

## **‘THEY ONLY CARE WHEN THERE’S A MURDER ON’: CONTESTED PERCEPTIONS OF VULNERABILITY FROM SEX WORKERS IN PRISON**

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### ***Abstract***

This article is based on my doctoral research into the experience of sex workers in prison. Corston (2007) recommended that a new Reducing Reoffending Pathway 9 be implemented across the female prison estate, namely Support for Women Involved in Prostitution. The premise was that Pathway 9 would offer tailored support to women in prison who have been involved in prostitution in order to support their cycles of offending. This article will consider how women in prison who engage in commercial sex are treated within the criminal justice system and will make recommendations for best practice.

### ***Keywords***

Sex work; stigma; policing; prison; violence

## **Methodology**

My fieldwork took place at HMP New Hall and I spoke with 18 women who identify as sex workers. The focus groups ran once a week for two hours with nine women in each group. There are no official figures kept for the number of women in prison with a history of selling sex (Ahearne, 2016) and as such this is a hard to identify demographic. I used reading aloud as a research method (Hodge, 2007; Sweeney, 2008; Billington et al., 2010; Sweeney, 2010; Billington, 2011; Sweeney, 2012; Billington and Robinson, 2014). We had a weekly reading group, which was framed by three deliberately broad research questions:

1. How do female prisoners with a history of engaging in sex work feel about imprisonment?
2. How do they feel about exiting?
3. How do they feel about access to specialist services inside and outside prison?

The aim was to give the women a very broad remit through which they could share what they deemed important without having questions fired at them. As a feminist researcher, this was particularly important: the power imbalance between prison researcher and woman in custody cannot be underestimated, and I did not feel it was ethical to put women under pressure to answer numerous questions. In practice, the focus groups served as places for the women to share experiences and concerns about both the prison and sex work. The women decided they would also like the option to write their own poetry and share it with the group.

## **Data analysis**

All sessions were audio recorded; I listened to each recording twice before beginning to transcribe. This was a labour-intensive process and allowed me to become very familiar with my data. I used thematic analysis, which I was confident with and which fitted the project (Braun and Clarke, 2006).

## **Findings**

My thesis findings can be summarised in terms of three main themes:

1. Sex work as a risky business: violence and power
2. 'It's just a big circle, isn't it?': solidarity and identity amongst a 'deviant' population
3. Bad girls, punishing women: the tools of punishment in the prison

This article will concentrate on my findings in relation to sex work as a risky business, in particular considering issues of violence and power. I will comment on the implications of my findings for the recommendations of the Corston Report (Corston, 2007), in particular Pathway 9.

Well I can remember exactly when it happened in [home town], what they [police] did was they came on the beat, and they'd say 'listen we'll get you off the street tonight' and they was giving them food parcels and all that, coz they know they've not got anything, it's not just for drugs you know

what I mean, so they were trying to help them the best way they could by like giving them food parcels for the kids. But it should be like that all the time, not just when there's a murder going on. ('Tilly')

'Tilly' expresses frustration that the only time the police appear to show concern and empathy for street sex workers is when there has been a high-profile act of violence: in this case, a murder. This constructs sex workers as disposable bodies, whose lives do not hold the same value as those of women who do not sell sex. It constructs their lives as unimportant. Tilly is contesting the disposability discourse; she is drawing it into focus as problematic.

The fact that the police have a visible presence when a high-profile case such as a murder has occurred suggests that it is when the danger is seen by the community, or seen as seeping into the community, that the threat is taken seriously. The managed approach to street sex work in Leeds was reported on by a local newspaper in June 2015 after a successful 12-month pilot (*Yorkshire Evening Post*, 2015). A superintendent in the article states: 'Our job is to keep people safe and that applies when people put themselves in risky situations' (*Yorkshire Evening Post*, 2015), which operates as a blaming system when considering risk. The workers 'put themselves in danger': they are constructed as responsible for their own safety. The idea of self-responsibilisation – that sex workers are at fault for being on the street, or indeed indoors selling sex, in the first place – constructs and compounds the sex worker as 'other' (Romereo-Dazaa et al., 2003). After a high-profile case such as the murder of a sex worker, the role of the police and the media is to reassure the public that they are safe. Violence against sex workers is seen by some segments of the media as deserving (O'Neill, 2009, Phoenix, 2008).

An additional feature of the analysis is where Tilly is trying to resist the normative construction of the drug-fuelled sex worker (McLaughlin, 1991) and the stigma this produces; she is trying to claim back the identity of sex worker from being 'other'. She states that these women have nothing, and says they were given 'food parcels for the kids'. Placing the sex worker as a mother too is humanising; it reiterates that being a sex worker is just one part of her identity, and that she is not different from 'ordinary' women. The narrative of 'mother' ensures that the women are seen as 'deserving victims' (Klambauer, 2017). In prison a woman must be seen in terms of a rounded identity, not just as a sex worker or prisoner. The majority of my participants are mothers, and providing for their children is a main reason for engaging in sex work. Likewise, the risk to sex workers in the course of their work is also a risk for their families and dependents. In this way we can see sex workers as part of communities, not in contrast to them.

In this extract Tilly depicts a rare moment when she experienced inclusion through short-term emergency help when a sex worker had been murdered. For this brief time, Tilly and other sex workers were constructed as belonging to the community, not as a dangerous 'other' that needs to be eradicated. Women who sell sex are seen as collaborators of their own vulnerability and 'riskiness', and as such the state abandons the level of protection that its citizens are normally given. This needs to be addressed in order to reduce violence against sex workers, and to ensure those who are attacked feel confident in reporting the

attacks to the police. All of my participants have been attacked, and many have witnessed brutal attacks on other women.

It is only those sex workers who accept the victimhood discourse who are considered to be 'worthy' (Scoular and Sanders, 2010:9), with sex workers who claim agency in their work being considered undeserving victims. Wahab (2006) argues that victim status provides opportunities for women to access services; those considered not to be a victim are not provided with access. This disposable, throwaway status (Lowman, 2014) renders sex workers highly vulnerable in both the physical and the symbolic sense. The woman who sells sex is vulnerable to the risk of physical violence, including horrific extreme attacks and rapes depicted in my data. The sex-working woman is also vulnerable to being cast out by the criminal justice system and being disbelieved by police or magistrates (Klambauer, 2017). Sex workers therefore operate under the constant threat of violence and 'almost violences': the times they are 'lucky' and get away. Although my participants reject the victimhood discourse, they also represent victims of violence. This rejection of victimhood can be read as a survival method in the face of a state that has seemingly abandoned them. This abandonment and stigma provide the backdrop for extreme violence against those selling sex.

#### **'One of his fantasies was to kill a prostitute'**

This one guy picked me up, he gave me money, took me to a hotel, and he told me one of his fantasies was to kill a prostitute. ('Kate')

The extreme violence that sex workers face is chillingly emphasised by 'Kate' in this explicit extract. For my participants, performing labour under the fear of extreme violence was commonplace, with all of the women experiencing physical and sexual violence during their working lives, and all of my participants being aware of the risks of violence, existing in a state of 'almost-violence'. This trauma is something which must be understood and addressed inside the prison estate. Kate revealed that she saw this same client many times afterwards on the beat, 'driving round and round', which demonstrates a symbolic violence and a constant threat of what might happen. This constant fear can explain the culture of violence depicted earlier in the article.

My first one, I was in an alley with this Polish guy, and I'll never forget his eyes. He picked me up upside down and was trying to strangle me, and I was screaming that loud, the neighbour put his lights out. I was with him for about four hours. I had to say that I had kids, I was just pleading with him, you just feel like you're not gonna... ('Lily')

The prevalence of violence against my participants is emphasised by 'Lily', who talks about violent encounters, starting with 'My first one'. Lily was screaming so loud that 'the neighbour put his lights out'. This depicts how sex workers not only face violence frequently but also are not afforded the same protections as other citizens. We can imagine that the neighbour would phone the police if a woman were attacked outside their home; but Lily, as a known sex worker and therefore an actor in her own risk, is abandoned. Likewise, my participants stated that their traumas and violent experiences

were ignored in the prison. For 'Pathway 9: Support for women who have been involved in prostitution' (Corston, 2007) to be useful to women in prison, it must offer a consistent range of services to every woman across the female prison estate. As it stands, there is no uniform approach or good practice for what this pathway should include. It is very clear from my research that all women in prison should be offered rape counselling upon arrival.

### **'We've all done shit like that'**

One of the main reasons women in prison might be hesitant to identify themselves as sex workers and, therefore, be able to access specialist support services through Pathway 9, is the grey area of the law that sex work inhabits. Letsas and O'Connell (2010:61) call it the 'precarious legal position of prostitution'. All of my participants were unsure of the legal position of selling sex and, therefore, they were understandably hesitant about admitting to further 'crimes' whilst in custody. A further reason is the circle of violence and criminality that exists in the culture of street-based sex work.

We've all done shit like that though, haven't we. I've heard some lasses say I've never robbed anyone, fuck off, yeah you have. ('Macaulay')

'Macaulay' constructs all sex workers as sharing the experience of stealing from clients. The understanding here is that theft from clients is so commonplace that any sex worker who denies involvement must be telling lies. Macaulay further elaborates her point:

And now, coz of bad experiences, I don't go out on the beat. I go in city centre, go up to students, ask if they want business, and yeah I do steal their car and PIN number for money. I will do something with them. ('Macaulay')

Macaulay positions herself as an avenger, as showing resistance to dangerous clients by stealing from others. Thus, this can be read as a risk-management strategy. Sex work is often constructed as a risky business (Sanders, 2005; McCracken, 2013) and here Macaulay presents a risky and dangerous landscape. The 'bad experiences' are glossed over, given their frequency and how normalised they are. All of my participants had been victims of physical violence whilst working. Sex workers in prison need to be able to openly discuss working practices, without fear of further criminalisation, with dedicated support staff. The women must know that they will not be judged or further criminalised, and the crimes they discuss, such as stealing or violence against clients, must be understood in the context of the hyper-violent culture they live within.

The idea of stealing as an act of resistance is continued by Billie Jean, who illustrates a stance of self-righteousness by stealing a small amount:

I'm not proud of it, but I have, I've robbed them. The way they treat you and that, you think right I'm taking it, so I have done it. But [friend], she used to go, and nick a tenner off them and run away, but she got caught, and they dragged her round the back. ('Billie Jean')

This extract highlights how such acts of resistance can be short-lived, as 'Billie Jean' demonstrates when she reveals her friend was 'dragged round the back'. Billie Jean does not elaborate what happened when the friend was dragged away, suggesting how frequent such acts of violence are and how they are a normalised part of her life. This again illustrates why sex workers in prison are hesitant to identify as such, and why they do not reveal the extent of their violent experiences. The women do not want to be constructed as violent and (re)criminalise themselves. The performance of violence in the extracts also reveals something else: the currency of violence in the prison. Women in prison do not want to look weak, or else they will be a target for bullying and attacks. Therefore, the excessive violence that is discussed can also be read as a risk-avoidance strategy.

Yeah I get someone in my house, the minute they hear the zip on my coat they come out, bang. I get the first lot of money off them straight away, then bang ('Kate')

This extract constructs 'Kate' as the instigator of violence, and represents the complex power dynamics of sex-working relationships, where the sex-working woman can be victim *and* aggressor. Kate is describing how she gets male friends into her house, ready to mug clients. This complicated narrative can be a barrier to accessing support in prison, as the woman selling sex is unable to explain her experiences without addressing this violence as part of the narrative.

### **'Vulnerability' and the blame game**

The positioning of sex workers as perpetrators of violence is in contrast to the dominant victimhood discourse that policy displays (Home Office, 2004; Home Office, 2006). This conflict serves to legitimise a sex worker's outsider status, constructing her as being double or triple deviant and an undeserving victim. Women who sell sex are seen as collaborators in their own vulnerability, and they often experience negative treatment by the police (Lazarus, 2013; Smith, 2015a, 2015b). This is illustrated by Billie Jean:

I rang the police over what he done to me, and I got done. It was my friend, was a counter basically, he said he's never seen me before in his life, he said we went to his door saying we were strippers. Why would you come down and open the door? This is his version by the way, not the truth, he said this is what happened. Judge said I could have got five to seven years for it because of his age. I didn't know how old he was, he was 70. ('Billie Jean')

In this extract, the judge positions the man as vulnerable due to his age, whereas Billie Jean's vulnerabilities are made invisible. Billie Jean tells the story of the man being a long-term friend and client, which illustrates the complexity within which commercial sex takes place. All of my participants have served a custodial sentence for acts relating to their sex work, and it is often the client's word against theirs. The 'crime' might be theft, but it is an altercation over the price for a sex act, or violence, that emerges when client/friend and sex worker are under the influence of drugs and alcohol together, or a domestic disturbance when the woman selling sex is temporarily living with the client/friend. Therefore, the true nature of the crime is not recorded as being related to sex work.

The discourse of the vulnerable older man is repeated in the media, with a sex worker being photographed and named in one newspaper for burgling a client, and the judge remarking: 'You took money from an older and hard working man whom you had serviced as a prostitute' (*Wilts and Gloucestershire Standard*, 2016). Here the man is positioned as passive, and the socio-historical construction of the contaminating prostitute is compounded (Walkowitz, 1980, 1992). Billie Jean contests the judge's notion of vulnerability in the following extract:

He wasn't vulnerable when he was kicking the shit out of me, do you know what I mean. ('Billie Jean')

'Dream' also contests the notion of vulnerability and how it is used to construct the client as vulnerable and simultaneously erase her vulnerabilities (Davison, 2014):

I stood up in court and shouted, I said you're saying he's vulnerable, what am I then? Coz he's taking advantage of me, thinking I'm gonna have sex with him for £20, but they didn't believe it. And I have dipped punters in the past, but this, it was all bollocks. And I was sat here in prison for two years thinking wow he's lied and got away with it. ('Dream')

Dream spoke of her despair that the judge deemed the client a vulnerable man but did not view her to be a vulnerable woman. Dream revealed to the group that she has a diagnosis of multiple mental health problems, including a long history of self-harming, and yet her vulnerabilities were erased. This demonstrates the paradox between how sex workers are often constructed as victims to be rescued in debates calling for the criminalisation of the buyers of sex, but simultaneously have their vulnerabilities erased in the criminal justice system, where their 'deviant' identities and practices precede them and are presented as being in need of punishment and control. Sanders (2009:512) points out that the proposal of 'compulsory rehabilitation orders' for women involved in street prostitution 'envisaged the direct criminalization of excluded and vulnerable women for a low level offence which has remained outside of the criminal justice system since 1982'. In Dream's extract we see the more complex ways that sex workers are criminalised 'through the back door' (Ahearne, 2016:31). Therefore, this extract opens up much larger questions about how sex workers are criminalised. It raises the question of how many women are in prison for crimes relating to their working practices but who are not recorded in any statistics.

### **Pathway 9: help or control?**

Therefore, we must consider whether the recommendations of the Corston Report (Corston, 2007) represent help or further control. My research questions whether the implementation of Reducing Reoffending Pathway 9 (Corston, 2007) is genuinely about helping women who sell sex, or whether it is about controlling and monitoring the 'fallen' and the 'wayward woman' (Phoenix, 2008). There is an increasing trend of applying a victimhood discourse to sex work, in particular the experiences of women who work on the street (Smith, 2015a). This victimology legitimises controlling responses under the guise of 'eradicating' prostitution (Home Office, 2004). As Scouler (2004:350) argues, 'appeals to the state for protection by middle-class feminists on behalf of their "poor sisters" often cast prostitute and young working-class women as objects of care and

concern'. Scoular continues that such constructions increased state control of 'wayward women' that continues to this day (Scoular, 2004:350). Pathway 9 might arguably be another thread in the widening web of governmentality, whereby women who sell sex are under surveillance from numerous agencies (Foucault, 1979; see also Scoular, 2010:28). Corston's assertion that women's centres should be 'used as referral centres for women who offend or are *at risk of offending*' is particularly problematic (Corston, 2007:69, emphasis added).

Likewise, engagement and support orders, framed as being there to 'help' sex workers, are also part of this 'be helped or else' framework (Carline and Scoular, 2013:3) and represent increased and extended control by the state over poor and vulnerable women (Sanders, 2009:508). Scoular and O'Neill (2007:216) argue that moving away from enforcement towards multi-agency interventions reveals 'more expansive forms of control' that are often masked by a neoliberal rhetoric of 'active citizenship' and 'participation'. O'Neill (2010:216) asserts that legislation increasingly serves to regulate women who sell sex, whilst claiming concern for women's welfare. The Corston Report's (2007) recommendation of Pathway 9 can arguably be read in this context.

The concept of vulnerability is deeply contested. It can be seen as a way of identifying people who may be 'at risk', but it can also be seen as a mechanism of social control (Brown, 2012). Scoular and O'Neill (2007) argue that the construction of sex workers as inevitably vulnerable is a governance technique. Brown (2012:47) concurs that 'In classifying individuals as vulnerable, it would seem there is also the implication that they need to be controlled'. It appears that on the one hand policy constructs sex workers as vulnerable, yet in practice these vulnerabilities are often ignored, and instead sex workers are punished and controlled. Vulnerability, then, may be utilised in fluid and interchangeable ways.

## **Conclusion**

For Pathway 9 to be useful for women in prison, there must be a shift from the dominant narrative that sex work should be eradicated. Instead, those services available to women should offer assistance on exiting *and* working more safely, to ensure the women are respected regardless of whether they wish to exit or continue working at this time. There must be a dedicated Pathway 9 lead in every prison, who is given the time and resources in the form of a paid full-time role. Sex workers in prison must not fear further criminalisation for 'outing' themselves as selling sex and must feel that they are worthy of respect and protection. Their experiences must be understood in the context of the cycle of violence within which they live and labour, and support services must be put in place to deal with the trauma they have experienced. Care must be taken that Pathway 9 does not become a further form of surveillance and regulation of sex workers under the guise of protection.

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