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Contested victimization: Discourses on staff sexual misconduct in women's prisons

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ABSTRACT

Staff sexual misconduct is a documented problem in women's prisons across many jurisdictions. Although sexual misconduct exists along a continuum and can incorporate elements of agency and desire, the institutionalized imbalance of power between staff and incarcerated individuals is central to any discussion of consent. Legal approaches differ across jurisdictions; the Dutch legal framework allows some consideration of consent in cases of staff sexual misconduct, opening space for ambiguity in law and practice. This article examines how staff sexual misconduct in Dutch women's prisons is discursively constructed. The analysis draws on observations and 145 interviews conducted across all three women's prisons in the Netherlands, including 10 with formerly incarcerated women, 44 with currently incarcerated women and 91 with staff members. Findings reveal that the credibility of victims is systematically contested, through narratives that use tropes of victim blaming and emphasize staff vulnerability to false allegations. Reporting is discouraged by expectations of disbelief and the anticipation of negative consequences. We argue that such dynamics constitute a form of epistemic violence, silencing women's experiences and obscuring structural inequalities.

1. Introduction

In several jurisdictions, high-profile abuse cases have drawn attention to staff sexual misconduct and inappropriate relationships in prisons. Staff sexual misconduct takes place in men's and women's prisons. For example, in England and Wales, multiple prison officers (women)¹ and a prison governor (a woman) have been convicted and sentenced to prison for misconduct in public office, for engaging in sexual acts and inappropriate relationships with incarcerated men (Al-Othman, 2025). In the Netherlands, an Inspectorate report was published following the arrest of a prison officer (a man) for sexual abuse, which drew attention to a culture that makes integrity violations possible (Inspectie Justitie en Veiligheid, 2023). In 2024, two prison officers (men) have been convicted and sentenced to prison for rape and sexual abuse of incarcerated women (RB Midden-Nederland, 2024a, 2024b). Apart from these convictions, however, sexual relationships between prison officers and incarcerated individuals are not normally prosecuted in the Netherlands. In contrast, in many states in the USA,

consent is considered invalid and cannot be used as a defense in sexual relations between staff and incarcerated individuals (Kowalski, Mei, Turner, Stohr, & Hemmens, 2019). This raises legal and normative questions about the extent to which sexual acts in a context of institutional dependency can ever be (fully) consensual and when such acts constitute sexual violence.²

Although the Bangkok Rules – the United Nations standards on the treatment of incarcerated women – emphasize that incarcerated women are especially vulnerable to humiliating and degrading treatment, including sexual assault and abuse, empirical research on the causes and conditions of staff sexual misconduct in women's prisons remains limited (Caravaca-Sánchez, Aizpurua, & Wolff, 2023; Jones & Pratt, 2007; Powell, 2025b; Wolff, Blitz, Shi, Bachman, & Siegel, 2006). Few studies provide insight into the institutional, cultural and gendered factors that shape such misconduct and responses to it (Blackburn, Fowler, Mullings, & Marquart, 2011; Evans, Smyth, & Worthington, 2025; Marquart, Barnhill, & Balshaw-Biddle, 2001; Powell, 2025a, 2025b). The rate of sexual victimization by staff is estimated around 7.6% across genders

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¹ We opt to indicate the gender of people by using 'women' and 'men'. We prefer this over the use of 'female' and 'male', which refer to biological sex.

² The World Health Organization (2014) defines sexual violence as "any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting including but not limited to home and work" (p. 76). This covers a spectrum of behaviors, including harassment, coercion and exploitative dynamics.

based on a large self-report survey in the USA (Wolff et al., 2006), although some studies suggest that prison officers who are women are more likely to engage in sexual violations than prison officers who are men (Bone & Sweeting, 2025; U.S. Department of Justice, 2009). Few countries report official figures on sexual violence in prisons, and fewer still systematically track incidents involving staff.

The USA is an exception: since the introduction of the Prison Rape Elimination Act of 2003 (PREA), data collection on sexual violence in prisons has become standardized. In 2020 there were 8628 allegations of staff sexual misconduct, of which 445 were substantiated (Buehler & Kottke-Weaver, 2024). Statistics show an overrepresentation of women among victims: they comprise 28.7% of the victims of substantiated staff-perpetrated incidents (Buehler & Kottke-Weaver, 2024), while they make up 9.7% of the total US prison population (Fair & Walmsley, 2025). These statistics not only demonstrate the scope of the problem, they also show the difficulty of proving abuse: in 42.0% of cases there was insufficient evidence to make a final determination ('unsubstantiated'). Furthermore, in 45.8% of cases the alleged incident was found not to have occurred ('unfounded'). Such outcomes may undermine the credibility of victims who report acts of sexual violence and discourage disclosures.

Considering the risk and prevalence of staff sexual misconduct in prisons, it is important to examine not only individual cases, but also the broader institutional conditions in which such violations occur. Official statistics likely underestimate the scope of the problem, as incarcerated individuals often refrain from disclosing abuse due to fear of retaliation, shame, or the anticipation of being disbelieved (Butler, Bouffard, Beatty, & Bouffard, 2023). The power imbalance between staff and incarcerated individuals limits the possibility of free and meaningful consent; incarcerated people are structurally dependent on staff for access to basic needs, safety, and privileges. These conditions render them vulnerable to coercion (Green, 2023). For women, this vulnerability is often compounded by previous experiences of sexual abuse and exploitation (Belknap & Wilson, 2025). Prior research has also drawn attention to issues of period poverty and invasive procedures, like strip searches, contributing to feelings of shame and degradation (Moss, Fenn, & Vilches, 2025; Tapp & Henson, 2024). Our research focuses on women's prisons in the Netherlands; while we found no evidence of period poverty, we discussed our respondents' experiences of strip searches elsewhere (Van Ginneken & Abbing, 2025). The question at stake in this paper is: How is staff sexual misconduct discursively constructed by staff and incarcerated women, and how do these constructions shape the credibility, reporting, and recognition of victims? We show that both staff and incarcerated women question the credibility of sexual abuse victims. Staff are deemed vulnerable to false allegations, and reporting is discouraged by expectations of disbelief and the anticipation of negative consequences.

This study makes an original contribution by extending scholarship on victim-blaming into the institutional context of women's prisons, demonstrating how gendered assumptions about sexuality, responsibility, and consent affect responses to sexual misconduct. While existing criminological studies mostly focus on victim blaming as an individual-level phenomenon, our paper presents an institutional, intersectional and discursive frame of analysis. This reveals how victim blaming is entrenched within penal structures in addition to society more broadly. Furthermore, our findings contribute to the discussion on consent in closed settings, as well as its gendered and racialized aspects.³

2. Sexual misconduct or sexual relationships? Victimhood, agency and credibility

Sexual misconduct in prison is shaped by multiple legal,

institutional, social and individual factors. Sexual misconduct in (women's) prisons must be understood along a continuum that ranges from overt coercion and assault to more ambiguous interactions that may be framed as consensual (Kelly, 1987; Owen, Wells, Pollock, Muscat, & Torres, 2008). This continuum approach highlights how a common character underlies these different events and that there is no binary distinction between consensual and non-consensual sexual relationships. In their research among transgender women in men's prisons, Jenness et al. (2019, p. 604) also find that "the presumed bright line between consensual sex and nonconsensual sex is often blurry; likewise, the distinction between wanted and unwanted sex is often difficult to discern." What is more, any sexual contact between prison officers and incarcerated persons should be understood in the context of asymmetrical power relations (Brenner, Darcy, Fedock, & Kubiak, 2016). This is complicated by gender and other social relations, meaning that dynamics in men's and women's prisons should be considered separately.

Sexual acts between staff and incarcerated persons are not always reducible to force or threat; they may also arise from a (complex) dynamic of sexual desire, instrumental reasoning, emotional attachment, or manipulation and coercion (Smith, 2006). Likewise, staff may interpret their actions as emotionally motivated or mutually desired, even as these interactions occur within an asymmetrical power relationship. An analysis of 25 documented cases of sexual contact between officers and incarcerated individuals in the U.K. revealed that only three cases explicitly documented staff coercion while three thirds of relationships were labelled "emotional" in a romantic sense (Bone & Sweeting, 2025). This latter description was predominantly linked to cases with prison officers who were women and incarcerated men. An important limitation of the aforementioned study is that viewpoints of the incarcerated individuals were not included in the case files.

Even when there are reporting mechanisms in place, there are many reasons why incidents of sexual misconduct likely go unreported, as is the case with sexual violence in the community (Mulder, Teunissen, Pranger, Hiddink-Til, & Lagro-Janssen, 2021; Orchowski et al., 2022). Victims may fear staff retaliation, being accused of lying, or shame and stigma (Butler et al., 2023; Klevan, 2023; Laderberg, 1998). In an environment where staff have substantial control over the lives of incarcerated persons, whistleblowers or victims of sexual misconduct risk severe consequences, such as losing privileges, work assignments, or being transferred to another unit or prison. These risks are often compounded by the fear of not being believed. Research points to enduring images of who is legible as a victim, shaped by beliefs about gender, sexuality and ethnicity (Powell, 2025a). Consequently, credibility is unequally distributed, and incarcerated individuals do not fit the image of 'ideal victims' (Brenner et al., 2016). Some studies also highlight concerns about the misuse of reporting mechanisms, i.e. the weaponization of abuse complaints. In such cases, incarcerated women are said to make or threaten to make false or exaggerated allegations of abuse to manipulate staff or gain institutional advantages (Dunton, Smith, & Ferdik, 2024; Powell, 2025a; Weaver et al., 2025). Such beliefs about the possibility of false accusations can influence interactions between prison officers and incarcerated women, and may also reduce the likelihood that victims will report sexual misconduct, due to fears of not being believed.

Research on sexual misconduct and boundary violations in prison settings reveals striking gendered patterns in how such interactions are described, interpreted, and problematized. In men's prisons, the presence of officers who are women is often situated within a hypersexualized and male-dominated institutional culture. Studies speak of a sexual atmosphere and hostile work environment, in which incarcerated men view prison officers who are women as sexual objects rather than authority figures (Barua Worley & Worley, 2021; Marquart et al., 2001). One strand of US research even portrays prison officers who are women as victims of involuntary exposure to sexualized behavior and autoeroticism by incarcerated men (Barua Worley & Worley, 2021; Worley &

³ We thank the anonymous reviewer who helped to articulate the elements of our original contribution to criminal justice research.

Barua Worley, 2013). However, a critical examination of this phenomenon – including the potential role of psychiatric disorders and the contributing conditions of confinement – remains absent in the literature. Women who work as prison officers are less frequently portrayed as using sex as a form of power. By contrast, men who work as officers in women's prisons are depicted as 'sexual predators' who exploit their authority to procure sexual favors (Dial & Worley, 2008; Evans et al., 2025; Marquart et al., 2001). Staff sexual misconduct in women's prisons is also more often linked to obtaining contraband (Novisky, Narvey, & Piquero, 2021). On the one hand, incarcerated women involved in sexual interactions are likely to be recognized as victims; their vulnerability is compounded by their documented histories of sexual abuse prior to imprisonment (Belknap & Wilson, 2025). On the other hand, there is a coexisting framing of justice-involved girls and women as deviant and manipulative, which diminishes their credibility when reporting sexual violence (Powell, 2025a). Interviews with PREA advocates and youth support staff for incarcerated girls revealed a dual narrative that "challenged and at times reproduced gendered, sexualized, and racialized correctional tropes that incarcerated girls' emotional vulnerability led them to exaggerate and manipulate sexual misconduct allegations for attention or revenge" (Powell, 2025a, p. 3, emphasis in original).

The terminology used to describe sexual contact between prison staff and incarcerated individuals reflects broader normative and legal ambiguities. Terms such as "relationships", "misconduct", or "boundary violations" are often used interchangeably, yet they carry different implications regarding agency, consent and blame. The term *relationships* obscures the power asymmetries and institutional constraints that shape interactions in prison. The concepts of *misconduct* and *boundary violations* offer a broader frame for understanding transgressive behavior within institutional settings, encompassing a range of emotional, physical and sexual transgressions. However, the concepts also risk euphemizing violence and abuse. "Sexual violence" and "rape" are typically only used to refer to non-consensual acts. It is debatable, however, to what extent consent can be established or considered valid in carceral settings given power asymmetries (Green, 2023). On the other hand, legislating an inability to consent risks the infantilization of and removal of (even more) agency from incarcerated individuals.

The deprivation of liberty, autonomy and heterosexual relationships in prison complicate the meaning of sexual interaction: desires for attention, kindness or being seen as human are inevitably entangled with institutional dependence (Sykes, 1958). Incarceration involves the loss of autonomy, which creates a hierarchical relationship between staff and incarcerated individuals. Prison officers hold considerable power over various aspects of daily life in prison, such as access to privileges, freedom of movement, and the ability to maintain contact with the outside world. The inherent power imbalance between staff and incarcerated women is central to understanding sexual misconduct in prisons. While such a power imbalance also exists in men's prisons, in women's institutions it is shaped in different ways by patriarchal power dynamics and entrenched gender roles. Staff who are men often occupy positions of authority that are institutional as well as symbolic, drawing on broader societal norms that cast men as protectors, disciplinarians, or sexual agents, and women as emotional, passive, and in need of control (Carlen, 1983). Women's ability to make voluntary and independent sexual choices is severely compromised in prison (which is the case for all incarcerated individuals). Nevertheless, it is important to recognize that even though power relations affect women's agency, there are many ways in which they can still act meaningfully. This creates an agency dilemma, which is the "difficulty of recognizing and analyzing the vulnerability of oppressed people while at the same time recognizing and respecting their capacity to act" (Mühlebach, 2025, p. 2).

Western jurisdictions take different approaches in responding to sexual contact between prison officers and incarcerated individuals. The USA explicitly criminalize sexual contact in hierarchical relationships, including prison officers and incarcerated persons, healthcare providers

and patients, and educators and students. Driven by PREA, all US states have felony offences criminalizing staff sexual misconduct; although specifics vary (Kowalski et al., 2019). The UK can prosecute sexual misconduct – regardless of consent – as Misconduct in Public Office. In Australia, there are differences between states: for example, while New South Wales criminalizes any sexual contact regardless of consent, Western Australia has no specific legislation. European countries also vary in their legal approach: Germany criminalizes any sexual contact with incarcerated persons, reasoning that consent is not a defense due to institutional dependency (StGB § 174a "Sexueller Missbrauch von Gefangenen"). Other western countries, such as France and the Netherlands, do not have specific legislation, but consider a relationship of authority an aggravating factor. This means that in these contexts consent is still considered relevant in determining whether sexual contact constituted abuse.

3. The Dutch legal context: consent as a central concept

The normative boundaries around sexual conduct in prisons in the Netherlands are ambiguously defined. While sexual contact between prison officers and incarcerated individuals constitutes a breach of professional conduct and is grounds for dismissal, the legal grounds for criminal prosecution remain unclear. This normative ambiguity is illustrated by a recent Dutch appellate court ruling, in which a prison officer was acquitted of all charges despite clear evidence that sexual acts (including penetration) had taken place with an incarcerated woman. The court acknowledged the officer's behavior as highly inappropriate and damaging to the integrity of the prison, but nonetheless ruled that the sexual acts were not criminal (based on Article 249 Sr). The judgment rested on the finding that: "The sexual acts were entirely voluntary and therefore undertaken with mutual consent and the dependent position of the incarcerated individual was not at any point a factor in considering or ultimately engaging in the sexual acts" (Gerechtshof 's-Hertogenbosch, 2025). In doing so, the court invoked an exception – based on established jurisprudence of the Supreme Court of the Netherlands – which allows for acquittal if the dependency inherent in a hierarchical and functional relationship did not demonstrably influence the sexual contact (Hoge Raad, 1997). According to this precedent, sexual acts between individuals in a relationship of institutional dependency are presumed to be "ontuchtig" (a violation),⁴ unless it can be shown that the relationship of dependency played no role, and that consent was fully autonomous and unaffected by the power imbalance. The burden of disproof of structural coercion thus effectively lies with the prosecution. In this case, both the officer and the woman testified that the sexual encounters were "voluntary", with the woman described as initiating flirtation and seeking intimacy. Based on these accounts, the court concluded that there was no *ontucht*, and that the woman's "freedom of will" had not been compromised. Consequently, the prison officer was acquitted, and the woman's claim for compensation was dismissed.

This verdict illustrates how the legal framework prior to July 2024 operated on a narrow and formalistic understanding of coercion; one that required evidence of actual influence or manipulation, rather than acknowledging structural coercion as inherent in carceral contexts. Consent was not understood as systematically constrained by the deprivation of liberty and autonomy, but rather as a subjective expression of desire. The new Sexual Offences Act [*Wet seksuele misdrijven*], which came into force on 1 July 2024, represents a significant shift in legal framing. The Act has adopted an affirmative-consent-based definition to rape, meaning that sex without consent is rape. Physical force, threat and coercion are now aggravating factors rather than a legal

⁴ 'Ontucht met misbruik van gezag' [inappropriate or indecent conduct with abuse of authority] was considered a separate criminal offence up to 1 July 2024 (Article 249 Sr)

requirement. As such, the new legislation reflects an important socio-ethical shift in recognizing the importance of ascertaining consent in sexual encounters. It also recognizes that certain situations can compromise free will, such as “a state of unconsciousness, reduced consciousness or physical incapacity, [...] or psychological disorder, psychogeriatric condition, or intellectual disability” (Article 244 Sr).

Despite these reforms, ambivalence persists. The new legislation stops short of adopting a model in which all sexual contact in settings or relationships of dependency are categorically prohibited and criminalized due to compromised free will or automatically invalid consent. This contrasts with the approach in some other jurisdictions (e.g., many US states), where such acts are criminal without exception due to the impossibility of meaningful consent. The *ontucht* offence category has been removed in the Netherlands; instead, under Article 254(1)(b) Sr, a relationship of dependency now functions as an aggravating factor in sexual offenses. Thus, the presence of a power imbalance is not – in itself – sufficient to render sexual acts unlawful. Rather, dependency is treated as a contextual factor that increases severity rather than a factor that invalidates consent. This means that consent remains the central criterion, and thus that legal evaluation still hinges on the perceived voluntariness of the act.

Legal decisions and legislation such as those outlined here do not merely adjudicate past conduct; they actively contribute to the production and reinforcement of norms within prisons. By framing the incarcerated woman's desire and initiative as sufficient to override structural dependency, the judgment upholds a narrow and possibly antiquated conception of agency and consent. This implies that in cases of sexual contact between prison officers and incarcerated women, victimhood can be contested. The purpose of this study is to shed light on perceptions of staff sexual misconduct and victimization of incarcerated women. By bringing together staff and incarcerated women's perspectives, we offer a unique insight into institutional and social dynamics around perceived agency, consent, responsibility and victim credibility.

4. Setting, data and methods

This article is based on data that was collected as part of a project on ‘social safety’ (*sociale veiligheid*, meaning subjective safety in social interactions) in women's prisons in the Netherlands (for the final report – in Dutch – see Van Ginneken & Abbing, 2025). This project was commissioned by the Dutch Prison Service following the publication of the Inspectorate report on sexual misconduct in one of the women's prisons (Inspectie Justitie en Veiligheid, 2023). The overarching project's aim was to better understand experiences of safety in interactions among incarcerated women, among staff, and between incarcerated women and staff. The final report was intended for a professional audience. Ethical approval for this study was obtained from the relevant institutional ethics committee (Leiden University Faculty of Law Ethics and Data Committee, #2023-30). For this particular article, we returned to our data, conducted further analyses, and narrowed down our focus to narratives on staff sexual misconduct.

4.1. The prisons

The Netherlands has three main prisons where women are housed: Nieuwersluis prison in the middle region of the Netherlands, Ter Peel prison in the south-east region, and Zwolle prison in the east region. Nieuwersluis prison (232 beds) and Ter Peel prison (235 beds) house exclusively women, while Zwolle prison houses men and women (332 beds, approx. 90 for women). Nieuwersluis and Ter Peel prison have a similar profile: they are regular-security prisons, with pre-trial units, regular prison units, extra-care units, and a separate minimum-security unit. The units typically have a mix of single and double cells. Most units in Zwolle prison have a higher security level than units in the other two prisons, and all units had a higher staff-prisoner ratio due to the specific

population and (psychiatric) needs. Men and women are mostly separated in Zwolle prison, but there are a few mixed-gender psychiatric care units and a mixed-gender detox unit. Occasionally, men and women are also mixed in the workshops. At the time of our research, the three prisons were not operating at full capacity. A total of twenty living units were included in the study. Staff composition in terms of gender varied slightly among the prisons, but overall, around half of all staff in the women's prisons were women. In this article, we refer to all prison security staff and prison unit staff as prison officers.

4.2. Fieldwork and data

The project comprised a short but intensive period of fieldwork in the three Dutch women's prisons, which took place in January and February 2024. We spent at least eight full days in each prison, with at least two researchers per day, including some weekend days and evenings. Our research team consisted of the two authors of this article who spent most time in the prisons, and two other colleagues who usually spent a day in each prison to help with interviews and observations, and provide a fresh perspective. We started in each prison with a few days of observations and informal conversations, visiting each living unit and the workshops.⁵ We used these days to introduce ourselves and the research to incarcerated persons and staff, and acquainted ourselves with the daily schedule and atmosphere of the specific units. We observed and made notes on everyday interactions between all persons in prison, and paid attention to what was said, what was not said, and to physical behavior. We carried our notebooks with us and wrote in them visibly to clearly identify ourselves as researchers.⁶ We worked mostly independently during the days and compared notes in the evenings.

Following our days of observations, we conducted interviews. Often participants volunteered, but we also actively approached people. We aimed to interview at least two incarcerated women and two members of staff from each living unit (at which we were mostly successful), and – additionally – staff members from the workshops, education, pastoral care, health care, the management team, and the committee of oversight. We tried to achieve a representation of participants with different backgrounds and characteristics: for incarcerated women, this meant a mix of people with different sentence lengths, ethnic backgrounds, ages, sexual orientations and work assignments (e.g., those with more and less privileges). We also approached women who were identified by staff as victims of bullying by other incarcerated women. For staff, we wanted to achieve a mix of genders, and people of different ages, work experience, and ethnic backgrounds. Through a non-profit organization and legal office, we also received contact details of formerly incarcerated women, most of whom were involved in a legal case concerning sexual abuse during their imprisonment. In the end, we interviewed 44 incarcerated women, 10 formerly incarcerated women, and 91 members of staff (including members of the committee of oversight). Table 1 gives further details of interview participants. We did not systematically record personal characteristics such as age or sentence length. The average length of interviews conducted with staff and incarcerated women was 54 min, the average length of interviews with formerly incarcerated women was 71 min. These interviews took place in the women's homes, while the other interviews were mostly conducted in a private room or office in the prison.

There are two important limitations to the representation of voices in our study: first, some incarcerated women did not speak English or Dutch, and it was difficult to connect with them. While we handed out letters in other languages (Russian, French, Polish and Spanish) inviting people to write down their experiences, we did not receive any responses

⁵ The type of work varied. It included, for example, assembly work, industrial laundry (for prisons), and catering.

⁶ Incarcerated individuals in the Netherlands do not wear prison-issued uniforms. Executive staff wear uniforms.

Table 1
Overview of interviews per prison

Participants	Nieuwersluis prison (n = 45)	Ter Peel prison (n = 39)	Zwolle prison (n = 51)	Total (N = 145)
Incarcerated women	15	16	13	44
Formerly incarcerated women	–	–	–	10
Prison officers	14	10	19	43
Supervisors (mid-level management)	3	2	5	10
Staff in work, education, sports and pastoral care	5	5	6	16
Intake and medical service staff	3	3	4	10
Committee of oversight and confidential advisors	2	1	2	5
Senior management	3	2	2	7

to these letters. We were only able to gain a general impression through informal conversations where other women were able to translate. We did ask others (staff and incarcerated women) about their experiences with and impressions regarding language difficulties in communication, and social dynamics in interacting with women who did not speak Dutch or English. Second, we were unable to visit the so-called “crisis unit” in Zwolle prison, where women with acute mental health problems were incarcerated until stabilized. Staff deemed our visit to the unit likely too disruptive for the incarcerated women. In general, we sometimes found it difficult to navigate research on the other psychiatric care units, as we noticed that, indeed, we sometimes had a disruptive effect (e.g., once, our visit made a patient visibly anxious and upset). Additionally, it was difficult to connect with some incarcerated people on these units, and even more difficult to establish informed consent. In these units, we therefore relied more on staff interviews and our own observations.

Interviews were semi-structured, guided by topic lists that included questions on general experience in the prison, friendships, safety, sexuality and intimacy, abusive/transgressive behavior, and discrimination. For (formerly) incarcerated women, we focused on their experiences with staff and other incarcerated women; for staff, we focused on their experiences with colleagues and incarcerated women. We gave each interviewee written and verbal information about the study, and obtained written consent for recording the interview and processing their data. We assured the voluntary nature of participation and promised confidentiality but made participants aware of the legal and ethical exceptions to confidentiality; importantly, we made it clear that we could notify others if they disclosed information about a rape that was not yet reported. No such information was shared during the research. We provided all interviewees with information about potential sources of support and avenues for reporting abuse or other transgressive behavior. All interviews were recorded and transcribed.⁷

Lastly, it is important to reflect on our own identities and positionalities throughout this research. As the two main researchers on this project, we were always perceived by respondents as women (even though one of us identifies more closely as queer or non-binary). This perception shaped our interactions in important ways. Among incarcerated women, it often facilitated trust: they implicitly and explicitly expressed a sense of relief at being able to share their stories with other women “who would understand,” particularly in relation to experiences of sexual abuse. At the same time, our gendered positioning also exposed us to condescension and patronizing behavior, especially from staff members who were men. In these encounters, age – or more precisely, how old we appeared – proved significant. The older researcher was

more readily “taken seriously” (i.e., being accorded authority, credibility, and professional recognition) than the younger. Yet these dynamics also created different forms of access. The younger researcher could more easily establish rapport with younger incarcerated women, while the older researcher often found it easier to connect with staff, who were more inclined to engage with her as a professional peer. Working as a team broadened our perspective, since we were able to point out and complement each other's potential blind spots. Nevertheless, we still lacked epistemological advantages related to other identities, such as those of men and people with lived experiences of incarceration.⁸

4.3. Analysis

The analysis for this paper built on the analysis conducted for the primary project (for which the authors of this article were responsible). For this initial analysis, we carefully read and summarized the interview transcripts and organized them using codes in Atlas.ti. During analysis, the authors paid attention to *what* was said, *what was not* said, and *how* topics were discussed. We approached the analysis stepwise, inductively and iteratively: we grouped the interviews by type of participant (incarcerated women; prison officers; management team; other staff), and summarized and coded the interviews group-by-group following the principles of the constant comparative method (Boeije, 2002). After coding each interview, we updated a document with the development of themes, and compared experiences within each group, and later also between groups. The development of themes was also informed by extensive field notes on observations and informal conversations. Through dialogue, we achieved consensus about the main themes that we identified in the interviews. Throughout the research process, we engaged in reflexive practice, by critically reflecting on our theoretical assumptions, analytic decisions, and positionality in relation to the field and data (Braun & Clarke, 2022).

For the purpose of this article, we conducted further in-depth analysis by re-reading and re-coding interviews, focusing specifically on accounts of sexual misconduct and discourses around (reports of) sexual misconduct. The accounts of sexual misconduct and reporting experiences were primarily drawn from interviews with (10) formerly incarcerated women who had come forward about experiences of abuse (in some cases, the perpetrator had been convicted). After the analysis of these interviews, we returned to the interviews with staff and incarcerated women, which were important to understand the enduring discourse around (reports of) sexual misconduct. Relevant themes that were further unpacked for the present article were ‘victim blaming’ and ‘false accusations.’ The quotes used in this article were translated from Dutch to English by the first author and checked by the second author, and identifying details were removed.⁹

5. Findings

In this section we discuss how experiences of sexual misconduct in women's prisons are shaped by the discursive and institutional context in which they are situated. Two interconnected dynamics stand out. First,

⁸ Our extended research team also included a woman of color who is a mother (which we both are not), who also had different experiences and epistemological disadvantages as well as privileges.

⁹ Participants are identified with a randomly allocated number and whether they are a formerly incarcerated woman, incarcerated woman or staff member. We chose numbers rather than pseudonyms, to avoid imposing stereotypical ideas about the association between names and certain characteristics, such as ethnicity and social class. We have refrained from providing more background information and sharing more personal stories to preserve anonymity and because this is beyond the scope of the study. We regret that these choices may have a dehumanizing effect.

⁷ We obtained approval from Leiden University Law Faculty's Ethics and Data Committee. During the research project, we also had regular consultations with an advisory board.

victimization is frequently contested, through narratives of provocation, victim blaming, and the construction of prison officers as vulnerable to false allegations. Second, reporting sexual misconduct carries risks for incarcerated women that are confirmed by own experiences and interactions with others. These include fears of not being believed and the anticipation of negative consequences. Together, these dynamics discourage disclosure and reproduce conditions in which harm is normalized.

5.1. The contestation of victimization

The first key finding is that the victimization of women is systematically contested in two ways: by framing women as responsible for the abuse, and by drawing attention to the issue of false accusations. With 'contested' we mean that stories of victimization are actively challenged and questioned, both in interviews and discourse in the prisons more generally. The narratives of contestation have clear gendered and racial dimensions and contribute to enduring images of an 'ideal victim'. As a result, credibility is unequally distributed and often disputed, shaped by moral discourses about femininity, race, and sexuality. Some women's stories are dismissed outright. There was certainly evidence of support for women who had experienced abuse; nevertheless, support from most staff was often conditional on proof and followed up with claims about provocation and false accusations.

5.1.1. "She provoked it"

In interviews with incarcerated women, the agency of (other) women is often framed in terms of seduction and manipulation. Most frequently, incarcerated women refer to the trading of sexual favors for privileges.

Formerly incarcerated woman (#59): "I've definitely encountered women who might now be complaining about sexual abuse. But they did engage in it, knowing it would help them get certain things. So, in a way, it's also a choice you make."

Interviewer: "And what kind of things were these women hoping to get, for example?"

Formerly incarcerated woman (#59): "Well, things like their door being left open in-between [activities]. Or getting certain jobs that give you more freedom, you know, working in the garden."

Here, the respondent emphasizes the responsibility and agency of women – rather than of the prison officer(s) – who "engaged in" sex hoping to gain privileges ("it's also a choice you make"). She uses this argument to dismiss these women's claims that they have been abused. Other respondents go even further by arguing women "provoked" the abuse:

Formerly incarcerated woman (#40): "But she's a girl, [...], and I didn't really know her well because she was on the other side [of the wing]. So I'd see her now and then, and I always found her friendly; just saying hello, that's it. And later it turned out she had made a complaint against [name prison officer], but then I also heard the other side. And then this girl I was in contact with, said: 'well, it's really been taken out of context and she totally exaggerated the whole story.' [...] And then she'd be wearing a little top, and sitting like this. And then, everything just too much. Yeah, I also think: you shouldn't provoke it, right?"

Formerly incarcerated woman (#143): "There were girls, there were some girls, who provoked it, of course."

Interviewer: "Yeah, what do you mean?"

Formerly incarcerated woman (#143): "One girl said, she said: 'You just need to show your tits, then you get everything done.'"

These excerpts are examples of the common discourse of provocation, in which women are seen as complicit in sexual misconduct because of their behavior ("sitting like this"), appearance ("wearing a little top"), or motives ("get everything done"). This trope aligns with broader rape myths and gendered scripts that shift blame from perpetrators to victims, especially in contexts where the women involved are already socially marginalized (Temkin & Krahé, 2008). Respondent #40 appears to accept the second-hand claim that the complaint of abuse was exaggerated. In this context, reporting sexual abuse may not be regarded as an act of bravery and protection of self and others, but as a violation of informal social codes. Women who had themselves experienced sexual abuse would also reinforce tropes that other women lie or provoke sexual attention from staff. These accounts reveal the presence of horizontal moral and social surveillance among incarcerated women, where "institutional power is enacted or negotiated daily through micro level interactions and practices" (Davis, 2017, p. 320).

Various interviewees would describe how everyday interactions between staff and incarcerated women could have a sexualized character, for example through sexual comments, often under the guise of humor.

Formerly incarcerated woman (#109): "That's one of them. He was a prison officer, a bit creepy. You know those men who think they're charming with everyone? Like, saying, 'Oh, yeah, you've got nice tits today, or a nice ass.' One of those."

Interviewer: "He would say that?"

Formerly incarcerated woman (#109): "Thinking he was really funny, especially with the women of color. And they would start shaking [their asses] even more. Seriously though, that's just how it is."

Such accounts suggest that sexual remarks are normalized and rarely challenged ("that's just how it is"). The behavior is described not as exceptional, but as a pattern, and it is perceived to have a racialized component, directed especially towards Black women and (other) women of color. This is also noted by the following respondent:

Incarcerated woman (#91): "For example, that [prison officer], he's really like that: if a woman has a big ass or big breasts, she can do anything. And the blonde Dutch women aren't allowed anything."

This account reflects a perception that prison staff apply rules and grant privileges selectively, influenced by sexualized and racialized preferences. This points to a racial-sexual hierarchy in the prison, in which some women are hypersexualized. This resonates with broader feminist and critical race scholarship that highlights how Black women and girls are often perceived as more sexually available and less deserving of protection (Collins, 2004; Powell, 2025a). The interviews with (formerly) incarcerated women reflect awareness of these dynamics, as well as a degree of internalization that casts some women as victims and others as instigators of abuse. In the Netherlands, similar to the USA, non-white people (including those from Turkish, Moroccan, Surinamese, and Dutch-Caribbean descent) are overrepresented in prisons, making up around two-thirds of the prison population (Statistics Netherlands (CBS), 2023). During our study we regularly heard insensitive language-use (in informal conversations and interviews), such as use of the Dutch version of the n-word, which suggest wider problems around discrimination and racism (discussed in more detail in Van Ginneken & Abbing, 2025).

The narrative framing of sexual contact as provoked or instigated by incarcerated women shifts responsibility away from prison staff and obscures the structural power imbalance inherent in such encounters. This framing often relies on gendered and moralizing discourses, portraying women as manipulative, sexually deviant, or seeking attention, thereby casting them as initiators rather than victims. The effect is a discursive inversion in which the authority figure is – to some extent – exonerated, while the incarcerated woman is positioned as the agent of transgression. This reproduces broader societal tropes of the

“unreliable” or “temptress” victim and reinforces a culture of victim blaming.

5.1.2. “As a man, you’re vulnerable”

The other mechanism of contested victimization is that many respondents – although in this case primarily staff members – are quick to draw attention to the issue of false accusations. Consider the following account of a staff member:

Unit manager (#97): “Female prisoners can say anything and it’s all taken as the truth. That’s what they [prison officers] think. [...] I think it happens quite often. But I have to take it [every complaint] seriously. Look, if a prisoner comes with a story that a staff member – whether it’s a man or a woman, because it could just as well be a woman, there are women working here who are attracted to women – then we have to investigate that. So it’s very easy to accuse someone of something. And yes, that happens regularly. Not just with sexual stuff, but also things like: ‘he’s using drugs’ or ‘she did this or that’, even when it’s not true. [...] So yes, that’s something that’s always lurking here, I think.”

Interviewer: “And why do you think they would do that?”

Unit manager (#97): “Well, I’ve already answered that, haven’t I. To get something out of it for themselves, or to get someone in trouble, or because they didn’t get their way. Look, if you want something from me and I say no, well, you could also turn that into something.”

This quote suggests that incarcerated women’s accounts are seen as dangerously powerful: there is a risk that they are unjustly believed in claims of abuse. This reverses the more common discourse (and indeed, the discourse among victimized women in our study) where survivors of sexual violence are typically not believed. The respondent attributes strategic motives to complaints (“to get something out of it”, “to get someone in trouble”), which frames complaints as instrumental acts rather than expressions of harm. This account as well as similar others focus attention on the weaponization of complaints, which casts the (potential) victim as the aggressor; a theme that has also been identified in research on the effects of PREA in US prisons (Dunton et al., 2024; Weaver et al., 2025). Overall, the interviews reveal a skepticism towards complaints made by incarcerated women. Rather than presuming harm or vulnerability, the dominant framing is one of manipulation, provocation and risk to staff. Indeed, these terms are often explicitly used to describe incarcerated women:

Deputy governor (#104): “Look, the difficult thing with working with women is that they are incredibly manipulative.”

Prison officer (#111): “Look, some think that female prisoners are less dangerous than male prisoners, but I disagree. [...] Women can definitely be very dangerous. And as a man, you’re vulnerable.”

The quote by respondent #104 reflects that manipulation is perceived as a gendered behavioral characteristic and a defining feature of women’s interactions with prison staff. In the second quote, women are framed as dangerous, specifically to men – a sentiment that was echoed frequently, by a diverse range of participants. Although not explicitly mentioned here, the implied danger is reputational or professional damage. This reflects a discourse of role inversion, in which prison officers who are men are framed as potential victims and incarcerated women are seen to hold a powerful position. While such narratives may reflect real anxieties, they also serve to prioritize the experience of men. In this framing, it is not the incarcerated woman who is vulnerable to exploitation or abuse, but the prison officer who is a man. This logic serves to discredit women pre-emptively, which reinforces the institutional power asymmetry. Overall, these discourses of contested victimization reduce the credibility of women who make

complaints of sexual violence, and strengthen the belief among victims that their stories will not be taken seriously. This impacts the likelihood of reporting.

5.2. The risks of reporting

The second key finding is that reporting mechanisms for sexual misconduct do not function well, due to fear, stigma, institutional self-protection, and a strong officer culture characterized by loyalty and friendships. For many women, reporting is not experienced as a route to justice but as a risky and potentially harmful act, which often results in further marginalization rather than protection.

5.2.1. “They don’t believe you”

A central theme in women’s accounts is the expectation – based on both personal experience and shared knowledge – that they will not be believed, regardless of the severity of the incident or the reporting channel used. As one respondent put it:

Formerly incarcerated woman (#109): “They don’t believe you. So what can you do? You just sit there and think: I’ll try to avoid him. You keep it to yourself, because there’s nothing you can do with it. You can’t go to the director, you can’t go to the complaints committee – you can’t go to anyone, because no one believes you. It’s your word against his.”

She decided to keep quiet until after release, when she went to the police. She recounts that even at the police station, her credibility was questioned:

Formerly incarcerated woman (#109): “I made an appointment with the police in [city], thinking I’d file a report. I went there [...] Two detectives walked in and said: ‘I know who you are. I know your case. So, what are you doing here? What did you think, now you’re going after a colleague of ours?’ So, what do you do then? I said: ‘you know what?’ And I just left.”

This example reveals how inter-institutional solidarity between prison officers and external law enforcement may further inhibit reporting, reinforcing a sense of institutional betrayal and impunity. Moreover, her credibility as a victim is questioned on the basis of knowledge about her offending history.

Other interviews also show how a lack of perceived trustworthiness is compounded by women’s carceral status, previous involvement in sex work, or mental health histories. One woman described how her identity as a sex worker made her feel automatically discredited and was used by the officer who abused her to convince her to stay silent by threatening that she would not be believed if she disclosed the abuse, and that there would be negative consequences:

Formerly incarcerated woman (#23): “I kept quiet, because for me, it was blackmail. When someone blackmails you every day, you’re not going to speak up. Because you’re afraid. You’re afraid. You’re alone. I’m a whore, so who’s going to believe me? That’s just how it is.”

Another woman reflected on the broader stigma of being labelled a ‘prisoner’:

Formerly incarcerated woman (#48): “You’re afraid people won’t believe you anymore, because the moment you walk in there, you’re already labelled, also by the outside world: okay, you’re a prisoner.”

These accounts highlight how incarcerated women’s credibility is undermined by intersecting forms of stigma. This shows that disbelief is deeply embedded and internalized, and can also be exploited by perpetrators. It reflects a form of epistemic injustice – testimonial injustice (Fricker, 2007) – where individuals are denied being believed, because

of who they are, rather than what they say.

5.2.2. "This will cause you so many problems"

Beyond the fear of not being believed, women also reported fear of tangible consequences, such as being transferred, losing valued work assignments, or being socially targeted within the prison. Respondent #23 recounted that after being sexually assaulted, she was transferred to a different unit, lost her job, and was subjected to rumors and shifts in social dynamics:

Formerly incarcerated woman (#23): "After the rape-, and like I said, the officers were laughing, talking, everything seemed fine, I had the best job. Then I was transferred to another unit, and there, the jobs weren't good. Then people started saying things about me that weren't true. Things happened. Suddenly the atmosphere changed."

In line with this account, it was previously standard practice to transfer women who made a complaint of abuse to another unit or prison, while placing the accused officer on non-active duty.¹⁰ According to staff and prison managers, these measures were intended to reduce unrest among both staff and incarcerated women. Many prison officers acknowledged that they initially did not believe the complaints of sexual abuse made against colleagues who were later convicted. Multiple interviewees indicated that they would have "put their hand in the fire for him" (a Dutch expression meaning "I'd bet my life on it"), only to find their hands "burned." At the time of our fieldwork, a strong officer culture remained, characterized by friendships that often extended beyond the workplace. While not necessarily oppositional towards incarcerated women, this culture placed primary loyalty and trust with colleagues. This culture shapes (initial) reactions to allegations of sexual misconduct, which resonates with findings from research in the USA (Surrell & Johnson, 2020).

Women shared a perception that staying silent – at least until release – was preferable over speaking up about abuse while still in custody. One formerly incarcerated woman described how peers influenced her decision about coming forward:

Formerly incarcerated woman (#48): "At first, there were also a few prisoners who said: you really need to report this. But then someone who had been serving a long sentence said: 'No, don't do it, because this will cause you so many problems. You've got a hearing in ten days for potential suspension [of your pre-trial detention]. We're going to do everything to make sure you get suspended, and only after that should you report it. [...] If you put your paper in that mailbox now, tomorrow a prison officer will take it out and see that you wrote that note.' And that's exactly how it goes."

This quote shows how institutional mistrust and fear of retaliation are shared and transmitted informally among incarcerated women. Together, these accounts reveal that in addition to harmful experiences of sexual abuse, the act of reporting can expose women to further harm. Disbelief, surveillance, retaliation, and reputational harm form a culture of silence, which is maintained by institutional structures and informal social dynamics. In this context, reporting is perceived as a risky act rather than a neutral procedural option.

6. Discussion

Overall, the findings demonstrate how staff sexual misconduct in prison is enacted through discourse as well as behavior. Staff sexual misconduct in women's prisons cannot be reduced to a series of isolated incidents or failures of individual integrity. Rather, it is shaped by an institutional culture that overstates women's agency, contests their

credibility as victims, and obstructs the effective disclosure and redress of abuse. The framing of women as provocative or manipulative works to delegitimize their complaints, reinforce gendered and racialized stereotypes, and uphold a moral order that protects staff. In this way, the prison becomes a site of epistemic violence (Dotson, 2011; Spivak, 1998). Through the imposition of dominant ideas about who is a victim and what victimization looks like, incarcerated women's accounts of sexual violence are structurally silenced.

Our findings show that women's victimization in cases of staff sexual misconduct is systematically contested. Incarcerated women often refuse to identify themselves and other women as victims of sexual violence, even (or, perhaps, especially) in contexts of structural coercion and power asymmetry. Instead, incarcerated women frequently internalize dominant narratives of victim blaming; they police their own and others' emotions and behaviors, directing shame and responsibility inward. In addition to external voices that accuse women of having "provoked" abuse, these accusations are also embedded in women's own self-understandings. This internalization sustains the hierarchies of the gendered prison system. Victim blaming thus does more than deflecting from accountability; it actively reproduces institutional power relations, ensuring that prison officers remain positioned as authoritative and legitimate, while women's suffering is trivialized and denied credibility. This aligns with theory and findings showing that justice-involved individuals do not fit notions of the "ideal victim" (Brenner et al., 2016; Christie, 1986) and that they are therefore afforded less credibility (Duncan, Lathan, Langhinrichsen-Rohling, & Stefurak, 2025; Weiss, 2025). The status of being incarcerated contributes to a form of intersectional invisibility, which means that an interplay of characteristics contributes to the likelihood that victims are seen and heard (Allen et al., 2024; Purdie-Vaughns & Eibach, 2008). Incarcerated women – as a group – constitute a vulnerable minority, but within this group other minority characteristics (such as being a woman of color or having a history of sex work) can render women even more invisible and illegible as victims.

The findings also point to the centrality of masculinity in the dynamics of staff sexual misconduct within prisons for women. The position of the prison officer is not only defined by formal authority, but also by the ways in which masculinity is performed through practices of control over women's bodies. From a feminist perspective, such forms of control can be understood as inherently patriarchal: the exercise of power is tied to gendered hierarchies that naturalize male dominance. At the same time, the prison officers describing themselves as vulnerable to (false) accusations, reveals the paradoxical nature of this power. Vulnerability is performative (Butler, 1990), in the sense that it can be (potentially subconsciously) strategically utilized to reestablish 'male control'. By positioning themselves as vulnerable to the women under their watch, officers frame restrictions and disciplinary measures as necessary protections, legitimizing their authority. This paradox demonstrates how masculinity in the prison context can operate through a shift between dominance and vulnerability, both reinforcing the incarcerated women's lack of power.

A relevant debate that follows these ideas around masculinity, concerns men working in women's prisons. International soft law, including the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), advises that "women prisoners shall be attended and supervised only by women staff members" (rule 81.3) and that staff members who are men are "accompanied by a woman staff member" (rule 81.2). While we recognize that gender-based restrictions regarding staffing may contribute to safer custody of women in some ways – and indeed, may be the desired option in some jurisdictions – it also risks reproducing essentialist, heteronormative and binary ideas about gender and ignoring the structural dynamics that make abuse possible. Simply removing men from women's prisons does not address the underlying culture of victim blaming, nor the gendered inequalities that shape everyday prison life. Moreover, women working in prisons are not automatically 'safe' either: they too can abuse, blame, or silence

¹⁰ This practice was revised after publication of the Inspectorate report so that transferral is no longer an automatic response.

incarcerated women, and thereby uphold the same harmful dynamics. What is needed is a change in institutional culture and stronger accountability, so that sexual violence is recognized and addressed instead of being silenced or normalized, regardless of the perpetrators' genders.

Another important dimension of sexual misconduct in prisons concerns the role of bystanders and the moral responsibility of other staff, particularly prison officers who are men, to keep an eye out for and intervene in situations of abuse. When concern is directed towards one single perpetrator or the institution, it effectively insulates observers from accountability. Feminist ethics of care (Tronto, 1998) highlight that moral responsibility entails actively intervening to protect those who are vulnerable, rather than deflecting accountability. When the dominant discourse continues to blame incarcerated women for harassment or attribute misconduct to "a few bad apples," individual officers are exempted from reflecting on their own behaviors or the structural conditions that facilitate abuse. For example, our findings show that loyalty among colleagues and ineffective complaint mechanisms impede reporting and accountability in cases of sexual violence. By failing to speak up, officers effectively reproduce structural violence and maintain the conditions that allow sexual abuse to persist.

Efforts to address sexual misconduct in women's prisons should extend beyond criminalization and disciplinary responses to staff misconduct. They must also confront the structural conditions of imprisonment that render women especially vulnerable to abuse and strip them of sexual autonomy. Policies that increase incarcerated women's agency can mitigate the dynamics of powerlessness that underpin sexual victimization; for instance, by creating safer environments, reducing unnecessary restrictions, and expanding opportunities for privacy and meaningful activities. At the same time, prisons should enable healthy and ethical options for sexual wellbeing: access to confidential sexual health care, contraceptives, and information, as well as opportunities for masturbation and consensual intimacy (with other incarcerated women or during conjugal visits) with appropriate safeguards. Such measures would not only reduce harm but also acknowledge incarcerated women as rights-bearing individuals whose wellbeing includes the possibility of safe, respectful sexual expression.

Both legal jurisprudence in the Netherlands and our interview data suggest an underlying assumption that sexual contact between prison officers and incarcerated women can, under certain circumstances, be considered consensual. This contrasts with the dominant legal approach to staff sexual misconduct in the USA. This reveals a tension between structure and agency in women's experiences of sexual violence in prison. While structural inequalities, such as gendered hierarchies, the carceral setting, and the absolute power of prison staff over incarcerated women, rarely allow for resistance, women are not merely passive subjects. As Smith (2006) argues, sexual contact with prison staff may also be understood as "the ultimate way to subvert the system" (p. 192). This framing highlights that women's actions, even when occurring in contexts of coercion and vulnerability, can contain elements of agency and resistance. The same can be said of the weaponization of false accusations (Dunton et al., 2024; Weaver et al., 2025). At the same time, so-called acts of "resistance" are shaped within an unequal power relation and structural deprivations. They illustrate how agency under constraint is always ambivalent and should be understood as responses to oppressive structures rather than as isolated acts of empowerment.

While the above discussion focuses primarily on physical forms of sexual misconduct, another relevant topic would be verbal sexual harassment and boundary violations more broadly. These themes did appear in our data, but were beyond the scope of this article. Future research may address how boundary violations occur in everyday interactions, and whether and how this is related to gender or other characteristics. Another limitation of this study is that the period of time spent in each prison was limited to eight days, which may have been too short to speak to everyone who may have experienced sexual abuse, and to build trust with people who could have been reluctant to participate.

Furthermore, we did not systematically ask about demographic and personal characteristics, such as cultural background, sexual orientation, and gender identity. This could have enabled us even better to analyze the intersectional nature of experiences of victimization. Instead, our approach was to leave it up to participants to decide what they wanted to disclose, and we followed up or asked specific questions when we thought it was relevant or appropriate.

The findings have implications for policy and legal responses to sexual violence in prisons. It remains to be seen how cases of staff sexual misconduct – and particularly, the issue of consent – will be judged under the new Sexual Offences Act introduced in 2024 in the Netherlands. Entrenched power asymmetries in custodial settings fundamentally invalidate traditional conceptions of consent when it concerns sexual contact between staff and incarcerated individuals. This recognition is embedded in legislation following PREA, which prohibits sexual contact between staff and incarcerated people regardless of purported consent (Kowalski et al., 2019) and might serve as an instructive model for other jurisdictions, including the Netherlands. One of PREA's most notable advantages is its mandatory reporting requirement, which has yielded a far more extensive statistical record on prison sexual violence in the USA than is available elsewhere. While changes to legislation can go some way in effectively responding to sexual violence (but see Daly, Holdorf, Harnett, Doe, & Grimes, 2023), reliance on criminalization alone is not unproblematic. Feminist scholarship seeks balance between safety for women in prison and not reproducing the harms of criminalization. Policy efforts must therefore grapple with this tension, recognizing both the importance of acknowledging power dynamics in law and practice, and the risks of intensifying carceral control under the guise of protection.

CRedit authorship contribution statement

Esther F.J.C. van Ginneken: Writing – original draft, Supervision, Project administration, Methodology, Investigation, Funding acquisition, Formal analysis, Data curation, Conceptualization. **Yara A.Y. Abbing:** Writing – review & editing, Methodology, Investigation, Formal analysis, Conceptualization.

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