

When strip searches are sexual assaults

Women who are in charge of prison security have recognized that the strip searches yielded very little—if any—contraband and no weapons, but significantly traumatized women. Women prisoners, the vast majority of whom have histories of physical and sexual abuse, frequently experience strip searches as a form of sexual assault.

BY Kim Pate

OTTAWA—Strip searches are defined as the removal or rearrangement of some or all of the clothing of a person so as to permit a visual inspection of a person's private areas, namely genitals, buttocks, breasts (in the case of a woman), or undergarments.

Even though the law is clear that the sentence of imprisonment is supposed to be “the punishment,” prisons are places where each minute of the day one's life is controlled. Prisoners are to do what they are told, when they are told, and are punished if they do not. What is a strip search then? It generally involves the woman removing her clothes, one item at a time and passing them over, to standing or being restrained standing naked or “semi-naked,” while the officer inspects her clothing manually and her body visually. Police and correctional officers are also trained to have a detainee open her mouth, lift her tongue and take out dentures, show behind her ears and shake out her hair, lift each limb and her breasts and spread her legs, bend over to touch the floor and part her cheeks for inspection or squat over a mirror. If the woman is menstruating, she may be required to remove her tampon in front of the officer supervising the strip search.

As one woman prisoner testified about her experience of strip searching: “*How can they walk in there, rip my clothes and say ‘Its [sic] okay, I was doing my job; it was professional.’ Maybe if the tables were turned they wouldn't think so, but the tables aren't. I don't know how any man can do that to any woman and say it was their job. As far as I know it's a crime. A crime was committed there. And if something like that happened down the street, that's a crime. That's sexual assault.*” (Arbour (1996) *Commission of Inquiry into Certain Events at the Prison for Women in Kingston*, p. 75).

Strip searches are sexual assaults that are sometimes sanctioned by our laws to allow police and correctional authorities to search for contraband or weapons. Prison and police officers are vested with the power and responsibility to do acts which, if done outside of work hours, would be crimes of sexual assault. If a person does not ‘consent’ to being stripped naked by these officers, force can lawfully be used to do it. Sexual assault does not require that the perpetrator be focused on sexual gratification; rather, it is defined as an assault that violates the sexual integrity of the complainant. Moreover, in the case of R.

v. Golden, the Supreme Court of Canada “cannot be carried out simply as a matter of routine policy,” because “strip searches are inherently humiliating and degrading.”

Although weapons and contraband are far less likely to be found on women, women are much more likely to be strip searched than are men. We know this is true in prison settings, and the fact that it is also a reality in police lock-ups and detention centres was recently exposed during the trials and investigations into the G20 arrests and detentions.

Prison authorities certainly know this. Indeed, many staff in the prisons for women indicate they would also prefer not to have to strip search women, as it interferes with their ability to work with the women in more constructive ways. In fact, in 2005, the Deputy Wardens of Canada’s federal prisons for women—who were then responsible for managing the security of the prisons—recommended to that all routine strip searches for women be ceased. These women in charge of prison security recognized that the strip searches yielded very little—if any—contraband and no weapons, but significantly traumatized women. Women prisoners, the vast majority of whom have histories of physical and sexual abuse, frequently experience strip searches as a form of sexual assault. Unfortunately, those who suggested this change were not listened to by their superiors”—men, who headed “corrections.” I am told, they were even ridiculed for their suggestions.

I therefore consider myself in good company.

On Oct. 5, 2011, I was disappointed to hear that rather than engage in a more public discussion with me, directly, a Member of Parliament challenged my testimony before the Parliamentary Standing Committee on Public Safety, by making a statement in the House of Commons. Then, on Oct. 6, 2011, I was dismayed to hear that he once again spoke from his position of Parliamentary privilege and embroidered his previous statement in a manner that sadly seemed more intended to inflame, than inform. Conservative MP Brent Rathgeber (Edmonton-St. Albert, Alta.) suggested that I questioned the authority of correctional authorities to strip search prisoners in circumstances where they have cause to believe that the individual may be smuggling drugs or weapons. Moreover, this statement was apparently made after he chose to ignore an offer to discuss the matter in the more public forum of a joint media interview.

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