or groups acting on behalf of
> the state or other institutions, so that the individual carrying out the act is not necessarily
> the only perpetrator. The system and institution, and those in charge of that institution, are
> (also) perpetrators.

This allows us to conceptualise abusive state practices such as strip-searching, as argued by VanNatta

and other scholars (see for example: George, 1992; Pereria, 2001; Artexaga, 2001; Hutchison, 2020),

as not only an act of abuse between the perpetrator (prison official) and the victim (imprisoned

woman), but also as an act of abuse by the institution and state which legitimises and sanctions such

practices. This is discussed in more depth within Chapters Six and Seven.

3.32 Patriarchy, Prison and the State

As previously noted within the chapter, the term "patriarchy" was utilised by Max Weber (1947) to

describe a 'system of government in which men rule societies through their position as heads of the

household" (Walby, 1989: 214). Despite this definition being useful throughout historical discussions

within the social sciences, its implementation has been problematic to radical feminists due to its

emphasis upon the importance of men's domination over other, lower classes of men, rather than

men's subordination of women as a class (ibid). Whilst men do indeed face subjugation by other men

based upon points of oppression such as class, race, age and ability, it is argued by radical feminism,

as an emancipatory theory and practice, that the notion of patriarchy focuses upon the social

structures and practices in which men as a class, oppress, exploit and dominate women as a class

(Millett, 1970; Walby, 1989). Although patriarchy is a much-contested term, Adrienne Rich (1977: 57)

offers a more nuanced interpretation, drawing upon Millett's initial definition, which is particularly

important when acknowledging the multifaceted forms of oppression that women face due to differing class positions, racial identities and cultural or social norms:

> Patriarchy is the power of the fathers: a familial-social, ideological, political system in which men- by force, direct pressure or through ritual, law, language, customs, etiquette, education and the division of labour, determine what part women shall or shall not play, and in which the female is everywhere subsumed under the male. It does not necessarily imply that no woman has power, or that all women in a given culture may not have certain powers.

Before I can enter a discussion of the relationship between patriarchy and the state, it is crucial that I discuss the links between the family and patriarchal power. As noted by Millett (1970: 33) the chief institution of patriarchy is the family. A fundamental element to the patriarchal family is the male figurehead, the husband, father and brother, who implement control and domination in ways in which the wider structures of society are insufficient (ibid). The family, with the male at the head of the institution, serves as an agent of the larger society, ensuring that familial members adjust and conform to the needs of the wider state government. Thus, "the family is both a mirror of and a connection with the larger society; a patriarchal unit within a patriarchal whole" (ibid: 33). With this in mind, it is understood by radical feminist theory that the family is a unit in the government of the patriarchal state (ibid). Whilst family plays an essential role in the maintenance of patriarchy, the state also is a crucial patriarchal entity in itself.

It has been noted by feminist scholars that the state itself is a vanguard of the patriarchal power structure, with the state not only a social structure and institution serving the interests of the male oppressor class, but also itself inherently gendered (Connell, 1994). Thus, the state is not only constituted by male gendered power, but also reinforces male power through its various institutions, policies and practices. As claimed by MacKinnon (1989: 162-163), "the state is male in a feminist sense... the liberal state coercively and authoritatively constitutes the social order in the interest of men as a gender- through its legitimating norms, forms relation to society, and substantive policies". MacKinnon highlighted that it is often perceived that the state is a genderless entity, and with this, it is therefore assumed that women consent to governmental control without necessarily questioning

the power relations which embody it. For Mackinnon (ibid: 163), "the state is male in that objectivity is its norm", meaning that the patriarchal state "legitimates itself by reflecting its view of society, a society that it helps to make by so seeing it, and calling that view, and that relation, rationality". With this in mind, as the state is forged upon and upholds male power, it is argued that the state often adopts a position of neutrality with regards to sex-based oppression, ensuring that the status quo remains fundamentally unchanged (ibid).

It is important here to note that whilst I utilise the term "the male state" or the "patriarchal state", I am not suggesting, and it would be misleading to imply that the entirety of the state's workers are men (Connell, 1994), rather, the regimes adopted by the state are congruent with the demands of patriarchal power and the male-dominated political elite. As well as this, the state tends to reflect the power relations which operate within class and racial inequalities, these however, according to a radical feminist approach, are results of a system of gendered subordination of women, which in turn spawned other forms of oppression. This is emphasised by Marylin French (1985), who noted that patriarchy is the driving force behind all modes of oppression and is the original form of oppression in which all other systems of subjugation, such as classism and racism, are built upon. In this way, it can be understood how working class, lesbian, and women of colour face differential and often more brutal treatment via the state, on account of their womanhood, and also other subjugated identities (Lourde, 1984). Importantly though, for radical feminism, is the notion that despite differences between women on account of class, race and sexuality, the most universal and fundamental form of domination that all women face is that of patriarchy. Thus, although women face differing forms of oppression alongside the universal oppression of patriarchy, radical feminism insists that "women as a group have interests opposed to those of men"; which "unite them in a common sisterhood that transcends the division of class or race" allowing women to struggle together for their liberation from patriarchal power, whilst recognising their differing positions in society on account of race, class, sexuality, age and ability (Bryson, 1992: 181).

Whilst the state is argued to be a patriarchal institution constructed upon the subordination of women (MacKinnon, 1989), it may also be argued that prison as a state entity is therefore an agent of patriarchy. As noted by feminist criminologists in Chapter One, it is argued that the prison is an institution which serves to reinforce patriarchal gendered norms (Carlen, 1982; 1983; Dobash, Dobash and Gutteridge, 1986; Sim, 1990; Davis, 2003; VanNatta, 2010). Furthermore, it is also posited by penal critics that women's imprisonment reinforces and reproduces the gendered oppression, violence and powerlessness women suffer within society outside of the prison walls (Carlen, 1982; 1998; Rafter, 1990; Vetten and Bahana, 2005 Scraton and Moore, 2009; VanNatta, 2010). As argued by Meda Chesney-Lind (1991), prisons are operated with the view that the women in them, disproportionately working class and women of colour, are there due to crimes which cast them outside of "true womanhood", and it is thus the role of the prison to bring these women in line with patriarchal dictations of femininity. Therefore, considering the notion that the state operates and upholds male power (MacKinnon, 1989), it may also be argued that the prison, through its relationship with the state, is an extension of male power which exerts itself through the gendered disciplining and punishment of women who come into its care (Carlen, 1983; Rafter, 1990; Vetten and Bahana, 2005). This aligns with Marie-Andree Bertrand's (1999: 57) assertion that "prison laws are sexist, male and gendered" due to the broader material and structural implications of patriarchy, which then seeps into the prison structure and reinforces the social control of women within a state institutionalised setting.

3.33 Women Policing Women: Women, Prison, Power and Patriarchy

Whilst radical feminist theory clearly problematises the system of patriarchy, it is often criticised as being blind to power inequalities between women (Breines, 2007). This, however, I contend, is a misunderstanding of radical feminist thought (Thompson, 2001), and a topic which I feel is essential to address within this thesis due to the differences in power between imprisoned women and the female prison officers who regulate their day-to-day lives.

Although the focus of Millett's (1970) *Sexual Politics* is primarily concerned with male dominance, Millett also importantly discusses power relations between women under a system of patriarchy. Discussing the power structures at play with regard to racism and patriarchy, Millett notes that dominant groups often provide chosen individuals within subordinated groups some level of power, for which in return it is expected that such individuals control and regulate the behaviour of others within their corresponding social group (ibid: 57). In relation to women, Millett (ibid: 57) noted that "as with other marginal groups a certain handful of women are accorded higher status that they may perform a species of cultural policing over the rest". Considering women's proximity to masculine power, Thompson (2001: 46) noted that women can embrace masculine ideals, meanings and structures, however

> Women cannot *be "*masculine" in any sense which implies that women can take on the rights, benefits and prerogatives of men (except in those rare cases where women have passed themselves off as men and been believed). But women can uphold the meanings and values of masculinity.

To this, according to Thompson (2001), Dworkin (1978) and Millett (1970) alike, women may therefore collude with male power in the enforcement of patriarchy, namely through embracing femininity and ensuring that other women take part in the uptake of feminine ideals. Importantly, as noted by Thompson (2001: 46), "femininity is not an "other" to masculinity, it is a subset of it. Femininity exists to reinforce masculinity. It is the residual vestige of 'humanity' women are allowed, so men can continue to define themselves at women's expense". As such, although women do not necessarily have a part to play in the formation of patriarchal power, they do certainly have a role in upholding the system which oppresses them by engaging with the structures of femininity as per their socialisation (Dworkin, 1978).

A Freedom of Information Request made in November 2013 (Ministry of Justice, 2013b) revealed that over 59% of Prison Officers in women's prisons in England were female. Whilst prison for women in England has been criticised as a system largely created by and for men (Corston, 2007), it is fact that

women do participate in the power-loaded process of the surveillance, regulation and punishment of incarcerated women whilst in the role of Prison Officer, Governor, Reformer or policy-maker (Carlen, 1982; Hannah-Moffatt, 2001; Rowe, 2016). Kelly Hannah-Moffat (2000: 18) points to in her work *Punishment in Disguise: Penal Governance and Federal Imprisonment of Women in Canada*, a critique of the notion of "women-centred" justice, in which "feminist" prison reform efforts are made on account of women's gendered experiences of the pains of imprisonment. Hannah-Moffat (2000: 18) found issue with "women-centred" models of imprisonment, to which as she asserted that whilst it is important to account for the injustices women suffer due to their sex, a "feminist" interpretation of justice can counterproductively create injustices for imprisoned women by ignoring the differing positions of incarcerated women; as such, the author warned against "viewing women as a homogenous group". By taking an uncritical position in relation to "women-centred" models of punishment, such as those advocated by Corston (2007), Hannah-Moffat (2000: 18) asserted that:

> This creates a climate of reform that fails to recognize relations of power among women in different social sites. The governance of women by women can be as problematic as the governance of women by men, especially when the relations among the "keepers" and the "kept" are shaped by the institutional dynamics of imprisonment.

Abigail Rowe (2016: 9) comments upon the system of hierarchy within women's prisons, and noted that prisoners are subordinates in an "asymmetric power relationship" with prison staff, as well as in a dependant relationship in which they rely on prison officials for their everyday needs. Despite this hierarchical power relationship between officer and prisoner, Rowe (2016) highlighted that women prisoners can and do resist penal power, both formally and informally. To conceptualise this power difference between female prisoners, and the female staff which govern their everyday lives inside prison walls, I draw upon the theoretical imperatives of radical feminism to provide a template for understanding how women hold and operate power in different ways, as per their position in relation to patriarchy. This is discussed further within Chapter Six.

3.4 Conclusion

This chapter has outlined and explored the social context in which radical feminist thought emerged, and has identified and discussed key authors. The salience of the social construction and enforcement of gender has been discussed within this chapter, and the importance of these concepts to this study have been identified. The ways in which gender is used as a form of social control of women has been explored from a radical feminist standpoint, and particular modes of social control have been explored such as socialisation and violence. Furthermore, this chapter has provided woman-centred definitions of sexual violence and developed a radical feminist understanding of violence against women, which aids in this thesis's understanding of body-searching practices within later chapters. An understanding of the state as a patriarchal entity has been explored, and its relationship to the institution of the prison discussed. This chapter has also importantly discussed the relations of power which exist between women, with focus upon power relations between women within the prison institution and within wider society. These important theoretical discussions are drawn upon within later analysis chapters and applied in order to understand the phenomenon of body-searching and women's imprisonment more broadly. The next chapter of this thesis is therefore concerned with extending a feminist perspective towards this thesis's epistemological and methodological position, methods of data collection and ethical considerations.

Chapter Four

Privileging the Voices of Women: Conducting Feminist Research

4.1 Introduction

By engaging with feminist theory and literature within the previous chapters of the thesis, I developed an understanding of the importance of emphasising women's experiences due to the domination of male voices within a patriarchal society, especially with regard to research on imprisonment (Carlen, 1994; Liebling, 2009). Similarly, as this research was concerned with exploring the lived experience of women in prison and their understanding and experience of body-searching, I thus felt it was essential that I utilise feminist theoretical, epistemological and methodological perspectives throughout this research in order to centre the emotions and experience of the women who have participated (Stanley and Wise, 1993). This chapter therefore discusses epistemological considerations, the methods used to collect and analyse data and the ethical precautions taken with regard to both participants and myself as the researcher in order to meet the following aims of the research:

1. To collate, explore and analyse existing literature concerning the use of body-searching, both nationally and internationally.

2. To examine and analyse the history, trajectory and function of body-searching policies as they relate to women in prison.

3. To understand how body-searching is legitimised and justified within official policy and consider how this relates to women's experiences of being body searched.

4. To uncover, examine and analyse how criminal justice experts and professionals understand the practice of women's body-searching in prisons.

5. To examine, through the undertaking of qualitative data collection and analysis, how women experience body-searching within prisons in England and to consider how *different forms* of body-searching, those being rub-down searches, strip searches, intimate searches and searches using technology, are experienced by women with experience of imprisonment in England.

6. Consider how prison body-searching for women is situated within the broader structures of patriarchy through the adoption of a radical feminist theoretical framework.

4.2 Epistemological and Methodological Debates in Feminist Research

Since the development of the second wave feminist movement, feminist researchers have problematised the androcentrism of epistemological and methodological perspectives within the sciences, resulting in challenges to traditional scientific research principles which were assumed to be universally applicable to all social groups and decidedly sex-blind (Harding, 1987a; Rose, 2004). Ann Oakley (1974: 5) importantly highlighted the androcentric nature of sociology in which traditionally, women were systematically excluded from knowledge creation. To combat this androcentrism, there have been many attempts to "add women" to existing social research analyses, however, feminist researchers such as Sandra Harding (1987a: 4), argued that adding women to existing, male-dominated theories and modes of analysis does little to uncover, understand and explore women's unique gendered social position. Thus, distinct feminist thought regarding epistemology and methodology has been developed.

4.21 Epistemology, Language, and Women's Knowledge

It is argued by Harding (ibid: 3) that traditional epistemologies, those being theories of knowledge which answer questions about who can be a "knower", what is "knowledge" and "truth", "systematically exclude the possibility that women could be "knowers" or *agents of knowledge;* they claim that the voice of science is a masculine one; that history is written from only the point of view of men (of the dominant class and race); that the subject of a traditional sociological sentence is always assumed to be a man". Criticisms of androcentrism in traditional epistemologies led feminist scholars to question the position of women as legitimate "knowers" (Doucet and Mauthner, 2006), and discourse regarding women's position in relation to theories of knowledge were consequently developed.

A significant contributor to discussions regarding women's capacity to be "knowers" was Lorraine Code (1981: 267) who asked the critical question "is the sex of the knower epistemologically significant?". Code (ibid: 268-269) questioned what subjective factors are influential in determining the "form" and "context of knowledge" and whether there are types of knowledge which only men,

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or women, can develop due to their gendered positioning; Code thus examined whether the process of gendered socialisation impacts upon our "cognitive capacity" as knowers. Code (ibid: 268) highlighted that the general consensus at her time of writing, was that "women's knowledge seems to be of an inferior sort, less controlled by reason, more determined by emotion, than that which men possess"; which led to a view of female knowledge as subjective, less objective than male knowledge, and therefore less valuable to the academe (MacKinnon, 1983).

To counter claims around the objectivity of male knowledge, Code (1981) argued that in fact, a*ll knowledge* is a product of both objective and subjective factors. In terms of objective factors which shape differences in male and female knowledge, Code (ibid: 269) contended that these "can be attributed to socialisation rather than to differences in cognitive capacity", she elaborated upon this claim and suggested

> The fact that women, or men, do not habitually possess or exercise certain skills does not mean that they cannot, except where individual, trans-sexual explanations in terms of physical strength, coordination, or mental capacity can be found. In the changing climate of modern Western society many men and women are becoming skilled in those activities traditionally seen to belong to the opposite sex. This makes it plausible to suggest that knowledge of the fundamental, common-sense kind, is sexually differentiated more by virtue of practical expectations than of logical necessity. As more women become able to build bookcases and more men to make cakes, it becomes less feasible to suggest that these are simply statistically unusual members of their sex; more feasible to attribute such differences in practical knowledge to cultural imposition.

Code (ibid: 269) thus argued, contrary to androcentric epistemological claims, that men and women *do possess* the same cognitive capacity for knowledge production, however differences in gendered socialisation can impact upon the ways in which women and men *seek* knowledge.

Code (ibid: 271) emphasised that along with objective factors which shape knowledge production, subjective factors are also of importance, with the individuals own creativity a "centrally determining factor in all human knowledge". Whilst the objective nature of reality determines that knowledge must develop according to logical principles, there is a spectrum of diversity, according to Code (ibid:

271), which means that "each individual's knowledge has its particular shape as much as a result of what he or she is as because of what the world is". For Code (ibid: 271), this individual subjectivity therefore brings knowledge into existence "as a result of a cooperative interaction of the will, feeling, thought and perception of individual knowing subjects". To this end, Code suggested that due to differences in subjective experience between men and women on account of gendered socialisation, women produce knowledge which is epistemologically significant to her own sex. This does not mean, however, that women's knowledges are less significant than that of men, as posed by androcentric epistemological accounts, but that "the experience of what it is to be male or what it is to be female (in those aspects not connected with roles imposed by society) must constitute an area where it is logically impossible for one group of human beings to know what another does" (ibid: 275).

Through a thorough consideration of feminist challenges to androcentric epistemological claims (Code, 1981; Harding, 1982), I determined that it was integral for my research to adopt a feminist epistemology, specifically due to its concern with the ways that social life is experienced by women due to their position within social hierarchies, such as those relating to gender, class, race and sexuality (Harding, 1987b). Due to the subjugated position of women within a patriarchal society, Nancy Hartsock (1982; 1983) argued that women are in a privileged epistemological position where they can better understand the lived experiences of other women, due to their shared experiences of gendered oppression. For a distinctly feminist epistemology, Dorothy Smith (1987) similarly insisted that feminist knowledge must come directly from women's lives and be conducted in such a way to include subjects in the production of knowledge. It is important to remember, however, that it is not the goal of feminist epistemological enquiry to "produce one theory which explains the position of all women, but to provide a framework which is capable of accommodating the diversity of women's lives" (Daly, 2000: 63).

Whilst it is agreed by feminist thinkers that women can produce knowledge which is epistemologically significant (Code, 1981; Hartsock, 1983; Harding, 1987a), there are limitations within language which

present barriers for women to form knowledge around their experiences (DeVault, 2004). Dale Spender (1980), in her seminal text *Man Made Language*, importantly pointed to the ways that language can systematically exclude women from knowledge production due to entrenched sexism and power relationships present within language structures. Research developed by Muriel Schulz and Julia Stanley (1975) highlighted that words associated with women occupy negative semantic spaces in comparison to those associated with men, which in turn limits women's linguistic ability to present discourse pertaining to women in positive or neutral terms. The implicit relations of gender and power within the English language therefore limit women's ability to be present within the knowledge-making process and reflect the structural domination of women within patriarchal society (Spender, 1980; Haggis, 1990). These linguistic inequalities suffered by women are often covered up by efforts to create "generic" or "gender neutral" terms such as "humanity" rather than "mankind", or "police officer" than "police man"; however, Spender (1980) criticised these attempts as merely disguising the issue of women's invisibility within language structures, rather than creating changes to public consciousness and gendered power structures.

In order to undermine patriarchal control of language and women's knowledge, Spender (1980) argued for research to centre woman-to-woman talk to allow for the power relationship between speaker and listener to be diminished and women's voices to become "unmuted", akin to "consciousness raising" as discussed within Chapter Three. Woman-to-woman talk, however, is not a concept or practice without criticism. Whilst the principles of woman-to-woman talk are based around a mutual respect, shared experience and listening, it can be problematic in terms of the intersection between gender, race, class and sexuality. Authors such as bell hooks (1981) noted the problems that women of colour face when discussing their gendered and racialised oppression as women, as well as their exclusion from research and scholarly writing. Similarly, although the shared experience of women's oppression can put feminist researchers in a "uniquely advantageous position for reinterpreting reality" (Jaggar, 2004: 61), it is important that this "epistemic privilege" does not result

in the essentialisation of the lives of women, or the reduction of them to "homogenous identities" (Wolf, 1996: 14). Whilst woman-to-woman talk can be an emancipatory practice for women, as feminists we must consider our own positionality and the ways in which we can mute the voices of other women whilst trying to raise our own and develop epistemologically significant research.

4.22 Constructing and Practicing a Feminist Methodology

As epistemology forms the building blocks for both methodology and method (Harding, 1987b), it was important for me to consider a feminist methodological approach to my research. The notion of what is a distinctly "feminist methodology" is widely debated within the academy and can be conferred as "consisting of a number of assertions about the nature of social reality and sociological enquiry" (Cook and Fonow, 1990: 71). Liz Stanley and Sue Wise (1990: 26) commented upon the tensions and contradictions in defining feminist methodology, to which they noted that "feminists within sociology have variously denied the existence of a feminist methodology (Clegg, 1995); argued those promoting it have "hijacked" feminism within the discipline (Barrett, 1986); and described matter-of-factly its basic principles as generally accepted by all academic feminists (Cook and Fonow, 1990)". Difficulties in determining if *there is* a distinct feminist methodology, or even whether a feminist methodology *exists at all*, may lay within different semantic understandings of the term "methodology", as noted by Stanley and Wise (1990). I, however, argue that there are distinct feminist methodological principles, or distinct feminist *methodologies*, derived from and based upon the concepts entrenched within feminist epistemology (Cook and Fonow, 1990; Stanley and Wise, 1990).

The tenets of methodology in social research are derived from four key principles, according to Janet Holland and Caroline Ramazanoglu (2002: 10), which include:

1. a social and political process of knowledge production;
2. assumptions about the nature and meanings of ideas, experience and social reality, and how/if these may be connected;
3. critical reflection on what authority can be claimed for the knowledge that results;

4. accountability (or denial of accountability) for the political and ethical complications of knowledge production.

Whilst these key principles are integral to any methodological approach to social research, feminist methodology has its own unique characteristics, influenced by its underlying epistemological, theoretical and political position (Ramazanoglu, 1992). This however, is not to say that there is a "correct" way to conduct feminist methodology, or that a "true" feminist methodology even exists; with this in mind, it is critical that feminist researchers acknowledge that feminist methodological thought and practice can shift between strands of feminist thought, and that there is no objective "truth" on feminist methodology (Reinhartz, 1992; Holland and Ramaznoglu, 2002).

Despite the somewhat shaky ground that feminist methodological principles lay, there are however some key feminist methodological claims which were integral to my research. As such, critical to my research was the notion that feminist methodology cannot be understood without the context of its development within the struggle for women's liberation and its quest "to generate knowledge for and with women for the purpose of reclaiming women's experience and breaking down male-dominated structures" (Daly, 2000: 62). As such, I felt that a feminist methodology was aptly defined by Holland and Ramazanoglu (2002: 11) as "one set of approaches to the problems of *justifiable knowledge of gender relations".* Despite criticism (see Stanley and Wise, 1990), Cook and Fonow (1990) provided a compelling outline of the principles of feminist methodology which drew upon key feminist emancipatory principles. The authors (ibid: 72-73) noted critical methodological imperatives such as "acknowledging the pervasive influence of gender" within the conduct of research; the prioritisation of consciousness-raising techniques (such as woman-to woman talk) as a methodological tool; a rejection of the dichotomy between the researcher and the researched and the centralisation of reflexivity; a "recognition of the exploitation of women as objects" and tools of knowledge; and a critical emphasis on the empowerment and emancipation of women from patriarchal social and institutional structures through the feminist research process. These methodological principles guided me in my research endeavours and are discussed in greater detail below.

4.23 Reflexivity, Power and Difference

The concept of reflexivity is something which is of significance to feminist researchers, and its methodological applications are vital to good quality feminist research. Despite significant attempts by feminist researchers to minimise power relationships and hierarchies between the researcher and the researched, it is often a criticism of feminist research that these hierarchies are still present within the research process (Wilkinson, 2004). In light of these claims, it is crucial for feminist researchers to employ reflexive methodologies in order to properly address cultural, racial, class and power differentials between the researcher and the researched and minimise the possibility of research subjects becoming objectified and "studied", rather than being an active part of the research process (Wasserfall, 1993).

Reflexivity is therefore the process in which the researcher deconstructs, critiques and ultimately understands how their social background, personal biases, and political influences impact and mould the ways they study, give meaning to, create conclusions and negotiate power throughout the research process (Myerhoff and Ruby, 1982; Wasserfall, 1993; Holland and Ramazanoglu, 2002). It is important when examining reflexivity to consider the limits of personal reflection, and attempt to conduct collective reflexivity, not only questioning the researcher's subjectivities, but also the participant's subjectivities, in order to develop a deeper understanding of "what knowledge claims are made, for whom, why and within what frame of reference" (Holland and Ramazanoglu, 2002: 119).

The ability to recognise your own privilege as a researcher is a critical aspect of reflexivity, especially when researching groups with less social, political, gendered or racialised power than yourself, as noted by Smith (1998). This was a particularly poignant aspect of my research, which was predominantly focused upon women with significantly less institutional and class power than myself. All the women with direct experience of body-searching in my research had been to prison, had criminal records and, as such, had significant stigma attached to them as "deviant women" (Goffman,

1995). Furthermore, many of the women also lacked adequate housing, employment and had poor familial relationships. I, however, am a well-educated young, white woman, who grew up in a middle-class household and have faced little class prejudice, other than for my North-Eastern accent. Furthermore, I have never been in prison and do not have a criminal record, therefore, it was of great importance for me to reflexively examine my own conduct of the research in order to not project my own biases and preconceived ideas about women's experiences of imprisonment, gender, and body-searching on the data collection process and analysis.

The difference between the lives of myself and my participants was something that I considered very closely throughout my research and I reflected upon the experiences of other researchers and their reflexive negotiations around the difference in relation to race and gender (Faria and Mollett, 2016; Edwards, 1996). What I did have in common with my participants, however, was a shared experience of womanhood, experiences of sexual violence and some understanding of incarceration from my time as an in-patient in a closed psychiatric ward, which we discussed openly during interviews. One area of discussion that I found challenging was that of sexuality. Whilst I did not actively collect data regarding the sexuality of participants, this topic arose at times. On account of their experiences of lesbian women in prison, some of the women I interviewed held some views of lesbian women as predatory. As a lesbian, I found these conversations uncomfortable at times, however, I recognised that this discomfort was, as Gabriele Griffin (2012) noted, part of the "compromises" of conducting feminist research on a topic which was particularly sensitive. In the interests of remaining reflexive, I shared my sexuality with the women when this topic arose in order to be open and honest about my lived experiences, as they were with me. As I have experienced homophobia from both men and women, it was sometimes unnerving to share my sexuality with participants, however, it also shifted the dynamics of power between myself and participants, putting us on a more even keel through the sharing of our stigmatised identities, me as a lesbian, and them as women with experiences of criminalisation and imprisonment.

It was my goal throughout the interviews to make the women aware that they were the expert in women's imprisonment and body-searching and that I was learning from them, not the other way around (Wasserfall, 1993). Whilst reflexivity is critical in feminist research, I felt it naïve to assume that utilising feminist methodological principles could or would ever create a power equilibrium between myself and my participants. However, by recognising power and difference between myself and my participants and by also sharing my own experiences just as the women did whilst narrating their stories of imprisonment and body-searching, I feel I gained a richer understanding of women's lived experiences whilst using a robust feminist methodological approach (Holland and Ramazanoglu, 2002).

4.3 Methods: Design, Data and Analysis

4.31 A Sensitive Study

Whilst it may be argued that *all* social research holds the possibility for risk and sensitivities (Dickson-Swift et al, 2008), as the focus of this research was upon the practice of body-searching, which is known to be often experienced as traumatic, humiliating and even sexually violent (see Chapter One), it was important for me to understand my doctoral research as a particularly sensitive endeavour. Considering this, I felt it necessary to understand the implications for undertaking sensitive research. The notion of what constitutes "sensitive research" is contested, with early accounts of sensitive research characterised as studies in topics deemed "taboo", such as suicide, drug use or deviancy (Farberow, 1963). However, taking a much broader approach, Joan Sieber and Liz Stanley (1988: 49) argued that socially sensitive research is any research that looks to where:

> there are potential consequences or implications, either directly for the participants in the research or for the class of individuals represented by the research. For example, a study that examines the relative merits of day care [sic] for infants against full-time care by the mother can have broad social implications and thus can be considered socially sensitive. Similarly, studies aimed at examining the relation between gender and mathematical ability also have significant social implications.

Whilst I appreciated the broad scope and applicability of Sieber and Stanley's (ibid) definition of sensitive research, which can encompass studies not typically viewed as "sensitive", I felt that they fell short of grasping the intricacies and complications associated with the kind of personal and narrative research that I endeavoured to conduct. As argued by Raymond Lee and Claire Renzetti (1993: 6), sensitive research often involves the expression of certain vulnerabilities which can take the form of what the authors call "psychic costs", such as "guilt, shame, or embarrassment". Furthermore, intrusion into the private sphere of people's lives and deeply personal experiences, as well as studies concerned with deviance and social control, are known to be classed as sensitive studies which need special care to be taken (ibid: 6). I therefore chose to design my study in a way which best allowed the participant to be in control of the research process, such as by conducting extremely open narrative interviews, in which the participant led the interview narrative and told their stories free of my interference (Bergen, 1993). Furthermore, to negate the risk of harm to participants through the process of conducting sensitive research, I drew upon feminist principles such as openness, trust and reciprocity (Oakley, 1985; Reinhartz, 1992) which complement the practice of sensitive research and endeavour to ensure that the research process is non-exploitative. The ethical implications of conducting a sensitive study are discussed later within this chapter, and I next discuss the design of the research.

4.32 Qualitative Research Design

The study utilised a "qualitative research design", which is characterised by its concern with verbal or other non-numerical explanations or interpretations of observations, non-objectivity and the idea that the social world is "viewed as a creation of the people involved" (Robson, 2011: 19). As the research is positioned within a radical feminist theoretical framework, the use of qualitative research methods and data collection was preferred as this allowed for a centring of women's subjectivities (Reinhartz, 1992; Parr, 1998); with positivist, quantitative approaches often associated with androcentric

research models (Jupp, 1989). Whilst quantitative research methods should not be dismissed by feminist researchers, for the purpose of this study I determined that the most appropriate choice of research method was a qualitative approach, as I felt that the use of statistical analysis or large-scale numerical data would not allow me to adequately capture the social realities of women's experiences of body-searching, which was the primary aim of the study (Reinhartz, 1992; Silverman, 2011).

4.33 Research Participants and Data Collection

4.331 Who took part in the study?

The research participants for this study consisted of two groups: women with *direct, lived experience* of being body searched in prison who are now living in the community and women with *professional knowledge* of body-searching, such as former probation officers, prison academics, prison charity workers, prison activists and drug and alcohol support workers who support women with experiences of imprisonment. To be defined as a woman with *direct, lived experience* of being body searched, inclusion characteristics specified that participants had to: be a self-identified woman[14] over the age of 18 years,, have previously served a prison sentence in England within the female prison estate, have identified as a woman at the time of her imprisonment, and not be serving a sentence in the community or on probation at the time of the interview. To be defined as having *professional knowledge of women's body-searching*, inclusion criteria specified that participants had to: be a self-identified woman over the age of 18 and to have worked (previously or at the time of the interview) in a professional capacity with self-identified women with direct experience of imprisonment and body-searching. Due to the nature of my research questions and the specific characteristics required of participants, I chose to use non-probability sampling, namely snowball sampling and purposive

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[14] I am aware that there is much academic literature, discussion and debate regarding the notion of 'womanhood', gender and identity; however, this topic did not occur within any of my interviews or data collection. For the purpose of this study, my aim was not to dispute the notion of womanhood but to discuss the material conditions experienced by those formerly imprisoned within the women's prison estate in England.

sampling to identify participants (Babbie, 2016). Regarding the sensitive issues the research dealt with, these sampling strategies were the most appropriate to deal with topics which require in-depth discussion with informed and engaged participants, rather than "responsive respondents" (Bernard, 2013: 163). Furthermore, I specifically chose to only interview *women* professionals with knowledge of body-searching, as I valued the notion of woman-to-woman talk (Spender, 1980), and wanted to ensure that the interviews would yield woman-centred knowledge, as in line with my epistemological standpoint.

Throughout the process of conducting the research, I constantly queried how to define those with professional knowledge regarding women's imprisonment and questioned the appropriateness of the title of "expert" for those who do not have lived experience of being imprisoned, or body searched, but had socio-political or legal knowledge regarding the issue of body-searching due to their profession. The notion of "expertise" is widely debated within academic thought and what constitutes "expert knowledge" is highly contested (Bogner, Littig and Menz, 2009). Reiner Grundmann (2016: 26) argues that:

1. There is a fundamental difference between experts and non-experts;
2. Experts are located in the professions and the sciences;
3. Experts possess technical skills, including manual and intellectual skills;
4. Experts are impartial which makes their advice trustworthy.

Whilst Grundmann's assertions regarding the definition of an expert are an important contribution to defining the parameters of what constitutes an expert, from a sociological perspective, they somewhat overlook some of the deeper intricacies of epistemology, power, and legitimacy.

Through reflection upon the literature regarding expert knowledge, the distinction between *voluntaristic*[15] and *constructivist*[16] expertise became integral to the distinction between women with experience of being body searched and professionals with knowledge. The notion of the "voluntaristic expert" proclaims that *everyone* is an expert of his or her *own life*, whilst the "constructivist expert" are those *ascribed* as such by researchers or society, such as those with expertise gained through their profession (Bogner and Menz, 2009: 49). As such, within this research, women with direct experiences of being body searched in prison are ascribed a voluntaristic expertise, whereas professionals with knowledge of body-searching are ascribed a constructivist expertise role. However, it is important to note that the focus of this study is centred around *women's experiences* of being body searched in prisons, thus, it is my opinion that the voluntaristic expertise of women with direct experience of being body searched holds the most weight in relation to gaining a deep understanding of the subjectivities and lived experiences of women who have experienced body-searching, with constructivist expertise merely supplementing these accounts and providing an insight into what professionals with knowledge understand of body-searching in women's prisons. Thus, it is my view that the narratives of those with voluntaristic expertise are the most highly prized within feminist research (Code, 1981; MacKinnon, 1983; Stanley and Wise, 1990; Doucet and Mauthner, 2006), and are therefore centred throughout this research as in line with the primary aims of this study.

Throughout the course of the research, what once seemed to be two distinct groups of voluntaristic experts and constructivist experts, sometimes blurred into one. This was due to some participants with direct experience of being body searched now working in professions which relate to the criminal

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[15] A "voluntaristic" expert is therefore someone with direct experience of a subject who can give knowledge or testimony of something they have personally experienced. The term "voluntaristic" therefore denotes the notion of "volunteering" knowledge on a topic being researched or explored.

[16] A "constructivist" expert is a person with secondary knowledge of a topic which is not gained through first-person experience of a subject but through society's ascription of them as an expert due to their social position.

justice system and prisons. For example, one participant named Annie[17], who was imprisoned from 2007-2008, went on to establish a charity which supports prisoners to find meaningful employment post-imprisonment. This meant that for some participants such as Annie, they not only had first-hand experience of imprisonment and personally being body searched but also had professional knowledge of women's imprisonment and body-searching due to their dual identity as both former prisoners and criminal justice professionals.

Thus, nine women with experience of being body searched, four of whom also identified as having professional knowledge, took part in the research via in-depth narrative interviews. All nine of these women therefore had voluntaristic expertise on body-searching, and four of the women *also* had both voluntaristic *and* constructivist expertise. Nine women with professional knowledge of women's imprisonment and body-searching also took part in the research via in-depth narrative interviews, all of whom had purely constructivist expertise gained from their professions. As well as data gained from those with direct experience and/or professional knowledge of body-searching in women's prison, I also gathered publicly available official policy to extract qualitative data regarding practices of body-searching in women's prisons in England. Whilst the overall sample size of the study was relatively small, at eighteen individuals altogether, by utilising non-probability sampling to identify hard-to-reach populations and conducting carefully considered in-depth narrative interviews, I was able to gain a deep insight into the experiences and opinions of those who took part in the research. As such, adopting a small sample size allowed me to spend time developing rapport with participants, build trust, and spend time analysing deeply personal testimonies regarding an extremely sensitive issue, which I felt may not have been possible given a larger sample size (Crouch and McKenzie, 2006). Each testimony collected during the research process was therefore afforded a great deal of time and care to represent women's views authentically and develop theoretical insights, which was a great benefit of using a small sample size.

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[17] Annie is a pseudonym.

4.332 Gaining Access and Sampling

Gaining access to participants was one of the most challenging aspects of the research. As highlighted by Pamela Davies (2000), conducting research with women with experience of imprisonment can be extremely difficult due to access issues. This is something that I experienced throughout my data collection, which took place from October 2018 to February 2020. Due to institutional barriers relating to conducting research with women with experiences of imprisonment, I chose specifically to interview women who had exited prison and were no longer on probation or subject to any form of statutory community supervision. Due to my critical position on the state (MacKinnon, 1989; Connell, 1994) and prisons for women (Carlen, 1990; Davis, 2003; Malloch, 2016), I specifically chose to *not* seek access participants through Her Majesty's Prison and Probation Service (HMPPS). The HMPPS (n.d.) research application process, which applies to "all researchers wanting to conduct research with staff and/or offenders in prison establishments" necessitates that research conducted regarding serving prisoners or those open to the Probation Service and/or Community Rehabilitation Companies "should be of significant benefit to HMPPS policy/business" to which it must be ensured that such "research could support potential future business priorities". It was my opinion that the limits and restrictions imposed by HMPPS meant that the critical aims of my study may not have aligned with HMPPS "business priorities". Furthermore, as HMPPS (ibid) "reserves the right to halt a research project at any time" with reasons given "unless there are any overriding sensitivity and/or security issues", I decided that due to the critical and sensitive nature of the research it would best be conducted independent of state intervention, allowing myself full control over the research's aims and objectives, whilst also remaining in line with the University of Liverpool's ethical standards.

4.333 Recruiting Women with Direct Experience of being Body Searched

As I determined in consideration with my supervisory team that I would conduct the research without the assistance and/or approval of HMPPS, it was imperative that I made contact with relevant agencies that provide services to women with experiences of imprisonment, such as women's charities, drug

and alcohol services and prison charities. Within the Merseyside area, I approached via email three gatekeepers of relevant organisations and asked them if they would be able to assist me in gaining access to their services for the purposes of conducting interviews with female service users with experiences of being body searched. Through my contact with relevant gatekeepers, who are defined as "individuals who have the power to grant or withhold access to people or situations for the purpose of research" (Burgess, 1984: 48), two of the three organisations were willing to consider my research. I set up formal meetings with the managers of the two organisations (these organisations remain anonymous for the purpose of participant anonymity) and presented them with a participant information sheet for women with experience of being body searched (Appendix E) which outlined the aims, objectives and methods, risks and benefits of the research. I also presented gatekeepers with the consent form that was to be used when conducting interviews and explained what would be discussed during an interview in lay terms. Once the gatekeepers indicated that they understood the aims, objectives, methods, risks and benefits of the research, and their organisation's role in the research, I asked that them to consent to the research taking place in their organisation. I made it clear to the organisations that they would not be required to help in the recruitment or assist me with the interviewing of participants, however, I requested that they provide me with a private room in which to conduct the interviews.

Once I had been granted access to undertake the research within the two organisations, I utilised snowball sampling to identify and conduct face-to-face narrative interviews with four participants with experience of being body searched in English prisons, and one participant who had experience of being body searched within a Scottish prison[18].

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[18]Whilst this research was focussed predominantly upon an analysis of body-searching in English prisons for women, I felt it was not my place to deny a participant the opportunity to share her story of body-searching within a Scottish Prison context. The data I collected from such participant was extremely vivid, emotive and powerful and is thus included within my analysis, despite it being within a Scottish context.

So as to not inhibit the function of the organisations and to not take up valuable staff time, I did not require the assistance of staff in identifying participants, instead I used my own networking skills to build rapport with service users and make myself known within the organisations. Due to the extremely specific characteristics required of participants, I determined that snowball sampling was the most appropriate sampling strategy as it allows the researcher to gain participants through "initial contact with a small group of people who are relevant to the research topic" and then use such contacts to establish contact with others (Bryman, 2012: 202). Whilst this sampling strategy does not necessarily yield data which is representative of the entire population studied (ibid: 424), it was not my aim to form a representative sample, but to explore the lived realities of a small number of formerly imprisoned women in order to extract in-depth knowledge of their experiences of being body searched.

The organisations I conducted interviews within were ideal spaces for me to introduce myself to service users and share my research with potential participants, as such, I gently approached female service users within the communal areas of the organisations and asked them if they would be interested in taking part in the research. I then provided them with participant information sheets (Appendix E) which outlined the core themes, methods, risks and benefits of the research and gave participants time to review the information I presented to them and ask any questions. I gave participants as much time as they needed to look over the information I provided them (I also often talked them through the participant information sheet to ensure they understood it), ask questions and come to an informed decision about whether they wanted to take part in the research. I then provided the women with a consent form (Appendix F) and talked participants through each point before they signed.

As well as the five women with direct experience of being body searched who I interviewed within the organisations I was granted access to, I also established contact with, and interviewed, four women with experience of being body searched *and* professional knowledge of women's imprisonment and

body-searching using a range of non-probability sampling techniques. Of the four women with both voluntaristic and constructivist expertise, two women with experience of being body searched and professional knowledge were identified via snowball sampling at professional networking events related to women's imprisonment. I contacted participants after the event via email and within such emails I presented participants with a participant information sheet (Appendix G) and consent form (Appendix F) and illustrated the aims and objectives of the research. The other two women with both voluntaristic and constructivist expertise were identified via purposive sampling due to their presence on a public online networking platform, in which they identified themselves as having direct experience and professional knowledge of women's imprisonment. I contacted these women and presented them with a participant information sheet (Appendix G) and a consent form (Appendix F) via email. Purposive sampling is particularly useful for social scientists undertaking research into areas where participants are hard to find, which was particularly true of my research (Babbie, 2016; Valerio et al, 2016). Thus, following email and subsequent telephone correspondence with the women regarding the parameters of the research, including the risks, benefits, aims and objectives, all four women with both voluntaristic and constructivist knowledge agreed to take part in the study. As such, three narrative interviews took place via the telephone, and one took place face-to-face in the participants' place of work.

Due to the hard-to-reach nature of participants within this field of study (Davies, 2000), the use of snowball sampling was effective in allowing those with knowledge of body-searching and experience of being body searched to assist in the recruitment of other hard-to-reach participants, and made the recruitment process flow more smoothly. Purposive sampling was also useful in enabling me to identify and approach participants who directly identified themselves as having characteristics required for participation in the study. However, this only accounted for two such participants and due to the invisibility of women who have experienced imprisonment within the public sphere, the use of purposive sampling to identify the whole sampling population would not have been suitable.

4.334 Recruiting Participants with Professional Knowledge of Body-Searching

Participants with professional knowledge of body-searching in women's prisons were also difficult to recruit throughout the course of the research. As women represent only around 5% of the prison population in England and Wales (Women in Prison, n.d), and there are only 12 women's prisons in England, services for women with experience of imprisonment are few and far between. Furthermore, due to a lack of government funding, austerity measures and cuts to services for women in prison and for women exiting prison (The Howard League for Penal Reform, 2018), professionals are stretched to their limits delivering vital services for women.

To identify participants with professional knowledge of women's body-searching in prisons in England, I used a strategy of purposive sampling, also known as judgement sampling (Bernard, 2013). As such, purposive sampling involves the researcher selecting participants based upon the researcher's own assessment of their knowledge or ability to divulge relevant, representative or useful data (Frankfort-Nachmias and Nachimas, 1992; Babbie, 2016). Due to the technical and extremely specialised knowledge required of professionals, I used purposive sampling to ensure that participants required the depth of knowledge necessary to contribute well-informed insights into women's body-searching.

I identified participants with the assistance of my supervisory team; together in supervisory meetings we established who would be the most appropriate professionals to approach to take part in the research based upon their experience. We initially identified around ten potential participants and gathered contact details for such potential participants from the public domain. I drew up an email template (Appendix H), which I altered slightly depending upon the profession of the participant and sent to each participant individually. The emails were warm, professional, and outlined the aims of the research, furthermore, a participant information sheet (Appendix I) and consent form (Appendix F) were attached to the email which denoted in greater detail the core themes, methods, risks and benefits of the research. Many professionals I contacted did not respond, and after around six months of attempting to establish contact with professionals, I had only conducted two interviews.

Due to the issues in establishing contact with professionals, I again consulted my supervisory team and they both agreed to contact professionals with knowledge of body-searching via email on my behalf, in the hope that their status as well-established academics would incentivise potential participants to respond to the emails. In this way, my supervisory team acted as gatekeepers in order to assist my access to participants. Drawing upon the professional relationships my supervisors have developed over their successful careers called to question ethical issues regarding relationships of power within the gatekeeping process. For example, Shenuka Singh and Douglas R. Wassenaar (2016) have noted that gatekeepers have the capacity to coercively influence a participant's involvement in research, particularly when gatekeepers are in a position of power within an institution. In order to negate potential ethical concerns, my supervisory team firstly ensured that in their emails to professionals they were explicit that participation in the research was voluntary and non-obligatory and that they would *only* pass on potential participant's details to myself with their explicit permission. My supervisors thus contacted ten professionals with knowledge of body-searching and as a result of such correspondence, four more professionals agreed to take part in the research. As well as the four participants enrolled via my supervisory team, I also established contact with three more professionals at an event relating to women in the criminal justice system. I exchanged contact details with the three professionals after discussing my research with them at the event, all of whom agreed to take part in the research after consideration of the participant information sheet and consent form. Of the nine participants who agreed to take part in the research, seven were interviewed via telephone, and two were interviewed in my private office at the University of Liverpool.

4.335 Narrative Interviewing of Women with Direct Experience of being Body Searched

It is argued by Sandra Jovchelovitch and Martin Bauer (2000: 2) that there is "no human experience that cannot be expressed in the form of a narrative". Narratives, therefore, are in-depth, personal stories which tend to focus upon the experiences, events, and actions of the storyteller (Bauer and Jovchelovitvh, 2000). When utilising narratives to collect qualitative data, the narrative interview is

particularly adept for unravelling messy, complicated, and sensitive life events within the interview space. As such, the narrative schema greatly values the recounting of *experiences*, and sees experience to be meaningful, "precisely because it *can be recounted*" (Madison, 1988: 99). Narrative interviewing therefore moves beyond the question-and-answer schema, putting participants at the heart of the research (Anderson and Kirkpatrick, 2016). The centralisation of participants' experiences within the interview process is also of importance to feminist researchers, as such, my use of narrative interviewing aligned with the theoretical, methodological and epistemological positions by utilising a method of interviewing which allowed women to dictate the terms of the interview according to their own lived experiences (Hamner and Saunders, 1984).

A narrative interview therefore runs relatively unstructured in nature, with only brief guidelines to guide the interview, leaving the direction of the interview up to the interviewee, with only minimal intervention from the researcher (Muylaert et al, 2014). Prior to recruiting participants, I created a loose guide of what I wanted the interviews to touch upon for both women with experience of being body searched (Appendix M) and professionals with knowledge of body-searching (Appendix N) which could be used as prompts throughout the interview process, however, these were used sparingly in the interviews. Interviews were audio recorded, which was explicitly consented to by participants, and I began recording with the consent of the participant before the interviews formally began, in order to have a smooth transition into the main narration. I generally followed guidance developed by Bauer and Jovchelovitch (2000) regarding a four-phase structure to the narrative interview. Phase 1, also known as the initiation phase, involved me introducing the topic of the research to participants and outlining how the interview would work. Within this phase I briefed the participants about the context of the research, and how the interviews would be structured. I emphasised that the interviews would be led by the participant, and that this process was first and foremost about them telling me their stories and personal experiences, rather than me asking them questions.

Phase 2 of the interview was the main narration phase of the interview. At this point, many of the women I interviewed didn't quite know where to begin in their narration of their personal stories and experiences of imprisonment and being body searched, so I often used the prompt of "how was your childhood?" to begin the narration process, and to also gain some insight into the backgrounds of the women who were eliciting their deeply personal experiences to me. Once the women began discussing their background stories and childhood, the interviews naturally progressed into relevant discussion of their experiences of imprisonment and body-searching, allowing the women to "transport past events to the present, to become aware of their experiences" (Sarantakos, 2012, 290). Throughout this phase of the interview I was relatively silent, I took some short notes for further questions later, and illustrated through nods and other non-verbal cues that indicated I was actively listening. There were times when I wanted to contribute my thoughts on the stories the women were sharing with me, however I tried to remain quiet to not interrupt the women's train of thought. I found this quite difficult at times throughout the interview process, as I am a naturally very talkative person and wanted to express empathy for my participants when they shared their personal stories with me. Balancing the feminist imperative to empathise and openly share with participants (Stanley and Wise, 1993; Smith and Wincup, 2000), alongside the principles of remaining silent and practicing restraint (Muylaert et al, 2014) were sometimes difficult, however I believe I found a compromise between the two and both effectively empathised whilst not imposing upon the stories my participants were sharing.

Phase 3 of the narrative interviews began once the stories the women were telling came to an end, and this stage of the interviews was when I was able to ask questions to the participants about what they had divulged to me. Drawing upon the language used by the interviewee and being careful to not to point out or raise any questions regarding potential inconsistencies within the narratives (Bauer and Jovchelovitch, 2000), I gently asked questions regarding the events which the women detailed in their stories. I was extremely careful to not probe too deeply into what the women were discussing

with me and always kept a close eye upon the body language of the women in order to spot signs of discomfort or awkwardness. The questions I asked, which avoided eliciting justifications and rationalisations from the women about their experiences (Bauer and Jovchelovitch, 2000; Sarantakos, 2012), allowed me to gently and respectfully delve deeper into the circumstances and impacts of their time in prison and their experiences of being body searched. This part of the interview therefore enabled me to also ask for further clarification regarding aspects of the narration which were unclear to me (Sarantakos, 2012), which aided me in the transcription and analysis process. Allowing the narrator to tell their story before I asked questions about their experiences, put the control of the direction of the interview in the participant's hands and allowed trust to be built between myself and the women, which was crucial when conducting intimate and sensitive research (DeVault, 2014).

The final phase of the interview, stage 4, involves concluding the interview through conversational small-talk, where the interviewer can ask further questions in a more conversational manner, and some back and forth discussion between interviewee and interviewer can take place (Bauer and Jovchelovitch, 2000; Sarantakos, 2012). Bauer and Jochelovitch (2000) recommend that the researcher turns off their audio-recording device at this point and only take handwritten notes, however, as to not miss any important pieces of information and to not feel overwhelmed with remembering exactly what the participants divulged within this phase, I opted to leave the audio-recorder running in order to allow me to give my full attention to the conversation between myself and the participants without the distraction of writing notes or attempting to remember information ad verbatim. This phase of the interview is where the interviewer is free to ask "why" questions due to the more conversational, back and forth structure of the interview (Bauer and Jochelovitch, 2000), so anything that was not made clear within phase 3 of the interview was discussed here, again without probing too heavily or causing discomfort to the participants. Although not an integral aspect of the narrative interview process, at the very end of the interviews I debriefed participants and ensured they had a copy of the Sources of Support document I created (Appendix J). Due to the sensitive nature

of the topic we discussed and the level of intimacy which was developed between myself and the participants during the interviews, I debriefed participants by asking them how they felt about what we discussed in the interviews, how they felt emotionally after discussing their experiences, and what they were going to do with the rest of their day following the interview (Sieber, 1992; Israel and Hay, 2006). This helped participants to address their feelings about the research experience whilst they were still in a safe place and could ask me any further questions about the research.

Of the five face-to-face narrative interviews with women with direct experience of being body searched, these all took place within the two organisations I was granted access to and were conducted in private rooms where the participant and myself could be left undisturbed to talk for as long as the interview ran for. Given the deeply personal and sensitive nature of the research topic, this private space was of paramount importance for the facilitation of the interviews and created a space for only myself to hear the women's stories which felt intimate, warm and calm (Baird and Mitchell, 2013). Similarly for the participant with both experience of being body searched and professional knowledge, whose interview was conducted at her place of work, after discussion via email and telephone calls and her verbal and written consent to take part in the research, this interview was conducted in her private office at her place of work, where I was very much in *her* space where she was in control of the interview and before the interview took place was aware fully of the topic of discussion and the sensitive themes which could emerge.

As noted previously, three narrative interviews with women who had both first-hand experience of being body searched, and professional knowledge of body-searching took place over the telephone. I built rapport and trust with these participants through our detailed email and telephone conversations in which we discussed the parameters of the research and the women could ask me questions about the research, participant information sheet and consent form. The building of rapport and trust through my own demonstration of interest in the participant's lives and experiences, being an attentive listener, and my feminist research principles of reciprocity helped in securing and

conducting telephone interviews (Reinhartz, 1992; Babbie, 2016). As noted by Bridget Byrne (2018), telephone interviews can pose barriers to connecting with participants due to the loss of non-verbal cues, body language indicators, and can also create difficulties in attaining clear audio data due to technological problems. I was initially concerned with the implications of interviewing women with experience of being body searched and professional expertise over the telephone, however, I spoke with participants in great length about their emotional wellbeing before, during and after the interview, and always kept in mind to ensure that participants' mental health and emotional wellbeing came before research interests. I was assured by all the women I spoke with that due to their professions now being related to women's imprisonment, they did not have any concerns regarding discussing their experiences of being body searched or imprisonment. Despite issues raised by Byrne (2018) and the issues I grappled with myself regarding the women's mental wellbeing, I am confident that despite loss of non–verbal cues, the interviews provided valuable and rich data to the research and narrated clearly the women's experiences as both formerly imprisoned women and professionals with knowledge of women's imprisonment, without inflicting harm upon any women I spoke with. In line with the precautions I took when conducting face-to-face narrative interviews with women with experience of being body searched, I also fully debriefed all of the women with dual experiences of imprisonment and professional knowledge at the end of our interview, and also provided them with a Sources of Support (Appendix J) information sheet.

4.336 Unstructured Interviewing of Professionals with knowledge of Women's Imprisonment and Body-Searching

As noted above, seven unstructured interviews with professionals with knowledge of body-searching took place via telephone, and two took place face-to-face in my private office at the University of Liverpool. Unstructured interviews, as opposed to narrative interviews, were conducted to reflect the differences in positionality between women with *direct experience* of being body searched, versus women who have *knowledge* of searching due to their profession. Whilst narrative interviews often

elicit the recounting of a participant's life events, it was not my intention for professionals to necessarily share intimate or sensitive moments of their lives with me, but to speak freely from their own professional perspective regarding the topic of body-searching for women in prison. With this in mind, I therefore utilised an unstructured interview technique with professionals with knowledge of women's imprisonment and body searching, rather than a narrative technique.

I was at first sceptical about conducting telephone interviews and discussed this in depth with my supervisory team. Owing to a range of practical considerations I decided that conducting telephone interviews was the most appropriate step in collecting data. Furthermore, through my own research of the telephone interviewing technique, I discovered that conducting telephone interviews as opposed to face-to-face interviews does not appear to have any impact upon the validity of the data (Frankfort-Nachmias and Nachmias, 1992). Prior to the telephone interviews taking place, I ensured via email correspondence that all participants had received a copy of, and had read, the participant information sheet. Furthermore, I ensured that I answered any questions participants had prior to the interviews beginning via telephone or email and I also ensured that the consent form had been read, understood, signed and returned. As with the face-to-face interview that I conducted with two professionals, they had been provided the participant information sheet and consent form via email, and prior to agreeing to take part in the interview they asked any questions they had regarding the research via email, they then signed a consent form once they got to my office and asked any further questions they had.

Michael M. Firmin (2008: 2) noted that unstructured interviews are effective when engaging with "particularly articulate individuals". This is because as this mode of interviewing, in which control regarding the course of the interview is largely in the hands of the interviewee, can allow participants the freedom to focus the interview upon the specifics of the topic in hand they feel most appropriate or relevant, rather than being confined by predetermined questions from the researcher. All nine unstructured interviews were audio-recorded and followed no pre-specified set of questions. I created

a loose interview schedule (Appendix N) which consisted of brief directions or prompts relevant to the topic of body-searching and women in prison, such as "field of work", "general issues impacting women in prison", "alternatives to body-searching", "impact upon women prisoners" and "use of force". The interview schedule was used sparingly and was merely there to act as a prompt in case participants struggled to articulate their account, know where to begin in their account, and to "stimulate conversation" (Sanchez, 2014 :6825)

I began the interview by explaining to the participant the purpose of the interview, and that the interview would follow their direction. In this way, participants were encouraged to describe their knowledge, opinions and attitudes as they saw fit, using their own language (ibid). Moreover, as the range of professionals interviewed was so broad in scope (for example, participants included a former prison teacher, a lawyer, academics, a prison charity associate and a former probation officer), using an unstructured method of interviewing meant that participants were not limited to pre-set questions which may not have allowed them the room to fully explore their unique positionality. Whilst also providing participants freedom through using this approach, the interviewer also "has a great deal of freedom to probe various areas and to raise specific queries during the course of the interview" (Frankfort-Nachmias and Nachmias, 1992: 225). As such, as I did not utilise pre-set questions (more commonly associated with structured and semi structured interviews) this allowed me to respond naturally to the participants and ask questions where appropriate in order to elicit more information and clarify any points which were not clear, without dominating the scope or course of the interview as in line with feminist research methods (McHugh, 2014). Whilst the organisation of the unstructured interview and narrative interview are quite similar (particularly in that they are both unstructured and place the interviewee as central to the research process and knowledge production), the *nature* of what was discussed differed *dramatically* between the women interviewed with *direct experience* of being body searched, and professionals with *knowledge* of body searching. Whilst the women's testimonies of their own body searches came from a place of *embodied experience* (Hyden, 2013),

professional testimonies did not draw upon embodied experiences, but more commented upon their personal observations, knowledge of policy, and encounters with women who had been body searched whilst in prison. As such, professional interviews focussed more upon how the women came to *have knowledge* of body-searching and imprisonment and went on to discuss what the women *knew of* body-searching from their professional experiences and observations.

4.337 Collecting Official Policy

Official policy documents were collected in order to understand how the state conceptualises, justifies, and legitimises body-searching practices for women in prison. I collected official policy documentation from the public domain via Her Majesty's Prisons and Probation Service's website, which is freely available for any member of the public to access. The official policy I collected, titled *Prison Service Instruction 07/2016 Searching of the Person* (National Offender Management Service, 2016), was chosen due to its current usage by staff within all prisons in England and Wales. Collecting policy documents which are free within the public domain is referred to by scholars as a method of "unobtrusive research", in which direct engagements with participants are not involved; this can save valuable time within the research process, however, the analysis of documents is still time consuming and requires skill (Babbie, 2016b).

4.34 Conducting Data Analysis

4.35 Transcription of Interviews

Eighteen interviews, ranging from 25 minutes to 2 hours in length, were transcribed over a lengthy period both during and after fieldwork. I firstly listened to the audio recordings before beginning the transcription process, in order to familiarise myself with the content of the interviews and reconnect with the women's stories I was listening to. It is recommended that transcription takes place immediately after an interview (Davies, 2000; Noaks and Wincup, 2004), however, due to the location of interviews, teaching commitments and tight time restrictions, there was sometimes a delay before

they were fully transcribed. Furthermore, transcription of individual interviews often took days due to the length of the interview and issues with understanding what participants were saying due to regional accents. Despite these problems, I eventually completed the transcription process unaided by transcription software or transcription services. It was often recommended to me by colleagues that I pay a transcription service to conduct my transcription for me, however I vehemently objected to this idea as I felt it would breach the trust of my participants due to the deeply personal and sensitive information they had shared with me within the interviews.

When transcribing interviews, I realised the significant amount of power I had to interpret the narratives the women were telling, especially for the interviews which were conducted with women who had personally experienced being body searched (Coppens, Loots and Sermijn, 2013). I did not take this power lightly and attempted to transcribe as closely as possible to the women's own words, as in line with my feminist methodological principles discussed earlier within this chapter. I not only transcribed the *words* spoken by participants, but also indicated in my transcripts where participants gave certain emphasis, as well as sighs, laughter, pauses, intonation, and other important semiotic indicators. I felt that it was important to include all of these often-overlooked semiotic signals in order to truly represent the narratives the women conveyed to me and to give value to the intricacies of woman-to-woman talk within the research process (Spender, 1980).

Within the consent form (Appendix F) I developed, there was the option for participants to remain anonymous and have their name replaced with a pseudonym, or to have their name included in the research. Of the eighteen women interviewed, four requested to have their real names included in the research, and the remaining participants opted to remain anonymous. In the interests of participant confidentiality and anonymity, when transcribing interviews, I removed any identifying features which related to participants and replaced their names with pseudonyms as per their requests via the consent form. I also removed all names of organisations, corporations, and names of

prisons referred to by participants from the data during the transcription process as to protect the identity of participants.

4.36 Thematic Analysis

All three sets of data, these being narrative interviews with women with experience of being body searched (as well as those with both personal experience of being body searched *and* professional knowledge of body-searching); narrative interviews of professionals with knowledge of body-searching, and official policy pertaining to body-searching, namely *Prison Service Instruction 07/2016 Searching of the Person* (National Offender Management Service, 2016) were analysed via thematic analysis, a method of analysis widely used with qualitative study in the social sciences (Bryman, 2012). Thematic analysis is separate from any particular theoretical, epistemological or political standpoint and it may be applied across a range of theoretical and epistemological positions (Braun and Clarke, 2006). Feminist scholars, recognising the potential for thematic analysis to derive detailed and complex analyses of data, have widely adopted thematic analysis as a means to integrate feminist principles within their analysis of data, such as reflexivity and a focus upon power and dominance (Jenkinson, Kildea and Kruske, 2016; Braun and Clarke, 2019).

Rather than using software such as NVivo to code and analyse my data, I opted to conduct my coding and analysis manually. Whilst this is not the preferred method for many researchers, I felt this allowed me to be closer to my data and truly appreciate the sentiments of the women I had interviewed (Basit, 2003; Burk et al, 2017). Whilst thematic analysis looks to identify and explore themes which "emerge" from data, Gary Taylor and Jane Ussher (2001) urge those undertaking thematic analysis to not act as a passive agent in the analysis process, and to recognise that themes do not emerge independently of those *undertaking* the analysis. As such, they (ibid: 310) note that themes

> ...do not just lay about waiting to be discovered, they do not simply emerge, but must be actively sought out. The process, in terms of data collection and analysis, is unavoidably informed by the researchers' disclosures, comments and choice of questions and by their preconceptions and their personal, theoretical and political orientations.

As a feminist researcher, the notion of analysis being impacted by the political, theoretical and orientations of the investigator signalled the importance of my own part to play in the discursive positioning of my themes and analysis and reminded me to be aware of my own principles, perspectives and reflexive positioning throughout my reading of the data and the analysis process (Becker, 1967).

Before undertaking the thematic analysis process, I debated between conducting an inductive or theoretical thematic analysis, the former of which is where themes emerge purely from the data itself, independent of the researcher's prior knowledge, theoretical or analytic interest in the topic (Ryan and Bernard, 2003; Braun and Clarke, 2016: 12). Theoretical thematic analysis, however, is guided by the researcher's theoretical standpoint and when utilising this approach, coding choices are often influenced by previous research into the topic, or focus on particular aspects of the data (Braun and Clarke, 2016: 12). Taking these two perspectives into consideration, I decided to adopt a mixed approach, as I wanted themes to emerge based upon their repetitiveness or prevalence within the data (as associated with an inductive approach), and also from my reading of pre-existing literature and my theoretical positioning (as associated with a theoretical approach).

Using Braun and Clarke's (2016) six phase thematic analysis model, I analysed all three sets of data I collected, these being narrative interviews with women with direct experience of being body searched, professionals with knowledge of body-searching, and official policy. Phase 1 of the analysis thus involved familiarising myself with all three sets of data, where I read and reread my transcripts to get to grips with the stories the women were telling me. I also closely read and reread the official policy I collected, looking for the particular use of language used to represent the practice of body-searching. Before the coding process began, I looked for repetitions in the data, patterns and meanings and noted them down to use within the coding process. This phase ensured that I became immersed in the data, formulating in-depth understandings of the women's perspectives, professional discourse

and official policy. It was at this point that the importance of clear and detailed transcripts showed, as this allowed me to get to grips more easily with the breadth of my data. At this point I debated whether to analyse the three sets of data together or separately, which was a critical aspect of my thematic analysis. To analyse the data sets separately would have involved creating separate coding patterns for each dataset, creating themes for each dataset, and displaying the data separately within the discussion and results chapters of the study. I decided that coding, thematising, analysing and presenting the three sets of data separately would not allow for cross discussion of themes between the three sets of data, and could have led to a less nuanced understanding of body-searching, official policy and practice. Therefore, I decided to read, code and thematically analyse and present all three sets of data together, create integrated themes and present the data within integrated discussion and results chapters.

In the next phase of thematic analysis I began to generate initial codes from my reading of the data within phase 1. I created a list of ideas regarding what I interpreted from the data, and why such data interested me. My initial ideas for codes included, for example: women's backgrounds, pathways to prison, class, gender, trauma, power and intrusion. As I used a mixed approach to coding, as discussed above, I looked out for both "data driven" patterns in the data and "theory driven" patterns and took into consideration the representations of power and dominance within my data, as informed by my feminist theoretical framework (Jenkinson, Kildea and Kruske, 2016). Using coloured pens, I highlighted key parts of the data and assigned codes to different colours, this allowed me to organise my data in relation to its assigned code. I then collated all the codes and data extracts together in a table on Microsoft Word, allowing me to be able to see all my codes and extracts at once. Many of the data extracts overlapped with multiple codes, however at this point in the analysis process I just allowed them to overlap and aimed to further develop and understand their relationship to multiple codes at a later phase in the analysis (Braun and Clarke, 2016). My aim at this point was just to ensure that I had given the whole dataset enough attention and had not missed any important pieces of data.

To provide the reader with an understanding of how I developed my analytical framework, an example of initial codes I created using a combination of deductive and inductive coding were deterrence, power and punishment. Deterrence was identified as a result of inductive coding, purely due to its repetition within the data. Power was a code which emerged from my reading of the data through a feminist theoretical lens as explored in Chapter Three, and was therefore coded deductively. Finally, punishment was identified via deductive coding due to its relationship to pre-existing themes which I identified through my reading of literature relating to body searching in Chapter One, as well as its prevalence within the data set.

Phase 3 involved searching for themes and began when all the data had been coded and collated within Microsoft Word. Within this phase, I examined all my codes and began to develop these into distinct themes, which often included grouping together codes to create provisional themes and subthemes (ibid). As a result of this process, I decided to turn the codes deterrence, power and punishment, as discussed above, into three separate themes of their own. Due to the vast number of codes I created and the sheer volume of interview transcripts and pages of official policy, I found this phase challenging. Ensuring that the data extracts were kept in context of the narrative interview, and integrating all three sets of data was also challenging, however I overcame this by making it my priority to emphasise the voices of women with direct experience of being body searched throughout the codes I developed, and to ensure that these voices were central throughout, as in line with my theoretical and methodological imperatives (Stanley and Wise, 1990; 1993; Spender, 1980).

After beginning to identify themes within phase 3 of Braun and Clarke's (2016) guidance, I began to review such themes within phase 4 of the thematic analysis process. As a result of phase 3, I had already developed a set of what the authors call "candidate themes", which I then revised to ensure that all of the themes could stand up on their own, that all of the data within each theme was consistent with the theme it was categorised within, and a line of commonality could be drawn between them. Each theme had a brief description of their content; themes which were too similar to

each other were then either revised to create two new fully differentiated and streamlined themes or combined to create one theme. For example, after consideration of the viability of deterrence, power and punishment as individual freestanding themes, I decided to group such themes together due to overlapping data between the codes I created in phase 2. For instance, much of the data coded on deterrence also related to power, therefore presenting these as individual themes would not have accurately represented the nuances and contours of the data. By grouping deterrence, power and punishment in one theme, this allowed for a line of commonality to be drawn within the analysis. Braun and Clarke (ibid: 21) warn that the revision and refinement of codes and themes "could go on ad infinitum", as such, I felt during this point that I had an accurate and nuanced understanding of the data within my codes and provisional themes and stopped attempting to create or play with new codes and themes.

Phase 5 of the thematic analysis process was the point in which I further defined and refined the themes I had compiled within the previous steps of my analysis. I did this by reviewing all of the collated data extracts for each theme, which I had within a Microsoft Word document, and organised them into a "coherent and internally consistent account, with accompanying narrative" (ibid). Final titles were given to themes and, where appropriate, subthemes were created to encompass larger concepts and thematic trends within the data. Subthemes were an important element to my analysis, which allowed me to give vital structure to complex and nuanced ideas, which were then fleshed out with detailed analysis regarding the stories each subtheme was telling and how these related to another. After considering the themes I had created, I identified an overarching "story" within the data regarding the legitimisation of body searching and conflicting narratives within the data sets. Deterrence, power and punishment were therefore grouped within a subtheme titled "'Unofficial' Purposes of Searching: Deterrence, Power, Punishment", under the broader theme of "Legitimising the Body Search: Risk Protection or Punishment?". Furthermore, themes and subthemes were separated into three larger categories, which became three separate results chapters each revolving

around distinct macro themes: "Understanding Imprisoned Women: Official Policy, Questions of Legitimacy and Experiencing Body-Searching"; "Power, Sexual Violence, and the Body Search: A Continuum" and "Resistance, Punishment and 'Alternatives': What is the Future of Body-Searching?". After I finalised all of my themes, subthemes and chapter titles as noted above, I ensured that each theme had a clear "story" to tell and did this by drawing upon the data each theme presented, as well as considering the literature I consulted within Chapter One, the policy I considered in Chapter Two, and my theoretical perspective outlined within Chapter Three. As well as telling a "story" with the data, I also consulted my research questions closely and ensured that the aims and objectives of the research were addressed clearly and thoroughly through my themes and commentary.

The last phase of the thematic analysis process involved the final analysis of my data and the write-up of my findings. This involved constructing a coherent, detailed and logical account of the narrative of my data by utilising the themes that I developed within the earlier phases of analysis. In this phase I ensured that the identified themes were evidenced by the selected data extracts I chose to discuss. Importantly, the final phase of thematic analysis must do more than just display data within a set of themes, data "extracts need to be embedded within an analytic narrative that compelling illustrates the story that you are telling about your data, and your analytic narrative needs to go *beyond* description of the data, and make an *argument* in relation to your research question" (Braun and Clarke, 2001: 23). As such, the analysis I developed went beyond merely *displaying* data regarding personal narratives and official policy documentation; instead I formed sociological generalisations based upon my analysis of the data and consideration and application of pre-existing literature and my theoretical imperatives, which importantly illuminated "a particular social position or social-structural location in a society or social process" (Maynes, Pierce and Laslett, 2008: 127). Through this rigorous six phase process of thematic analysis, I was confident that I had analysed my data in a way which was consistent with my theoretical, epistemological and methodological imperatives, and had met and evidenced the aims of this study.

4.4 Ethical Considerations of Sensitive Research

Prior to contacting any participants, organisations or conducting interviews, ethical approval was sought from, and granted by, the University of Liverpool's Research Ethics Committee. Due to the sensitive nature of the research, the research went to a full committee review before being approved (University of Liverpool, 2018). As well as this, I also completed a mandatory online training course in Research Ethics prior to my approval from the Research Committee. The key components of ethical research, as outlined by the University of Liverpool, involve gaining voluntary, informed consent from all participants taking part in the research, protecting the identity of participants (should they so wish to remain unidentified) and causing no harm to participants (ibid). The following discussion details how I ensured these principles were adhered to and how I also utilised feminist ethical principles.

4.41 Informed Consent

Voluntary and informed consent ensures that all participants who take part in research fully understand what the research is for, have freely consented to contributing to the research without persuasion or deception from the researcher, and understand the risks and benefits of their involvement in the research process (British Society of Criminology, 2015; Flynn and Goldsmith, 2013). In order to obtain informed consent from participants, I created participant information sheets for women with experience of being body searched (Appendix E), participants with professional knowledge of body-searching (Appendix I), and a third participant information sheet for women with both experience of and professional knowledge of body-searching (Appendix G). The participant information sheets outlined the aims of the study, discussed why the participant had been asked to take part, gave a description of how the interview would be conducted, and gave detail on data storage, anonymity and how to contact myself or the University's ethics team if participants had any further questions, concerns or complaints. I provided a copy of the participant information sheet to everyone who took part in the study and ensured that it was fully understood by giving women ample time to read through them. I also read the participant information sheet aloud to some participants,

and importantly gave all participants time to ask any questions. There was no formal time limit on how long potential participants had to decide if they wanted to take part; for example, women were able to take a participant information sheet home and think about it before deciding if they wanted to take part. I actively encouraged this careful consideration and ensured that participants were unpressured to take part in the study.

As well as drawing up participant information sheets, I also compiled a consent form which was completed by every willing participant and returned to me before the interview went ahead. Filling in the consent form ensured that participants had read and understood the participant information sheet provided, that they had been given the opportunity to ask any questions, that they understood the interview would be audio-recorded and allowed participants to declare whether they wanted to remain anonymous (for full details of the consent form see Appendix F). Furthermore, filling in the consent form indicated that participants had voluntarily provided informed consent to take part in the research (Bryman, 2012). The participant information sheet and consent form also importantly assured participants that they were free to withdraw from the research, or stop the interview completely, at any time prior to the anonymisation of the data. Due to the sensitive nature of the research, the right to stop the interview at any time was extremely important in assuring participants that they were in control of the interview at all times and could stop or start whenever they felt was appropriate for them (Beckman, 2014). Whilst there are always inevitably power imbalances between the researcher and the researched, the ability of the participant to stop and start the interview at her own choosing helped to somewhat reduce the imbalance of power between myself and the participant (ibid).

4.42 Anonymity and Confidentiality

As in line with ethical principles set out by the University of Liverpool (2018) and the British Society of Criminology (2015), the anonymity and confidentiality of participants was a critical aspect of my study. As noted earlier in the Chapter, the consent form provided participants with the option to either

remain anonymous and have their name replaced with a pseudonym, or have their real name used within the research. Of the eighteen women interviewed, four chose to have their real names used, and the remaining fourteen opted for their names to be replaced with a pseudonym. Prior to the interviews taking place, anonymity was explained to the participants, and as the interviews took place in a private setting, this allowed me to ensure the confidentiality of participants. The removal of all names of identifiable organisations during the transcription process, such as the names of the prisons in which women were held, also assured participant anonymity. In line with General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (UKRI, 2020), once interviews were completed, consent forms were stored in a locked filing cabinet which only I had access to, furthermore, nobody but myself or my supervisory team had access to the raw audio-files of interviews, which were stored on a password protected device and deleted once the transcription process was completed. As well as these provisions, as soon as the interviews were transcribed, all identifying factors and names were replaced with pseudonyms for those who chose to remain anonymous, and all transcripts were stored securely on my University of Liverpool M-Drive, which only I have password access to.

As in line with the University of Liverpool's Research Ethics Committee stipulations, there were certain circumstances in which I had an ethical obligation to break anonymity and confidentiality. Due to the primary focus of this research being female ex-prisoners, the University of Liverpool's Research Ethics Committee highlighted that there was a potential for criminal disclosures to take place. Due to the risk that disclosures of current serious criminal activity could take place, I informed participants that confidentiality may not be assured in certain circumstances. My role as a researcher means that I have a commitment to following ethical and legal guidelines, thus, I would be compelled to report a participant to relevant authorities if they disclosed any of the following: information relating to an act of terrorism, information relating to suspected cases of money laundering, and information regarding the neglect or abuse of a child (British Society of Criminology, 2015). Thankfully however, no situation arose where I had an ethical or legal obligation to break anonymity or confidentiality.

4.43 Sensitive Research and Harm

Any research endeavour has the capacity to cause harm to participants, however, due to the sensitive nature of this study, the ethical principle to minimise risk and not cause psychological or physical harm to participants was ever more prevalent. The British Society of Criminology (ibid) states that researchers should:

> Recognise that they have a responsibility to minimise personal harm to research participants by ensuring that the potential physical, psychological, discomfort or stress to individuals participating in research is minimised by participation in the research. No list of harms can be exhaustive but harms may include: physical harms: including injury, illness, pain; psychological harms: including feelings of worthlessness, distress, guilt, anger or fear-related, for example, the disclosure of sensitive or embarrassing information, or learning about a genetic possibility of developing an untreatable disease; devaluation of personal worth: including being humiliated, manipulated or in other ways treated disrespectfully or unjustly.

As informed by my review of literature regarding body-searching, research suggests (Dobash, Dobash and Gutteridge, 1986; Devlin, 1998; Aretxaga, 2001; Pereira, 2001; George and McCulloch, 2009) that many women experience body searches, specifically strip searches and internal searches, as an enactment of sexual violence, resulting in trauma. Thus, I determined that there was clearly a potential for participants in this study to recount traumatic experiences to myself as the interviewer, which could cause the participant distress. To minimise risks of harm, the participant information sheet provided to participants outlined clearly the sensitive themes central to this research, such as experiences of being strip searched, thus participants were able to make an informed decision regarding whether they were comfortable to discuss such matters. Furthermore, I ensured that participants were aware that they had the right to withdraw from the research at any time prior to the anonymisation of data and had the right to end the interview at any time and/or take as many breaks as they needed. It is often suggested within discussions of research ethics that discussing traumatic events may cause re-traumatisation to occur, however, trauma researchers such as Soraya

Seedat et al (2004) argue that actual trauma *cannot be equated* with the experience of reliving an event in the *controlled research setting*. As such, guided by feminist ethical principles of kindness, active listening, and continuous reflexivity within the interview, I developed trust with my participants and fostered an environment of shared respect and care (Oakley, 1985; Bergen, 1993). I regularly checked in with the women throughout the interviews and asked them how they were feeling, and participants were debriefed at the end of the interview. The de-briefing process included me providing them with and talking them through a Sources of Support document with relevant support contacts such as RASA (Rape and Sexual Assault Service), Samaritans, Crisis and Safe. As part of the debriefing process I also spent some time with the women after the interview talking about what they had planned for the rest of the day and talking about general day-to-day life. I remained in contact with many of my participants after interviews and checked in with many of them face-to-face at the interview location in the following days and weeks after the interview, or via telephone or email with the women who I interviewed over the phone.

As well as protecting participants from harm, it was also important for me to protect myself from harm during the research process. Due to the sensitive nature of the research and the topics it invoked, such as sexual violence, abuse and trauma, there was the potential for me to experience some emotional distress when conducting fieldwork. Regarding this, Lee (1993: 1) stated that "sensitive research often has potential effects on the personal life and sometimes on the personal security of the researcher. Therefore, researchers need to find ways of dealing with the problems and issues raised by research on sensitive topics". Kelly (1988) suggested that researching sexual violence can lead the researcher to feel vulnerable, especially when discussing intimate details of unpleasant experiences. Thus, there was the potential risk that I as the researcher could experience some negative emotional impacts due to the sensitive nature of the research. To minimise such risk, I familiarised myself with services provided by The University of Liverpool, such as the Counselling Service, and kept in constant communication with my supervisory team about my own wellbeing. Outside of the university, I was

also aware of the support I could access from services such as Talk Liverpool, Young Person's Advisory Services, Chasing The Stigma, CALM and Mind. Keeping a research diary of my thoughts and feelings whilst undertaking the research also helped to address and offload any negative emotions that I encountered throughout the research process. Overall, I did sometimes find the research process mentally and emotionally draining, however through the networks that I set up around myself, I managed to deal with my own emotional wellbeing effectively.

4.44 Reflexivity and Representation

As noted earlier within the chapter, reflexivity is an incredibly important aspect of the feminist research process. A concern throughout the research was my representation of the narratives the women had so kindly and trustingly shared with me, and whether I would adequately transmit their authentic experiences through my analysis of their stories. Kay Standing (1998) importantly commented upon the disjuncture between everyday language used by women, and the language of academia, which was a concern for me throughout my analysis. I constantly questioned how to remain true to the women's narratives, whilst also providing an academic analysis which combined both a genuine reflection of the women's testimonies *and* my academic interpretation of them. Standing (1998: 201) summed this problem up succinctly when she noted:

> It is the dilemma of trying to challenge, not reproduce, hierarchies of power and knowledge; the dilemma of not losing the "authenticity", emotion and vibrancy of women's voices, whilst not positioning them as "Other", and distancing ourselves from the political challenge of feminist research in the so-called "objective" language of academia.

In order to tackle this issue, Shulamit Reinharz's (1983) notion of the "reflexive experiential analysis" was particularly useful. Rather than ignoring one's own thoughts and feelings throughout the research process, reflexive experiential analysis advocates for researchers to utilise their own feelings, experiences and perspectives as a tool to understand and interpret the lives and experiences of others (ibid). Thus, researchers can use their reflexive position to understand social realities. An important aspect of this, however, is not to "reproduce dominant cultural constrictions" of marginalised women,

such as poor, working class or criminalised women (Standing, 1998: 201). The principle of feminist reflexivity therefore emphasises that the researcher is not outside of their research looking in but is implicitly woven *within* the data and research as a whole. Therefore, by recognising the position of power I had to interpret the women's stories, I attempted to reflexively utilise my position of power to amplify the voices of the women who participated within my study (Oakley, 1985). Thus, by utilising my position as a researcher to prioritise woman-to-woman talk (Spender, 1980; DeVault, 2004; 2014), conduct participant-led interviews and centre the voices of marginalised women within my analysis, I endeavoured to utilise my access to knowledge production to challenge and break down hierarchies of power, language and knowledge.

4.5 Conclusion

This chapter has outlined the methodological and epistemological position utilised within this research and has drawn upon critical feminist literature to demonstrate such positions. The centrality of a woman-centred epistemology and the notion of women as legitimate knowers have been prioritised within this chapter in order to demonstrate the importance of women generated knowledge and the study of women's lives and experiences. Furthermore, the principles of reflexivity have been outlined and this chapter has demonstrated how I grappled with hierarchies of power within the research process. The sensitive nature of this research has been discussed, and this chapter has discussed how I overcame issues relating to the sensitive issues which arose within the process of conducting the research. I have also outlined the design of the research, methods of data collection, and provided an in-depth discussion of how data was transcribed, coded and analysed. Ethical issues which arose during the research have also been deliberated, including informed consent, anonymity, and the avoidance of harm. Drawing upon the ideological, methodological and epistemological principles discussed within this chapter, the next chapter begins to demonstrate the results of my data analysis and provide a discussion of the themes which I developed from the qualitative data collected.

Chapter Five

<u>Understanding Imprisoned Women: Official Policy, Questions of Legitimacy and Experiencing Body-Searching</u>

<u>5.1 Introduction</u>

This chapter is the first of three chapters outlining the results of this research, which are based upon my analysis of nine narrative interviews with women who have been body searched in prison (four of which also have professional expertise regarding body-searching), nine narrative interviews with women with professional knowledge of body-searching, and official policy on body-searching. The chapter is divided into themes, the first theme provides the reader with an understanding of the backgrounds of the formerly imprisoned women who took part in this study, and focusses upon poverty, trauma, drug (ab)use and its relationship to women's criminalisation. Crucially and consistent with existing literature, the research found that the women who participated in this research shared similar characteristics with the wider population of imprisoned women, such as their experiences of poverty and precarious living, drug use, and experiences of trauma. We next explore women's experiences of first entering prison including fear, shame and the first body search as a form of "stripping of identities". The following theme looks to official policy regarding body-searching and critically analyses the ways in which HMPPS legitimises body-searching juxtaposed with participant testimony. A key finding is that whilst HMPPS seeks to legitimise body-searching through discourses of "national security", women experience and understand such practices as punishment, deterrence, surveillance and an expression of power. Following this, the next theme comprises the ways that HMPPS uses language to divert attention from the relations of power present within a body search and to make processes of body-searching more appear more "palatable" and less controversial. The chapter then explores how women understand of "meaning" of strip-searching, and determines that despite internal searches and strip searches being presented as separate practices by HMPPS, women often understand intimate searches as an integral part of the strip-searching process. Finally, the

chapter ends with a discussion of the dehumanising, humiliating and degrading nature of strip-searching and consider the means by which women's testimonies draw attention to violations of Article 3of the Human Rights Act.

5.2: Biographies of Formerly Imprisoned Women[19]

5.21 Precarity, Poverty and Criminalisation

As highlighted by Stephanie Covington (1998), a significant number of women in prison have experienced poverty, lack of educational opportunities and unemployment, circumstances which were also experienced by many of the women who participated in this research. For formerly imprisoned women who took part in this study such as Elizabeth* (FIW[20]) and Hannah* (FIW), their experiences of class inequality and poverty intersected with their experiences of criminalisation and imprisonment. The lives of several the women I spoke with were marred by precarity and poverty, for example, between prison sentences Hannah (FIW) described her living situation as follows:

> I didn't have nothing, it was the bare tiles on the floor, I had the main thing, I had two chairs, two mad chairs, you know how you see them now in old people's homes, with the things there and the space, the wooden arms, I had two of them, and erm, I didn't have a fire or nothing, didn't have no heating, so there was a garage across the road, so we used to rob the coal from outside [laughs], and it was a no smoke area, you couldn't, you're not supposed to have a fire, but what could I do? So I used to make the fire.

Simone* (FIW) also discussed her experience of precarious living, where she committed crime to fuel her drug addiction, and lived hand to mouth:

> I was just, it was chaos, just madness, every morning we'd get up and before we had even left the house we had had like two white, three brown and then go out grafting, make a couple of hundred quid, that'd be gone, we'd only keep twenty quid for the next morning and that was everyday, everyday.

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[19] A short profile of all participants can be found in Appendix K.
* Participant's name has been replaced with a pseudonym.
[20] FIW= Formerly Imprisoned Woman.
* Participant's name has been replaced with a pseudonym.
* Participant's name has been replaced with a pseudonym.

Moreover, Emira's* (FIW and PWK) experience of living in severe debt and losing her property was a catalyst for her criminal behaviour and eventual imprisonment, to which she said:

> Then things just started getting out of hand, obviously, mentally I was all over the place, and then I got a repossession order for my flat…

Similarly, it was noted by the professionals I spoke with that for many women class inequality and poverty are significant factors which impact their pathways to criminalisation and imprisonment. As such, it was asserted by Sarah (PWK[21]) that for "a lot of the women, poverty is a driver, so they're just desperate to provide for their kids", similarly Janet* (PWK) commented upon the relationship between class and women's imprisonment: "it's just warehousing poor women, warehousing the disadvantaged, and it doesn't benefit them". To this, participant's testimonies relating to women's experiences of poverty and precarity drew attention to the complex relationship between class, gender and imprisonment of women, as discussed in Chapter One.

5.22 Trauma, Victimisation, Violence and Abuse

Histories of trauma, such as sexual and domestic violence and abuse were reported by several women who participated in the study and these issues were also raised by all of the professionals interviewed. As discussed within Chapter One, a high proportion of women in prison (53%) have experienced domestic or sexual abuse in childhood (Women in Prison, n.d). Despite this already extremely high rate of victimisation, The Prison Reform Trust (2017a) noted that this is likely to be an underestimate of the true scale of abuse women in prison have experienced in their lifetimes, with The House of Common's Justice Committee (2013) noting that 79% of the women who use the services of the support organisation Women in Prison have experienced domestic or sexual violence and/or abuse. For the women I interviewed, histories of trauma were startling and ever present throughout their

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* Participant's name has been replaced with a pseudonym.
[21] PWK = Professional with Knowledge.
* Participant's name has been replaced with a pseudonym.

stories, for example Vanessa[*] (FIW and PWK[22]) recounted a memory which demonstrated the highly complex, controlling and coercive relationships women had both prior and during imprisonment:

> There were women in there who were still in relationships with men who were clearly really controlling and there was one woman who I was in there with and her partner was in another prison, he was in [name of prison redacted] while she was in[name of prison redacted], and she had the chance to get out earlier on tag and she refused it because he told her to because he didn't want her out before him. So they'd go and do video visits you know where they'd like, Skype and because they're all in prison and she'd come back and she'd be like "no he's said no". It's sad, really sad. That was the story for most women in there, they had a history of domestic violence, abusive childhoods, drug and alcohol use, mental health issues…

Significant trauma marked the lives of many of the women I spoke with, for example, Hannah (FIW) noted her experience of a traumatic abortion and a coercive relationship as the catalyst to her drug use, offending and multiple episodes of imprisonment:

> Before I took drugs in the first place, I had had an abortion, and I couldn't deal with it, and I had no one to talk to about it at all, there was no counselling afterwards or nothing, and I felt terr-, I felt like a murderer, and erm, the fella I was going with was into heroin and I didn't know what he was into heroin or I wouldn't have gone with him in the first place because my brother had been into heroin and all me mates that I'd grew up with, they were into heroin, so I wasn't going to go with a fella who's into heroin. Anyway when I met him he was off it for a while and anyway after I had the abortion, how bad I felt, he said to me, just try this and it'll make you feel better, and then, and that was, I haven't looked back since now.

Emira (FIW and PWK), who worked as a prison officer in a male establishment before her own imprisonment, also had a history of childhood sexual abuse, rape and domestic violence: "I was sexually abused as a child… I was sexually abused as a child and I do have a history of rape". Similarly, Ann Marie (FIW) also experienced domestic abuse and the death of a child, which she notes prompted her drug use and imprisonment: "[I] left home at 16, got in a relationship, domestic violence for 10 years innit… Then my son died in 1991 and that's when my life just took a total tumble, everything just fell apart".

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[*] Participant's name has been replaced with a pseudonym.
[22] FIW and PWK = Formerly Imprisoned Woman and Professional with Knowledge.

In addition to the women's own testimonies, professionals also recounted the prevalence of trauma in the female prison population, for example, Erica* (PWK) stated that in her research with imprisoned women "backgrounds of abuse came up every time". Sarah (PWK) also spoke of her experience of the backgrounds of trauma and victimisation suffered by women in prison when she stated: "most women in prison I would say are victims of crimes more serious than the ones they are in prison for, so lots of them are victims of domestic abuse". The breadth of victimisation, abuse and violence experienced by women prior to their imprisonment, whether this be in childhood, adulthood or intimate partner violence was something that recurred throughout the interviews with formerly imprisoned women and professionals. Thus, the notion of women as both offenders and victims, as highlighted by scholars such as Judith Rumgay (2005) and within governmental initiatives such as The Corston Report (2007) and The Farmer Review (2019), was present within the data I collected.

5.23 Drug Use and Conviction

Drug use was also a significant issue for most of the women I spoke with, which often preceded their imprisonment. Simone (FIW), for example, noted that her criminal behaviour was fuelled by her drug addiction:

> I started taking ecstasy, going to clubs, couldn't sleep, and somebody gave me methadone to go to sleep, six months later I ended up on heroin and I was on heroin for about, probably about, I reckon about 8 years and then started smoking crack as well, so then it became heroin and crack, and from beginning to start the addiction was like 13 years, so I was off it by the time I was 28, 29. But during that period obviously there's been like highs and lows, so there's been times that I was working and kind of kept me head together and had a house and had a car, had everything even though I had a habit, and then once the crack become involved it was just like, downhill, and we lost everything, just [sighs] in and out of jail, police stations, getting raided, nicked, all that.

Drug use and drug dealing also played a large part in Ann Marie's (FIW) imprisonment, who was convicted for selling heroin to fund her own addiction:

> I started using drugs, small, like, what I would say "soft drugs" at first, speed, coke, eggies, the rave scene it was then in the 90's, so I started taking ecstasy, coke, going out and from there it then went to diazepam to come down off the coke and then from diazepam it went

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* Participant's name has been replaced with a pseudonym.

to temgesic... I think my first time in prison was 1994, was my first ever prison sentence and it was, I think it was what would have been a possession charge now, so say something like, maybe two or three grams of heroin.

Furthermore, Hannah (FIW) was also convicted and imprisoned an account of her drug use, which led to her committing petty theft to pay for her addiction to heroin. Similarly, to fund her addiction, Elizabeth (FIW) engaged in street-based sex work which led to her imprisonment, categorisation and stigma as a "sex offender". Indeed, the use or supply of drugs was present in six of the nine women's convictions which led to a prison sentence. Moreover, Kathy (PWK), a former Probation Officer, drew attention to the high rates of women entering prison for a crime committed to pay for their partners drug addiction, she said: "these are the women who are ending up in prison or on community orders because this guy was sending her out for his drugs, as they do, or shoplifting or whatever, you know, they are the women that are ending up in the prison". Kathy's (PWK) statement consistent with Women and Prison's (n.d) assertion that 48% of women in prison have committed offences to support the drug use of someone else or themselves. These findings regarding women's relationship to drug use is also particularly significant when considered alongside research conducted by the Ministry of Justice (2013a: 4) which notes that women in prison report higher levels of Class A drug use than men in the four-week period leading up to their imprisonment, and that women in prison tend to offend to support not only their own drug use but also someone else's.

5.3 The First Time: Fear, Stripping and Shame

5.31 Fear

Upon entering prison for the first time, women described that their predominant emotions centred on fear. Fear of the unknown, fear of the other women, fear of prison officers, fears of how to cope were all discussed. The surreal feeling of entering the prison was something many of the women I spoke with commented upon, as well as their expectations of what prison was going to be like. Such expectations tended to be influenced by popular media depictions of women's prisons:

> Going into jail, first getting there, ah, it was horrible, it was horrible when you first see them walls, and you think, "god" I was looking at it as like, as like it was on telly, and erm, cos I was only a teenager, you know what I mean… (Hannah, FIW)

Whilst media depictions create a particular "social construction" of women's prisons, they often paint a distorted image of both the prisons and the prisoners (Bougadi, 2016: 28). Such images often comprise all that women entering prison know. Kate[*] (FIW), for example, had never been in contact with the criminal justice system prior to her imprisonment and media depictions were the only source of "contact" she had with the prison. Kate (FIW), who was only 17 years old when she was imprisoned, thus felt as if she had been thrown into a world which she didn't belong in, and was overwhelmed with fear on her first night:

> I ended up sat up all night on a tiny wooden chair, just sat by the window, well, I wouldn't call it a window it wasn't even a window, but, just sat there all night absolutely scared, terrified out of my mind, I just didn't know what was going on, I'd never come across anything, it just wasn't my world, I had no clue whatsoever, whatsoever.

Similarly, Mandy (FIW and PWK) also expressed her feelings of fear upon entering the prison and her first night spent "inside":

> I was scared, I didn't know what was happening, and nobody tells you what's happening, and nobody tells you what procedures are, you don't know how to get anything you need, like get in touch with anyone outside, get sanitary provision, or anything that you need… [name of prison redacted] was very very scary, it was, you know, banging of doors, all night, women upset, crying, calling out to each other.

Although Ann Marie's (FIW) partner had been imprisoned previously, for her, entering prison was a terrifying experience due to the fear of the unknown and worry of how she would be treated by the staff and other prisoners:

> The first night I can remember, I'll never forget it in prison going through the gates of [name redacted] prison, [Ann Marie's partners name has been redacted] had been in before and had a remand so he knew the drill, he went one way I went the other way and I was fucking bricking it because I thought "oh my god what's going to happen to me, what are these people going to do?

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[*] Participant's name has been replaced with a pseudonym.

The experience of fear is something that all the formerly imprisoned women I spoke to expressed in relation to their "first time" in prison, and even in later sentences. The Corston Report (2007) similarly found that women found entry to the prison an extremely stressful, fearful process. Equally, although more recent HMIP inspections have found that women's reception to prison has been improved "the shock and distress of women entering the prison system and the consequent critical need for support remains" (HM Inspectorate of Prisons, 2015: 4).

5.32 Shame and Guilt

Whilst imprisonment often comprises an inherently shameful process for men and women, women in particular often *internalise* emotions of shame and guilt as a form of self-shaming. As such, the women not only felt outwardly shamed by the prison, but felt "internalized self-shame, whether derived from embarrassment or guilt" (Dodge and Pogrebin, 2001: 44). In relation to this, Annie[*] (FIW and PWK) stated:

> I was, I was full of shame and guilt and deserved to be there, and erm, I was very submissive, not at all like I am in real life [laughs], you know, that was the real sort of… erm, dark spot for me, for obvious reasons.

Similarly, Emira (FIW and PWK) spoke of the self-internalised shame she experienced in relation to entering prison:

> It is difficult within yourself, the shame, the kind of, the way you are degraded, you feel it, even if no one does it to you, you feel it yourself.

Such sense of shame and guilt, as displayed by Annie (FIW and PWK) and Emira (FIW and PWK), can create a stigmatising effect (Goffman, 1963), in which women internalise perceptions of themselves as "criminal" or "deviant". This is particularly concerning as such self-internalisation of guilt and shame can negate women's ability to successfully reintegrate into society once released from prison (Dodge and Pogrebin, 2001). Intense feelings of shame and guilt which are often internalised and enacted

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[*] Participant's name has been replaced with a pseudonym.

through self-shaming, therefore contribute to the particular forms of gendered pains of imprisonment women experience (Carlen, 1998; Crewe, Hulley and Wright, 2017), as discussed above.

For Hannah (FIW), feelings of guilt and shame as a result of the stigmatisation of imprisonment were exacerbated by the process of body-searching. Reflecting upon her experience of being strip searched on entry to prison, she emphasised how the search led her to reflect upon her pathway to prison with feelings of shame and regret:

> Oh god, it was horrible, eergh, you'd hate yourself, you'd hate yourself for being there in the first place, and it'd all come back to you thinking "oh why did I take drugs and blah blah blah?", and you know, the nurse would come in, the nurse and the prison officers were horrible, horrible them, you know, they made you feel like you were a piece of shit, actually they did. (Hannah, FIW)

Furthermore, not only did Hannah (FIW) experience "self-directed" shame and expressed hatred of herself, she also explained that prison staff compounded such shaming through the search, which made her feel like "a piece of shit". Hannah's (FIW) statement is reflective of Dobash, Dobash and Gutteridges's (1986) findings regarding the function of strip-searching, to which they noted that strip-searching acts as a symbolic function of reaffirming imprisonment, causing and reinforcing feelings of shame and degradation. Sarah (PWK) echoes both Hannah (FIW) and Dobash, Dobash and Gutteridge's (1986) sentiments regarding searching and shame:

> "Shame strips you of your very self" and there's something about strip-searching by its very nature that sort of strips you away of who you are, you know, you're sort of laid bare, it's a very shaming process actually, and I think shame is a word you hear a lot from women and children in the criminal justice system, there's high levels of shame, and I think strip-searching just kind of adds to that and exacerbates that, and I just think, are there other ways of managing that and managing women's safety and what are we doing that for anyway? (Sarah, PWK)

Annie (FIW and PWK), Emira (FIW and PWK), Hannah (FIW) and Sarah's (PWK) testimonies, therefore, point to the prison as a source of deep shame and guilt, with women actually internalising their stigmatisation as "deviant" women which can lead to "self-directed" shame and guilt. Furthermore, processes of searching, in particular strip-searching, act to amplify feelings of shame in relation to imprisonment (Dobash, Dobash and Gutteridge, 1986).

5.33 Stripping of Identities

First-time imprisonment was something that all of the women remembered vividly and recounted in-depth within the interviews. Participants often talked of the 'moment' in which they became a prisoner; and for many of the women, this shift from free woman to imprisoned woman came during their first strip search. All of the women who had experienced strip-searching in prison (seven of the nine women interviewed) had their first experience on entry to the prison, furthermore, all of such women were also stripped multiple times during their sentences. Reflecting upon her first entry into prison, Simone (FIW) noted her utter confusion and outrage at the strip-searching process:

> I just felt "what the fuck's going on in here? Can you get me to see the doctor", that's all I was thinking because I was actually throwing up being sick, really violently ill with me addiction because I'd been in cells for three days before I'd even got there the first time I was there, and it's really, have you ever seen the film, the Auschwitz film? What's it called, Schindler's List? It's like that, it's very much, very sausage factory, and there's no like, "you ok love?" it's just get in, get out, get done and sit there, there's no like, "we have to do this" or, obviously they don't have to explain but it would be nice, it was just like, "get that done, get in there, get a cup of tea and the doctor will see you and you'll get nothing anyway", it was just the way you were talked to, you know what I mean? It's horrible, that's why at that time lots of people were committing suicide inside.

The dehumanisation experienced by Simone (FIW), exemplified by her comparison of the strip-searching process to scenes from the film "Schindler's List", demonstrates the demeaning nature of strip-searching and its ability to render prisoners a nameless object awaiting processing by the prison. Whilst I am in no way comparing strip-searching to the genocide as depicted within Schindler's List, Simone's (FIW) description of strip-searching as compared to "Schindler's List" or a "sausage factory" illustrates the lack of compassion and humanity experienced by women during their strip search and the notion of such women being not only stripped of their clothes but also stripped of their identities, being rendered a homogenous group rather than autonomous individuals. This is akin to Michel Foucault's (1979) notion of the prison as a disciplining force against the body of the prisoners, thus it can be argued that the strip search may act as an attempt to create disciplined, docile, conforming female subjects void of identity (Ballinger, 1992; Howe, 1994).

The removal of women's identities on entry to the prison was also highlighted by Hannah (FIW) when she discussed her experience of strip-searching on arrival to prison: "as you got out the van there would be loads of prison warders and it was dead scary cos they were, they were erm, horrible, you was just a number to them wasn't you, and just getting things done". Similarly, Kate's (FIW) testimony of being stripped in prison again implies homogenisation whereby women are treated like objects rather than people, Kate (FIW) said the process made her feel "just like you were, like it was a machine, like a machine, like "I need you to get your kit off, search you, and get you through there, get you out, next one, next one, next one". Likewise, Hannah's (FIW) expression of feeling as if she was "just a number" and of things *being done to her* again points to the Foucauldian notion of the controlled, non-autonomous subject of the prison, in which the female body, through domination and subjugation, may be used as a tool of discipline in order to create docility and conforming female subjects (Bartky, 1988).

5.4 Legitimising the Body Search: Risk, Protection or Punishment?

5.41 Official Legitimisation of Body-Searching: Security, Safety and Managing Risk

As discussed within Chapter Two, *Prison Service Instruction 07/2016 Searching of the Person*, covers the searching function of the *National Security Framework* (National Offender Management Service, 2016). Firstly, it must be noted that the body-searching of women in prison, by virtue of its location within the *National Security Framework*, is signalled by HM Prison and Probation Service[23] to be a vital aspect of the securitisation of the nation (National Offender Management Service, 2016: 0). This serves as a legitimising function of the policy by relating prison practices to "national security" (National Offender Management Service, 2016: 0). As such, it serves to divert attention and critical scrutiny away from such policy and practices (Neocleous, 2008). Tying together prison body-searching

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[23] As noted in Chapter Two, prior to 2017, HMPPS was referred to as the National Offender Management Service.

with efforts to ensure "national security" (National Offender Management Service, 2016: 0), therefore, diverts "attention away from exploitation and alienation" (Neocleous and Rigakos, 2011, cited in Crampton, 2013: 571). Moreover, according to Mark Neocleous, George Rigakos and Tyler Wall (2013: 4), in this way securitisation acts as a coercive force, with "security" measures only to be discussed by state sanctioned "experts". As such, placing women's body-searching within the backdrop of "national security" acts to *pacify* (ibid) potential questions or concerns regarding its appropriateness, effectiveness or legitimacy.

As noted within Chapter Two, the "desired outcomes" of the *Prison Service Instruction 07/2016 Searching of the Person* (National Offender Management Service, 2016: 4) highlight:

> There are lawful and effective procedures in place for the searching of prisoners, visitors and staff to ensure that:
>
> - escapes are prevented;
> - threats to the security, order and control of the establishment are detected and deterred;
> - crime is detected and deterred;
> - the number of illicit and unauthorised articles present in establishments is reduced;
> - harm to self and others is reduced;
> - searching contributes to a safe and decent environment by being proportionate to the risk assessed.

The use of the terms "lawful" and "effective" in relation to searching procedures frames such policies and practices as legitimate, successful, morally reasoned and underpinned by evidence. Drawing upon key words such as "security, order and control" also acts to justify searching procedures and shield them from scrutiny by insisting that searching outcomes directly lead to increased securitisation of the prison (Neocleous, 2008). Despite this focus upon securitisation, no evidence is presented which support's such claims. Moreover, Her Majesty's Prison and Probation Service assert that searching procedures aim to reduce "harm to self", yet again, they present no tangible evidence to support such assertions (National Offender Management Service, 2016: 4). The terms "decent environment", "proportionate" and "risk assessed" (ibid: 4) allude to notions of necessity, fairness and humanity,

however, research presented within Chapter One clearly demonstrates that searching procedures for women, particularly strip-searching, have resulted in women feeling degraded, dehumanised, and violated (Devlin, 1998; Pereria, 2001; George, 1992; Kilroy, 2003; Scraton and Moore, 2009). From a reading of *Prison Service Instruction 07/2016 Searching of the Person*, it becomes clear that claims made by HMPPS are at odds with research conducted into the impacts of body-searching for women in prison, with HMPPS's claims of searching contributing to a "safe and decent environment" (National Offender Management Service, 2016: 4) juxtaposed against the reality of the sexual violation of women in the care of the state.

HMPPS emphasise the use of "intelligence", "risk" and "reasonable suspicion" repeatedly throughout *Prison Service Instruction 07/2016 Searching of the Person* in relation to the searching of women. For example, in relation to a full search, "women prisoners must not be full-searched as a matter of routine but only on intelligence or reasonable suspicion that an item is being concealed on the person which may be revealed by a search" (ibid 15). Furthermore, on return from prison escorts, women must be searched in line with a "risk assessment to assess security risks/issues". Similarly, for Restricted Status women, "a risk assessment must be undertaken in all circumstances and areas to determine the level of searching required for Restricted Status women prisoners, which will depend on the risk the individual prisoner poses" (ibid: 16). The emphasis upon individual risk assessments, intelligence and reasonable suspicion is particularly problematic as HMPPS does not provide a definition of what is *meant* by reasonable suspicion, intelligence or risk; this in turn allows room for significant officer discretion in *practice*. Whilst Livingstone, Owen and MacDonald (2003) critique the wide discretion afforded to governors in relation to the application of the Prison Rules (1999), the *Prison Service Instruction 07/2016 Searching of the Person* policy may similarly be criticised for relying heavily upon individual officer discretion, and for not providing a centralised definition of intelligence, risk or reasonable suspicion. As such, relying upon officer discretion may act to legitimise the arbitrary use of power against women in relation to searching. Considering the vulnerability of women in prison

and their lack of access to challenging unequal distributions of power (Carlen, 1983; 1998), this notion of wide officer discretion in relation to searching women's intimate spaces is concerning.

5.42 "Unofficial" Purposes of Searching: Deterrence, Power, Punishment.

Whilst I have examined the official legitimisation of searching powers for women, throughout my interviews formerly imprisoned women and professionals with knowledge of body-searching shared their understandings of the purpose and the legitimacy of body-searching practices, which were in stark contrast to official explanations provided by HMPPS as noted above (National Offender Management Service, 2016: 4). In line with claims by HMPPS regarding the need for searching procedures in order to ensure "security", many participants noted that they were aware that HMPPS legitimised the practice of searching by relating itostensibly to security measures, however they felt that the rationale for searching went beyond security, risk, or deterrence and instead comprised an expression of power:

> Particularly for women on low level offences… it didn't feel like it was being done for people's safety, it felt like it was being done as a way of kind of oppressing people and showing power. (Gloria[*], PWK)

> It's certainly not just about security, it's, making you feel like you have no rights, so they establish that right from the beginning when you first go in, and from then on. (Mandy, FIW and PWK)

> It's a lot to do with power and control, the ostensible reason is to prevent contraband, which would probably be drugs, possibly money, or objects, but mostly drugs I think, from being brought into prison. (Mandy, FIW and PWK)

Similarly, contradictions between the official and unofficial purposes of searching were noted by Emira (FIW and PWK), who was formerly a prison officer in a male prison. As such, she both experienced *conducting* searches as a prison officer, and *received* searches during her time in prison. Emira (FIW and PWK) drew attention to the disjuncture between the official legitimacy of searches and suggested

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[*] Participant's name has been replaced with a pseudonym.

that searching practices serve a different purpose to that claimed by HMPPS, again noting power as a motivator for searching:

> Officially the purpose is obviously reasonable suspicion that the person might have something concealed, which is, so, which is also common, it does happen, I mean prisoners do conceal a lot of things, at times. But then unofficially, it could be to humiliate the person, degrade the person, erm, just to show, that you know, I have the power to make them, kind of remind them of where they are and remind them of how powerless they are and that they have, no con... if the officer wants to search me he's going to search me, I can't stop this, I've got no power at all, so unofficially that's the purpose of it.

Difficulty in determining the "official" and "unofficial" purpose of body-searching was also identified by Allison[*] (PWK), who noted that the pernicious nature of the penal system made it extremely difficult to "disaggregate state sponsored security practices from the practices of strip-searching as a so-called safeguarding or safety device". The contradictions between official legitimisations of body-searching practices as a security measure, and participant's understandings of body-searching as an expression of power and control falls in line with McCulloch and George's (2009: 117) research, which suggests that despite policies relating to strip searches insisting their assurance of "prison security" and "good order", they serve to enforce penal power.

The use of searching methods as tools of discipline, surveillance and punishment was also alluded to by participants,

> I think prisons' motivations are often to catch people out and to further punish and to kind of, yeah, I think those motivations are deeply unhelpful. If it's about sort of protection, support, that's different than "let's try and catch people out and further punish", I don't think that's a good starting point for these kind of things. Does that make sense? (Sarah, PWK)

Similarly, Allison (PWK) also discussed the relationship between body searches, surveillance and deterrence:

> Practically speaking, erm, they are meant to, they are a deterrent really, I mean that's the obvious one isn't it? They're meant to be a kind of signal deterrent, you know, the idea that you will or may get searches, is meant to exercise a deterrent. And of course, there is that kind of surveillance dimension of it, which is obviously the principle that if you think you are

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[*] Participant's name has been replaced with a pseudonym.

going to get caught because you are going to be subject to a mandatory search, you are unlikely to, you would be deterred from smuggling in whatever you may be smuggling in.

The use of searches (particularly strip searches) as a threat was also noted by Jen[*] (PWK). Jen (PWK) worked as a prison teacher, primarily within the prison workshop. When tools would go missing in the prison workshop, Jen (PWK) often witnessed prison officers threaten women with strip searches in order to find the tools. Jen (PWK) signalled that just the threat of searches was used in a bid to change women's behaviours and force compliance:

> It ranged from people finding it quite traumatic and strip searches again were kind of used as a threat if we for example, couldn't find one of the tools from the workshop, then the women would be threatened with strip searches, as maybe like, an incentive to find the tool that had got lost.

Critically, Jen (PWK), Allison (PWK) and Sarah's (PWK) testimonies signal that body-searching can be used in order to enforce surveillance, punishment and discipline against women in prison. For Foucault (1979: 170-171), the ritualised examination of the body acts as a form of disciplinary power in prisons, to this he noted that "the exercise of discipline presupposes a mechanism that coerces by means of observation". Disciplinary power can thus have the effect of creating self-surveilling subjects, who internalise technologies of power and thus self-regulate their actions in line with disciplinary power. This notion of self-regulation is particularly apparent within Allison's (PWK) testimony above, where she noted "if you think you are going to get caught because you are going to be subject to a mandatory search, you are unlikely to, you would be deterred from smuggling in whatever you may be smuggling in". Drawing on the work of Foucault, it may therefore be argued that searching acts as a coercive force of surveillance, deterrence and thus disciplinary power.

Breaking women's spirits was also an "unofficial" purpose of body-searching, as argued by the women I interviewed. Discussing the official legitimisation of body searches, Hannah (FIW) said that rather than as a security measure, strip-searching was:

> It was more to take, to strip you down, to take any decency off you, erm, I can't describe it really, I don't know, I don't understand, I don't understand why they done that in that day, because you just, felt so horrible about yourself and it didn't make you in any way think "oh

I've been through that, I don't care doing it again", even every week, it didn't matter how many times I'd done it, I hated doing it, and you used to be thinking about it all the time when you were going home, when you were going back to [name of prison redacted], you'd be picturing it, what you've got to go through, it was never made any easier.

The breaking of women's psyches was also noted by Janet (PWK):

For me, the purpose of body-searching is to humiliate women, I'm sure there's a few circumstances where people genuinely do think someone's concealing drugs, or maybe a weapon and that they're going to harm themselves and I'm sure that does happen in some circumstances, but then why not install body scanners? Why not install, you know, proper technology that you could also use on prison staff to make sure they aren't taking drugs in? Why not use something that everyone is subjected to, in the same equal way? To me, it's there on purpose to be an unequal power dynamic and to have something to threaten women with.

The expression of body-searching being used to "humiliate women", create an "unequal power dynamic" (Janet, PWK), "strip you down" and remove women's decency (Hannah, FIW) aligns with McCulloch and George's (2009) assertion that body-searching, particularly strip-searching, is adopted by prison authorities not to ensure security, manage risk, or create a safe environment, but to dominate, humiliate and break the spirits of women in prison. Similarly, this finding aligns with Wahidin's (2016) notion that the relationship between security and strip-searching is that of an oxymoron, with security merely used as a justification for violence. As such, despite instructions within *Searching of the Person* that state that women prisoners should *only* be strip-searched upon reasonable suspicion or intelligence (see National Offender Management Service, 2011: 11; 2016: 15), women's testimonies therefore call to question the legitimacy and purpose of body searches. Whilst HMPPS claims that searches must be conducted based only upon risk, intelligence or suspicion, the above testimonies suggests that "'security and good order' is a pretext rather than a rationale for strip searches motivated by the will to dominate and control prisoners in a way that extends the punishment that loss of freedom itself entails" (McCulloch and George, 2009: 120). Thus, HMPPS's legitimacy, rationale, and adherence statutory guidance on body-searching, as well as and their understanding and use of discretion in relation to what is meant by "security led", "reasonable suspicion", "risk" and "intelligence" (National Offender Management, 2011; 2016) are refutable.

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5.5 Denying the Strip Search: Discursive Manoeuvres and Linguistic Manipulation

The process of masking, hiding, distorting or disappearing patterns of dominance or manipulation within texts may be referred to as a "discursive manoeuvre" (Howe, 2008). Within official discourse such as prison policy, it is important to understand the ways in which language is manipulated in order to hide relations of power present within the text. A pertinent example of this can again be found within *Prison Service Instruction 07/2016 Searching of the Person*, which effectively seeks to disappear the notion of a "strip search" and replace it with a "full search" (National Offender Management Service, 2011: 19; 2016). Although a "strip search" has been replaced with the title "full search" according to policy, HMPPS does not provide explanation as to why this change occurred. More significantly, neither do they provide any explanation of the difference between a "strip search" and a "full search" (National Offender Management Service, 2011: 19; 2016). Gloria (PWK) noted that for the women in prison she worked with, this change in linguistics was a source of frustration:

> For starts there was the failure of the Prison Service to acknowledge that this was strip-searching, so you'll have found I'm sure in other prisons as well, and other prison systems, the Prison Service liking to call this 'full-searching', and really objecting to the term 'strip-searching', and yet that's what's happening, you know, so women were being stripped, and never entirely naked, so being given a sheet, holding a sheet over her top half or her bottom half and then, erm, you know having to turn around and to be scrutinised and notes taken about them, and then covering up the other half and so on, so, I think the denial by the Prison Service that this was strip-searching, which was certainly frustrating and angering to us, but I think the women, the women called it strip-searching and so it is strip-searching, not full-searching! So that's one thing.

The change between the use of the term "strip", which evokes a sense of removal, emptiness, deprivation and dispossession, and the implementation of the term "full", which denotes wholeness, completeness, comprehensiveness and thoroughness, thus acts to obfuscate and disguise the power-loaded, dehumanising and intrusive nature of a strip search (Pereria, 2001; Devlin, 1998; George, 1992; Aretxaga, 2001; Pickering, 2002; Hutchison, 2020). As such, I determine that this "linguistic ambivalence" endeavours to hide "the hard facts of physical confinement" (Dobash, Dobash and Gutteridge, 1986: 130) and is a purposeful attempt to distance the practice of strip-searching with its

harmful impacts, such as trauma, feelings of sexual violation, poor mental health, increased drug use, and self-harm (George, 1992; Pereria, 2001; Kilroy, 2003; Pickering, 2002; McCulloch and George, 2009). Despite this change in language within official policy, a "full search" will be referred to as a "strip search" throughout the following chapters, to reflect the language used by participants and to reject the state's purposeful obfuscation of the realities of strip-searching.

The strip-searching of women in prison using a two-level process was also something that participants took issue with. Participants felt as if using a two-level process[24], in which women are searched "half and half" and are never fully naked (National Offender Management Service, 2016: 16), acted to disguise the intrusive nature of strip-searching and pacify any claims of strip-searching as undignified or humiliating:

> There are, you know, sort of these slightly bizarre methodological kind of prohibitions, that we should never have someone totally naked, do the bottom half top half sort of thing, as if that somehow makes it ok, so there's lots of sort of, erm, things that sort of creep around, if you like, the issue of strip-searching, to try and make it more palatable. (Erica[*], PWK)

The claim in official policy documentation that women are "never fully naked" during a strip search (ibid: 16) but are searched according to a two-level process and/or are given a "gender specific search", serves to mystify the process and creates an illusion of the humanity of searching. Furthermore, the notion of a "gender specific search" creates an impression that women are given a search which is tailored to their specific needs and mitigates any potential negative experiences or outcomes. Ultimately, this acts to "mask the fundamentally abusive nature of strip searching" (Pereira, 2001: 192) through a precise and considered use of language which presents strip-searching as a more "palatable" (Erica, PWK) and "soft" process. Despite this, Hannah (FIW) stated that being searched using a two-step process would be "just as bad" as a search in which she would be required to be fully naked. Similarly, research conducted by the Office of the Inspector of Custodial Services (2019: iii) in Western Australia found that half and half searches still remain a "distressing, humiliating and

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[24] This process is outlined in detail Chapter Two.

[*] Participant's name has been replaced with a pseudonym.

degrading experience". These clever uses of discursive manoeuvres (Howe, 2008) and linguistic ambivalence (Dobash, Dobash and Gutteridge, 1986) by HMPPS (National Offender Management Service, 2016), therefore, attempt to shade women's body-searching from criticism and divert attention from the power relations present within the body-searching process by making official policy documentation read as unproblematic, palatable and justified in accordance with women's gendered needs. Furthermore, HMPPS' focus upon conducting body-searching based upon "gendered needs" alludes to the failure of "gender-responsive justice" (Evans, 2018) as a means of creating a criminal justice system which truly recognises the harms experienced by criminalised women in the "care" of the state.

5.6 A Woman Centred Definition of Strip-Searching

5.61 The Spectrum of a Strip Search

Whist it is now "unlawful" for a woman to be intimately searched (National Offender Management Service, 2016: 23) as part of a "full search" performed by a prison officer, three of the women I spoke with described the internal examinations that they experienced whilst imprisoned as *part* of their regular strip-searching procedure. For Mandy (FIW and PWK), Elizabeth (FIW) and Hannah (FIW), an internal examination of their vagina was an integral part of their strip-searching experience, with the stripping of their clothes entailing a vaginal examination. I have thus included these experiences of internal searches within my discussion of strip-searching, as to Elizabeth (FIW), Hannah (FIW) and Mandy (FIW and PWK), they were part of the "strip-searching" process. With regard to the relationship between strip searches and internal searches, Mandy (FIW and PWK) said of her search on entry to prison:

> For me it felt like all part of the same thing… to me, it was all part of the same experience, it was like, you were stripped, and they examined you all over and then they put you on this chair, and I just have this memory of it being cold and metal [laughs], but you know there's something there, I know it wasn't torture, but it was like a torture instrument, this chair, that's certainly how I remember it in my mind. And then, just, I didn't even know what I was

being sat on there for until it happened, so I think it was something about that, that was such a violation, yeah, just horrible, so yeah, to me they were all part of the same thing...

Like Mandy (FIW and PWK), Hannah (FIW) also recounted the repeated strip searches she endured, where an internal search was part of such "routine" strip searches. For Hannah (FIW), who was stripped and internally searched *hundreds of times*, the internal search was therefore part of her regular and repetitive strip search. Hannah (FIW) described this process in great detail:

> You had to sit in this room and where everyone else had come from and all that, and like, I was dead shy, I didn't know what to say 'cos I thought, you know, you had to be dead hard, you know what I mean, and erm, then you get called through and you have to strip off all your clothes and… and you go like, you stand there, and there's like curtains behind you, and just one officer looks at you while you're stripped, you have a dressing gown on, you've got to drop it, and you've got to, they look at your front and you've got to turn around and they see the back of you. And erm, then you pick the dressing gown up and go out and then you go through to see the nurse and there was a big chair like this, it was like, it was about that high, you'd have to step on it and sit up and there was like two stirrups on the side, and you'd have to put your foot in the stirrups and you know, the nurse would come and look and then you'd get down, get dressed and all that, oh, it was the most horrible thing, you couldn't imagine, oh it was *horrible*! And that happened every time you went to court, and like, I was in for supplying drugs and erm, I was on remand so I was out to court every week, so every week I'd have to go through that, and even, even when you were going out the jail you'd have to strip, to make sure you weren't taking nothing out.

Elizabeth (FIW) also experienced internal searches as *part of* the strip-searching procedure in prison, she said:

> When I went into [name of prison redacted] had to do a strip search where they had to, in the stirrups and that, and that's when erm, the screws in there, sort of like just do it.

As demonstrated by Hannah (FIW), Mandy (FIW and PWK) and Elizabeth's (FIW) statements, for some imprisoned women, an internal search was therefore just another step of a strip search and was something which was conducted as part of a *routine* search. This therefore suggests that for some imprisoned women, an internal search was not a search which was conducted *separately* to a strip search but was an integral aspect of the routine strip-searching process. Devlin (1998) also drew links between strip searches and internal searches in her research *Invisible Women*, as discussed within Chapter One. Whilst Devlin (1998: 37) highlighted the use of internal searches during a strip search, she notes that internal searches are only a *visual* inspection of the vagina, with internal penetration or any kind of touching of the body "classed as an assault". Despite this legal distinction between a

visual and physical search, Mandy (FIW and PWK) vividly remembers being internally penetrated during her strip-search: "I can't remember if it was a speculum or just surgically gloves hands, fingers, I can't remember, but I know they went inside of me". This therefore suggests that Mandy was internally searched illegally, which constitutes sexual assault (Devlin, 1998). The notion of strip searches, and body searches more generally, as sexual assault is discussed further within the next chapter.

Implicit links between strip searches and internal searches were also drawn out by Kate (FIW), who was acutely aware of the threat of an internal search as *part* of her strip search:

> I never, something I'll never forget was the screw with the rubber glove, you know when they put the rubber gloves on and it's like "snap", and I thought, "what is that, what's she going to do with that?". Luckily enough she didn't cavity search me, none of that, but I just remember thinking "oh my god why has she put those gloves" and I remember being terrified that she snapped the rubber glove on 'cos I thought "oh god no where's that going?" But, it didn't. (Kate, FIW)

Similarly to Kate, when discussing being strip searched, Annie (FIW and PWK) noted her fears of being internally searched. Annie (FIW and PWK) also recounted a particular experience of being internally examined whilst in hospital, she said:

> I was never searched internally, thank god, but actually I was sent to the hospital at one point because I had, I've had issues down below in terms of, what's it called when you bleed and you get.... endometriosis, there was a risk of that so I got some internal procedures done and I got cone biopsies and things and I can remember having that quite intrusive procedure done whilst male officers were waiting in the same room, obviously with a curtain, with a curtain, so they couldn't see, but still it felt really, I felt really vulnerable…

Annie's experience of being internally examined with male officers present illustrates the lack of humanity, dignity and privacy afforded to women in prison. Whilst it is imperative that patients receiving National Health Service (NHS) medical care in the community are ensured privacy and dignity (Woogara, 2005), Carlen and Worrall (2004: 61) stated that "the overwhelming experience of women in prison is that their healthcare needs are not consistently dealt with in a respectful and appropriate way". The poor level of healthcare received by women in prison (Baldwin, Sobolewska and Capper, 2020) is reinforced by Annie's (FIW and PWK) testimony, which illustrates the lack of regard that

HMPPS shows towards women during intrusive medical examinations and when women are at their most vulnerable. George (1992) similarly highlighted within her research the appalling provision of privacy in relation to internal examinations for imprisoned women. Similarly to Annie's statement, George (1992) noted that women in prison in Australia are forced to undergo internal examinations in hospital in front of prison officers, a practice which is still prevalent in countries such as New Zealand as recently as 2016 (Fisher, 2019). Although Annie (FIW and PWK) and Kate (FIW) did not encounter internal searches as part of a strip search themselves, their testimonies illustrate the fear that imprisoned women experience in relation to strip searches and their anxieties regarding the potential for internal searches to be conducted. Such testimonies illustrate how strip searches and internal searches can be viewed as closely related practices by women in prison. Critically, testimonies from Elizabeth (FIW), Hannah (FIW) and Mandy (FIW and PWK), all of whom experienced internal searches as part of a strip search, emphasised that internal searches were, for them, an implicit aspect of their experience of strip-searching. This is a significant finding of this research, suggesting that women do not disaggregate searching practices as *discrete* from one another, but view them as a *continuum*.

5.62 Dehumanisation, Degradation and Humiliation.

The humiliation, degradation and dehumanisation experienced by women during a prison strip-search was something which many of the participants discussed during interviews. Whilst HMPPS notes in the *Prison Service Instruction 07/2016* that "staff should be aware that searches, especially full searches, can be embarrassing and difficult experiences for prisoners" (National Offender Management Service, 2016: 11), this research found that women still find the practice of strip-searching deeply "embarrassing" and "difficult". Recounting the time she was strip searched whilst menstruating, Kate (FIW) described her feelings of being demeaned, disgusted, embarrassed by the process of being strip searched and made to "squat and cough":

> I couldn't believe that, I think it was, it was embarrassment, it was embarrassment that was the main thing, and the reason I say about my period is because I remember I was on my period, and it didn't, it didn't matter, it was, and it was, and I remember thinking "this is just

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vile, this is just absolutely disgusting", and the fact that then they made me squat and cough, I thought "this is just disgusting", it was horrible, it was embarrassing, it was demeaning as well, it was erm, you know, a gross, just no need.

The practice of "squat and cough", which is now unlawful for women (or anyone with a vagina[25]) in prison to undergo, according to HMPPS (National Offender Management Service, 2016: 32), has been critiqued by authors such as McCulloch and George (2009) as not only an ineffective practice of detecting contraband, but also as a significantly degrading and humiliating experience for the women subject to it. Furthermore, Kilroy (2003) and McCulloch and George (2009: 119) argued that practices such as "squat and cough" and strip-searching, rather than create a safe environment, actually forge an atmosphere of fear, un-safety and insecurity and serve as a "deliberate strategy to humiliate and degrade women". The idea that the prison uses the practices of strip-searching and squat and cough as a way to purposefully instil fear, humiliate and degrade women in its care is drawn out by Ann Marie (FIW). Ann Marie (FIW) discussed her experience of entering a prison in Scotland, and being berated by prison officers to strip her clothes and squat and cough until she was so scared that she involuntarily urinated during her search:

> Then they'll [prison officers] say to you "squat and cough" and I was like, "beg your pardon?" and they're like "are you fucking stupid? Do I need to fucking write it down for you", I can just remember [inaudible] going to pee myself and I thought "oh my god" cos I didn't know what these people telling you to drop and squat and what the fuck to expect, I'm thinking "[gasps] my god, what they going to, is the doctor coming in? is something terrible about to happen?!" so you had to like drop onto like, down like this here, with your legs open, sit with your hands like that and cough three times and I was that scared pee comes through you, and when they went out they were standing there making a fucking mockery of me and telling the other prisoners "hey there's pissy fucking pants coming" and I was like "oh my god, I am…" I was absolutely fucking mortified that I didn't even know these ladies that they were saying this to, so you were going to prison where you know nobody and everyone's calling you fucking pi- it was fucking horrendous.

The mockery Ann Marie (FIW) experienced by prison officers after her search, suggests that strip searches, as argued by Kilroy (2003) and McCulloch and George (2009), serve to deliberately humiliate and degrade the women who are subject to them. Furthermore, Ann Marie's (FIW) experience of

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[25] This terminology is used by HMPPS.

being "that scared pee comes through you" and "absolutely fucking mortified" demonstrates the fear-instilling, humiliating and degrading nature of body-searching practices and crucially questions, again, the purpose of strip searches as a way to ensure safety, order and security (National Offender Management Service, 2016).

Allison (PWK) described women's experiences of being strip searched as a "deeply atomising and isolating experience, I mean you literally do stand undressed before the hostile gaze of others, you know, and I think that is, it's an existential, it's a deeply kind of existentially- it is a deeply subordinating moment, and existentially subordinating moment". Allison (PWK) described women's experiences of strip-searching as not only isolating but also subordinating, which denotes the imbalanced power relationship between the prison officer and the woman being searched (Kilroy, 2003). The degrading nature of the strip search was also highlighted by Hannah (FIW), who said of her experience of being strip searched and internally searched:

> Oh it was horrible, so degrading, it was unbelievable, you think you'd get used to it and you're like, you know, you could drop your clothes to anyone, but you didn't, well I didn't anyway, I didn't, I was still, still hated it and still never wanted to do it.

Similarly, Mandy (PWK and FIW) said:

> It was a humiliating and distressing experience, I can't imagine what it would be like for younger women or, I don't know, I just think very very humiliating and very distressing.

Elizabeth (FIW), who also experienced an internal search during her strip-search also said:

> It was just, so degrading, I just felt so embarrassed.

Mandy (FIW and PWK), Elizabeth (FIW), Ann Marie (FIW), Kate (FIW) and Hannah's (FIW) statements illustrate the ability for body-searching practices, particularly strip searches and internal searches, to not only strip women of their clothes, but also their dignity and humility. Whilst previous studies regarding body-searching practices for women in prison in England and Wales are relatively old, such as Dobash, Dobash and Gutteridges (1986) study, and Devlin's (1998) research, women's testimonies

regarding the humiliation and degradation they experience whilst being body searched still remains. As such, a crucial finding of this study is that, akin to Dobash, Dobash and Gutteridge's (1986: 205) assertion that searching "served a symbolic function of reaffirming imprisonment shame and lack of status", body-searching in women's prisons in England and Wales, particularly strip searches and internal searches can serve a significant symbolic purpose of enforcing degradation, humiliation and feelings of embarrassment. Preserving women's dignity and respect during strip searches is a critical aspect of the Bangkok Rules (United Nations, 2011), as discussed in Chapter Three. This finding therefore suggests that HMPPS is not adhering to international standards regarding the treatment of prisoners as encouraged by the UN.

Crucially, scholars argue that practices of body-searching, namely strip-searching, are inhumane (Pereria, 2001) and result in an environment in which women in prison lose their humanity (George, 1992: 214; Kilroy, 2003). The experience of dehumanisation is therefore synonymous with strip-searching, according to Hannah (FIW), who said she felt:

> So demeaned, indignant, it was horrible, horrible, you just couldn't wait for it to get over with… it was just, how can I describe it, you just felt like a piece of meat, do you know what I mean, it was cattle, it was horrible.

Akin to Hannah (FIW), Elizabeth (FIW) also said of being strip searched:

> Oh god it made me feel like I wasn't worth anything, it made me feel like, like I wasn't, I wasn't worthy of anything, I was just a piece of theirs, like, I had to do everything they said, do you know what I mean?

Hannah's (FIW) experience of being strip searched, in which she felt like "a piece of meat" and "cattle", as well as Elizabeth's (FIW) experience of feeling as if she "wasn't worth anything" and a "piece of theirs", points to strip-searching as a process which not only strips women of their clothes but also of their personhood, leaving women feeling less than human. As such, Kate's (FIW), Hannah's (FIW) and Mandy's (FIW and PWK) testaments hold strip-searching in women's prisons in England accountable as a humiliating, degrading and dehumanising practice. This is a critical finding of this research, and keenly suggests that the practice of strip-searching may not only violate HMIP Expectations (2014)

regarding the treatment of women in prison and the preservation of dignity during strip searches, but also Article 3 of the Human Rights Act, which protects "freedom from torture and inhuman or degrading treatment" (Equality and Human Rights Commission, 2018). This is an alarming finding and it might even mean that HMPPS may be in breach of its Article 3 duties regarding the treatment of women within the "care" of the state.

5.7 Conclusion

This chapter began with an analysis of formerly imprisoned women's biographies. Crucially, the results illustrate the fraught and unstable nature of imprisoned women's lives and demonstrated the trauma which underlies many imprisoned women's early experiences. The chapter then looked to women's initial experiences of imprisonment and found that entering prison is a highly stigmatising, shameful and fearful process. Importantly, a key finding of the theme was that strip-searching on entry to the prison acts to strip women not only of their clothes, but of their identities. This process is, therefore, a symbol of a stained identity. Next, the chapter explored HMPPS official policy regarding body-searching processes and juxtaposed official discourse with the experience of formerly imprisoned women and professionals with knowledge of women's imprisonment and body-searching. Crucially, whilst HMPPS presents body-searching practices as a matter of safety, national security, and good order, those who are subject to such searches experience them as punishing, an expression of penal power and discipline. Furthermore, the methods used within official policy to disguise the intrusive nature of body-searching were also explored, and it was argued that the state uses discursive manoeuvres in an attempt to make body-searching practices appear palatable, necessary and justified. The chapter then established the relationship between strip-searching and intimate, or internal searches, and demonstrated that for many women in this study, internal searches were a central aspect of their strip-searching experience, of which the two practices cannot be disaggregated. I then discussed the dehumanising nature of body searches and juxtaposed women's experiences of degradation and humiliation with official policy regarding body-searching practices. Importantly, I

found that although *Prison Service Instruction 07/2016* asserted that staff must be aware of the potential for embarrassment during "full searches", this is a gross understatement for the nature and extent of trauma, degradation and humiliation women experience during strip searches. As such, a woman-centred understanding of strip-searching was established in which degradation, humiliation and dehumanisation are central to strip-searching practices. The next chapter extend this analysis, delves deeper into an exploration of women's experiences of body-searching, and looks to a radical feminist theoretical framework in order to make sense of such practices and their relationship to patriarchy and the state.

Chapter Six

Power, Sexual Violence and the Body Search: A Continuum

6.1 Introduction

The aim of this chapter is to focus upon the embodied experience of body-searching more closely. The first theme in the chapter looks to an understanding of body-searching, particularly strip-searching, as a practice of *sexual violence*, which not only mirrors women's experience of violence, abuse and control *outside* of prison but amplifies such experiences *within* prison. Crucially, the chapter examines body-searching practices as *state-inflicted* sexual violence, drawing upon the work of Kelly (1987) and VanNatta (2010) to theoretically ground such assertions. A key finding is that rub-down searches, which are often viewed as a "softer approach" to body-searching, *can be* and *are* experienced as traumatic, violent, and controlling and, as such, fall within the definition of state-inflicted sexual violence. The final theme focuses upon the issue of gender and body-searching, both looking to body-searching as a gendering strategy and an analysis of the gendered role of those who conduct body searches. Body-searching as a racialised practice will also be analysed and the chapter will conclude with the key analysis of body-searching as not just state sexual violence, but a form of patriarchal, male violence, with the prison as an institution of the patriarchal state (MacKinnon, 1989; Bertrand, 1999).

6.2 Strip-Searching: A Continuum of Violence, Coercion and (Sexual) Abuse

6.21 Coercion, Consent and Trauma

I discussed within Chapter Five that strip-searching invoked feelings of degradation, humiliation and dehumanisation within the formerly imprisoned women I spoke with during the course of this research. Further to this, an inability for women to give consent to a strip search was something which many of the participants discussed and found extremely problematic. A total loss of control over their own bodies was how many of the formerly imprisoned women described their experiences of being

strip searched. As such, the non-consensual exertion of power and control over her body was central

to Annie's (FIW and PWK) experience of being strip searched in 2007, to which she said:

> It was the, it was the power, it was the lack of, it was the lack of control, things are like, being done *to you…*, it just felt like I had no power or control.

Ann Marie (FIW) also described her experience of being strip searched as marked by a lack of control,

power, vulnerability and defencelessness. As such, Ann Marie (FIW) related her experience to that of

abuse:

> At the time, I was just so angry at how they made me feel, how vulnerable I felt and how much power, it was scary as to how much power and control they had of me, because I was absolutely defenceless and helpless. Because you've got no defence, and you just feel *absolutely* helpless that's their job and, and, I mean I wasn't in prison for being a good girl, I get that, but I wasn't in prison to be abused either, you know what I mean?

As discussed in Chapter Three, sexual violence is defined by Kelly (1988: 41) as "any physical, visual,

verbal or sexual act that is experienced by the woman or girl, at the time or later, as a threat, invasion

or assault, that has the effect of hurting her or degrading her and/or takes away her ability to control

intimate contact". According to Kelly (ibid), sexual violence thus exists within a continuum of non-

discrete acts which can range from verbal abuse and unwanted touching to rape. Importantly, acts

which fall into the spectrum of sexual violence are connected by their relationship to coercion, control,

fear and degradation. Women's assertions of the controlling, degrading, vulnerable, power-loaded

and non-consensual nature of strip searches, in which women are made to remove their clothes and

submit to a visual inspection of their bodies (National Offender Management Service, 2016), suggests

that such practices are indicative of sexual assault and exist within the continuum of sexual violence.

Whilst the "continuum of sexual violence" has been previously utilised by Scraton and Moore (2009:

125) to analyse the "gender-oppressive regimes, and the range and extent of subjugation within…

institutional practice" in women's prisons in the *North of Ireland* during a period of armed conflict (to

which they included practices such as solitary confinement, institutional negligence, violence,

discipline and strip searches); this analysis is however drawing upon Kelly's work to specifically analyse

body-searching practices within women's prisons in *England.* As such, Scraton and Moore's (2014)

application of the continuum of sexual violence was drawn upon within a significantly different context to my research, whilst theirs was arguably an analysis of an *exceptional* case of militarised prison practices within a security-state in Northern Ireland, mine is an analysis of the day-to-day practices of imprisonment for women in England, outside of the parameters of conflict or military intervention.

The lack of control women experience during a strip search demonstrates its coercive nature, in which true consent cannot be given due to the threat of force if women do not comply with orders. HMPPS provides that force may be used to conduct a search "that is consistent with carrying out appropriate action to ensure the person being searched complies" (National Offender Management Service, 2016: 21). As such, this suggests that strip-searching is an inherently coercive practice and one which cannot be separated from practices of sexual assault as outlined by Kelly (1988). The prison's total and absolute control over the bodies of women, in which women do not have the right to refuse a body search, is described by Mandy (FIW and PWK):

> Well it is a violation, an absolute physical violation of a woman's body, there's very little that they can't do, you know, stripping you down to your undies, or patting you down… to strip search you completely, so you're completely vulnerable, as a women, when there's so many things about your body as a woman that are so intimate, your periods, women being strip searched when they're on their periods, it's just so humiliating, and that used to happen.

The non-consensual nature of strip-searching was also noted by Hannah (FIW), who highlighted the degrading comments that prison officers would make about women's bodies during strip searches adding to her feelings of embarrassment and vulnerability. Importantly, Hannah (FIW) emphasised that she felt as if she could not resist or say no to a search, which again points to strip-searching as a form of sexual violence:

> They'd [prison officers] laugh about it and all that, and make you feel even worse...they'd say "get on this one" or something like that, you'd hear them saying it, so you'd be sitting there *dying* thinking "oh what are they going to say about *me*?", but you had to do it, *you had to do it.*

Although *Prison Service Instruction 07/2016* (National Offender Management Service, 2016) states that each step of a full search *must* be explained to women including the rationale for the search, Mandy's (FIW and PWK) experience of being strip searched in prison in 1979 was marked by confusion, a lack of explanation and coercion:

> There was certainly no "now this is what we are going to do", you know, there was no preparing you for it, there was no explaining or anything about any rights you had, you know, to refuse, or whether it was somebody medical doing it, or a prison officer, I really can't remember, but I'm pretty sure there was no explanation or anything.

Whilst overt physical force is not always present during a strip search, Janet (PWK) highlighted that women are given an illusion of choice during a strip search to either comply with a search or be sent to the segregation unit:

> If they do resist, then they are taken to segregation, so again, you've got that choice, comply with being strip searched, no matter how against your will it is, or how coerced you feel, or go to segregation.

Importantly, as women are strip searched under the threat of force or further disciplinary action such as segregation this illustrates that the *illusion of choice* does not correlate with freely given, enthusiastic or informed consent. To this, Janet (PWK) therefore stated:

> Strip-searching, I don't mean to say it is rape, but it's a form of real sexual violence, because you are not consenting to it. And if you do go "yeah, yeah, yeah", you're very passively, because *you're having to,* so you're not able to give that *real consent*... so to me it is a real form of sexual violence and violation.

Crucially, as noted above, although physical force is not always present during a strip search, the very *threat* of force is enough for women to change their behaviour in order to avoid a strip search taking place. As such, Janet (PWK) said of strip-searching:

> It's like this haunting presence, this threat, that's always there, so it keeps you in line, and it makes you behave in a certain way, because you're aware that that might happen to you next.

As discussed in detail in Chapter Three, Brownmiller (1975: 15) asserts that rape "is nothing more or less than a conscious process of intimidation by which *all* men keep a*ll* women in a state of fear", resulting in women altering their behaviours in line with male power order to avoid rape. As such,

Janet's statement suggests that women alter their behaviours in line with *penal* power in order to avoid the sexually violent strip search. The pervasive force of strip-searching therefore chimes with Brownmiller's (1975) construction of rape. Furthermore, Brownmiller (1975: 360) contends that although physical force is not always present during rape, the *mere threat* of force is central. Similarly to rape, strip-searching is undertaken with the backdrop of the *threat* of the use of force and, as evidenced by the testimonies of Janet (PWK), Mandy (FIW and PWK), Hannah (FIW), Ann Marie (FIW) and Annie (FIW and PWK): an "invasion of bodily integrity and a violation of freedom and self-determination" (Brownmiller, 1975: 381). This notion of strip-searching as a coercive, threatening force also aligns with McCulloch and George's (2009: 110) assertion that "apart from physical coercion, the context of confinement and the life circumstances of women mean that strip searches are inherently coercive", crucially, however, Brownmiller's (1975) theoretical imperative regarding the threat of force provides a more solid basis for understanding strip-searching as an inherently non-consensual and sexually abusive practice within women's prisons in England.

The notion of strip-searching as re-traumatising for women with experiences of sexual and/or domestic violence is widely recognised in existing literature regarding body-searching (see George, 1992; Devlin, 1998; Pereira, 2001; Kilroy, 2003; Scraton and Moore, 2009; McCulloch and George, 2009; Hutchison, 2020). With 53% of women in prison experiencing emotional, physical or sexual abuse during childhood (Women in Prison, n.d), it must therefore be considered by HMPPS what impact intrusive strip searches can have upon women in prison, who are a distinctly vulnerable population due to their experiences of victimisation. Factors such as engagement in sex work emerged as an aspect of women's experiences which may cause further re-traumatisation during body searches. Annie (FIW and PWK), a former lap dancer, said that her experience of sex work made her experience strip-searching as "doubly intrusive":

> I'd also been a lap dancer before I'd been to prison, so stripping was quite, I wouldn't say traumatic, but I had experience of it, do you know what I mean, in my life, and then for it to be used in prison it felt, I think doubly intrusive in that sense.

As argued by Gemma Ahearne (2016), sex workers in prison often suffer *severe* levels of trauma, violence and victimisation prior to their imprisonment. The Global Network of Sex Work Projects (n.d: 1) similarly stated that between "40-70% of sex workers experience violence in a given year", as such, sex workers in prison represent a stigmatised, vulnerable, and complex population. Elizabeth (FIW), who was a street-based sex worker at the time of her imprisonment, also found the strip search deeply degrading and traumatic: "I was so embarrassed, do you know what, it was just so embarrassing, I hated it, it was awful". Annie (FIW and PWK) and Elizabeth's (FIW) experiences suggest that women with experiences of sex work may have uniquely traumatic experiences of body-searching practices.

As illustrated above, strip-searching may cause existing trauma to be exacerbated, moreover, participants also indicated that strip-searching can also create *new* traumas. Like Ann Marie (FIW), who explained that she experienced strip-searching as abuse, Mandy (FIW and PWK) also identified her experience of strip-searching as sexually abusive. Mandy (FIW and PWK) explained that whilst she remembered some sexually abusive incidents in her life prior to imprisonment, her strip search and internal search (which she saw to be integral to the strip-searching process) was the first instance of *internal* abuse that she experienced in her life:

> I am lucky enough to not remember having any sexual abuse or rape, certainly before that age, there have been, well there had been sexually abusive incidents, but not in terms of internal penetration, so I had nothing that it would trigger or re-stimulate in myself, so that was probably the first time somebody had internally abused me in my life, so I was lucky to get to 24 or 23 with not having had experiences like so many women will have had, and I cannot imagine what it would have been like if you had been subjected to sexual violence or rape beforehand, it would absolutely have triggered, I'm sure, that total loss of control and violation, because it certainly felt like violation to me, and I hadn't got those previous experiences to compare it to.

Authors such as George, (1992), Devlin (1998), Pereira, (2001), Pickering (2002), Kilroy (2003) and Corston (2007) similarly noted that strip searches often cause women to experience trauma, as such, this finding supports the notion that prison body-searching, specifically strip-searching, not only exacerbates existing traumas but also creates new experiences of trauma within prisons. Notwithstanding this, HMPPS merely recognises the potential for these practices to be "embarrassing"

or "difficult" (National Offender Management Service, 2016: 11), a gross understatement of the harm caused to women. Drawing upon testimony from the women who participated in this research, a crucial finding is that central characteristics of strip-searching including "control" (Annie, FIW and PWK; Mandy, FIW and PWK), "power" (Mandy, FIW and PWK; Ann Marie, FIW), "humiliation" (Elizabeth, FIW; Hannah, FIW), "violation" (Mandy, FIW and PWK; Janet, PWK) and "abuse" (Mandy, FIW and PWK; Ann Marie, FIW), attest that strip-searching in women's prisons in England can be situated within the continuum of sexual violence (Kelly, 1988; Scraton and Moore, 2009). Fundamentally, this research also found - given the physical, mental and emotional confinement of women at the hands of the state (McCulloch and George, 2009: 110) and the *threat* of force (not to mention its actual deployment) - that strip-searching in women's prisons in England is an *inherently* coercive and *sexually violent* practice. The relationship between strip-searching as sexual violence and the state is discussed in further detail within the next subtheme.

6.22 (The Mirroring of) Abuse and Control

6.221 The Prison and the Community

As noted above, the controlling nature of strip-searching was something which many participants commented upon. Further to this, participants also discussed how strip-searching and broader searching practices such as rub-down searches, often reflected and exacerbated women's experiences of coercive control *outside* of prison. Janet (PWK) commented upon her experience of conducting research with sex workers in prison and described what she termed a "continuum of control" in which women experience powerlessness and control both *inside* and *outside* of prison:

> She has been controlled her whole life, and prison is just an extension of that, so to her, prison just mirrors all the abusive relationships she's ever had, from her family relationships, partner relationships, in and out of hostels… so to her it just reinforces, mirrors and kind of underpins her whole experience, it's just been like, a continuum, if you like, of control.

Also discussing sex workers' experiences of strip-searching and imprisonment, Annie (FIW and PWK) made links between the exacerbation of existing traumas from women's experiences in the community, and the trauma women experience through practices of imprisonment, particularly strip searches:

> If you've got women who have come from, I mean the sex industry obviously encompasses a lot of things from lap dancing to prostitution and stuff, erm, and I think there needs to be some consideration around that in terms of women and how to do it [strip-searching] in a way that understands the potential trauma that they've experienced in their former life when they were out in the community.

Jen (PWK) also highlighted the relationship between the patriarchal control of women outside of prison by male family members and how such controlling relationships are mirrored by the prison itself, particularly in relation to the control that strip-searching exerts over women's bodies:

> I do just think that I've never met a group of women who in such a concentrated way had complicated and sad and difficult relationships with their own bodies, and prison in many ways contributes to that, not just in strip-searching but in a lot of other fashions, in that somebody may have come to prison and rather than having autonomy over their body there'd be control over their body from typically a boyfriend or maybe a father or an abuser or an uncle and then we mimic that same control over women's bodies, in quite physical ways, though, I guess, in a more state-sanctioned way.

Crucially, Janet (PWK), Annie (FIW and PWK) and Jen's (PWK) statements draw attention to the notion that "informal social controls which women experience (though differently according to class and ethnicity) outside prison [combined] with the formal penal regulations enforced within prisons, creates gender-specific and disproportionate pain to women in custody" (Carlen, 1998: 47). As such, whilst prison practices and modes of control adopted by the prison do hold a mirror to the forms of social control women experience in the community (Howe, 1994; Bumiller, 2009), a key finding of this thesis is that strip-searching *in particular* exacerbates the gendered forms of social control that oppress women in the community within the prison itself. As McCulloch and George (2009: 122) noted "the state through its practice of strip searching maintains and extends the experiences of sexual abuse for women prisoners… outside prison" and, in this way, practices of strip-searching in women's

prisons in England and Wales "an institutional manifestation of women's powerlessness and vulnerability" (Scraton and Moore, 2009: 126).

6.222 In the "care" of the State

The notion of "state-sanctioned" control, as touched upon by Jen (PWK), is therefore critical to a discussion of strip-searching and the *power* which underpins the practice. The use of penal power was central to participant's understandings of strip-searching, for example, Mandy (FIW and PWK) said:

> I think it's [strip-searching] an establishment right from the beginning, "we're in control, the authority is here", the prison officers, the governors, we can do what we want to you, it's about "we can even do this to you, and we will do it, as soon as you come in, so that you know", and then you know, there are so many ways that they keep power and control.

Moreover, participants including Emira (FIW and PWK) also discussed the notion that outside of the prison the practice of strip-searching would not be seen as acceptable:

> It's very humiliating for the person, it really is, to be stripped of all your clothes and I mean, that would not happen in normal day life, you're very, you've got, you're entitled to your privacy, you don't have that in… on a normal day you don't have two women walk up to you and say 'take your clothes off' and men, searching happens more with men in reception, more than any woman. When you consider that women come from sexual abuse and they've been victims of rape, I think it's very very horrible to actually stand there and watch them take their clothes off.

Similarly, Ann Marie (FIW) explained:

> It's that feeling of somebody's got that much control over you, that much power and control over you, that they can, in an instant they say "strip" and you've got to do it, I mean you would never fucking strip naked for anyone else, never.

Crucially, Emira (FIW and PWK) and Ann Marie's (FIW) statements draw attention to the notion that inside of prison, acts which would usually be defined as unlawful or sexually abusive within the community, are deemed lawful, legitimate and acceptable state practices (George, 1992; Hutchison, 2020). Moreover, as argued by VanNatta (2010: 31) "focussing solely on sexual assault as defined by law" overlooks "key forms of sexual violation and coercion perpetrated in carceral facilities"[26].

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[26] This particular quote is also drawn upon by Hutchison (2020: 164), however, I cited this within the original text (VanNatta, 2010).

Influenced by the work of Giorgio Agamben (2005, cited in Green and Ward, 2009: 116), Penny Green and Tony Ward (2009; 2004) attested that the state, due to its use of coercive power and monopoly on the use of legitimate force, can act in contradiction to established moral or legal principles with impunity and legitimacy. It may therefore be argued, drawing upon the voices of participants above, that strip-searching is an expression of the coercive power of the state communicated within the prison. As such, a key finding of this thesis is that the prison negates culpability for the sexual abuse of women in its "care" by deeming strip-searching legitimate and necessary for National Security (National Offender Management Service, 2016) and by defining strip-searching outside of definitions of sexual assault (George, 1992; McCulloch and George, 2009; VanNatta, 2010; Hutchison, 2020).

To develop this line of reasoning further the extent to which the state is culpable of the "routinization of sexual abuse… such as the strip search" (Davis, 2003: 81) must be considered. Whilst Davis (2003: 81) argues that the state is "directly implicated" in the sexual abuse of women in its "care" whilst in prison, Hutchison (2020: 169) asserted that terming strip-searching "state-sanctioned" sexual assault suggests that "the state is merely giving permission to individual guards to perform strip searches" and argued that the state must be held directly accountable for "developing policies, mandating practices and enforcing the use of strip searching". Hutchison (2020) thus advocated for an understanding of strip-searching as "state-*inflicted*" sexual violence, as opposed to "state-sanctioned", which she views as passive. As women are, according to Erica (PWK), strip-searched "in an environment where you are subject of the power and control of the state" this thesis asserts that strip-searching in English prisons for women is "state-*inflicted*" sexual assault and an *inherently* coercive and sexually violent practice due to the power of the state and their monopoly on the use of legitimate force (Green and Ward, 2009). As such, by combining the testimony of women who participated in this research with the conceptual influences discussed above, the state is arguably responsible for the creation of strip search policies, procedures and practices in women's prisons that amount to sexual assault/abuse.

Like Kelly's (1988) conceptualisation of the continuum of sexual violence, VanNatta (2010) asserted that in order to conceptualise sexual assault/abuse within women's prisons, we must fundamentally alter our understanding of sexual violence outside of ascribed legal boundaries. Whilst Kelly's continuum of sexual violence is critical to this thesis's understanding of strip-searching as sexual violence, VanNatta (2010: 43) highlights that a framework of sexual violence must:

> …Incorporate an understanding of behavior by individuals or groups acting on behalf of the state or other institutions, so that the individual carrying out the act is not necessarily the only perpetrator. The system and institution, and those in charge of that institution, are (also) perpetrators.

With this assertion in mind, as well as the clear relationship between state-inflicted practices of strip-searching as sexual violence, as demonstrated by my above discussion, I therefore question whether Kelly's (1987) continuum of sexual violence should be expanded in order to *explicitly* include not just interpersonal acts of sexual violence between, say, a man and a woman, but to include acts conducted by multiple actors with institutional power, such as those who are employed by the state. Whilst Kelly (1987: 41) *does* include within her definition "*any* [emphasis added] physical, verbal or sexual act that is experienced by the woman… as a threat, invasion or assault, that has the effect of hurting her or degrading her and/or takes away her ability to control intimate contact", she *does not* explicitly comment upon the relationship between the state and acts of sexual violence and focuses more upon *interpersonal* acts of sexual violence. Despite this, following Kelly's (1987: 141) argument that "the unnamed should not be mistaken for the non-existent", I argue that the findings of this research demonstrate that her continuum of sexual violence must be extended to include state-inflicted acts of sexual violence upon women within prisons.

Whilst strip-searching exists as a form of state-inflicted sexual violence within English prisons for women, as discussed earlier within this chapter and throughout the thesis, scholars also note similar experiences across the globe. As such, whilst a key finding of this research is that strip-searching in prisons for women in England can be experienced as sexually abusive, controlling, coercive, and mirrors women's experiences of social control within the community, I also want to draw attention to

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the *shared* experiences of women with experience of imprisonment across the world. There is a distinct *shared experience* that imprisoned women inhabit, stemming from the oppressions and forms of social control they are subject to. As such, in line with a radical feminist theoretical position, I argue that imprisoned women share a certain experience (Morgan, 1970; Evans, 1986; Klein and Rowland, 1996; Bryson, 2003)*,* which is influenced by their shared sex, gender, and experiences of criminalisation and sexual violence at the hands of the state. This experience, of course, is not only shaped by their experiences of sex, gender, criminalisation and imprisonment, but is also informed by class, race, sexuality and ability, as well as other forms of oppression and identity.

6.23 Rub-Down-Searching and Intimate Intrusions

Within the previous subsections of this chapter, I have paid close attention to the practices of strip-searching and intimate searches, which are most commonly discussed within the literature. As I discussed within earlier chapters of this thesis, with regard to body-searching in women's prisons, there has yet to be any focus upon the use of rub-down searches, which has left a lacuna of knowledge regarding this issue. As stated earlier, prior to Corston's (2007) review of women with particular vulnerabilities in the criminal justice system, all women were given a mandatory strip search on entry to prison. However, on account of Corston's findings *Prison Service Instruction 07/2016* (National Offender Management Service, 2016: 16) now stipulates that rather than a strip-search, women prisoners on entry to prison "must be given a Level A rub-down search and scanned with a hand-held metal detector". Furthermore, women are also mandatorily required to be searched in this way when transferring to another prison, as part of a routine cell search and following a visit. As noted in Chapter Three, a Level A rub-down search does not require the removal of clothes in order to carry out the search, however, it does include the searching of prisoner's hair, and a check inside her mouth, ears and nose, a search of underneath her breasts and a check of each leg from ankle to crotch with hands and a metal detector (ibid: 20). HMPPS note that this search must only be conducted by staff of the

same gender of the prisoner, and insist that such searches are "not intended to be intrusive" (ibid: 28).

The formerly imprisoned women who participated in this research often compared the use of rub-down searches to that of strip searches. To this, some women in the study determined that a rub-down search was the least unpleasant of searching techniques - something that they did not like but was not seen *as troubling* to them as a full strip search. For example, when discussing the rub-down search, Hannah (FIW) said "oh yeah, [a rub-down search would be] much better, cos' I don't see why you should get strip-searched, alright I shouldn't have drugs but it doesn't matter". Similarly, Vanessa (FIW and PWK) commented of her rub-down-searching experience: "[sighs] to be honest, didn't really, for me, that kind of thing wasn't the thing that really sort of got to me…". Whilst women commented that the rub-down search perhaps "wasn't too bad" (Elizabeth, FIW), themes regarding the normalisation of rub-down searches emerged amongst the women I interviewed. With regard to this, Elizabeth (FIW) said:

> Erm, well, it's just, erm, it wasn't too bad the patting down bit, you got used to that because like most of the time after a visit you got patted down and stuff, "open your mouth" and coming from like the workshop and that, they just, it was quite quick…

Similarly, Kate (FIW) commented:

> You were always patted down in prison, all the time, all the time, I'm pretty sure I used to get patted down every time I came back from reception, but it got to the point where because I was doing it every day, four times a day, cos' I'd go in the morning come back in the afternoon, get banged up for a bit, go back down, and erm, yeah, they used to basically pat me down, but it was pretty much just a quick underarms and quick down the bottom of the legs, it wasn't too... but then you get the odd screw that would be there that wouldn't normally be, don't normally see me and didn't norm- and then they'd give you a proper, you know, a proper good pat-down and that, you know, under the bra wire and all that, but I think it got to the point where it was just, I just used to go up and hold my arms up straight away, you know, waiting for it, ready for it.

Although the women I spoke with often found the experience of rub-down searches relatively normal, something which occurred often, and something they were used to, Mandy (FIW and PWK)

importantly highlighted the relationship between rub-down searches, and the capacity for them to be misused, or experienced as sexually violent:

> In fact, that is something they did used to do at [name of prison redacted], maybe it's only minor this, but when they did the pat-down, they would feel around your hair as well, but it would be a pat-down, you'd have your arms out, they'd pat you down, but none of them were ever abusive, none of them ever were you know, abusive in that situation that I can remember at [name of prison redacted], I'm sure that does happen though when you're in a vulnerable position, even the pat-down can be sexually abusive.

Mandy draws attention to a crucial issue, the fine line between so called "normal" and aberrant behaviour, as discussed by Stanko (1985) within her seminal text *Intimate Intrusions* in which she noted that due to women's socialisation within a violent patriarchy, women's abilities to distinguish between typical and aberrant male behaviour are blurred, with sexually abusive behaviour often seen as the "norm". The repeated practice of pat-down-searching, as noted by Elizabeth (FIW) and Kate (FIW), may therefore act to "normalise" women's experiences of rub-down searches outside of behaviour perceived to be aberrant or abusive. Whilst Stanko (1985) refers to male power within her theory of intimate intrusions, Carlen (1998) notes that this concept is also of use when looking to the practices of the prison. As such, I argue that male power and penal power play a similar role in the normalisation of aberrant behaviours.

In line with Mandy's (FIW and PWK) assertion of the potential for rub-down searches to be abusive, Emira (FIW and PWK) clearly identified her experience of rub-down searches as intrusive, degrading, and aberrant. Of the repeated rub-down searches Emira (FIW and PWK) experienced during her imprisonment, particularly before and after visits from her children, she said "it was quite humiliating, especially when it's done with other people around you, yeah, I found it very degrading". As a survivor of child sexual abuse, Emira (FIW and PWK) told me that she already had issues with people touching her, however, her experience of rub-down searches exacerbated this, particularly when she was rub-down searched at work. As Emira (FIW and PWK) was housed in an open prison in the latter stages of her sentence, she was required to work at a local supermarket (part of a national chain) in order to fulfil her Release on Temporary Licence (ROTL) requirements. Emira (FIW and PWK) reflected upon

her experience of being rub-down searched as she was leaving work, which was conducted by her manager at the supermarket, in front of her colleagues. Emira (FIW and PWK) said:

> When I, erm, was out on day release I had to go to work, so I was working at the [name of business redacted] three days a week, and I always felt like, it was just something in my head probably, but I always felt like I was going to be searched so we weren't allowed to have our phones in our pockets, but I mean, coming out from prison that's the first thing you want, so I always used to have my phone in my pocket, so at the end of my shift once the manager said "look just as part of procedure we have to give you a quick rub-down, see if you've got anything you shouldn't have" and I think that hit me really hard…

Crucially, Emira's (FIW and PWK) testament demonstrates the bleeding of prison practices into civil society, and the dangers of what Stan Cohen (1985) termed "net-widening" and the "dispersal of control", in which penal power leaks into the community, amplifying the social control of those deemed deviant. This particular experience of rub-down-searching had a profound impact upon Emira (FIW and PWK), in which her feelings of powerlessness associated with her prisoner status intensified:

> They [the supermarket] were in partnership with the prison and they were allowed to [conduct rub-down searches], erm, it just shows how powerless you become as a prisoner wherever you go, and I don't think I could ever let anyone touch me, it does have an impact on you as a person, more than you'd think, more than you'd think.

Emira (FIW and PWK) and Mandy's (FIW and PWK) testimonies demonstrate that although rub-down searches are deemed by HMPPS as "not intended to be intrusive" (National Offender Management Service, 2016: 28), they have the capacity and capability to act as a degrading, intrusive and traumatising practice. As such, by extending the work of Stanko and Carlen, women's testimonies suggest that rub-down searches - as an exercise of penal power - constitute an intimate intrusion in which women are denied the capacity to control intimate contact. This is a key finding of this thesis, which poses serious questions to HMPPS's insistence that pat-down searches are "not intended to be intrusive" (National Offender Management Service, 2016: 28). Whilst rub-down-searching may be seen as a "less intrusive" form of body searches, it critically shares the *same core characteristics* of "more intrusive" body-searching practices such as strip-searching, with a loss of control, removal of privacy, intrusion, and degradation key to its practice. The key contention then is that rub-down-

searching, like practices of strip and intimate-searching, also fall within the same continuum of state-inflicted sexual violence (Kelly, 1987; VanNatta, 2010; Hutchison, 2020).

6.3 <u>Gender, the Prison and Patriarchal State Power</u>

6.31 Body-Searching as a Gendering Strategy

The centrality of body-searching to the enforcement of gender roles became apparent throughout my interviews with formerly imprisoned women and professionals with knowledge of women's imprisonment and body-searching. It is well-established that women's prisons have been harnessed to transform gender deviant women into "proper women" who comply with typical feminine norms such as domesticity and passivity (Rafter, 1990; Carlen, 1983, 1998; Dobash, Dobash and Gutteridge, 1986). Similarly, it has been argued by scholars such as Aretxaga (2001) and Corcoran (2006) that body-searching practices, namely strip-searching, are used as a specific means of enforcing acceptable femininity in line with the ideology of the state. The use of body-searching as particularly *gendered* punishment and a *gendered* sexual assault was highlighted by Mandy (FIW and PWK):

> It was just so clearly an assault, a bodily, and to some extent, a sexual assault on women, as a further punishment, compared to the men.

Crucially, Millett (1970) noted that in order to enforce gender socialisation, the use of bodily force is often deployed to create submission to patriarchal ideals. Similarly, Daly (1978: xi) stated that women who step out of line with the norms of feminine behaviour, are often subject to a "variety of cruelties and barbarities" in order to enforce submission to acceptable femininity centred around powerlessness, docility and inferiority. With this in mind, participants discussed a broad variety of reasons as to why women would be subject to body-searching practices, many of which related to women transgressing acceptable feminine behaviours. For example, Kate (FIW) said that when women argued, they would often be strip-searched in order to "shut you up" and "keep control":

> You felt sometimes if there was arguments and stuff like that between the girls and stuff like that, they would take them away and do a strip search. That to me was a case of "well

this'll shut you up, behave yourself or this is going to happen", that kind of, it was definitely that kind of power play, definitely, it was a way of like, keeping control, if you like, yeah.

Similarly, Janet (PWK) told me that certain women who were "seen as mouthy or trouble" were subject to strip searches, which were used to "knock them down a peg or two":

> I just saw strip-searching from what the women were telling me, was being used to punish them, and certain women that were seen as mouthy or trouble, it was used to get them in that way, to kind of knock them down a peg or two.

Annie (FIW and PWK) was also repeatedly strip-searched by the same officer after kissing her boyfriend and getting close to him on visits. Annie (FIW and PWK) viewed such repeated strip searches as a method to attempt to control her behaviour, which was seen by officers as promiscuous, and to intensify her feelings of powerlessness as an imprisoned woman:

> There was one particular officer who took a dislike to me, she took a dislike to me, there was no arguments that took place or anything, cos I was pretty meek and mild in prison, in fact very meek and mild, but myself and my partner who waited for me the whole time, we would obviously try to get as close as we could on visits, nothing sexual obviously but kissing, holding hands and stuff, she really didn't like that, erm, and after every single visit she used to strip search me. Which, kind of felt punitive and uncalled for, because as I say, drugs weren't anywhere in the vicinity of me, and I wasn't a risk in terms of that, it almost felt like it was her kind of using her power to kind of erm, make me understand the power inequality.

Kate (FIW) also noted that women were often subject to searches for being "too happy" and to keep women "toned down":

> I mean, it was always, if you were happy, if you were quite happy for more than 2 or 3 days in there, you'd get your cell tossed [and strip searched], because why, it was just… I'm so glad they don't put women in there anymore [name of prison redacted], it's just not, it's just not… I know jail's not meant to be nice but...
>
> You could tell that they were using it [strip-searching] a bit to throw their weight around, you know, a control thing, a way of keeping control, a way of keeping things nice and you know, we've just had like a load of women on 23 hour bang up and then they let them all out and they're like animals they just go a bit like "wheeey", so the way of keeping, basically, a way of keeping that toned down, you always had that threat of [strip-searching] over you, always had the threat of [being strip searched].

Kate (FIW), Annie (FIW and PWK), Mandy (FIW and PWK) and Janet's (PWK) testimonies therefore suggest, in line with the work of Millett (1970) and Daly (1978), that body-searching is used in prisons as a method of punishing behaviour deemed to be unfeminine and enforcing constructions of

femininity underpinned by passivity and docility. As such, body-searching can be understood as one of many varieties of "cruelties and barbarities" (Daly, 1978: xi) enforced upon women in order to create gender socialisation from deviant women to conforming women (Carlen, 1982, 1998; Dobash, Dobash and Gutteridge, 1986; Aretxaga, 2001; Corcoran, 2006). This key finding supports Carlen's (1982) notion of "Papa's Discipline", as discussed in Chapter Two, and suggests that not only are women's movements, speech, and daily lives controlled, but a mechanism to *enforce* such control is *through* body-searching.

6.32 The Nexus of Ethnicity, Race, Gender and Body-Searching

The previous sub-theme discussed body-searching as a gendering strategy and the same practices are also racialised. As noted in Chapter One, the intersections of race, class, ethnicity and gender play a significant role in the criminalisation of women from minority ethnic groups[27] (Gross, 2015; Prison Reform Trust, 2017b). Within England, black[28] women are more likely to be imprisoned than any other woman, however, such women are often left out of analyses of imprisonment, despite their disproportionate representation within the criminal justice system (Prison Reform Trust, 2017b). Within this research, I found that participants were reluctant to discuss matters of "race" and "ethnicity". Despite this, however, it must be acknowledged that due to the compounding nexus of class, race, ethnicity and gender, this likely has an impact upon the ways in which imprisoned women from a minority ethnic background experience body-searching practices. Within the existing literature regarding body-searching, however, little reference is made to the experiences of women from ethnic minority groups, with the matter of ethnicity, for example, often focussing upon white Irish women's ethnicity and subjugation due to their Catholic identity (Aretxaga, 2001). I therefore echo the testaments of Hutchison (2020), who noted that more must be studied and understood about women

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[27] As noted within Chapter One, women from "minority ethnic groups" refers to those from a Black, Asian and Minority Ethnic background, which is the terminology used by the Prison Reform Trust (2017b), as adopted from the Lammy Review (2017, cited in Prison Reform Trust, 2017b).
[28] "Black" refers to women of an African or Caribbean descent.

from minority ethnic groups experiences of body-searching practices in prisons. Of the participants who *did* have something to say about race, ethnicity and body-searching, their message was clear: body-searching exists within not just a realm of gendered control, but also racialized control, for example, Allison (PWK) said:

> Strip-searching, becomes a message of control which is gendered or raced or classed, or other forms of significance.

Emira (FIW and PWK) was the only participant within this study who identified as being from an ethnic minority group. Emira (FIW and PWK) stated that she understood that through her experience as both a former prison officer, and as a formerly imprisoned woman, that women of ethnic minority backgrounds, particularly black women, are more likely to be subject to a search than a white woman. Emira (FIW and PWK) reflected upon her experience of discussing this issue with black women she served her sentence with, she said:

> I believe that if you're black, you're either much more likely, much much more likely to get erm, searched or be a target. A lot of women would talk to me a lot about their experiences, especially before, you know [name of prison redacted] in London? Before that closed. So a lot of the women I served with had come from, [name of prison redacted] and they were always speaking more about, erm, those kind of things happening and it was always the black girls talking about how they were targeted and how they were searched quite more often.

Both Emira (FIW and PWK) and Allison's (PWK) testimonies suggest therefore that body-searching is not just a practice of gendered power but is also an expression of racialised state power. As such, for women who have further subjugated identities based upon their race and/or ethnicity may experience body-searching practices more severely due to their intersecting identities as both gendered *and* racialized subjects (Lourde, 1984; Bryson, 1992).

6.33 Women as Aggressors? Female Officers, Body-Searching and Patriarchal State Power

Throughout the course of searching the literature relating to practices of body-searching, it came to my attention that little thought had been paid to the role of prison officers' gender and its relationship to women's body-searching. As women can only legally be searched by a member of staff of the same

gender, such searches are *exclusively* conducted by female prison staff. Whilst Aretxaga (2001: 18) *has* commented upon the gender performativity of female prison officers from a Foucauldian perspective, arguing that during mass strip searches in Maghaberry Prison, female officers (who also acted alongside men during strip searches) performed as an extension of the male body; my analysis looks to a radical feminist analysis to understand the relationship between female prison officers' gender, violence the state and patriarchy. Crucially, I am concerned with accounts of body-searching in which both the searched and the searchers were exclusively female.

A significant issue that was raised within interviews with both formerly imprisoned women and professionals with knowledge of body-searching was the question of *women* as enforcers and performers of body-searching practices. Many participants noted that it may be *assumed* that if a female officer was to perform, say, a strip search on an imprisoned woman, by virtue of their shared gender, this would make the searching experience more comfortable, less exploitative and a more respectful process. Despite this, however, participants noted that just because the acting officer may share the same gender as the woman subject to a search, this may not negate the discomfort experienced, for example, Rosa* (PWK) said:

> I think, you know, now we know that they have to be carried out by a prison officer of the same gender and another prison officer of the same gender or another member of staff of the same gender present at the same time, and you know, I'm sure people try to do them as nicely as possible, but I can imagine it's still a horrendous experience.

Similarly, Gloria (PWK) explained:

> I think sometimes people get the idea "well if it's another woman searching you then what's the problem?", but I think for lots of women, the kind of feeling is, not that that's worse, because it's not, it's worse to be strip searched by a man, particularly if you've been abused by a man, but the kind of notion that its women doing this to other women, you know, feels bad, you know, that a woman would do this to another woman, particularly if it's done in a degrading way.

Many of the formerly imprisoned women reported that when they knew they would be searched by another woman, they breathed a sigh of relief, assuming that they would be treated respectfully due

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* Participants name has been replaced with a pseudonym.

to their shared experience of womanhood. To this, Ann Marie (FIW) and Elizabeth (FIW) said, for example:

> Honestly, because it's just so, such a scary, horrible, degrading fucking experience, and more so because its two women, and one of the women was an older woman and I looked at her like "oh thank god", like somebody like my mam that would think "oh my god, trust you" you know, have a wee bit of, not sympathy for you but wouldn't treat you bad and she was the *worst*, she was the fucking worst and it was a shock to my system because I'm like, "oh my god, the one person I thought would have been alright" cos the young ones sometimes they want to make a name for themselves, but I thought the older… but she was the one as if she was teaching the other one, you know what I mean "I'll teach you the tricks", that's the kind of things I got from it, and the more horrible she was the better, cos that's what she needed to teach the, the, because the one who was in there was a student, not a student screw but a newbie, you know what I mean, just fresh on the block. (Ann Marie, FIW and PWK)

> It's strange because like, you'd think that they'd [women officers] understand more, but they don't. You know what I mean, they're just like, they're horrible, they just don't care, they're just on a power trip, I think. (Elizabeth, FIW)

However, participants were shocked to realise that in fact, the gender of the officer did not negate their experience of degradation, humiliation or trauma. This aligns with Hannah-Moffat's (2000: 18) warning that "the governance of women by women can be as problematic as the governance of women by men, especially when the relations among the 'keepers' and the 'kept' are shaped by the institutional dynamics of imprisonment". To this, in fact, participants often noted that they felt *more* negatively about their searching experience due to their shared gender with the officer conducting the search:

> The fact that it was a woman asserting her power over my body, I think felt slightly more perverse in a way, with men you can kind of understand, you can kind of make those excuses for them that that's just the way they are and they think with other parts of their body, but for her, it almost felt like it was a psychological, like, power thing. (Annie, FIW and PWK)

Similarly, Kate (FIW) questioned the significance of the gender of the officer who searched her, and wondered if and how this impacted her experience of body-searching:

> I was really embarrassed to be honest, really embarrassed, erm, plus, because the women who did the strip search erm, like, she wasn't gay, but there was a lot of, there were a lot of gay female prison officers. But I do always remember thinking, I remember always thinking to myself "I don't know what would have been better?". I don't know what would have

made me feel better, would I have felt worse if it was quite a butch officer doing it, or the officer that did it? I mean, I don't know- what would have been, it just, it was embarrassing, I just remember I was so embarrassed, so so embarrassed.

The very fact that women experienced being searched by female officers as degrading led many participants to question the notion of a shared female experience and the concept of female consciousness and solidarity, for example, Gloria (PWK) said:

I think there is still something around women doing what feels like abuse to another woman and I felt quite strongly, that's not to say that it would be better if it were men, because obviously it's worse if it were men strip-searching women or being involved at all, but I think it challenges ideas about female solidarity around things like childbirth and menstruation and bodies.

Though I have established that being body searched by a female prison officer does little to negate feelings of degradation and violation, this issue may be further understood through a radical feminist lens. Whilst the vast majority of sexual violence against women is committed by male perpetrators, by taking account of the testimonies of the women participants, it must also be acknowledged that women *can be* and *are* aggressors of sexual violence against other women. Millett (1970: 57) notes that dominant groups often provide chosen individuals within oppressed groups some form of power, in which it is anticipated that such individuals control and regulate the behaviours of others within the corresponding social group. With this in mind, Millett (1970: 57) argues that "a certain handful of women are accorded higher status that they may perform a species of cultural policing over the rest". As women can collude with male power in order to have a sense of higher status, I argue that the enactment of body-searching, and thus state-inflicted sexual violence against imprisoned women, offers female prison officers a semblance of a position of power culturally reserved for men. Female prison officers may therefore adopt a form of gendered "false consciousness", by which a subordinate group adopts the hegemonic norms of a powerful institution or culture, which in this instance, is that of patriarchy (Lafontaine, 1983). However, as noted by Thompson (2001), "women cannot *be* "masculine" in any sense which implies that women can take on the rights, benefits and prerogatives of men... But women can uphold the meanings and values of masculinity", as such, female prison

officer's proximity to patriarchal power does not afford them with actual structural power to break free from the shackles of their gender, but acts to merely uphold masculinity and patriarchy more broadly. A key, original aspect of this research, therefore, is the recognition of the role that women play in the enactment of state sexual violence against imprisoned women, which I contend is influenced by an appeal towards the exertion of power and status not typically culturally afforded to women due to their position as a subordinate gender.

Although I have concluded that body-searching is an enactment of state-inflicted sexual violence in discussing previous themes, I must contend that this form of violence, despite its enactment and enforcement by female agents of the state, is also *patriarchal* violence due to its proximity to the male state more broadly (Connell, 1994; MacKinnon, 1989). As discussed in Chapter Three, MacKinnon (1989: 162-163) argues that the state is a patriarchal institution constructed and upheld by male power:

> The state is male in a feminist sense. The law sees and treats women the way men see and treat women. The liberal state coercively and authoritatively constitutes the social order in the interest of men as a gender- through its legitimating norms, forms, relation to society and substantive policies.

Similarly, Kathy (PWK) noted that "the law is patriarchal, the law is designed and built and delivered for and serviced by men, primarily". Bertrand (1999: 57) extended MacKinnon's notion of the state as male by asserting that through its proximity to the patriarchal state, "prison laws are sexist, male and gendered". As such, it may be argued that state institutional practices, namely those of the prison, are built upon and congruent with the demands of patriarchal power (Bertrand, 1999). With this in mind, despite body-searching being conducted by *female* prison officers, the very position of body-searching as *state-inflicted* sexual violence, as I established previously (Kelly, 1987; VanNatta, 2010; Hutchison, 2020), implicates body-searching as a mechanism of *patriarchal control* and an extension of *male power*, within the realm of *male violence* (MacKinnon, 1989; Bertrand 1999). Taking this into account, it can be argued that the enactment of body-searching by female agents of the state can therefore act as a conduit for male power to be expressed. I therefore contend that body-searching can be

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understood as a mechanism and continuum of patriarchal state power, gendered control and sexual violence in which the male power of the state is exercised upon the bodies of imprisoned women. A central finding of this research is therefore that body-searching *must* be categorised as a continuum of *patriarchal*, state-inflicted sexual violence due to the position of the state, and thus the prison, as an institution of male power.

6.223   Conclusion

This chapter has provided the reader with a significant understanding of a radical feminist approach to body-searching in women's prisons in England and Wales. Drawing upon the women's testimonies, I determined in the first theme that due to the non-consensual nature of strip-searches such practices must be understood within the scope of the continuum of sexual violence (Kelly, 1988) and argued further that they represent inherently coercive and sexually violent impositions due to abiding threats of force and the power of the prison that underpins them. Moreover, this sexual violence not only reflects and compounds women's experiences of abuse and control *outside* of prison but it also implicates the state in the sexual abuse of women *within* prison. Crucially then, I identified strip-searching as not just *state sanctioned* sexual violence (Brownmiller, 1975; Kelly, 1988) but *state-inflicted* sexual violence (VanNatta, 2010; Hutchison, 2020). This finding is crucial to this thesis and it extends Kelly's conceptualisation of sexual violence to include acts committed by the state. Nearing the end of the chapter, I then discussed experiences of rub-down searches and found that although rub-down searches are often conceptualised as a "softer approach" to body-searching, they still have the potential to cause significant trauma and feelings of violation to women. As such, I argue that rub-down searches must be included within the remit of state-inflicted sexual violence. Lastly, I examined body-searching as a gendered and racialised system of power, in which women are subject to "Papa's Discipline". Finally, I looked to an analysis of the role of female prison officers in the body-searching of women in prison and their collusion with power structures which enforce patriarchal compliance. I have argued that by conducting searches women prison officers act as a conduit for patriarchal state

power to be exercised upon women prisoners. Using a radical feminist theory of the state (MacKinnon, 1989; Bertrand, 1999), I therefore conclude that body-searching practices must be understood as a mechanism and continuum of patriarchal state power, gendered control and male sexual violence. Set against this, the following chapter examines women's resistance to body-searching practices, problematises potential technological alternatives to intrusive strip-searches and analyses body-searching practices through a Human Rights lens.

Chapter Seven

Resistance, Punishment and 'Alternatives': What is the Future of Body-Searching?

7.1 Introduction

The previous chapter provided the reader with a closer understanding of the embodied experience of body-searching for women in prisons in England. Following this, this chapter examines the forms of physical and symbolic resistance strategies women adopted. Critically, the way women *used* gender, ideals of femininity and 'weaponised' their own bodies to resist body-searching practices is discussed. Next, the chapter also critically examines technological alternatives to strip-searching. The chapter then analyses how body-searching practices impact upon the relationship between staff and imprisoned women and consider how the contradictions between pastoral care and penality significantly disrupt positive relations. The final theme of the chapter looks to the future of body-searching and women's imprisonment and draws implicit links between the abolition of body-searching and the abolition of prisons for women.

7.2 Resisting the Search

Women's resistance to penal regimes was discussed in great length by both the formerly imprisoned women who took part in the study and by the professionals with knowledge of body-searching and women's imprisonment more broadly. Some of the formerly imprisoned women noted the futility of attempting to *physically* resist body-searching practices due to the degree of powerlessness and vulnerability that they experienced. Annie (FIW and PWK), for example, explained that when she was repeatedly strip-searched after visits "there was no way of verbally resisting or physically fighting back". Annie's lack of physical resistance aligns with Wahidin's (2016) work which notes that women prisoners in Northern Ireland felt that the overwhelming power of the prison meant that they had no recourse to physically resist their strip-search. Rosa (PWK) commented upon the threat of physical

restraint as central to women's hesitancy to physically struggle against a body-search. As stated earlier, the power to use force for non-compliance to body searches is clearly provided by *Prison Service Instruction 07/2016* who state that "reasonable force can be used to ensure prisoners comply with searches" (National Offender Management Service, 2016: 11). Rosa (PWK) reflected:

> I think that's the problem with the reinforcement of power, because if people don't comply when they're asked to submit themselves to searches civilly, then there's almost the threat that they'll be restrained or something.

Similarly, Hannah (FIW) commented that her status as an imprisoned woman mitigated her right to *physically* resist, which speaks to the lack of agency and control that women prisoners hold over their own bodies:

> No, I just accepted it, you know, it was jail, you've got no rights have you, you can't start…

Emira (FIW and PWK) also drew attention to women's vulnerability as a factor which stifles their abilities to resist body-searching practices:

> The thing with women, I believe is, a lot of them were vulnerable, so they wouldn't speak up, and they wouldn't really complain.

With this in mind, whilst patriarchal societies punish and blame women for *being* sexually assaulted and question why women did not physically fight back during assaults (Brownmiller, 1975; Russell, 1975; MacKinnon, 1989; Kelly, 1988), practices of body-searching in fact promote *passivity* in the face of a bodily assault (Pereira, 2001; Kilroy, 2003). As such, drawing upon Bosworth's (2000) research regarding how power and resistance are negotiated in women's prisons, I submit that by countering resistance to body-searching with the use of physical force (National Offender Management Service, 2016: 11), the prison actively enforces female passivity in the face of non-consensual acts such as body-searching, reinforcing women's powerlessness both outside and inside of prison.

Although none of the women I interviewed had *physically* resisted being searched, they had witnessed other women be restrained for refusing to comply with a search. For example, Kate (FIW) worked in

the reception during her imprisonment as she was seen as a "trusted" prisoner. Due to this role, she witnessed the influx of women entering the prison and the ensuing searches. As such, Kate (FIW) saw resistance occur in the reception suite when women were told they were about to be strip searched and the force that women endured: "it was always a case of, the arms, the arms were up their back and then two screws went in and did it". Despite Kate's (FIW) testimony, I found little evidence of physical resistance to body-searching practices within my data, which arguably points to the effectiveness of the prison regime of breaking women's spirits (Scraton and Moore, 2014). Indeed, the breaking down of women's ability to resist was noted by Gloria (PWK): "there wasn't a lot of resistance, women felt humiliated, stressed, and really quite broken by it".

Whilst the testimonies noted above demonstrate the barriers to *physical resistance* to body-searching practices women prisoners referred to *other* resistance strategies. As discussed by Bosworth and Carrabine (2001), women's resistance to prison regimes often takes the form of small actions within their everyday encounters with asymmetric power relations with staff. Such small acts of resistance in the face of punitive body-searches were highlighted by my research participants. Rosa (PWK) explained:

> I think inevitably there are, I do think women resist in lots of different ways… I expect that forms of resistance that women tend to use are more diverse so they think probably like, trying to think of something different, do things in their imagination or in their mind, use humour as a way of counteracting it, and I think that, you know, I suppose these are the strategies of resistance of people in a very powerless position.

The use of humour as an act of resistance to body searches was something Janet (PWK) identified:

> It was, it was, do you know what, it was like they [imprisoned women] weren't emotional about it, they were laughing at the guards, I guess as a way to regain power and a feeling of autonomy, so they would laugh… but obviously, that, well, I can't say what they're thinking, but to me it seemed like that was very much a defence mechanism and a way to, perhaps try to regain some power in that situation. Because obviously as a female prisoner you haven't got any power, so that's just what I picked up.

Janet (PWK), like Rosa (PWK), therefore suggests that women used humour as a mechanism to regain power within an otherwise powerless situation.

As discussed throughout this thesis, women's imprisonment can be understood as a gendering strategy, with imprisonment serving both to remove women's perceived feminine role as mothers and wives, for example, whilst also enforcing gendered ideas of passivity and docility through patriarchal institutional control (Bosworth, 2000; Carlen, 1982; Dobash, Dobash and Gutteridge, 1986). Pereira (2001) in particular asserted that strip-searching actually works to reinforce traditional notions of female passivity, through the stifling of resistance and the creation of an environment of helplessness. A crucial finding from the previous results chapter was that body-searching practices contribute to the gendered control of imprisoned women. As such, when Janet (PWK) discussed resistance strategies to body-searching practices she implicitly linked them to gendered ideals:

> One of the women had been threatened with strip-searching, so she said if she was going to be strip-searched, like, she wouldn't wash and stuff. So it'd be like yeah strip search, and make it as uncomfortable for them as possible. So things like that, your body being used as a weapon against you, but there are ways you can make it more uncomfortable for the people to come across your body, it's a really small, minor form of resistance, but it makes the women feel better, like they've got one over back on them [the prison officers].

Similarly to Aretxaga (2001), who asserts that strip-searching is used as a weapon of punishment, Janet (PWK) importantly describes strip-searching as means for the prison to use women's bodies as a "weapon". To counter such an attack, Janet highlighted that women would also use *their own bodies* as a weapon against staff by "not washing". This form of resistance, I argue, therefore draws upon ideas of acceptable femininities (Corcoran, 2006), and weaponises unacceptable feminine presentation *against* prison officers. In this way, Janet's testimony suggests that women can harness typically unacceptable notions of feminine presentation to exert a form of their *own* punishment upon staff. Resistance to body-searching practices, therefore, are not only about *avoiding* body searches but also retaliating against the prison itself and shifting typical asymmetrical patterns of power.

Annie (FIW and PWK) similarly used resistance strategies which drew upon the tension between unacceptable and acceptable feminine presentation. As I detailed within the previous chapter, after visits from her boyfriend Annie (FIW and PWK) experienced repeated strip-searches which were all undertaken by the same female prison officer. Annie (FIW and PWK) explained:

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My way of kind of, I suppose, asserting my own control over that situation which sounds ridiculous now, but for me it was important, was to stop shaving [laughs], so I was like, my attitude was, well if you're going to fucking traumatise me by strip-searching me I'm gonna traumatise you by not shaving anywhere, and exposing you to my hairiness! Or maybe even psychologically, like a way of covering up, do you know what I mean, erm, and keeping my body as my body. I think it was just, it was the only thing I could do. There was no way of erm, verbally resisting or physically fighting back, so it almost felt like, the only control I had, was in letting my leg hair and my pubic hair, sort of grow, erm, which you know, only looking back now, I didn't analyse it at the time, it was that kind of 'fuck you too' thing, if you like, whereas now, I think I'm obviously a lot further on and a lot more aware of the of the things and I had a lot of therapy and I think it must have been a psychological, either covering up and just trying to take back some control over the situation, even in such a little pathetic petty way.

Annie's (FIW and PWK) way of resisting repeated strip searches was by *not* conforming to the acceptable feminine standard of hairlessness, in a bid to create an uncomfortable situation for the acting officer. Annie's (FIW and PWK) resistance to patriarchal norms such as the removal of bodily hair is coherent with Kelly's (1988) analysis, in which she notes that whilst women may not physically resist a sexual assault they can actively resist by refusing to be controlled by patriarchal norms and ascribed behaviours. As such, Annie's (FIW and PWK) refusal to remove her body hair can be understood as a harnessing of unacceptable femininity and a weaponisation of her own body against the regular strip searches she endured. Further to the above statement, Annie (FIW and PWK) also explained how her refusal to conform to typical feminine ideals served to destabilise the power differences between herself and the prison officer enacting the strip searches:

She was the only one seeing me naked at that point, there was nobody else apart from me, you know, so it wasn't like I was trying to make things… and I had a lot of therapy and I think it must have been a psychological, either covering up and just trying to take back some control over the situation, even in such a little pathetic petty way… I didn't have to make myself look my best for my partner cos I'd always have trousers on when he came to visit, so yeah the fact that she was the only one seeing my body I tried to, I think I tried to make it as ugly as possible, erm, yeah, so actually, there's two things there isn't there, there the power, taking back some control but also trying to make yourself seem unattractive, and not because I felt like she fancied me, but who knows like, she, I don't know, she might have been gay I have no idea about her sexual sort of, orientation, but there was that kind of erm, protectiveness over my body.

For Annie (FIW and PWK), to "protect" her body and to resist strip searches meant *desexualising* her body by not shaving, which draws interesting questions to the relationship between sexuality and violence (MacKinnon, 1989). Furthermore, for Annie (FIW and PWK), her nakedness during strip searches was lessened *by* her body hair, which acted as a form of barrier between herself and the acting prison officer. It was therefore by stepping outside of typical feminine behaviour that Annie (FIW and PWK) regained some form of power in a situation in which she had little institutional power or agency. This stepping outside of femininity as a form of liberation is in keeping with the radical feminist ideal that in order to achieve women's liberation, women must defy gendered norms (Millett, 1970; Firestone, 1970; Atkinson, 1969). As such, a key finding is that resistance to body-searching practices is often an expression of gendered defiance, in which women weaponsie their own bodies against the prison regime in order to disturb the balances of penal power.

7.3 Technological 'Alternatives': Less Intrusive or a Different Intrusion?

As discussed in previous chapters, the use of technologies as an "alternative", or replacement, to intrusive strip searches is often presented as progressive reform (Corston, 2007; Devlin, 1998; Pereira, 2001). Moreover, the use of body-searching technologies, such as handheld metal detection wands, X-Ray scanners, and the Body Orifice Security Scanner, are now central to HMPPS's body-searching procedures for women. As a result of this move towards the use of technologies, during *all* strip searches for women, the use of hand held metal detection units are mandatory (although when searching male prisoners handheld metal detection units are *not* required to be used). To this, HMPPS's *Prison Service Instruction 07/2016* (National Offender Management Service, 2016) states:

> Hand-held metal detectors *may* be used during a full search for men and *must* be used as part of a full search for women. (Emphasis added)

Importantly, HMPPS does not provide explanation or reasoning as to why women must be searched using a hand-held metal detection wand, but men are exempt from this practice. The decision to mandate automatic hand-held metal detection searches as part of a full search for women, but not

for their male counterparts, suggests that such technologies may act as an extra layer of bodily surveillance, specially reserved for female prisoners. Bartky (1988) notes that pervasive surveillance of women's bodies *in particular* is utilized in order to create female docility, passivity and to further impose women's subordination. As such, this extra layer of technological surveillance reserved exclusively for women, one that extends beyond the *viewing* the body with the naked eye or the *physical* search of clothing, can be understood as a *particular* form of gendered surveillance that serves to compound rather than alleviate control of the bodies of women prisoners (Sim, Scraton and Skidmore, 1991). I will return to this notion later but we must equally consider that although the use of hand-held technologies during the strip-searching of women is distinctly gendered, the same practices might also be conceptualised as an alternative and "less intrusive" form of searching.

As discussed in previous chapters, the use of technologies to search women is not a new concept. For example, in 1997 the HM Chief Inspector of Prisons recommended that the Prison Service should investigate the feasibility of using reliable electro-mechanical devices to assist with searching. Furthermore, within the context of women's prisons in Australia, Pereira (2001) has suggested that the use of metal detectors is a viable alternative to strip searches. Further, in 2007 Corston *again* recommended that the Prison Service should investigate the potential for the use of technologies such as the use of ion scanning machines to eradicate time-consuming and degrading strip searches. As such, a dichotomy between strip searches as intrusive and the use of technologies as wholly non-intrusive can be drawn out, which suggests that the use of technologies for the body-searching of women *must be* significantly less problematic than strip-searching.

Some of the formerly imprisoned women expressed optimism regarding the prospect of technologies as a replacement to strip searches. For example, Ann Marie (FIW) said:

> I don't see the sense in the strip search, *as much* strip-searching or strip-searching, I mean, they've got them big BOSS chairs, you sit in the BOSS chairs so if there is anything there it's going to put off the BOSS chair, so why the degrading part of the strip search? I don't get that. I mean taking off your bra, "put it up, do that", but the strip search, I don't get that

because like I've said, if any female was going to keep anything in there [vagina], they're not going to see it in a strip search, are they? So that bit I don't get, why is it there?

In a similar vein, Kate (FIW) suggested:

You've got X-Ray machines coming out of your ears when you go to the airports now, stick them in prisons as well.

The prospect of utilizing technologies to aid in the searching of women was also appealing to many of

the professionals I interviewed:

I think they can be effective to some extent, but whether there are other ways, whether it's using dogs or scanners, I'm not sure what the full range of options are but anything that's less intrusive would be more positive as long as it's effective enough to keep things from coming in. (Sadie, PWK)

We could use that more in the classroom, put everyone through metal detector, and they have metal detectors as well, now I'm thinking about it, why wasn't that done instead of a strip search, because someone could have just come with one of those stick metal detectors, I don't know why that wasn't used. I'd be really interested in how, because actually, drugs coming into prisons must undermine the ability of prisons to be places of care and rehabilitation, so we do need to take drug security more seriously, and that doesn't necessarily mean strip searches, it doesn't necessarily mean strip searches that re-traumatise women and that aren't helpful, but actually, if you know, I'd be really pro more drug detection in prisons as drugs hamper people's recovery, things like, yeah I wonder if there would be some sort of airport scan system where you could just scan the body? I'm not sure. (Jen, PWK)

Further to their ability to effectively detect drugs and weapons, participants also suggested that

technological modes of body-searching would result in less intrusive practices. Sadie (PWK), for

example, believed that the use of technologies would render body searches "much less intrusive".

Similarly, Mandy (FIW and PWK) echoed the notion that the use of technologies would result in less

intrusion and related trauma in comparison to that of a strip search: "if they really want to check for

metal and things that women could use to harm themselves or other people then yes, something like

that, but there is absolutely no need for strip-searching". Despite some positive responses from

participants regarding the use of technologies, other women problematised their use. For example,

Emira (FIW and PWK) stated that hand-held metal detection wands often gave positive indications

due to women's under-wired bras, which provided officers the justification to conduct a strip search,

despite the women possessing no contraband or posing actual risk:

> They used to use the metal detector as well, which again is not too good as it always goes off when you come to the bra, I know a couple of girls who were strip-searched because of this, because it kept going off, but it's the bra metal, and we know this, and they know this, but they just say "we've got reasonable suspicion" and they search them.

Emira's (FIW and PWK) testimony suggests that such technologies, rather than being utilised to eliminate strip searches, may be being used to *justify* unnecessary strip searches. The key question that this raises is: are technologies being used to *replace and eradicate* strip searches (HM Chief Inspector of Prisons, 1997; Devlin, 1998; Corston, 2007) or to *aid* punitive strip searches?

As well as hand-held metal detection wands, the use of the BOSS chair as a means to search women was also raised by participants, including Ann Marie (FIW) above. The *Prison Service Instruction 07/2016* (National Offender Management Service, 2016: 45) describes the BOSS as a as "a non-intrusive scanning system within a moulded chair, designed to detect small metallic objects… concealed within anal or vaginal cavities, the abdominal area and around the shins". Crucially, the BOSS can be used at any time a search would normally be conducted, such as during a rub-down search, as part of a strip search, or during targeted searches (ibid). The same *Prison Service Instruction* provides detailed instructions of how to use the BOSS, including nine steps on how to deal with positive indications of contraband and any refusal to comply with a BOSS search. As such, if a prisoner refuses to comply with a BOSS search, or remove a suspected item based upon as positive indication from the BOSS, they "should normally be located in the segregation unit (or equivalent) and full-searched if assessed to be appropriate" (ibid: 47). Continued segregation must be reviewed within 72 hours, and then at a minimum of every 14 days. Importantly, however, in order to be released from segregation, prisoners must normally "either hand over the suspected concealed item or provide a negative indication on the BOSS and a negative full search" (ibid: 47). This is particularly concerning considering the overwhelmingly damaging outcomes of solitary confinement and segregation for imprisoned women (Martel, 2001). Moreover, if a prisoner fails to comply with the BOSS or refuses to remove a suspected item, they may be further charged with "disobeying a lawful order under Prison

Rule 51 (22)" (National Offender Management Service, 2016: 47), which can impact upon their existing sentence.

As discussed, according to HMPPS's *Prison Service Instruction 07/2016* (ibid), if a woman refuses to comply with a strip search, prison officers may enact a strip search by force demonstrating the extent of coercive control and sexual violence inflicted upon women prisoners by the state (Brownmiller, 1975; Kelly, 1988; VanNatta, 2010; Hutchison, 2020). Furthermore, this use of force reinforces women's social role as passive in the face of abuse and promotes female docility and acceptable femininity (Pereira, 2001). Against this backdrop I argue that technological "alternatives" to strip searches (including BOSS and hand-held metal detection aids) rather than eradicating abusive searching practices, can in fact *add* to an environment of coercion, by both facilitating and *legitimising* punitive searches, intrusion, segregation and criminalisation. Rather than implementing technologies which *eradicate* the use of strip searches, HMPPS have merely implemented technologies that exist alongside them, surveying and punishing women's bodies *"better"* and more closely, not *less* (Foucault, 1979). This therefore also draws crucial attention to Firestone's (1970: 182) assertion that technology can be used to "intensify the apparatus of repression and to increase established power".

This line of argument and analysis was echoed during some of the interviews with professionals with knowledge of body-searching. Erica (PWK), for example, questioned the assumed unproblematic and non-intrusive nature of body-searching technologies:

> I think just because there's newfangled technology that doesn't hurt or doesn't look so troubling, that doesn't mean that it's ok.

Crucially, Erica (PWK) also questioned existing legal definitions and popular understandings of what is deemed "intrusive", or "invasive" in relation to technology:

> Well, you know, there is physical invasion, so in English Law we are very clear about touching and interfering with our physical bodies, right, and we see that as a huge infringement.

Then, particularly as society has evolved and digital information has evolved, there are all sorts of invasions into our private lives which are not going to affect us physically, erm, but actually I think those things should not be given any less weight in terms of the intrusion to our [inaudible] making us feel violated, untrusted or alienated from people who we are with, if you like, so they are not going to leave you feeling cold and sore, necessarily in the same way that other things would, but they are still I think, you know, definitely still should be seen as a violation. I suppose what I would say, and I think it's very important to acknowledge, is that technology mustn't be seen, people involved in the penal system get very excited about new technology and they think this will solve things and, you know, "what's your problem, you're being tagged, you know, a tag isn't intrusive, you're not being locked in your home because we're tagging you, it's a body tag, if you're not up to no good then there's no skin off your nose, why is it a problem?" well, erm, actually, it still is an intrusion, it's still an invasion of your privacy, it's still contributing to, for example, your identity and the way that you think about yourself, it may be part of developing what Goffman calls the 'spoiled identity', so these things will always have an impact, of course just because somebody else sees them to be less intrusive, it doesn't mean that they're ok and I think it's important that one always takes a principled stance against these kinds of things.

The nature of what is classified as "intrusion" must therefore be considered more closely, and Erica's (PWK) statement suggests that searching technologies may be experienced as an intimate intrusion (Stanko, 1985; Carlen, 1998). This finding further suggests that although body-searching technologies have been put forward as non-intrusive alternatives to strip-searches (HM Chief Inspectorate of Prisons, 1997; Devlin, 1998; Pereira, 2001; Human Rights Law Centre, 2017; Washington State Department of Correction, 2017; 2019), the same technologies can be experienced as intrusive and must be considered more closely. Furthermore, the expression of power must also be factored into such deliberations, as Ann Marie (FIW) explained:

[During a BOSS search] they [prison officers] are still in that position of power and they still rule over you and you've still got to go in and do that strip search, sitting in that BOSS chair and that position of power they're in over you, it's the most helpless I think I've ever felt in my life.

Critically, Ann Marie (FIW) noted that during searches using the BOSS chair the instrumental, asymmetrical relationships of power (Kilroy, 2003) are *still* present. As such, I argue that given the gendered implementation of body-searching technologies, the non-consensual nature of searches using technology, the punitive response to resistance to searches using technology and the expression

of power experienced during searches using technologies, such searches *must also* be understood within the continuum of state inflicted, patriarchal sexual violence (Brownmiller, 1975; Kelly, 1988; VanNatta, 2010; Hutchison, 2020). Indeed, although searches using technology have been heralded as viable alternatives to intrusive strip searches, they impose punitivity, violence and gendered social control (Kilroy, 2003) under the guise of modernity, innovation and progressive values of gender responsive justice (Evans, 2011; 2018). A core finding, therefore, is that practices of body-searching, whether these be strip searches, intimate searches, rub-down searches or searches using technology, *all* exist within the continuum of state inflicted, patriarchal sexual violence and gendered social control.

7.4 Staff-Prisoner Relationships, Pastoral Care and Penality

I discussed within the previous chapter the relationship between body-searching, patriarchal power, prison officers and imprisoned women, to which I concluded that female prison officers may use body-searching practices as a means to exert a form of power typically unafforded to women. However, I have not yet considered in depth how this expression of power can impact upon the *relationship* between prison staff and imprisoned women.

The fraught nature of the relationship between prison officers and imprisoned women was raised by all of the research participants. HMPPS (2019: 9) noted that the role of a prison officer is to "build and maintain strong professional relationships with your colleagues and the people in your care, while supporting prisoners to achieve their rehabilitation goals". Notwithstanding this, Janet (PWK) argued that the use of body-searching for women prisoners negatively impacts upon women's relationships with prison officers due to contradictions between punishment and pastoral care:

> It's this person who can punish you and discipline you, and you have to tell them something very private about yourself.

According to Sarah (PWK), the notion of a rehabilitative environment, as implied by HMPPS (2019: 9), is actually derailed by the practices of body-searching:

Strip-searching just gets the whole relationship off to a terrible start and prison at its best should be a place where we're saying to women "you're here to keep you safe, from other people and from yourself and to help you be safe enough to get back", that's got to be point of prison, if its anything else I don't know what we're doing, so then it's all about relationship and helping women feel safe and be safe and building up relationships and trust, it takes time, it's complicated it's not straight forward, it's not something that moves in a linear line, you know.

Taken together, Sarah (PWK) and Janet (PWK) highlight that relations of trust between prison officers and women prisoners break down as a result of body searches, which is particularly problematic when set against the claim that "at the heart of any prison is the relationship between staff and prisoners" (Crewe, 2011: 455).

Abigail Rowe (2016: 9) comments upon the hierarchical relationship between staff and prisoners within women's prisons and notes that such structures of hierarchy create an "asymmetric power relationship". Participants noted that such an "asymmetric power relationship" between women and staff was exacerbated by body-searching processes. Jen (PWK), for example, who worked as a prison teacher and provided pastoral support to imprisoned women commented:

Obviously it would be a complicated dynamic, with the idea that you would be pastorally supporting someone as an officer and strip-searching them, and would probably, in terms of the vulnerability, lead to an incredibly complicated dynamic, but that wasn't something I was involved in.

Similarly Rosa (PWK) commented:

I think that's where it comes back to the issue of reinforcing the power of the prison, which inevitably is going to reinforce the problems with the relationships between prisoners and staff.

Emira (FIW and PWK) also reflected upon how searches broke down positive relationships she had with prison officers during her time in prison and created an environment in which she felt infantilised (Carlen, 1982):

You just, you know, you're never trusted, that's probably another factor that hurts you, you're never trusted, even with the officer that you really build this bond with and you're very close with, a time will come when they search you too.

The clear disparities in power between prison officers and imprisoned women, particularly in relation to staff's power to search, was also a source of deep resentment for many of the formerly imprisoned women. In fact, Simone (FIW) denied that she and staff members even had any sort of pastoral or "therapeutic relationship" whatsoever:

> It's just an authority figure, there was no relationship, no therapeutic relationship, they were just there to bang you up or strip you or feed you or, that's all it was to me, they were just there to do that job.

Kate (FIW) also deeply resented the officers who strip-searched her on entry to prison explaining that: "when I first got in there, I don't think I'd ever hated anyone as much as I'd hated them, right then".

Ann Marie (FIW) also stated that she felt extremely negatively about prison staff "because they know they've got that position of power" to enact a search at any time "and nobody questions it". Overall, all of the women I interviewed felt that for prison officers, power and punishment rather than pastoral care was expressed during searches echoing HM Chief Inspector of Prisons (1997) observations that strip-searching was damaging staff-prisoner relationships. These findings strongly suggest that body-searching, particularly strip-searching, is incompatible with a healthy and caring relationship between prisoner officers and women prisoners and that such practices ultimately compound "asymmetrical hierarchical relationships" (Rowe, 2016: 9).

7.5 Envisioning the Future: Where do we go from here with Women's Imprisonment and Body-Searching?

Discussions on the future of body-searching largely centred on "alternatives". Such alternatives, whether they be alternatives to body searches, or alternatives to women's imprisonment more generally, arose during many of the participant's final comments in interview. Some participants, including Rosa (PWK), referred to alternatives to strip searches as "short term" fixes to the wider problem of women's imprisonment:

> Should we try to make things better in the prison or should we try to look at alternatives to even using the prison? And you know, I think that these are short term measures, I think something like these body scanners and things like that, it would probably be, I don't know

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what the price of those are, but I suspect that they'll be expensive and if they are introduced then they might make things slightly better, but to what extent would they be used for all prisoners, to what extent would they stop strip-searching, would there still be other situation where that is used? You know, so yeah, they might be short term methods, I think if there's a, you know the argument again around security issues is difficult because if there's suspicion that somebody has got something on their person that they might use to harm themselves or others then it's hard to know how you'd deal with that in that situation, and I think, again just shows to me the whole, well what are they trying to do by locking people up? What is the whole purpose of prison, why have we got these institutions where we're having to micromanage people to such an extent, so I suppose if I was thinking about alternatives, it wouldn't just be alternatives to searches, because I think that there are some things we can do to make that better, but actually it's a whole institution which relies on that as a way to maintain some kind of security.

Rosa's (PWK) statement clearly draws attention to the tensions between the purpose of imprisonment for women and the potential for the eradication of strip-searching. As such, Rosa (PWK) questioned whether in the future there could be women's imprisonment without strip-searching or even no women's imprisonment at all. Similarly, Mandy (FIW and PWK) questioned the purposes of strip-searching and women's imprisonment more generally:

I would definitely outlaw strip-searching and perhaps, I don't know enough about the system of security, I mean for a start, if I was in charge of policy and practice, I would not be putting 98% of women in prison. And, a lot of men, but certainly for women, the number of women who are, you know I think the only excuse for prison is people are a danger to society and need to be temporarily taken out of society in order to work with them to, you know, as some best practice has been in some rehabilitating prisons, like, I can't remember the name of that one, [name of prison redacted], down south, where they did loads of counselling, and if people have got to the point where they have done some really violent anti-social thing that means that they need to be taken away from society, then they need support and counselling to find out why it is they have acted like that, and work with them, so I just think if I was in charge of policy, 98% of women would not be in prison anyway, it would be a very small, maybe one facility in the country, and they would be worked with till they were able to... so there would be no need for strip-searching anyway, because there would be such a small population of the prison, so I can't...

Emira (FIW and PWK) also questioned the purpose of women's imprisonment with reference to rehabilitation:

What they don't notice is 99% of these women that are due to come back out, which you are not actually supporting them in the correct way, if you really are locking them up and throwing away the key, what do you expect for them when they come out? We talk about reoffending and we are quite good at talking about it but we don't actually focus on why It's happening, if a woman's walking out in the same cycle.

Some participants also criticized the women's sector and took particular issue with women's centres, as advocated by Corston (2007). Such women's centres - championed as "one-stop-shops" for women in the criminal justice system where they might receive support such as counselling, drug treatment and employment skills - have been adopted to facilitate probation supervision for women exiting prison and those subject to community supervision orders (Howard League for Penal Reform, 2016). The dual purpose of support and punishment has led some commentators to argue that the Centres comprise sites of gendered control (Harding, 2020). Janet (PWK) referred to the failure of women's centres as "radical alternatives" to women's prisons:

> I don't mean to say all women's centres, because some are doing brilliant work, but others aren't, and the ones that aren't, all they have done is displaced the space of the prison to this place that they are calling a women's centre. The same power dynamics are there, so the women that are there to do community payback, when they're there for the day, they can't leave till the end of their shift, and if they did leave, or if they don't turn up, they are in breach of their license, and if they are in breach of their license, they can be recalled or sentenced in the first instance, to prison. So the prison's always there, this big looming thing, shadowing over them. It's kind of like "Prison Lite" I suppose, but it's still got to have the threat of the real prison to make it work, because otherwise people just wouldn't turn up. So, that's just my problem with it, that there's not enough actual critique of what's happening, it's seen as "well they haven't gone to prison", well yeah, but if they are really suffering as a result of these women's centres, that's just as much of a problem.

Whilst some participants called for an end to strip-searching it was also clear that they understood the *institution* of the prison to be central to the degradation, dehumanization and trauma that imprisoned women suffer and, as such, abolishing intrusive body-searching practices was seen as *part* of a wider abolitionist goal to end the use of prisons for women *per se*. In this sense, such participants' testimonies drew attention to the abolitionist notion that any attempt to transform justice for women must ultimately break free from the centrality of the prison (Malloch, 2016). Moreover, they raise vital questions regarding "alternative" body-searching technologies and other manifestations of reformist agendas as stifling abolitionism (Mathiesen, 1990). As such, a focus on less intrusive means of body-searching may be counterproductive to the transformation of justice for women and can act to further entrench imprisonment as the natural response to female offending (Carlton, 2016). So, whilst this thesis rallies against the use of body-searching as a form of state-inflicted, patriarchal sexual violence,

it also notes that a focus upon "gender-responsive justice", "therapeutic alternatives" and "community sentences" as alternatives to women's imprisonment do little to reduce the social control of so called "deviant" women and in fact broadens the female penal estate (Davis, 2003; Carlton, 2016; Malloch, 2016).

7.6 Conclusion

This chapter has drawn together a number of findings and conclusions regarding the use and experience of body-searching for women prisoners. Significantly, the chapter has examined the ways that women resist body-searching practices and found that whilst body-searching promotes passivity in the face of intrusion and assault, women draw upon acceptable and non-acceptable forms of femininity as mechanisms of resistance. Critically, whilst the prison attempts to use women's bodies as a site of punishment and discipline, women weaponise *their own bodies* against the prison as a means of resistance. An analysis of searching technologies was also undertaken and I found that although participants often commented positively upon their use, such technologies are ultimately utilized as tools of gendered surveillance, coercive control, punishment and criminalization. Importantly, I also found significant tensions between the use of technologies as tools to assist strip-searching *versus* the use of technology for the eradication of strip-searching. At this present moment, technologies are being used as assistance to search better, not less, and serve to further intensify the level of control the prison holds over women within the continuum of state-inflicted, patriarchal sexual violence. As such, it is argued that all searching methods analysed within this thesis can be placed within such a continuum and that the very *nature* of body-searching is fundamentally bound within the continuum. With this in mind, the impact of body-searching on prisoner and staff relationships was also discussed and the contradictions between staff as pastoral carers and enforcers of punishment create significant problems, creating an atmosphere of mistrust and contributing to a significantly asymmetrical power relationship. Finally, the future of body-searching and women's imprisonment was analysed where it was argued that body-searching and abolitionist thought were

intimately linked. The chapter ultimately concluded that an abolitionist approach must be adopted in order to avoid merely rejuvenating and expanding the scope of the prison and its coercive body-searching practices.

Chapter Eight

<u>Conclusions</u>

<u>8.1 Introduction</u>

The overarching aim of this thesis was to explore, through the adoption of a radical feminist theoretical framework, women's experiences of body-searching in English prisons. In order to do so, the research adopted six interrelated aims:

1. To collate, explore and analyse existing literature concerning the use of body-searching, both nationally and internationally.

2. To examine and analyse the history, trajectory and function of body-searching policies as they relate to women in prison.

3. To understand how body-searching is legitimised and justified within official policy and consider how this relates to women's experiences of being body searched.

4. To uncover, examine and analyse how criminal justice experts and professionals understand the practice of women's body-searching in prisons.

5. To examine, through the undertaking of qualitative data collection and analysis, how women experience body-searching within prisons in England and to consider how *different forms* of body-searching, those being rub-down searches, strip searches, intimate searches and searches using technology, are experienced by women with experience of imprisonment in England.

6. Consider how prison body-searching for women is situated within the broader structures of patriarchy through the adoption of a radical feminist theoretical framework.

Chapter One fulfilled the first aim and collated, explored and analysed existing literature concerning body-searching practices for women. The same chapter outlined gaps in literature that the thesis has aimed to fill. Specifically, Chapter One drew out dominant themes related to women's imprisonment and highlighted the importance of dominant discourses of gender and femininity to an understanding of women's imprisonment and social control. The chapter also identified and analysed key literatures relating to body-searching and explored the ways in which body-searching can be understood as sexual violence, state violence and a form of gendered control.

Chapter Two examined the history, trajectory, function and remit of body-searching policies for women in prison, both nationally and internationally. The chapter looked to the history of body-searching and outlined the archaic nature of "contemporary" prison policy. The chapter explored the way gender has been understood within body-searching policies. The current national policy that frames women's body-searching was analysed and HMCIP reports problematizing body-searching practice were outlined. The chapter concluded that although there have been changes made to body-searching policies in line with women's "gendered needs", reports from HMCIP and High Court legal cases regarding the misuse of body-searching suggest that the practice is still problematic and open to abuses of power. The chapter fulfilled aim two of this thesis and developed the reader's understanding of official discourse surrounding body-searching policies for women in prison.

Chapter Three explored the theoretical foundations of the thesis and examined the ways in which radical feminist theory understands power, gender, sexual violence and patriarchy. I argued that women are controlled from birth through both subtle and violent modes of patriarchal power that permeate every faction of their lives. The chapter was crucial to conceptualising the policy and practice of women's body-searching in relation to the patriarchal state, gender and sexual violence as explored through the primary research findings in Chapters Five, Six and Seven. As such, the theorisation opens an understanding of body-searching as not just an individualised form of violence but rather a variant of structural violence that acts to enforce gendered social control. The chapter met the sixth aim of this thesis and also assisted in addressing aims three, four and five.

Chapter Four extended feminist knowledge by exploring the methodological framework of the thesis. The chapter placed significant importance upon the development of a woman-centred epistemology and methodology and examined appropriate methods to understand women's lived experiences. It outlined the importance of woman to woman talk as a means of resistance to androcentric epistemology and it further outlined the principles of reflexive social research. The chapter importantly explored my own reflexive considerations and discussed the sensitive nature of the study.

I determined that this research had significant implications for women's emotional wellbeing and discussed the ways in which this was considered through ethical contemplations. The structure of the data collection process was also discussed in this chapter and I outlined how all eighteen participants were recruited and how narrative and unstructured interviews were undertaken in order to collect primary qualitative data. The collection and thematic analysis of documentary data (including official discourse) regarding women's body-searching was also discussed. The chapter is crucial to the fulfilment of aims three, four, five and six.

Chapters Five, Six and Seven are the key empirical chapters of the thesis where the principal findings and original contributions of the thesis to knowledge are presented. A distilled account is set out below.

8.2 Main Findings and Original Contributions

The main findings of this thesis fulfil aims three, four, five and six and fall into five key themes as follows.

8.21 The Legitimisation of Body-Searching

Chapter Five explored official discourse that frames the body-searching practices to which women in prison are subject, and juxtaposed such policy against the testimony of formerly imprisoned women with experience of being body searched and the testimony of criminal justice experts. The research therefore discovered that, in support of McCulloch and George's (2009) analysis of Northern Ireland's strip-searching policy, body-searching in women's prisons in England is legitimised through the discourse of "national security", "risk" and "order" (National Offender Management Service, 2016: 4). Despite such legitimisation, the research uncovered that participants understood the "unofficial" purposes of searching to be the control of women's bodies, punishment and humiliation. Furthermore, the research also found that such policies rest upon nebulous and undefined notions of "reasonable suspicion" and "intelligence" that leave significant room for individual officer discretion

and can be a conduit for abuses of power. As such, the findings refute HMPPS's official legitimisation of body-searching and challenge the purpose and rationale of body searches for women, which is where one of this thesis's original contributions to knowledge is located.

Further to this, the research also challenged HMPPS's neutralisation of strip-searching through revisions to body-searching terminology within official policy documentation. Whilst HMPPS now refers to a strip-search as a "full search", the research found that this semantic shift acts as a discursive manoeuvre in order to obfuscate the practice of strip-searching as something which is more palatable and less soaked in controversy. This analysis is also original in its understanding of changes to body-searching terminology and processes such as the "two-step" method to strip-searching as failed attempts to enact "gender-responsive justice", which falls in line with broader attempts within the criminal justice system to cater to the needs to women whilst inadvertently widening the penal net (Evans, 2018). The thesis therefore comprises not only critical commentary upon the specificities of body-searching but a wider and deeper critique of the very concept of gender-responsive justice.

8.22 Body-Searching as State Inflicted, Patriarchal Sexual Violence

Participants' testimonies regarding their experience of intimate searches, strip searches, rub down searches and searches using technologies were examined through a radical feminist framework in Chapter's Five, Six and Seven. Prioritising the experiences of women with first-hand experience of being body searched throughout this analysis demonstrates the research's commitment to feminist research principles, which aligns with the sixth aim of the thesis. Furthermore, collecting data from women professionals with knowledge of women's imprisonment and body-searching allowed insight into the ways in which criminal justice professionals understand body-searching, whilst also maintaining a woman-focused approach. This demonstrates the thesis's fulfilment of research aims four and six.

The thesis is original in its analysis of *four* forms of body-searching practiced within women's prisons in England: strip searches, rub-down searches, intimate searches, and searches using technology. Beginning with an analysis of strip searches, in Chapter Five, the research made an important contribution to knowledge of intimate searches and the manner in which women understood such searches to be part of the process of a strip search, not as a separate practice or event.

Participants commented primarily that strip searches were coercive, non-consensual, and underpinned by the threat of force. The non-consensual nature of strip searches was also bound within official policy in which the use of force is ultimately condoned. By utilising Kelly's (1988) and Brownmiller's (1975) understandings of sexual violence, the research found that the officially sanctioned coercive nature of strip-searching - underpinned by the threat of force - placed it within the continuum of sexual violence. Crucially, drawing upon VanNatta's (2010) and Hutchison's (2020) understanding's of state-*inflicted* sexual violence, it is contended that Kelly's (1988) conceptualisation of the continuum of sexual violence must include state practices in order to reflect the true scope of sexual violence experienced by women. In this way, the research makes an original contribution by extending radical feminist theoretical understandings of sexual violence to include sexual violence committed by the state. Ultimately, whilst previous research suggests that strip-searching is a form of state *sanctioned* sexual violence, the argument here is that strip-searching in women's prisons in England is located on the continuum of state-*inflicted* sexual violence.

In Chapter Seven the use of rub-down searching was discussed and the research again juxtaposed official policy alongside the testimony of participants. Although for some participants, rub-down searches were seen as unproblematic, the repetitive, normalised nature of such searches invoked Stanko's (1985) concept of intimate intrusions. While HMPPS policy neutralises the intrusiveness of rub-down searches, participants discussed their experience of rub-down searches as humiliating and degrading. The research found that rub-down searches - by invoking a loss of control of bodily integrity, compromising privacy and imposing degradation - can also be understood within the

continuum of state-inflicted sexual violence. The use of rub-down searches within prisons for women has not previously been explored within academic research and, as such, the analysis here makes a significant contribution to knowledge.

The relationship between the prison and the state also came under close analysis and by using the work of MacKinnon (1989) and Bertrand (1999), the prison is understood as an institution of patriarchy. Furthermore, the power relationship between female officers who undertake body-searches and female prisoners subject to such searches was considered and analysed through a radical feminist lens. It was argued that female prison officers adopt a form of "false consciousness" and act as a conduit for patriarchal power and male violence to be exerted upon the bodies of imprisoned women through practices of body-searching. On account of the prisons relationship to the male, patriarchal state, the research contended that body searching practices are not just state-inflicted sexual violence, but are also marked by patriarchy and male violence. Such analyses principally address aim six of the research.

8.23 The Extension of Gendered Social Control

With body-searching practices conceived as constituting state-inflicted, patriarchal sexual violence, the relationship between body-searching and gendered social control was also brought to light within the research. As such, the research found that body-searching mirrored and extended the social control that women experience in the community within the prison setting itself. Carlen's (1982) notion of "Papa's Discipline", in which women's lives in prison are shaped by patriarchal norms, was therefore demonstrated by these findings. Rather than loosening the grip of control upon women's bodies, "alternatives" to strip-searches (body-searching technologies) were not only found to comprise gendered forms of surveillance but to actually extend the control of women in prison by exposing them to punitive responses in cases where they expressed resistance to the use of such technologies. Participants importantly noted that whilst technological alternatives may appear benign, the expression of penal power is still ever present. Crucially, the research extends knowledge

by presenting a comprehensive critical analysis of "alternatives" to strip searches as a further dimension of state-inflicted, patriarchal sexual violence directed towards the gendered control of women prisoners. A core argument, therefore, is that *all forms of body-searching* can be conceptualised as existing within the continuum of state-inflicted, patriarchal sexual violence against women and this contributes towards the fulfilment of aim's five and six of the thesis.

The way in which passive femininity was enforced and produced through body-searching was also considered in Chapter Seven. Acts of resistance to body-searching were crucial to understanding how gender was not only weaponised by the state against the bodies of imprisoned women, but also how women used their own bodies and their adherence, or non-adherence, to standards of femininity in order to resist. The research discovered the ways in which women used their *own* bodies and ideals of unacceptable femininity as weapons against punitive body-searching practices, which adds a valuable contribution to studies of resistance within penal regimes (Bosworth, 2000; Chamberlen, 2016).

8.24 Body-Searching, Net Widening and Abolition

Both professionals with knowledge of body-searching in women's prisons and women with first-hand experience of being body searched expressed abolitionist sentiments regarding the future of women's imprisonment and body-searching practices. To this, the capacity for body-searching alternatives to be utilised to broaden the penal net (Cohen, 1985) was a significant original finding of this research, as discussed in Chapters Six and Seven. The research found that searching for and implementing "alternatives" to strip searches, such as rub-down searches, and more particularly, searches using technology, can act to merely extend and revitalise the penal agenda (Mathiesen, 1990), which further entrenches prison within the fabric of society. Crucially, the research developed distinct links between the use of body-searching in women's prisons, and the broader movement towards failed "gender-responsive justice" which result in the bleeding of gendered penal control into the community that does little to challenge the centrality of the prison (Malloch, 2016). As such, whilst the thesis clearly

stands against the use of strip searches for women in prison, it recognises that seeking alternatives to such body-searching techniques must prioritise an abolitionist agenda in order to avoid merely rejuvenating the prison estate and creating more ways to control, survey and discipline imprisoned women.

8.3 Recommendations and Practical Implications

Whilst the research adopts a clear abolitionist perspective on both the matter of body-searching for women and the imprisonment of women in and of itself, I feel obliged to make some interim practical recommendations.

I first recommend that a full review of body-searching practices be undertaken by HMPPS, which covers the full scope of the frequency, practice and impact of all forms of body-searching which occur within all twelve of its prisons for women across England. HMPPS must recognise that although the Corston Report (2007) addressed strip-searching and implemented changes to policy and practice, a full review must be undertaken to understand the implications of such changes to the experience of women prisoners, and assess the forms of body-searching which were not examined within the Corston Report, such as rub-down searches and searches using technology. Similarly, whilst the Farmer Review (2019) recognised the struggles that women in prison experience in relation to the maintenance of family ties, HMPPS must recognise that body-searching practices negatively impact upon women's visits with their families and children, which can have a severely negative impact upon their wellbeing whilst in prison and desistance from crime if such family networks are disrupted due to punitive searches. Likewise, HMPPS must recognise the severe damage that body-searching causes to staff-prisoner relationships, as outlined within Chapter Seven, and implement strategies to foster positive relationships between prison officers and prisoners.

Crucially, HMPPS must examine the impact that rub-down searches can have upon imprisoned women and reconsider the claim that such searches are not "intended to be intrusive searches" (National

Offender Management Service, 2016: 28) in light of women's experiences as denoted within this thesis. With regards to alternative technologies for the purpose of searching prisoners, this research suggests that HMPPS must examine their use of technologies and recognise that their adoption of technologies currently are not being used to *eradicate* strip searches, but are merely being used to *assist* searches, which is in contravention to the Bangkok Rules (United Nations, 2011: 17) and HMCIP recommendations (1997).

This research further recommends that the women's sector pays significant attention to the impact of body-searching on women in prison and affords time and resources into investigating how it can act to prevent the traumatisation and abuse of some of society's most vulnerable, and resilient, women. Furthermore, the women's sector must critically analyse the impacts of so-called "gender-responsive justice" and take steps to ensure that abolitionist goals are at the centre of their work. The implementation of "gendered treatment" in prisons must therefore be approached with caution, and not be assumed to be in women's best interests within a system still designed by and for men. Moreover, the research recommends that policy-makers, non-governmental organisations, and academics consider the true purpose and goal of women's imprisonment and alternatives to custody, and consider whether gender-responsive justice is serving to eradicate prisons for women, or to further entrench the penal system within society.

Ultimately, and with the understanding that it is unlikely that this recommendation will come to fruition, I recommend that strip-searching, or 'full-searching', must be discontinued within all prison establishments for women in England. Whilst HMIP's Expectations (2014: 19) states that women should only be strip-searched "sensitively" and "respectfully", the thesis has illustrated that the very nature of strip-searching as sexual violence means that it can never be conducted as such. The research has found that strip searches *fundamentally* contravene HMIP's Expectations (2014a: 42-43) regarding standards of women's imprisonment in ways that call to question the UK's commitment to

OPCAT. Accordingly, strip-searching must be discontinued in order to comply with such Expectations and prevent inhumane and degrading treatment of women in the "care" of the state.

8.4 Limitations of the Research and Future Research

The research has offered an in-depth, comprehensive understanding of women's experiences of body-searching within prisons in England through the adoption of a radical feminist theoretical framework, qualitative research methods, narrative interviewing techniques and official policy analysis. Notwithstanding this, there are, of course, limitations to the research.

Whilst the research was never intended to encapsulate *all* women with experience of imprisonment in England, it particularly lacks testimony from women from minority ethnic backgrounds and LGBT+ women. The research was only able to identify and interview one woman who identified as belonging to an ethnic minority group, and one woman who identified as a lesbian. This research cannot necessarily speak to the ways in which women from ethnic minority groups, or LGBT+ women, *specifically* experience body-searching in light of their marginalised identities. Whilst this research has still generated knowledge "for and with women for the purpose of reclaiming women's experience" (Daly, 2000: 62), it is critical that criminology centres upon the narratives of the colonised and the subjugated (Cunneen and Rowe, 2014), therefore I recommend further research builds upon the study, however specifically focuses upon perspectives of women marginalised ethnic backgrounds and women of marginalised sexualities in order to gain a deeper understanding of such women's experiences of body-searching.

Moreover, although the study collected rich data from a range of eighteen women, future research could consider attempting to recruit a larger number of women in order to make the sample more representative of the population of imprisoned women in England. Similarly, in line with the principles of woman to woman talk as advocated throughout the thesis (Spender, 1980), the research may have benefitted from the use of focus groups in order to observe how women interacted with *each other*

in relation to their experiences of body-searching in prisons in England. I therefore recommend that for future research, focus groups be utilised as a method of data collection alongside narrative interviewing techniques; however, this may raise ethical questions regarding anonymity and confidentiality *within* focus groups, which would need to be carefully considered.

A range of professionals with knowledge of women's imprisonment and body-searching were interviewed. For future research, I recommend that HMPPS representatives, such as governors of women's prisons and female prison officers working in women's prisons are recruited and interviewed. This however would change the scope of the research away from a focus upon women's first-hand experiences of *being* body searched, towards an understanding of body-searching from a state official's perspective, therefore the aims and objectives of such future research would have to be considered and changed in light of this. With this in mind, the freedom of conducting the research outside of HMPPS institutions, as discussed within Chapter Four, gave me room to conduct the research in the way in which I felt most appropriate, whilst of course observing criminological, feminist and the University of Liverpool's ethical principles. However, for future research regarding women's body-searching in prisons in England, I recommend that researchers attempt to gain access to prison establishments for women in order to gain an understanding of this practice from the perspective of *currently* imprisoned women. However, there would be significant limitations to conducting the research within HMPPS institutions, such as the difficulties associated with gaining access, a loss of control over the parameters of the research, and potential state censorship.

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Appendix A: Level A Rub-Down Search Instructions for Women.

8.　　**Level A Rub-Down Search For Women** (for routine searches of prisoners and domestic visitors and for all targeted searches)

Stand facing the subject.
Ask her if she has anything on her that she is not authorised to have.
Ask her to empty her pockets and remove any jewellery including wristwatch.
Search the contents of pockets; jewellery and any other items, including bags she is carrying, then place them to one side.
Ask her to remove any headgear and pass it to you for searching - see Annex D4 paragraph 7 for requirements on searching religious/cultural headwear.
Search the head by running your fingers through her head and round the back of her ears, or asking her to shake out her hair and run her fingers through it. Unpin/untie long hair if necessary.
Look around and inside her ears, nose and mouth. You may ask her to raise her tongue so that you can look under it.
Lift her collar; feel behind and around it and across the top of her shoulders (search any scarf or tie and ask her to remove it if necessary).
Ask her to raise her arms level with her shoulders. Her fingers must be apart with palms facing downwards. Search each arm by running your hands along the upper and lower sides.
Check between her fingers and look at the palms and back of her hands.
Run the flat of your hand underneath and from the shoulders to the top of the bra. At no time touch her breast.
Check her sides and front of abdomen from underneath breasts to and including the waistband.
Check her back from collar to waist, back of the waistband and seat of the trouser or skirt. You may need to ask her to turn around (see B1, paragraph 4 and 5 for further guidance).
Check the back and sides of each leg from the crotch to the ankle.

Check the front and sides of each leg. (If she is wearing a skirt, it is more difficult to search the top of the legs. Run hands down both sides of each leg outside the skirt and use a metal detector).
Ask her to remove footwear and search thoroughly. Check the soles of the feet.
Look at the area around her for anything she may have dropped before or during the search.
Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.

Appendix B: Level B Rub-Down Search Instructions for Women.

10. **Level B Rub-Down Search for Women** (for prisoners, official/professional and domestic visitors and members of staff)

Stand facing the subject.
Ask her if she has anything on her that she is not authorised to have.
Ask her to empty her pockets and remove any jewellery including wristwatch.
Search the contents of pockets, jewellery and any other items, including bags she is carrying, and then place them to one side.
Ask her to remove any headgear and pass it to you for searching.   Lift her collar; feel behind and around it and across the top of her shoulders (search any scarf or tie and ask her to remove it if necessary).
Ask her to raise her arms level with her shoulders. *Her fingers must be apart with palms facing downwards.* Search each arm by running your hands along the upper and lower sides.
Check between her fingers and look at the palms and back of her hands.
Run the flat of your hand underneath and from the shoulders to the top of the bra. At no time touch her breast.
Check her sides and front of abdomen from underneath breasts to and including the waistband.
Check her back from collar to waist, back of the waistband and seat of the trouser or skirt. You may need to ask her to turn around (see B1, paragraph 4 and 5 for further guidance).
Check the back and sides of each leg from the crotch to the ankle.
Check the front and sides of each leg. (If she is wearing a skirt, it is more difficult to search the top of the legs. Run hands down both sides of each leg outside the skirt and use a metal detector).
Look at the area around her for anything she may have dropped before or during the search.
Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.

Appendix C: Full Search Instructions for Women

11.   Full Search – Female Prisoner

The procedure for searching women prisoners is different to that used to search men and women visitors and staff (see Full Searching of Women Prisoners) and consists of two levels. Level 1 involves the removal of the woman's clothing apart from her underwear; Level 2 involves the removal of all of the woman's clothing including her underwear. Level 2 of the search may only be applied if there is intelligence or suspicion that the woman has concealed an item in her underwear or if illicit items have been discovered about the woman's person during Level 1 of the search.

OFFICER 1	OFFICER 2
The officer in charge of the search. She is responsible for controlling the search. She will normally observe the subject from the front. She should explain the need for the search and each step, taking into account any cultural or religious sensitivity.	Responsible for receiving clothing and other items from the subject and searching them. *She must return the clothing and other items back to the subject at the direction of Officer 1.* Observes the prisoner throughout the search, normally from back or side. Remains vigilant to potential risks and remains alert throughout the search.
LEVEL 1	
Ask the subject if she has anything on her she is not authorised to have. Ask her to empty her pockets and remove any jewellery, including wristwatch, and hand over any bags or other items being carried.	Search the contents of the pockets and the jewellery and place them to one side. Search any bags or other items. Scan her body slowly with a metal detector (wand).
Ask her to remove any headgear and pass it to Officer 2 for searching - see Annex D4 paragraph 7 for requirements on searching religious/cultural headwear.	Search headgear.
Search her head either by running your fingers through her hair and around the back of her ears, or ask her to shake out her hair and run her fingers through it.	

Look around and inside her ears, nose and mouth. You may ask her to raise her tongue so that you can look under it.	
Ask her to remove the clothing from the top half of her body except for her bra and pass it to Officer 2.	Search the clothing. If she is not wearing a bra, continue the search. Provide a towel, new bra or another top to put on if she wants one. Particular sensitivity should be shown if the woman is wearing a mastectomy bra.
Ask her to hold her arms up and turn around whilst you observe her upper body. Check her hands.	Return the clothing.
Provide a dressing-gown (pre-searched). Allow her time to put it on for the rest of the search.	
Ask her to remove her shoes, socks, tights etc and pass to Officer 2.	Search the shoes, socks, tights etc and then place them to one side.
Ask her to lift each foot so the soles can be checked.	
Ask her to remove all clothing from the lower part of her body except for her knickers and pass to Officer 2.	Search all clothing and place to one side.
Once the clothing has been searched ask her to raise the dressing-gown to her waist. Observe the lower half of her body	
Look at the area around her for anything she may have dropped before or during the search.	
Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.	If not proceeding to Level 2 of the search, return the clothing and allow the prisoner time to put on her clothing and search the dressing-gown again. If proceeding to Level 2, ask the prisoner to raise dressing gown to cover top half of her body.

|	
<u>Level 1 Ends Here</u>	
LEVEL 2	
If there is any suspicion or intelligence that the woman has concealed any item in her underwear, or any illicit articles have been discovered concealed, during Level 1 of the search, proceed as follows:	
Ask the woman to lower her dressing gown to her waist and remove her bra.	Search the bra.
Ask her to hold her arms up and turn around whilst observing her upper body. Check her hands. Ask her to put her bra and dressing gown back on. NOTE: If necessary, the woman can be required to expose part of her body where items are thought to be concealed i.e. under breasts.	
Ask her to remove her knickers and pass to Officer 2.	Search the knickers.
Once the knickers have been searched ask her to raise the dressing-gown to her waist and observe lower half of her body. Ask the woman to stand with her legs apart while the lower half of her body is observed. If necessary, the women can be required to expose part of her body where items are thought to be concealed, i.e. under the stomach. *Staff must be aware of the policy applying to the removal and disposal of sanitary wear.* Externally applied sanitary towels will be removed and placed in an appropriate container and disposed of. *A replacement must be provided. Staff must not remove, or ask the subject to remove, internally fitted tampons.*	

A women must never be asked to squat.	
Look at the area around her for anything she may have dropped before or during the search.	
Ask her to step to one side to ensure she is not standing on anything she has dropped before or during the search.	Return the clothing and search the dressing-gown again.
Allow the prisoner time to put on her clothing.	
Sign record to state why Level 2 search was initiated.	Sign record to state why Level 2 search was initiated.
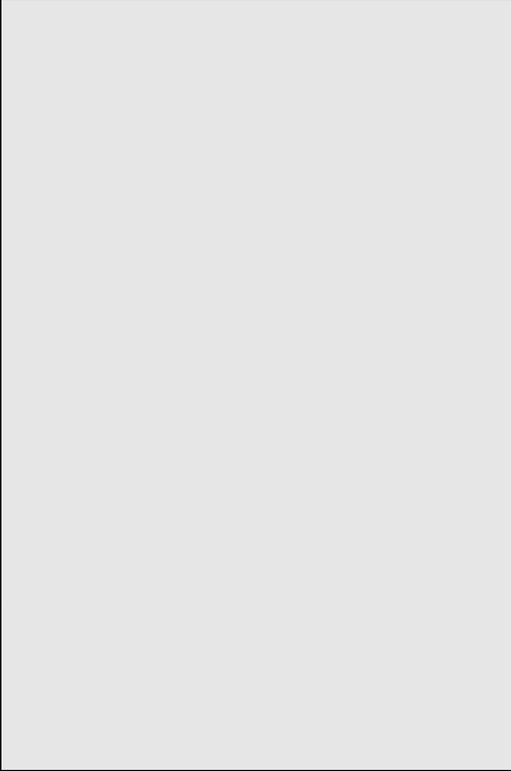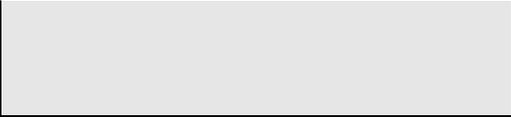
Appendix D: Pictorial Instructions for Hand-Held Metal Detector

Switch machine on and test it by holding it close to a metal object.	
Hold it close to the person being searched.	
Face the person and start at the head. Pass machine over the head from one shoulder to other and from chin to nape of neck.	
Ask person to raise arms horizontally sideways.	
Pass machine over top of arm to hand and along underside to armpit. Continue down the side of the torso and then the leg to the ankle.	
Repeat on the other side.	
Check the front of the legs.	
Make several passes up and down the front of the person from neck to crotch.	
Repeat process for the back from neck to crotch.	
Pass machine over backs of legs from crotch to ankle.	
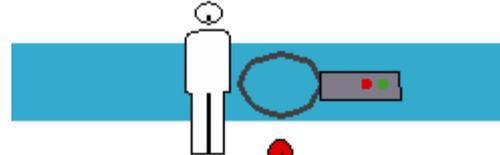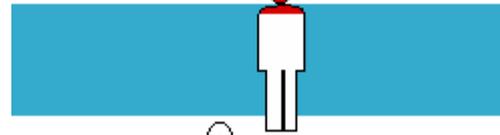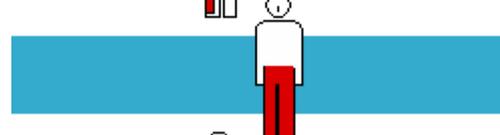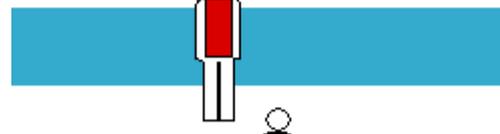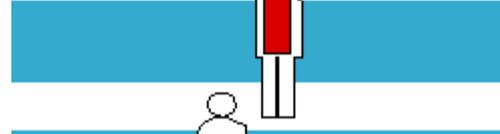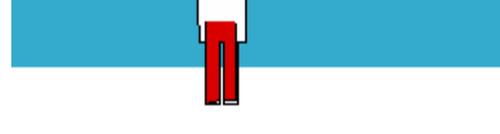
Check insides of each leg.

Check both shoes.

PARTICIPANT INFORMATION SHEET FOR PARTICIPANTS WHO HAVE EXPERIENCED BODY SEARCHING

Title of Project
Analysing 'Body Searching' in Women's Prisons in England.

> *You are being invited to participate in a research study. Before you decide whether to participate, it is important for you to understand why the research is being undertaken and what it will involve. Please take time to read the following information carefully and feel free to ask us if you would like more information or if there is anything that you do not understand. We would like to stress that you do not have to accept this invitation and should only agree to take part if you want to.*
>
> *Thank you for reading this.*

Name of Researcher
Amy Stanley, Student Investigator and PhD Candidate in the Department of Sociology, Social Policy and Criminology.

What is the purpose of the study?
This research is being carried out for a PhD thesis and will be conducted by a student studying for a PhD in the Department of Sociology, Social Policy and Criminology. The purpose of this study is to understand and explore women's experiences of body searching in prisons in England. Body searching practices include rub-down searches, strip searches, internal searches, and searches using equipment, such as metal detectors, x-ray machines and the BOSS scanner.

Why have I been chosen to take part?
You have been chosen to take part in this research as you have experienced body searching.

Do I have to take part?
No. It is up to you to decide whether or not to take part. If you do you will be given this information sheet and asked to sign a consent form. You are still free to withdraw at any time prior to the anonymisation of data, and without giving a reason. A decision to withdraw will not affect your rights/any future treatment/service you receive.

What will happen if I take part?
- You will take part in a one-off interview.
- You will be asked about your experience, you have the right to refuse to answer any questions you do not feel comfortable with and do not have to provide a reason.
- You will be given the opportunity to express your feelings about body searching methods, for example, there may be something you want to add to the interview which has not been asked by the researcher.

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- The interviews will be audio-recorded, only the researcher will have access to the recording and nobody else will hear it, the recording is for writing up the interviews only.

Are there any risks in taking part?

As body searching can be a sensitive topic to discuss, this may cause you to experience emotional distress. However, the researcher will provide you with information about support and a trained counsellor will be available to talk with. If you should experience any discomfort or disadvantage as part of the research, this should be made known to the researcher immediately.

Are there any benefits in taking part?

As women with experience of imprisonment are marginalised within the criminal justice system, their voices are rarely heard. This research allows you to express your opinion about a sensitive issue such as body searching, and provides you with a platform to share your experiences, which may be a valuable experience.

What if I am unhappy or if there is a problem?

If you are unhappy, or if there is a problem, please feel free to let us know by contacting Dr Karen Evans at evansk@liv.ac.uk and we will try to help. If you remain unhappy or have a complaint which you feel you cannot come to us with then you should contact the Research Ethics and Integrity Office at ethics@liv.ac.uk. When contacting the Research Ethics and Integrity Office, please provide details of the name or description of the study (so that it can be identified), the researcher involved, and the details of the complaint you wish to make.

Will my participation be kept confidential?

- Data will be collected via audio recording, which will be transferred onto the password protected M Drive of the University of Liverpool network at the end of each day. The original recording will then be destroyed**.**
- The audio data, which will then be transcribed, will be stored onto the password protected M Drive of the University of Liverpool network for the duration of the PhD registration. At the end of the PhD registration the audio files will be destroyed.
- Interview transcripts will be held on the M Drive of the University of Liverpool network for the duration of the PhD registration. After this time, the data will be stored securely by the University of Liverpool for a minimum of 10 years.
- Any paper copies of transcripts will be destroyed using the University of Liverpool shredding equipment and confidential waste bags.
- The data will not be archived for use by other researchers.
- The data will be anonymised and your name will be replaced with a pseudonym unless you explicitly request to be made identifiable within the final dissemination of the data.
- Data will only be accessible to Amy Stanley, student investigator; Dr Karen Evans, lead supervisor and Prof Barry Goldson, secondary supervisor.
- The data will be used for the completion of a Doctoral Thesis, and will also be used in future publications such as academic journals and conference proceedings.

Disclosure of criminal activity

When conducting research at the University of Liverpool, confidentiality is vital. However, there are times when confidentiality cannot be ensured. The researcher is compelled to report a participant to relevant authorities if they disclose any of the following:

1) Information relating to an act of terrorism
2) Information relating to suspected cases of money laundering
3) Information regarding the neglect or abuse of a child.

What will happen to the results of the study?

The results of the study, once disseminated into a doctoral thesis, will be made available in the public domain and at the University of Liverpool library. If you would like a copy of the thesis, youcan contact

Amy Stanley at astanley@liv.ac.uk and request a copy. You will not be identifiable within the results unless you explicitly request to be so.

What will happen if I want to stop taking part?

You can withdraw from the study at any time, without explanation. However, results can only be withdrawn up to the point of anonymisation. Results up to the period of withdrawal may be used, if participants are happy for this to be done. Otherwise participants may request that the results are destroyed and no further use is made of them.

Who can I contact if I have further questions?

If you have any further questions please contact:

- Dr Karen Evans
  Room 1.29
  Eleanor Rathbone Building
  Bedford St South
  Liverpool
  0151 794 2974

Contact details of investigatory team

- Amy Stanley, Student Investigator, PhD Candidate
  Room 1/010
  Walnut House
  Liverpool
  astanley@liv.ac.uk

- Dr Karen Evans, Principle Investigator/ Primary Supervisor
  Room 1.29
  Eleanor Rathbone Building
  Bedford St South
  Liverpool
  0151 794 2974
  evansk@liv.ac.uk

- Prof Barry Goldson, Secondary Supervisor
  The University of Liverpool
  Bedford Street South
  Liverpool
  0151 794 2977
  goldson@liv.ac.uk

Appendix F: Participant Consent Form

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PARTICIPANT CONSENT FORM

Title of the research project: Analysing 'Body Searching' in Women's Prisons in England.

Researcher: Amy Stanley, Student Investigator and PhD Candidate in the Department of Sociology, Social Policy and Criminology.

Please tick boxes you agree with

1. I confirm that I have read and have understood the information sheet dated February 2018 for the above study, and I have had the opportunity to consider the information, ask questions and have had these answered satisfactorily.   ☐

2. I understand and agree that my participation will be audio recorded and I understand that these recordings will be destroyed after the audio data is transcribed.   ☐

3. I understand that my participation is voluntary and that I am free to withdraw at any time prior to anonymisation without giving any reason, without my rights being affected. In addition, should I not wish to answer any particular question or questions, I am free to decline.   ☐

4. I understand that, under the Data Protection Act 1998, I can at any time prior to anonymisation, ask for access to the information I provide and I can also request the destruction of that information if I wish.   ☐

5. I understand that parts of our conversation may be used in part in future publications or presentations and my name will be anonymised if I so request.   ☐

6. I understand that confidentiality and anonymity will be maintained and it will not be possible to identify me in any publications, unless I explicitly request for my identity to be included in any publications.   ☐

7. I request for my identity to remain anonymous and for my name to be replaced with a pseudonym, and do not wish to be identified in any publications.   ☐

8. I would like my name used and I understand and agree that what I have said or written as part of this study will be used in reports, publications and other research outputs so that anything I have contributed to this project can be recognised.   ☐

9. I agree to take part in the above study.   ☐

_____   _____   _____

Participant name   Date   Signature

_____   _____   _____

Name of person taking consent   Date   Signature

_____   _____   _____

Researcher   Date   Signature

Principal Investigator

Dr Karen Evans

Room 1.29

Eleanor Rathbone Building

Bedford Street South

Liverpool

0151 794 2974

evansk@liv.ac.uk

Student Investigator

Amy Stanley

Room 1/010, Walnut House

Mulberry Court

Liverpool

astanley@liv.ac.uk

Appendix G: Participant Information Sheet for Criminal Justice Experts with Personal Experience of Body-Searching

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PARTICIPANT INFORMATION SHEET FOR CRIMINAL JUSTICE EXPERTS WITH EXPERIENCE OF BODY SEARCHING

Title of Project

Analysing 'Body Searching' in Women's Prisons in England.

> *You are being invited to participate in a research study. Before you decide whether to participate, it is important for you to understand why the research is being undertaken and what it will involve. Please take time to read the following information carefully and feel free to ask us if you would like more information or if there is anything that you do not understand. We would like to stress that you do not have to accept this invitation and should only agree to take part if you want to.*

> *Thank you for reading this.*

Name of Researcher

Amy Stanley, Student Investigator and PhD Candidate in the Department of Sociology, Social Policy and Criminology.

What is the purpose of the study?

This research is being carried out for a PhD thesis and will be conducted by a student studying for a PhD in the Department of Sociology, Social Policy and Criminology. The purpose of this study is to understand and explore women's experiences of body searching in prisons in England. Body searching practices include rub-down searches, strip searches, internal searches, and searches using equipment, such as metal detectors, x-ray machines and the BOSS scanner.

Why have I been chosen to take part?

You have been chosen to take part in this research as you are a criminal justice expert, such as an activist, academic, or non-governmental organisation worker, with personal experience of body searching.

Do I have to take part?

No. It is up to you to decide whether or not to take part. If you do you will be given this information sheet and asked to sign a consent form. You are still free to withdraw at any time prior to the anonymisation of data, and without giving a reason. A decision to withdraw will not affect your rights/any future treatment/service you receive.

What will happen if I take part?

- You will take part in a one-off interview.
- You will be asked about your views regarding body searching, you have the right to refuse to answer any questions you do not feel comfortable with and do not have to provide a reason.
- You will be given the opportunity to express your feelings about body searching methods, for example, there may be something you want to add to the interview which has not been asked by the researcher.
- The interviews will be audio-recorded, only the researcher will have access to the recording and nobody else will hear it, the recording is for writing up the interviews only.

Are there any risks in taking part?

As body searching can be a sensitive topic to discuss, this may cause you to experience emotional distress. However, the researcher will provide you with information about support. If you should experience any discomfort or disadvantage as part of the research, this should be made known to the researcher immediately.

Are there any benefits in taking part?

As women with experience of imprisonment are marginalised within the criminal justice system, their voices are rarely heard. This research allows you, as a criminal justice expert with personal experience of body searching, to express your opinion about a sensitive issue such as body searching, and provides you with a platform to share your expertise, which may be a rewarding and valuable experience.

What if I am unhappy or if there is a problem?

If you are unhappy, or if there is a problem, please feel free to let us know by contacting Dr Karen Evans at evansk@liv.ac.uk and we will try to help. If you remain unhappy or have a complaint which you feel you cannot come to us with then you should contact the Research Ethics and Integrity Office at ethics@liv.ac.uk. When contacting the Research Ethics and Integrity Office, please provide details of the name or description of the study (so that it can be identified), the researcher involved, and the details of the complaint you wish to make.

Will my participation be kept confidential?

- Data will be collected via audio recording, which will be transferred onto the password protected M Drive of the University of Liverpool network at the end of each day. The original recording will then be destroyed.
- The audio data, which will then be transcribed, will be stored onto the password protected M Drive of the University of Liverpool network for the duration of the PhD registration. At the end of the PhD registration the audio files will be destroyed.
- Interview transcripts will be held on the M Drive of the University of Liverpool network for the duration of the PhD registration. After this time, the data will be stored securely by the University of Liverpool for a minimum of 10 years.
- Any paper copies of transcripts will be destroyed using the University of Liverpool shredding equipment and confidential waste bags.

- The data will not be archived for use by other researchers.
- The data will be anonymised and your name will be replaced with a pseudonym unless you explicitly request to be made identifiable within the final dissemination of the data.
- Data will only be accessible to Amy Stanley, student investigator; Dr Karen Evans, lead supervisor and Prof Barry Goldson, secondary supervisor.
- The data will be used for the completion of a Doctoral Thesis, and will also be used in future publications such as academic journals and conference proceedings.

Disclosure of criminal activity

When conducting research at the University of Liverpool, confidentiality is vital. However, there are times when confidentiality cannot be ensured. The researcher is compelled to report a participant to relevant authorities if they disclose any of the following:

1) Information relating to an act of terrorism

2) Information relating to suspected cases of money laundering

3) Information regarding the neglect or abuse of a child.

What will happen to the results of the study?

The results of the study, once disseminated into a doctoral thesis, will be made available in the public domain and at the University of Liverpool library. If you would like a copy of the thesis, you can contact Amy Stanley at astanley@liv.ac.uk and request a copy. You will not be identifiable within the results unless you explicitly request to be so.

What will happen if I want to stop taking part?

You can withdraw from the study at any time, without explanation. However, results can only be withdrawn up to the point of anonymisation. Results up to the period of withdrawal may be used, if participants are happy for this to be done. Otherwise participants may request that the results are destroyed and no further use is made of them.

Who can I contact if I have further questions?

If you have any further questions please contact:

- Dr Karen Evans
  Room 1.29
  Eleanor Rathbone Building
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  0151 794 2974

evansk@liv.ac.uk

Contact details of investigatory team

- Amy Stanley, Student Investigator, PhD Candidate
  Room 1/010

  Walnut House

  Liverpool

  astanley@liv.ac.uk

- Dr Karen Evans, Principle Investigator/ Primary Supervisor
  Room 1.29
  Eleanor Rathbone Building
  Bedford St South

  Liverpool

  0151 794 2974

  evansk@liv.ac.uk

- Prof Barry Goldson, Secondary Supervisor
  The University of Liverpool

  Bedford Street South

  Liverpool

  0151 794 2977

  goldson@liv.ac.uk

Appendix H: Email Template

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EMAIL ADVERTISEMENT

The following email is a general transcript and will be tailored to specific expert's roles in order to recruit participants for interviews. The email advertisement will be sent to criminal justice experts with knowledge of women's body searching in prison in England.

Dear Sir/Madam,

My name is Amy Stanley and I am conducting research at the University of Liverpool for my PhD thesis. The doctoral research will investigate the practice of women's body searching in prisons in England. My supervisory team, Dr Karen Evans and Prof Barry Goldson, and I have identified you as someone with expert knowledge regarding women's imprisonment and body searching. I would therefore like to invite you to take part in an interview at a time and place of your convenience. Once you have read the participant information sheet, if you decide that you would like to take part in the research, please email me at astanley@liv.ac.uk and we can arrange an interview date and time. I would like to emphasise that the interview will be conducted in strict confidentiality and I can ensure your anonymity if you so request. If you have any further question regarding the research or interview process, please do not hesitate to contact me.

I hope to hear from you soon,

Best wishes,

Amy Stanley.

Appendix I: Participant Information Sheet For Professionals with Expert Knowledge of Women's Imprisonment and Body Searching.

UNIVERSITY OF LIVERPOOL

PARTICIPANT INORMATION SHEET FOR CRIMINAL JUSTICE EXPERTS

Title of Project
Analysing 'Body Searching' in Women's Prisons in England.

You are being invited to participate in a research study. Before you decide whether to participate, it is important for you to understand why the research is being undertaken and what it will involve. Please take time to read the following information carefully and feel free to ask us if you would like more information or if there is anything that you do not understand. We would like to stress that you do not have to accept this invitation and should only agree to take part if you want to.

Thank you for reading this.

Name of Researcher
Amy Stanley, Student Investigator and PhD Candidate in the Department of Sociology, Social Policy and Criminology.

What is the purpose of the study?
This research is being carried out for a PhD thesis and will be conducted by a student studying for a PhD in the Department of Sociology, Social Policy and Criminology. The purpose of this study is to understand and explore women's experiences of body searching in prisons in England. Body searching practices include rub-down searches, strip searches, internal searches, and searches using equipment, such as metal detectors, x-ray machines and the BOSS scanner.

Why have I been chosen to take part?
You have been chosen to take part in this research as you are a criminal justice expert with knowledge regarding women's body searching.

Do I have to take part?
No. It is up to you to decide whether or not to take part. If you do you will be given this information sheet and asked to sign a consent form. You are still free to withdraw at any time prior to the anonymisation of data, and without giving a reason. A decision to withdraw will not affect your rights/any future treatment/service you receive.

What will happen if I take part?
- You will take part in a one-off interview.
- You will be asked about your views regarding body searching, you have the right to refuse to answer any questions you do not feel comfortable with and do not have to provide a reason.

- You will be given the opportunity to express your feelings about body searching methods, for example, there may be something you want to add to the interview which has not been asked by the researcher.
- The interviews will be audio-recorded, only the researcher will have access to the recording and nobody else will hear it, the recording is for writing up the interviews only.

Are there any risks in taking part?
As body searching can be a sensitive topic to discuss, this may cause you to experience emotional distress. However, the researcher will provide you with information about support. If you should experience any discomfort or disadvantage as part of the research, this should be made known to the researcher immediately.

Are there any benefits in taking part?
As women with experience of imprisonment are marginalised within the criminal justice system, their voices are rarely heard. This research allows you, as a criminal justice expert, to express your opinion about a sensitive issue such as body searching, and provides you with a platform to share your expertise, which may be a rewarding and valuable experience.

What if I am unhappy or if there is a problem?
If you are unhappy, or if there is a problem, please feel free to let us know by contacting Dr Karen Evans at evansk@liv.ac.uk and we will try to help. If you remain unhappy or have a complaint which you feel you cannot come to us with then you should contact the Research Ethics and Integrity Office at ethics@liv.ac.uk. When contacting the Research Ethics and Integrity Office, please provide details of the name or description of the study (so that it can be identified), the researcher involved, and the details of the complaint you wish to make.

Will my participation be kept confidential?
- Data will be collected via audio recording, which will be transferred onto the password protected M Drive of the University of Liverpool network at the end of each day. The original recording will then be destroyed**.**
- The audio data, which will then be transcribed, will be stored onto the password protected M Drive of the University of Liverpool network for the duration of the PhD registration. At the end of the PhD registration the audio files will be destroyed.
- Interview transcripts will be held on the M Drive of the University of Liverpool network for the duration of the PhD registration. After this time, the data will be stored securely by the University of Liverpool for a minimum of 10 years.
- Any paper copies of transcripts will be destroyed using the University of Liverpool shredding equipment and confidential waste bags.
- The data will not be archived for use by other researchers.
- The data will be anonymised and your name will be replaced with a pseudonym unless you explicitly request to be made identifiable within the final dissemination of the data.
- Data will only be accessible to Amy Stanley, student investigator; Dr Karen Evans, lead supervisor and Prof Barry Goldson, secondary supervisor.
- The data will be used for the completion of a Doctoral Thesis, and will also be used in future publications such as academic journals and conference proceedings.

Disclosure of criminal activity

When conducting research at the University of Liverpool, confidentiality is vital. However, there are times when confidentiality cannot be ensured. The researcher is compelled to report a participant to relevant authorities if they disclose any of the following:

1) Information relating to an act of terrorism
2) Information relating to suspected cases of money laundering
3) Information regarding the neglect or abuse of a child.

What will happen to the results of the study?

The results of the study, once disseminated into a doctoral thesis, will be made available in the public domain and at the University of Liverpool library. If you would like a copy of the thesis, youcan contact Amy Stanley at astanley@liv.ac.uk and request a copy. You will not be identifiable within the results unless you explicitly request to be so.

What will happen if I want to stop taking part?

You can withdraw from the study at any time, without explanation. However, results can only be withdrawn up to the point of anonymisation. Results up to the period of withdrawal may be used, if participants are happy for this to be done. Otherwise participants may request that the results are destroyed and no further use is made of them.

Who can I contact if I have further questions?

If you have any further questions please contact:

- Dr Karen Evans
  Room 1.29
  Eleanor Rathbone Building
  Bedford St South
  Liverpool
  0151 794 2974

Contact details of investigatory team

- Amy Stanley, Student Investigator, PhD Candidate
  Room 1/010
  Walnut House
  Liverpool
  astanley@liv.ac.uk

- Dr Karen Evans, Principle Investigator/ Primary Supervisor
  Room 1.29
  Eleanor Rathbone Building
  Bedford St South
  Liverpool
  0151 794 2974
  evansk@liv.ac.uk

- Prof Barry Goldson, Secondary Supervisor
  The University of Liverpool
  Bedford Street South
  Liverpool
  0151 794 2977
  goldson@liv.ac.uk

Appendix J: Sources of Support Sheet

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SOURCES OF SUPPORT

RASA: Rape and Sexual Abuse Centre

Telephone: 0151 650 0155

Email: rasa@rasamerseyside.org

Mail: RASA,PO Box 35,Birkenhead,Wirral,CH42 4RX

Safe Place Merseyside (Sexual Assault Referral Centre)

24/7 Telephone: 0151 295 3550

Mind: For Better Mental Health

Telephone: 0300 123 3393

Email: info@mind.org.uk

Text: 86463

Mail: Mind Infoline, PO Box 277, Manchester, M60 3XN

Samaritans

Telephone: 08457 90 90 90

Email: jo@samaritans.org

SANE: Providing Support for Mental Health Issues

Telephone: 020 7375 1002

Email: info@sane.org.uk

Appendix K: University of Liverpool Ethical Approval Certification

UNIVERSITY OF LIVERPOOL

Central University Research Ethics

Committee A

1 October 2018

Dear Dr Evans

I am pleased to inform you that your application for research ethics approval has been approved. Application details and conditions of approval can be found below. Appendix A contains a list of documents approved by the Committee.

Application Details

Reference: 2902
Project Title: Analysing 'Body searching' in Women's Prisons in England.
Principal Investigator/Supervisor: Dr Karen Evans

Co-Investigator(s):   Ms Amy Stanley
Lead Student Investigator: -
Department: Sociology, Social Policy and Criminology
Approval Date: 01/10/2018
Approval Expiry Date: Five years from the approval date listed above

The application was **APPROVED** subject to the following conditions:

Conditions of approval

- All serious adverse events must be reported to the Committee (ethics@liverpool.ac.uk) in accordance with the procedure for reporting adverse events.

- If you wish to extend the duration of the study beyond the research ethics approval expiry date listed above, a new application should be submitted.

- If you wish to make an amendment to the study, please create and submit an amendment form using the research ethics system. If the named Principal Investigator or Supervisor leaves the employment of the University during the course of this approval, the approval

will lapse. Therefore it will be necessary to create and submit an amendment form within the research ethics system.

- It is the responsibility of the Principal Investigator/Supervisor to inform all the investigators of the terms of the approval.

Kind regards,

Central University Research Ethics

Committee Aethics@liverpool.ac.uk

CURECA

Appendix - Approved Documents
(Relevant only to amendments involving changes to the study documentation)
The final document set reviewed and approved by the committee is listed below:

Document Type	File Name	Date	Version
Advertisement	Email Advert		
Participant Consent Form	Consent Form		
Interview Schedule	Interview Schedule for Experts	01/02/2018	1
Interview Schedule	Interview Schedule for Women	01/02/2018	1
Debriefing Material	Sources of Support	19/07/2018	1
Research Tools	Sources of Support	07/08/2018	2
Participant Information Sheet	Participant Information Sheet for Experts	01/10/2018	3
Participant Information Sheet	Participant Information Sheet for women	01/10/2018	3

Appendix L: Participant Profiles

Women with Experience of Imprisonment (Formerly Imprisoned Women, FIW)

Participant	Background
Mandy (FIW[29] and PWK[30])	Mandy describes herself as having a middle-class upbringing and was imprisoned in 1979. Mandy later became an activist and campaigned against the imprisonment of Irish Republican women due to her experience of imprisonment.
Hannah* (FIW)	Hannah is was imprisoned at just 17 years old. Hannah has served multiple prison sentences and served her latest sentence in 2017.
Kate* (FIW)	Kate, who identifies as a lesbian, served a 14-month sentence in 1997 when she was just 17.
Emira* (FIW and PWK)	Emira, is from a Turkish-British background and served a sentence in 2017. Prior to Emira's prison sentence, she worked as a prison officer in a male prison. After her sentence, Emira decided to go back into education and is now completing a PhD in Criminology which looks to the experience of motherhood in prison.
Annie* (FIW and PWK)	Annie was sentenced to prison in 2007 and served 14 months. Formerly a lap dancer before her imprisonment, Annie now works with prisoners and former prisoners to support them into employment post-release.
Simone* (FIW)	Simone served five prison sentences in the three years between 2000 and 2003.
Elizabeth* (FIW)	Elizabeth served her first sentence in 1986 when she was just 19. Elizabeth then served multiple sentences and later in 2007 served her last prison sentence.
Ann Marie (FIW)	Ann Marie served multiple prison sentences in Scotland. Whilst Ann Marie has not been imprisoned in England, her experience was extremely important to this analysis.
Vanessa* (FIW and PWK)	Vanessa served a prison sentence in 2016. After her imprisonment, Vanessa used her political education and trade unionist experience to engage with activism around prison reform and abolition, based upon her experience of imprisonment.

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[29] FIW= Formerly Imprisoned Woman.
[30] PWK= Professional with Knowledge.

Professionals with Knowledge of Body-Searching and Women's Imprisonment (Professionals with Knowledge, PWK)

Participant	Background
Allison* (PWK)	Allison is prison academic with expertise in women's imprisonment.
Kathy (PWK)	Kathy is a former probation officer who worked with women in the criminal justice system. Kathy spearheaded efforts to make probation more inclusive and shaped around women's gender specific needs.
Erica* (PWK)	Erica is a lawyer whose work focusses exclusively upon the representation of prisoners. Erica has direct experience of working on legal cases relating to body-searching in prison.
Gloria* (PWK)	Gloria is a prison academic who has experience in researching women's imprisonment and prisoner human rights. Gloria has extensive, specialised knowledge on women's body-searching due to her prison research.
Janet* (PWK)	Janet is a prison academic with knowledge regarding women in prison, the body and sex work.
Sarah (PWK)	Sarah is a prison charity associate who has worked extensively with women in the criminal justice system, she is also a trustee of an organisation which supports women when exiting prison.
Rosa* (PWK)	Rosa is a prison academic who has researched and written extensively on women's experiences of imprisonment.
Jen* (PWK)	Jen worked as a prison teacher and now supports women exiting prison.
Sadie* (PWK)	Sadie is the Chief Executive of a prison charity and has done extensive work with imprisoned women.

*Names have been replaced with pseudonyms.

Appendix M: Interview Schedule for Participants Who Have Experienced Body Searching.

Interview Schedule for Participants Who Have Experienced Body Searching.

As this is a narrative interview, below are themes which the interviews may discuss. It is important to note that these are just suggested themes, and the interview will be predominantly led by the participant.

Background Information:

- Age
- Background (e.g. experience of school, relationship with parents, peers)
- Life prior to imprisonment
- Date and duration of imprisonment
- General experience of imprisonment

Experience:

- Experience of being searched at the time
- Retrospective experience of being searched
- Comparison of searching methods/techniques
- Resistance to searching
- Use of force
- Policy vs practice

Procedural Issues:

- Rub-down searches
- Strip searches
- Internal searches
- Searches using equipment/devices
- Frequency of searches
- Staff treatment during searches (e.g. reasons given for the search, physical treatment during the search)

Concluding Remarks:

- Overall thoughts on body searching

Appendix N: Interview Schedule for Criminal Justice Experts with Knowledge of Women's Body Searching.

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Interview Schedule for Criminal Justice Experts with Knowledge of Women's Body Searching.

As this is a narrative interview, below are themes which the interviews may discuss. It is important to note that these are just suggested themes, and the interview will be predominantly led by the participant.

Establishing a Dialogue:

- Field of work
- General issues impacting women in prison

Experience:

- Effectiveness of body searching
- Alternatives to body searching
- Official justification of body searching
- Resistance to body searching
- Impact upon women prisoners

Procedural Issues:

- Body searching procedures
- Staff-prisoner relationship
- Staff training
- Use of force
- Comparisons of body searching procedures

Concluding Remarks:

- Overall thoughts on body searching