

Strip searches Sexual assault by the state

Amanda George

The humiliation of women in Victoria's prisons.

I removed my clothes one piece at a time as requested. When we had stripped down to our underwear in the street, we were searched. I honestly felt the only way to prevent the search becoming more intrusive or sexual was to remain as quiet and docile as possible. I later wondered why I was so passive; all I could answer was that it was an experience similar to sexual assault. I felt the same helplessness, the same abuse by a male in authority, the same sense of degradation and lack of escape.

St Kilda Pedestrian

We are strip searched after every visit. We are naked, told to bend over, touch our toes, spread our cheeks. If we've got our period, we have to take the tampon out in front of them. It's degrading and humiliating.

When we do urines it's even worse; we piss in a bottle in front of them. If we can't or won't, we lose visits for 3 weeks.

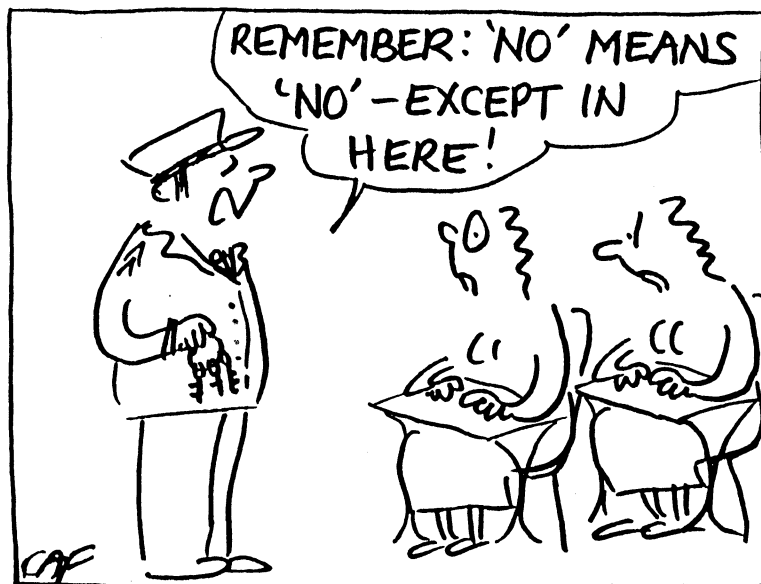
Fairlea Prisoner

It is acknowledged that sexual assault occurs in state institutions: prisons, psychiatric hospitals, youth training centres and police stations. These incidents usually involve criminal acts such as rape and other sexual assaults by individuals employed by those institutions. And, while they are rarely reported, they are clearly understood as being 'crimes' for which the individual, but not the state, is responsible.

But at the same time that the state deplores unlawful sexual assaults by its employees, it actually uses sexual assault as a means of control. In Victoria, prison and police officers are invested with the power to commit acts which, if done outside of working hours would be considered to be crimes of sexual assault.

It is the author's view that some 'legal' strip searches fall under the definition of sexual assault as defined by the *Crimes Act 1958* (Vic), and that sexual assault within the state-controlled apparatus of prisons and police duties demands close examination.

Everyday, women and men experience sexual assaults at the hands of the state. The state tries to deny that these acts are crimes, first by justifying them for a variety of purposes, and second, by labelling the victims as being of a class deserving of such treatment.



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A strip search

For a strip search, prisoners are told to remove their clothes, one item at a time, and pass them over. They stand naked, open their mouths, lift up their tongues, take out dentures, flick their ears, stretch out their arms, lift their feet, lift their breasts (men their testicles) spread their legs, bend over to touch the floor and part their cheeks for inspection. If they are menstruating, they remove the tampon in front of the officer and insert a new one.

In 1988, eight women at Fairlea Prison went on hunger strike over conditions and particularly strip searches. In 1989, women in G Division Pentridge protested over the 'squat and cough' routine of the search. The coroner's finding regarding a woman who died at G Division that year said the 'squat . . . leads to allegations of degrading treatment and created further tensions between officers and prisoners'. After this, the 'squat and cough' routine was stopped.

Strip searches are conducted on prisoners whenever they have family and friends to visit, and, increasingly, after visits by professionals (lawyers, housing and community workers). The practice of strip searching prisoners when they have professional visitors, in effect, punishes prisoners who are seeking information, support and assistance from outside organisations. This is quite contrary to Office of Corrections (OOC) policy which says: 'The OOC has for many years actively encouraged the participation of community agencies in prisons, recognising their expertise and commitment to providing support to prisoners'. The use of strip searches on prisoners seeking support and assistance is currently the subject of joint protest by community, church and legal organisations.

Strip searches are also carried out on family and friend visitors to the prison, either by a process of selection, or randomly. Visitors who refuse the strip when asked do not get to visit at all. While the Director General's Rules say a non-contact visit can be offered, it frequently is not. More often than not, the visitor is met down the road by police for a car search. A visitor's refusal to strip is seen as being motivated by having something to hide rather than any concerns about dignity, fear, humiliation or cultural and religious issues. The attitude of the state is that friends and family of prisoners should be treated like prisoners.

. . . it is the feeling of most if not all the women prisoners that the searches are far too often and very degrading for our families to be put through. Most of the women of the unit [Banksia, maximum security Barwon Prison] have no visits at all because of this fact. We had an Open Day with a band, but it was a disaster because of lack of visitors.¹

There were 60 women inside Fairlea in May this year. Over a one month period, 386 strip searches were conducted. That same month we read with concern in the *Age* about the strip searching of women in prison in Northern Ireland. There was no outrage, however, at the simultaneous strip searching and urine testing of all women in Victoria's gaols on a Sunday night in April 1992.

The OOC now forces prisoners to give urine samples. For this, a prisoner is strip searched, undresses and urinates into a bottle in front of the officer. *For strip searches or urines, there is no absolute requirement that the officers be of the same gender as the prisoner.*

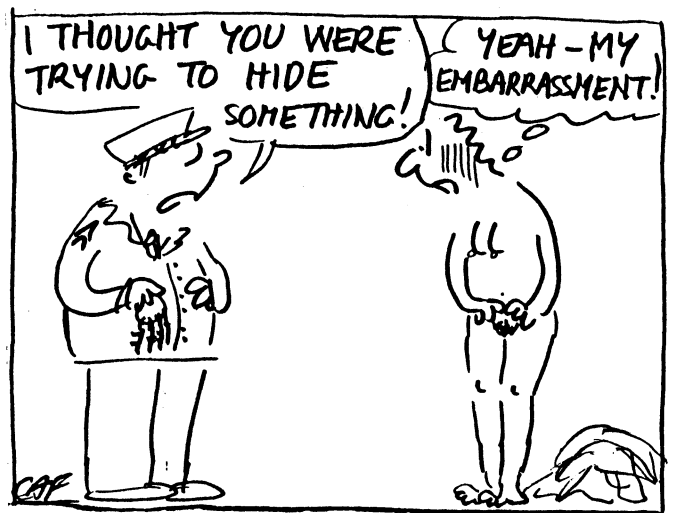
A prisoner who refuses, or who cannot urinate within three hours of being ordered to, loses contact visits for three weeks. For three refusal offences they lose contact visits for 12 months. In reality, there is no choice but to submit to these assaults and to this humiliating and degrading treatment.

No choice

The 'choice' that the 74% of women in Victorian prisons who are mothers have is that, unless they submit to these sexual assaults, regulations say they can only see their children for a weekly half-hour visit, through glass.

On perhaps an even bleaker note, some 70% of women inside are survivors of incest and sexual abuse.² The Office of Corrections runs programs for women who are survivors. These programs are meant to increase confidence, self-esteem, body image, develop assertiveness, etc.

Yet these same women are regularly strip searched by the OOC without their 'free agreement'.³ They can be forced to submit, and it is illegal for them to resist. Until late last year, even women who were being internally examined in outside hospitals could be required to wear handcuffs during the internal, in front of an officer. Now it is in front of the officer without handcuffs.



The prison environment

The prison environment that this abuse occurs in is one where the woman is completely powerless. There is no real accountability in prisons. It is a closed, hypermale, military environment demanding a slavish submission to hierarchy and authority.

Under the new regime of Unit Management in prisons, the officers who strip, search and inspect urine samples are also the welfare officers, the people whom prisoners are supposed to confide in, be counselled and supported by. The same officers charge prisoners with offences and report on their behaviour at regular meetings to determine their education and recreation privileges and their accommodation.

The weekly roundabout of the 'strip as the price to get visits', followed by courses to develop confidence and assertiveness, followed by a literal stripping of these qualities, is sadistic, and may indeed constitute a 'cruel and unusual punishment' under the International Covenant on Civil and Political Rights.

And why is this sexual assault and humiliation legal? Because the victim is a prisoner. She may be in for social security fraud, drugs, spouse murder, credit fraud or whatever, but she loses her humanity, her individuality, her right to freedom from assault, humiliation and fear, and her right to resist those assaults.

Government, of course, provides reasons for practices that would, in other circumstances, be illegal. The main reason given is drugs. Strip searches and urine testing are ostensibly designed to detect and stop drugs and other contraband.

Police and searches

The police power to strip search is based on the formation of a reasonable belief that a person is in possession of concealed drugs. The police are totally unaccountable in their use of strip searches. When the Victoria Police were asked to provide information on the number of strip searches done by police, they replied: 'There is no requirement for such searches to be centrally documented, therefore no statistical data exists'.

This power gives the police *carte blanche* to harass, abuse and assault women who they identify as deserving of such treatment. In particular, any woman walking in St Kilda, where street prostitution occurs, is fair game. These searches are rarely carried out in police stations. They occur in back lanes and in doorway recesses. Perhaps it is because of the poor lighting in these areas the police are taking a more 'hands-on' approach?

I had to strip down to my undies. They made me go out the back of the light. I was a bit scared. I wet myself literally because I knew what they'd do next. Only one guy searched me internally, but he did me anally and vaginally. I had nothing on me. They told me to run off home.⁴

Internal searches are illegal, but what woman is going to be believed making such serious complaints against police? And who, working legally or illegally in the sex industry, can afford to stand up to police?

Strip searches, when they do happen in police stations, can go far beyond the legal indecent assaults. Reports of women being interviewed while naked and having photographs taken in front of groups of officers while naked are documented.⁵

Further, terror tactics and sexual assaults by police have been documented in a recently released book on police shootings in Victoria.⁶ In that publication a woman disclosed that after being punched by police she had a shot-gun placed between her legs; in the same raid an 18-year-old man was punched, had his pants pulled down and a gun put up his behind.

Examples of police and prison officers' abuse of their powers must not focus on the 'few bad apples in the barrel' argument. Abuse of powers comes as no surprise to many citizens.

What we must acknowledge is that in giving officers the power to strip search and to use force, we are giving them the right to sexually assault. At the same time, we are removing any right of the victim to resist, to complain, and to have their experience of the assault legitimated.

If you don't agree with this, wait until you are strip searched.

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