

Commission on Sex in Prison

Women in prison: Coercive and consensual sex

Briefing paper 2

Key points

- Women in prison are particularly vulnerable and are more likely than men to have a history of being a victim of violence or sexual abuse. Many women seek comfort in prison to cope with their vulnerabilities
- Relationships between women prisoners are very different to those found in men's prisons. Relationships with staff also differ
- There is evidence that some women have sexual relationships with other women prisoners
- Prison staff reported that women were more overt than men about their friendships and relationships with other prisoners
- The Prisons and Probation Ombudsman found that intimate relationships between women could be a source of comfort or of bullying or abuse
- Her Majesty's Inspectorate of Prisons found that there was a lack of tolerance in some prisons to non-sexual physical contact between women
- Women are at greater risk than men of entering prison with a sexually transmitted infection including HIV
- Women in prison have different sexual health needs to men in prison. They should have access to dental dams to prevent the spread of STIs
- Some women prisoners had been coerced into sex with prison staff in return for favours such as cigarettes or alcohol
- There is evidence that assaults known as 'decrotching', where women prisoners forcibly retrieve drugs hidden inside a woman's vagina, occur in women's prisons.

Introduction

The Howard League for Penal Reform has established an independent Commission on Sex in Prison. The Commission comprises eminent academics, former prison governors and health experts and is focusing on three broad themes:

- consensual sex in prisons
- coercive sex in prisons
- healthy sexual development among young people in prison.

This is the first ever review of sex inside prisons in England and Wales. There is currently little reliable evidence available on both consensual and coercive sexual activity in prisons.

The Commission aims to understand the nature and the scale of the issues and problems surrounding sex in prison. It will make a series of recommendations with a view to making prisons safer. It will also examine how the situation in England and Wales differs from other countries, looking for best practice.

This is the second in a series of briefing papers for the Commission on Sex in Prison. It looks at consensual and coercive sex in women's prisons.

The Commission on Sex in Prison has received written and oral evidence from voluntary and statutory agencies, prison governors, prisoners and former prisoners. It has held a series of seminars and heard evidence from Her Majesty's Inspector of Prisons (HMIP), the Prisons and Probation Ombudsman (PPO), prison governors, probation staff and academics. This briefing paper is based on the written and oral evidence submitted to the Commission on Sex in Prison.

Women in prison

There are almost 4,000 women in prison. Women account for less than five per cent of the total prison population. Baroness Corston (2007) found that women were marginalised in a prison system largely designed for the male majority.

For many women, a custodial sentence is disproportionate. Of the 7,469 receptions of sentenced women into prison in 2012, 81 per cent were for women who had committed non-violent offences. Sixty per cent (4,500) were for women sentenced to six months or less.

Women in prison are particularly vulnerable and have multiple and complex needs. They have higher rates of suicide and self-harm than men. The Corston Report (2007) found that many of the women in prison had a history of being victims of serious sexual or other violent abuse prior to prison.

A report published by the Justice Select Committee (2013) found that 'the extent of needs [among women in the criminal justice system] is frequently greater than amongst male offenders and vulnerabilities are more widespread'.

Prison can be a distressing experience for women. The United Nations Office on Drugs and Crime (UNODC) (2008) found that the imprisonment of women 'generates new mental health problems or exacerbates existing ones'. Baroness Corston (2007) stated:

Women recounted the stress that came from newly encountering the prison environment. Crowding, noise and the threatening atmosphere were the immediate factors. They recounted their alarm and concern at finding themselves sharing cells with women with mental health problems and who self-harmed; being frightened and unprepared when confronted with women who were suffering severe drug withdrawal or seizures...A number of other women reportedly witnessed incidents where suicides had occurred.

The experiences of women in prison, including their experiences of consensual and coercive sex, differ greatly to those of men.

1. Consensual sex in prison

There is anecdotal evidence that women are engaging in sex in prison but little reliable data. A study of women's health in prison (Plugge et al., 2006) looked at the sexual behaviour of women prior to prison and in prison. It interviewed 220 women a month after they had arrived in prison and found that 18 had had sex with a man and 25 had had sex with a woman during that month in custody. A small number of women were exchanging sex for goods or drugs in prison. The same study found that safe sex was not widely practiced in prison. It is not known whether any of the sex was consensual.

A prison governor told the Commission that relationships between women in prison were not necessarily sexual and could be helpful and supportive, especially for women who self-harmed. For some women, relationships were an emotional bond and provided support to help them through a period of incarceration.

A researcher reported that the extent to which prisoners become involved in sexual and romantic relationships with one another varied between institutions and intimate relationships between female prisoners were not necessarily sexual:

Although some prisoners would talk about relationships with other prisoners as being ‘just a bit of comfort’, in general these were taken seriously as ‘real’ relationships even by women who had otherwise only had relationships with men. Many were sincerely-held, committed emotional attachments.

A number of women expressed that they were surprised that they had become involved in a relationship with another woman during their sentence. Women with experiences like this would talk of – for example – having ‘fallen for’ someone, and talked about the end of those relationships – when they broke down or one partner was moved or released – as painful.

A female prisoner told the Commission:

Some people do it [have a relationship in prison] because they need to feel that comfort and attention and others do it because they generally love and care about there [sic] partner.

The damaging effects of prison on women are well documented (Corston, 2007; the Howard League for Penal Reform, 2012). It is perhaps not surprising that some women form friendships and intimate relationships with other prisoners to help them cope with the profoundly detrimental effects of prison on their mental health and wellbeing.

2. Policies towards prisoner relationships

The Commission heard evidence that women in prison were more open about their thoughts and feelings and more likely to be physically affectionate to each other than men. Studies of women’s relationships in general have shown that women are more intimate, emotional and physically affectionate in their same sex friendships than men (Aukett et al., 1988).

Staff working in women’s prisons should receive gender specific training and guidance on working with women in prison (Ministry of Justice, 2012; HM Prison Service, 2008). The Commission heard that staff in the female estate recognised and were sensitive to the behavioural differences of women compared to men. However, a report by HMIP (2012) on Styal prison noted:

Lesbian and bisexual women were more negative than other women in our survey and several we spoke to said staff were heavy-handed in dealing with women deemed to be behaving ‘inappropriately’. We saw two women reprimanded for hugging each other and were shown a number of negative incentives and earned privileges [IEP] slips for similar actions. This lack of tolerance

to non-sexual physical contact and displays of affection was reinforced by the sexuality section of the diversity policy, which focused on how women should behave rather than how lesbian and bisexual women would be supported.

(July 2011 p.44)

Prison Service Order 4800: Women prisoners recognises that ‘women sometimes form intense emotional relationships with other women in prison, which can be difficult to manage for them, their peers and staff.’ (HM Prison Service, 2008)

A prison governor told the Commission that staff working in the female estate tended to know the women well as a result of their openness and willingness to talk about problems. This enabled prison staff to determine the nature of friendships and relationships between prisoners and intervene if they suspected bullying or abuse. However, evidence from the Prisons and Probation Ombudsman (PPO) (2013) suggests that in some prisons staff may not have such detailed knowledge of the relationships between women in their care.

NOMS policy does not allow sexual relationships between prisoners and it is likely that women may try to keep a relationship secret in order to avoid being separated. This can create problems when relationships between women break down or become coercive. The PPO (2013) published a learning lessons bulletin on sexual abuse in prisons and found *intimate relationships between female prisoners, which can obviously be a source of comfort, companionship and commitment, can also be a source of jealousy, abuse and bullying.*

In the last five years the PPO investigated six fatal incidents where sexual issues were found to have contributed in some way to the prisoner’s death. Whilst this is a very small proportion of all cases investigated, five of these were deaths of women, meaning 20 per cent of all self-inflicted female deaths from 2007–2012 involved this issue.

The report cited the following case study:

The prison appeared to have little or no written information about relationships between prisoners. According to other prisoners, the usual response on discovering intimate relationships was to separate women from each other. Whether this perception was accurate or not, the inevitable effect was to discourage prisoners from being open about their relationships. As a result, when a relationship comes to an end, the impact may not be apparent to staff and they will not be in a position to offer help or support or to be able to identify any related bullying.

3. Sexual health of women in prison

Women in prison have specific sexual health needs and these should not be ignored or overlooked. A report by UNODC and the World Health Organisation (WHO) (2009) found:

Women in prison often have marginalized and socially deprived backgrounds, which place them at high risk of acquiring HIV infection. Many may already be living with HIV when they enter prison (Reyes, 2000). Women are at greater risk than men of entering prison with such sexually transmitted infections as Chlamydia infection, gonorrhoea and syphilis and also with HIV. This results from high-risk behaviour, including sex work and an increased likelihood of being a victim of sexual abuse.

In oral evidence given to the Commission, a researcher noted:

Given that a significant minority of women prisoners are engaging in sexual activity in prison, some without prior experience of relationships with women, and given widespread ignorance about lesbian sex, there is a marked lack of information about safe sex available to women prisoners.

Women should be able to obtain barrier methods including dental dams which can be used to prevent the spread of sexually transmitted infections during oral sex. However, practice for the issue of dental dams in women's prisons varies. One sexual health worker told the Commission that health practitioners handed out dental dams to women in prison instead of condoms and aimed to ensure that all women were aware of their availability. However Her Majesty's Inspectorate of Prisons noted that dental dams were not always easily accessible in every prison. In an inspection report on Eastwood Park prison, HMIP (2012) found:

Sexual health promotion was prominent and barrier protection, advertised on the wings, was available along with advice. Use of condoms, rather than dental dams, was promoted; the service policy on dental dams was unclear.

4. Coercive sex between women in prison.

There is little data on the number of women who are coerced into sex in prison. The majority of research has focused on consensual and romantic relationships between women prisoners. A researcher told the Commission that a number of recent US studies report coercive sex between women prisoners but no evidence of sexual violence among prisoners had been encountered during her own research in English prisons.

Evidence submitted to the Commission suggested that some relationships between women prisoners

were coercive but were not necessarily recognised as such by women at the time of their imprisonment. Defining a relationship as either consensual or coercive is not straightforward as relationships may contain coercive elements and can change over time.

Written evidence submitted to the Commission by professionals who worked with former women prisoners reported that some relationships in prison could be unhealthy when they involved co-dependency and when partners tried to control each other.

Women often presented with low self-efficacy, isolation, and low self-worth. They might have been abused by men in the community, and were unlikely to be accustomed to healthy sexual relationships. Abusive relationships which began in prison sometimes continued on release.

The evidence suggested that some women used sexual bullying as a coping strategy in prison and called for greater recognition of the potential risk of abuse.

It appears that when social isolation, emotional loneliness, low self worth and self efficacy, depression or PTSD [Post-traumatic stress disorder] are detected in a female prisoner, a predisposition to sexually offend should always be considered ... therefore, the current prison environment is unlikely to reduce her risk of sexually offending, if anything the risk is likely to be exacerbated as she struggles to survive in a lonely isolating environment.

There is a need to improve a gender responsive approach to this problem and increase prisoners' insight into healthy relationships and coping strategies by offering a specific package of intervention to address this problem. But we also need to ask the question once again, is prison really the best place for a women to serve her sentence or does it just exacerbate all her problems and increase her risk of sexual offending?

The PPO (2013) recommended that staff in prisons should be more aware of, and if necessary challenge abusive relationships between prisoners and ensure they record and report all incidents of bullying. It also recommended that violence reduction co-ordinators receive training on how to identify and manage bullying caused as a result of relationships between prisoners.

5. Coercive sex between prison staff and women in prison

PSO 4800: *Women Prisoners* recognises the importance of ensuring that staff maintain clear boundaries in their working relationships with women.

Some people when working with women offenders find themselves in major difficulties managing the relationship. Some women are extremely vulnerable and become very dependent on others. Some women

have never known non-exploitative relationships with others and may try to relate to staff and others in inappropriate ways. Relationships need to be caring but with clear boundaries.

The Commission heard evidence that the working relationships between both male and female staff and women prisoners could be positive. For example there was less social distance between officers and female prisoners, it was more acceptable for staff to have a friendly chat with women and women felt comfortable seeking support from both male and female staff. However, the Commission heard evidence that some staff had developed inappropriate or coercive relationships with women.

A researcher told the Commission:

All prisoners had something to say about relationships between staff and prisoners: they knew of staff-inmate relationships, of staff who had been disciplined for rumoured involvement with a prisoner, of an officer with a reputation for sleaziness or who was known to bring luxuries such as perfume into the prison for particular prisoners. At the same time, there were also examples of serious and committed relationships that emerged between officers and inmates, generally involving the officer leaving the prison service.

The Commission heard evidence from the National Offender Management Service (NOMS) (2012) that it investigated all allegations of inappropriate relationships between staff and prisoners. PSO 1215: professional standards; preventing and handling staff wrongdoing states:

Staff must not have any sexual involvement with a prisoner.

Prison staff who breach this face disciplinary action or prosecution for misconduct in a public office. The PSO also states that staff must challenge and report any possible suspicion of misconduct.

Corrupt behaviour is not acceptable. Staff must not solicit or accept any advantage, reward or preferential treatment for themselves or others by abusing or misusing their power and authority.

The Commission on Sex in Prison did not find any evidence of staff coercion on the scale of the serious and systematic abuse that has been reported in women's prisons in the US by Human Rights Watch (1996), Amnesty International (1999, 2001) or Just Detention International (2011).

Cases of abuse in women's prisons have been reported in the media but the Commission did not hear evidence that this was widespread. The BBC (2011) reported that an acting prison governor had been jailed for misconduct in a public office

after having a three year relationship with a female prisoner and ordering her to perform sex acts. A report in the *Guardian* (2009) described coercive sexual relationships between male prison staff and female prisoners, and described how a former prisoner was frequently propositioned to have sex with both male and female staff during her sentence, and that one male officer promised to let her return to the prison from day release with drugs and alcohol in return for sex.

Other former prisoners described how they received tobacco or vodka in return for performing sexual acts on male prison officers.

Staff working in women's prisons must recognise women's vulnerabilities. Training on maintaining professional boundaries and recognising misconduct including the grooming of female prisoners is essential. Staff should also recognise that practices which are not sexual in intent, such as checking on a woman in her cell while she is changing or conducting a full search, can add to a sense of vulnerability or feel abusive, particularly for women who have experienced past sexual abuse.

6. Sexual assaults in prison

According to NOMS, there were six recorded sexual assaults in women's prisons in 2012 compared to 107 in men's prisons. The proportion of assaults per population is the same for men and women. Determination of whether a particular assault is classified as sexual is guided by the wishes of the victim.

There is anecdotal evidence from numerous sources about the practice of 'de-crotching' (also known as 'decrutching') in women's prisons although data on the number or frequency of such attacks does not appear to exist. Penny Mellor (2003) wrote in the British Medical Journal:

Without doubt the most horrific thing that I have come across while in prison is "decrutching." This is the term used when a prisoner comes in with drugs secreted in her vagina and other inmates pin her down and remove those drugs with any available tool. This has led to serious injuries, which are all kept quiet because if the victim reports them, she will be charged with supplying.

The Commission received evidence from the Practical Care Project (2013):

De-Crutching or De-Bagging as it is referred to in prison jargon is a regular practice carried out within the drug using women's prison community. A woman receiving a visit where it is known or suspected that she will be receiving drugs from the visitor (a sweet visit) as it is known, is targeted on

her return to the wing and held down by one or more other women in order that they can retrieve the drugs from either orifice within which she has secreted the ‘parcel’ during the visit. For this purpose the rubber gloves used to clean the wing bathrooms and toilets are often used. This act is commonplace in the closed female estate and is a violent and often painful sexual attack and absolute violation of the victim.

The physical trauma of this act is something that many women are prepared to accept in their quest to ‘score’ and block out once again their stark reality, but it is this very reality that is often perpetuated by the violent attacks as they can all too often be horrific replicas of previous encounters of sexual abuse that these women have suffered in the past.

NOMS data on the overall number of recorded sexual assaults on women in prison in 2012 could not be disaggregated to show how many assaults were perpetrated in order to retrieve contraband hidden on a prisoner.

In a letter to the Practical Care Project in 2013, justice minister Helen Grant MP wrote:

The National Offender Management Service is aware that incidents of the type that you describe [decrotching] do occur in prisons. However, they are comparatively rare, and where they are discovered, like any other sexual assault reported by offenders, they are taken very seriously, and cases are referred to the police for a criminal investigation. Where there is insufficient evidence for a prosecution, NOMS will use the internal disciplinary process to deal robustly with perpetrators.

It is difficult to obtain reliable data on the number of decrotching incidents and they may be under-reported. The victim has to admit to smuggling drugs into prison in order to divulge the attack and could face prosecution or a further prison sentence for possessing or supplying drugs in prison. The

visitor who supplied the drugs will be banned from visiting for a minimum of three months, face closed visits and could also be charged and prosecuted. Some women may never disclose the assault for fear of the repercussions. Further evidence is needed to determine the nature and scale of such clandestine assaults.

Conclusions

Women in prison have different emotional and sexual needs to men and require a different approach. Their needs should not be ignored or overlooked in a prison system designed to cater for the male majority. Many of the women who enter prison are vulnerable and prison can exacerbate existing mental health problems or generate new problems.

There is evidence that some women form relationships in prison as a source of comfort and support. However, some relationships can become coercive or abusive. Women might keep sexual relationships secret in prison for fear of being separated. Staff working with women in prison need training and guidance on how to support women, identify relationships between prisoners and recognise bullying.

The working relationships between prison staff and women can be beneficial and there is evidence that women prisoners are more open about their feelings than men and more likely to talk to staff about problems. However there is the potential for close relationships to become coercive and staff need to be able to recognise signs of grooming or abuse.

There is a need for further research on sexual assaults on women in prison, including assaults to obtain contraband.

A full list of references is available on the Howard League website at <http://www.howardleague.org/publications-prisons/>

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