

States of Penetration: The Body Cavity Search and Its Visual Representations

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CONTENT WARNING

It is necessary to include a content warning as the following thesis includes graphic depictions of sexual violence and therefor may illicit strong emotional reactions. Please proceed accordingly.

ABSTRACT

In this thesis the body cavity search (BCS) is discussed as a form of state penetration, understood as both physical touch and visual inspections. First, I define the BCS as a routine technology of state sexual violence that involves a coercive spectrum of access to precarious bodies. Following this, I situate my work within anti-carceral feminist perspectives on state sexual violence. In Part One, I historicize the emergence of the BCS while problematizing concepts such as “voluntary consent” and “reasonable suspicion.” Here I also approach to two of the most routine and ubiquitous sites of the BCS as state sexual violence: 1) as a key procedure performed at “intake” in jails/prisons, and 2) the BCS as “roadside” police procedure. In Part Two, I turn my focus to visual depictions of the BCS as they circulate in the US context, relying on the work of visual criminologists and other theorists of visibility. In my concluding remarks, I offer the notion of The Right to Remain Impenetrable as a critique of state sexual violence.

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INTRODUCTION

They didn't even search my socks or my shoes. I just couldn't fathom how you could search someone's butt and their vagina, and not search their socks or shoes. We were assaulted on the side of the road (Angel Dobbs, female victim of roadside body cavity search by Texas State Trooper in 2012, quoted by Hastings 2013)

She started going into my clothing. I was scared. I was violated. I didn't know what to do. But more than afraid, I was publicly humiliated. I was violated in daylight (Jennifer Stelly, female victim of roadside body cavity search by Texas State Trooper in 2013, quoted by Korsgard 2014)

In this thesis project, I analyze a ubiquitous yet under-discussed technology of state sexual violence: the body cavity search. My primary research question is as follows:

How is the body cavity search normalized and negotiated culturally as a penetrating instrument of police and carceral power?

A starting assumption is that the body cavity search is nothing less than a routine practice for institutionalizing the state penetration of precarious bodies. Unlike other forms of state sexual violence such as when a police officer rapes someone in his custody, the body cavity search is a legally sanctioned practice that is intrinsically coercive by its very nature of forced access to bodily orifices. Broadly defined, the body cavity search, or what I will shorthand as BCS, are manual or visual searches of bodily orifices supposedly in order to discover “contraband,” such as drugs, money, weapons, or any other artifact state authorities deem illegal. The notion of “body cavity” can refer to a person’s nostrils, ears, mouth, navel, penis, vagina, anus, veins, stomach, or any combination thereof. The BCS is an extremely common procedure conducted both visually and manually by various official agents, such as police officers, correctional

officers (CO), medical officials, federal agents like Border Patrol or the Federal Bureau of Investigation (FBI), social workers, and Transportation Security Administration (TSA) officers.

Generally scholars use BCS as an umbrella term “for a range of searches intrusive to one’s person,” although the BCS is most popularly associated with the probing of a subject’s anus or vagina (Simonitsch 2000:667). Following Simonitsch and others, I want to think about BCS as a fundamentally coercive practice of state penetration mediated by a *spectrum of forced access* that is at once sexualized, raced, and classed. While understanding the BCS as a broad discretionary spectrum of forced access, I center two specific forms of this routine technology of state penetration: the intake BCS in jails/prisons and the roadside BCS. The intake BCS is incredibly powerful as it is one of the first interactions a person has in jail or prison and thus communicates the new sexual subordination that accompanies incarceration. The roadside BCS takes place in highly traffic and public areas, exacerbating feelings of humiliation.

My use of the notion of “penetration” includes but is not limited to physical contact, even as the non-consensual physical probing and penetration of bodily orifices by a state agent is understandably the most degrading and humiliating for those subjected to such a procedure. Hence my use of “penetration” follows Simonitsch when he argues that non-physical, visual BCS should be considered intrusive penetration. As he rightly points out, in many cases the Courts do not limit their understanding of penetration to only physical contact. Indeed, we can begin to grasp a more capacious understanding of penetration when looking at standard definitions of the term, According to Merriam Webster Dictionary, penetration is defined as any of the following acts: “to pass into or through”; “to enter by overcoming resistance”; “to gain entrance to, to see into or through”; “to discover the inner contents or meaning of”; “to affect

profoundly with feeling”; “to diffuse through”; “to pass, extend, pierce, or diffuse into or through something”; “to pierce something with the eye or mind.”

If we turn to basic etymology, we observe that penetration comes from 15th century Latin, namely, *penetracioun*, meaning "a puncture, a penetrating wound," as well as *penetrationem* as “penetrating or piercing.” It is in the early 17th century when penetrating seems to have taken on a more sexual meaning as an “act of penetrating or piercing.” If we take these definitional and etymological points seriously, as I think we must, we can begin to appreciate how penetration brings to mind the intersections of puncture wound, overcoming resistance through force, and physical and visual access to previously untouched spaces. Penetration’s different yet intertwined meanings, then, animate the different applications of BCS, of which there are many due to the commonality of the BCS and its frequency within various American social institutions such as police, jails, prisons, mental facilities, and hospitals. That is, from this vantage point, the stop-and-frisk, the strip search, the visual inspection of the mouth or anus, and the manual “gloves on” probing of bodily orifices are all forced penetrative practices. There is also the breathalyzer test, the metal detector, the drug test, and the “cough-and-squat.” Even when a singular term is determined, there is little reliability in what happens during any given search due to discretion of the performer/agent and/or the bureaucratic details within a specific institution. When thinking about the BCS as a spectrum, it makes sense to include all procedures that legitimize the actor’s *initial* discretionary power or the existence of a legally sanctioned permission to penetrate.

In what follows, I approach the BCS from within a feminist standpoint, namely, a radical feminist critique of the liberal state as operating through masculinist and patriarchal logics and practices. I suggest analyzing the BCS from an anti-carceral feminist viewpoint, formed from “radical interventions proposed by activist-scholars of color who diverge greatly from and indeed

take an oppositional stance to the dominating feminisms that are constitutive of the same state violence that perpetuate a politics of confinement, caging, and population control” (Whalley and Hackett 2017:467). Dominant feminism relies on the state without acknowledging “that police are often purveyors of violence and that prisons are always sites of violence” especially when considering the BCS is built into the institution itself (Whalley and Hackett 2017:459). When state sexual violence receives attention and scrutiny, most often the focus centers on obviously detestable extralegal misconduct, acts like police rape. Considering the epidemic levels of police rape, it is rarely given the attention it deserves. Police and the media generally frame these acts as the responsibility of one individual, and not a product of the state utilizing sexual assault as a means of social control. However, when we link police rape to the overall prerogative power of the police it becomes possible to position both police rape and the BCS on a continuum of violence, linked by discretionary, prerogative power of police.¹

Limiting our understanding of sexual violence to interpersonal instances propagates what Whalley and Hackett (2017) refer to as “dominating feminisms” understood as “version[s] of feminism that seeks to leverage formal institutional powers—including the carceral state—vis à vis a white supremacist state order with the hope of securing equality between (cis-gendered) men and women” (457). They further argue that while there are some discussions among dominating feminisms about the US legal system’s foundations in white heteropatriarchy, “they continue to push for superficial reforms of state power with the belief that eventually, equality will trickle from the top down” (459). Furthermore, they astutely argue that dominating feminisms all too often fail to deeply recognize how the carceral state is the extension of patriarchal, colonial, white supremacist, capitalist state power. “Although feminist

¹ Kraska and Kappeler (1995) have developed this continuum, for a visual aid see their article *To Serve and Pursue: Exploring Police Sexual Violence against Women*.

criminologists who prescribe gender-responsive programming acknowledge that violence, poverty, patriarchal relations, colonialism and racial discrimination negatively affect criminalized women,” they write, “there is little analysis on the ways in which prisons and community-based corrections are inherently rooted in these same structures of oppression” (Whalley and Hackett 2017:465). Relying on imprisonment for individual acts of sexual violence contradicts the goal to reduce sexual violence as “anyone concerned with preventing sexual crimes such as rape should be engaged not so much in putting sex offenders in prisons as in keeping them out of prisons, since prison is one of the most likely places for rape to occur and the culture of rape to be normalized” (Taylor 2018).

I believe it is necessary to clarify some of my own positionality. I have never experienced the BCS, nor have I been incarcerated. Before returning to the University of Tennessee for my Master’s degree, I worked for two years at a local non-profit housing girls 12 to 18 where I was required to perform pat-downs and drug searches after they returned from home passes. In order to build trust, I often squatted and coughed with the girls reentering the facility. In choosing this topic, I hold ambivalence as someone who has committed a version of the very practice I condemn. While I argue the BCS is a structural issue and not an isolated or individual problem, I rely on the voices of people who have directly experienced BCS. This thesis includes first-person accounts of the BCS, some of which frame the search as sexual assault or rape, and thus includes graphic descriptions of sexual violence. BCS “victims describe it as a tactic of state terror designed to control and humiliate” (Correia and Wall 2018:42). I move forward intending to honor their stories as I rely on their firsthand experiences in analyzing the BCS as a legal practice. Additionally, my thesis incorporates visual data to assist in the interrogation of the BCS as “normal” or “natural.” However, consuming images of the BCS runs the risk of fetishizing the

harm inherent to such a humiliating and violating practice. Visual data quickly exposes the fetishistic nature intrinsic to the BCS, as well as demonstrating cultural and political anxieties surrounding sexuality, violence, consent, political power and powerlessness. In choosing to move forward with this project, I hope to apply a critical analysis that denaturalizes the practice without further reproducing its harms and violations.

The state has a monopoly over BCS as a “legitimate violence,” or violence that conforms to legal codes as well as popular beliefs about right and wrong that empower society’s elite (Das 2008:286). Kraska and Kappeler (1995) ask their reader to what degree BCS, as a form of police sexual violence, is linked to legal, organizational, and cultural elements of the police and justice system. When the BCS is mentioned and framed in terms of state sexual violence, it is rarely at the center of the analysis. The task of the following thesis is to answer Kraska and Kappeler’s call to create a deeper analysis, using the BCS as a focal point, to interrogate how police and carceral power *fundamentally* reproduces social relations of sexualized violence and domination. In the following section, I provide historical context on sexual violence and penetration in order to better understand the emergence of the BCS as it exists as an urgent social issue today.

Before it was the BCS

Throughout this thesis, I focus on the BCS as a specific iteration of state sexual violence, but it is necessary to situate the BCS within a larger historical context. White supremacist logics normalizing the penetration as an instrument of police/carceral power have persisted in multiple American institutions. Before it was called the BCS, eerily similar rituals of inspection and intense “racializing surveillance” cropped up in settler-colonial America. These rituals informed

institutional practices considered normal today, such as the BCS. Take rituals of light, for example. Illumination has long been used as racializing surveillance or a “technology of social control where surveillance practices, policies, and performances concern the production of norms pertaining to race and exercise a power to define what is in or out of place” (Browne 2015:16). In Browne’s discussion of racialized technologies of surveillance in colonial New York, she addresses how lantern laws created a racialized “watching over” and “looking back” aimed to keep black, mixed-race, and indigenous bodies in a “state of permanent illumination.” Any slave unlit was sentenced to a public whipping, as state power claimed the right to see. The trope of light/good versus dark/bad gives even more symbolic power to the theatrics of BCS, as the police are the ones able to illuminate the “bad guys.” The police cannot categorize what is in or out of place when they cannot see—people or contraband. The body cavity is a known dark place, internalized as a dangerous place, a “bad” or “wrong” place to put “foreign objects.” Enemies, “bad guys,” “criminals” are framed in terms of darkness—skin color, dark alleyways, nighttime pursuits, shadows. Then, the police are “always working in the literal and figurative shadows and hence always resorting to illuminating technologies and theatrical tools as a guiding light in the war against forces of darkness” (Correia and Wall 2018:58). The police have the light, often conflated with the right, to look. White supremacist entitlement to inspection, looking, seeing, and illumination has persisted ever since colonizers first arrived.

The BCS as a routine and mundane practice emerged from a history where scrupulous inspection of racialized and gendered bodies was normal. According to Teresa Miller (2013), the lived experience of the BCS has remarkable similarities to how slaves were treated on the auction block in the Antebellum South. Before sale, slaves were always physically inspected to reveal insights about their bodies and thus, their work potential. In this context, potential buyers

would “engage in practices ranging from closely visually inspecting the naked bodies of slaves to inserting their thumbs into the mouths of slaves in order to examine their gums and teeth, including running their hands over slaves’ bodies, fingering their joints, and kneading their flesh” (464). Searching slaves was assumed a necessary practice, like inspecting goods or property, much the same as it is assumed necessary to search the incarcerated, arrested, or any “suspicious” citizen.

Another practice contextualizing the emergence of state penetration of historically oppressed populations as normative is the American gynecological exam. One of the earliest forms of forcible penetrative technology was the vaginal speculum, utilized by doctors performing forced vaginal examinations on suspected prostitutes in order to research sexually transmitted infections such as syphilis or gonorrhea. In 1870, reforming medical expert J.J. Garth Wilkinson described the practice as “enormous medical lechery” of doctors and “the police lust of hunting and persecuting women” (Harrington 2010:39). Judith Walkowitz (1980) explains how in the 1850s, the speculum examination was perceived as “a voyeuristic and degrading act, one that inflicted mental and physical pain on the female sufferer” (57). Feminists in the 19th century termed these examinations “instrumental rape.” These experimental vaginal speculum examinations were heavily classed, gendered, and racialized as they targeted sex workers and enslaved African Americans. Most famously, James Marion Sims “the father of American gynecology” experimented on enslaved black women and Irish indentured servants to develop surgical tools and techniques in the mid-19th century (Washington 2007). Doctors were not searching for drugs or weapons, rather they searched for diseases and medical strategies.

The BCS emerged from generations of gender norms as well as white fascination with black sexuality, nourished and propagated from within institutions of social control. Looking, be

it at slave auctions or in the hospital, has historically been a routine for those in power to establish their social dominance. We don't normally think about the slave auction block or the vaginal speculum as BCS. However, I find these practices provide a useful starting point in thinking about seemingly innocuous instruments and technologies that shape our collective imagination about bodily autonomy. While they might not be *called* BCS, they demonstrate the heavily racialized, gendered, and sexually violent context from which the practice emerged.

A Note on Method

Statistical data on the BCS is largely unavailable, despite the ubiquity of the BCS. Human rights organizations such as Amnesty International and the American Civil Liberties Union (ACLU) have conducted research on a variety of BCS, but these studies mostly utilize qualitative data. To rely on what little quantitative data exists pertaining to the BCS would assume the state accurately tracks its violence and overlook many innocuous instances of state touching that go undocumented. Part of what makes the BCS so powerful is how present it is in many American institutions, and I rely on first person experiences and cultural sources in order to demonstrate the nuances and contradictions endemic to the politics of the BCS. I engage with newspaper articles, policies and procedures, television shows, text messages, standup comedy routines, memes, social media, and cartoons. This methodological approach follows Clare Sears' work in *Arresting Dress*, in which she weaves together "social processes, relations, and subjectivities that allegedly do not belong together" to create "windows onto dominant ideologies, anxieties, and classifications" (Sears 2015:16). For a document to have theoretical

relevance to my project it must demonstrate a connection between the body, state, and penetration understood physically and visually.

Thesis Organization

In Part One, I look at BCS behind walls in jails/prisons and on roadsides to try and highlight the obscenity of the BCS as something the state constructs as necessary rather than degrading in spaces both seen and unseen, private and public. My definition of the BCS challenges the state's de-contextualization of the erotic act and the impunity that allows the state to sexually violate mass populations. Looking at BCS both behind walls and on the side of the road, I build on arguments problematizing state concepts such as "probable cause" and "reasonable suspicion." Part One exposes vast bureaucratic inconsistencies as it looks at the tradition of policing traffic and institutionalization of the BCS in jails' and prisons' policies and procedures. In Part Two, I rely on traditions from visual criminology to explore the cultural relevance of the BCS through its visual representation. I have gathered data from a variety of sources in order to navigate how the BCS takes part of a larger cultural terrain defined by penal terms—a phenomenon Michelle Brown describes as a "culture of punishment." Brown articulates how the visual consumption of media and culture allows people to participate in punitive spectacles and moral judgement, distanced from the material realities of that punishment (Brown 2009). I adopt the approach of visual criminologists, described as fusing "precise visual attentiveness with politically charged analysis" in order to make meaning of the impact visual culture has on individual and collective behaviors (Hayward 2010:3). Looking at the cultural context of the time and space where visual representations of the BCS unfold reveals its

gendered, racialized, and sexualized dimensions as well as capture its meaning, affect, inconsistencies, efficiency, symbolic power, and spectacle. I conclude my thesis introducing the Right to Remain Impenetrable. The goal of my research is to contribute new perspectives to the existing sociological and criminological scholarship on law, violence, and society, with a specific emphasis on the sexualized, gendered dimensions.

PART ONE

WHAT IS THE BODY CAVITY SEARCH?

In what follows, I offer a counter-hegemonic way to make sense of the BCS in two of its most pervasive manifestations, the intake BCS in jails and prisons and BCS during traffic stops. Beginning with the emergence of the penal institution in American history, I analyze logics that justify BCS behind walls, specifically focusing on the standardization of the practice across jails and prisons. In the next section, I look at the relationship between BCS and transportation, centering the roadside BCS. To understand the BCS as a degrading act of sexualized state violence, one only need to take seriously the testimony of someone who has experienced it firsthand. For example, the following testimonies are from two separate female inmates housed at Michigan's Women's Huron Valley Correction Facility (WHV) (ACLU 2012):

They place you in a chair and you are completely naked. I had the officer tell me "spread your pussy lips." Then I had one tell me to put my heels on the chair and use my hands to open my lips.

She told me to sit on the edge and spread my lips. I asked her how and she said with your hand so, I did and asked her like this then? She told me to open or spread my fingers because she could not see to view my lips good enough. She told me that I [had] to do better than that. I spread my fingers open and pulled my vagina open more and hoisted my legs up a little so she could see. The procedure is dehumanizing in every way. Upon completion of the shakedown that felt close to a forced self-rape act.²

These statements speak volumes to the sexual and domination endemic to the BCS. For example, vernacular used like "pussy lips" opposes state procedural claims, instead blending

² Additional demographic information (e.g. race, ethnicity, age, etc.) was not included.

more with pornographic or private bedroom talk. Or, in the second testimony, the jail guard (i.e. “correctional officer”) demands the victim “do better” and “spread more,” forcing the woman to continually expose herself without ever touching her. She described the experience as a kind of “self-rape act,” as she herself was made to penetrate herself on behalf of the state, compelled to assist the carceral agent. Or consider another example from a female pedestrian, this time the act of penetration conducted in public:

I removed my clothes one piece at a time as requested. When we 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 (George 1993).

Those subjected to the BCS commonly use sexual and violent language when they describe the BCS, selecting words such as assault, rape, and fucking. Additionally, these subjects use language that frame the BCS as an unescapable act of degradation, where resistance could worsen the outcome, and so they must remain “quiet,” “docile,” and “passive.” Angela Davis once asked Joan Bird and Afeni Shakur about their experiences of being subjected to the BCS as part of the intake process at jail, “You mean they really put their hands inside you, to search you?” The women responded to Davis, “Every woman who has ever been on the rock, or in the old house of detention, can tell you about it. The women call it ‘getting the’ or, more vulgarly, ‘getting fucked’ (Davis 2003:49).

Fundamental to understanding the BCS as state sexual assault is comprehending there is no such thing as consent in a police-citizen encounter, or state-citizen encounter. Mainstream society condemns sexually violent acts like rape, until a sexual act is framed in terms of “law and

order,” “safety and security,” or “the war on drugs.” The BCS escapes scrutiny as they often take place in highly coercive situations and within secretive institutions and spaces. As defined by The United States Department of Justice (DOJ), sexual assault includes “any non-consensual sexual act proscribed by Federal, Tribal, or State Law, including when the victims *lacks the capacity to consent*” (2018). Defined legally, “voluntary consent” is when a person gives the police their permission to be searched. Yet, the idea that voluntary consent exists in police interactions is deeply problematic; we must consider the disproportionate amount of power that those conducting BCS have over victims and how that determines victims’ decision to comply. As Evan Calder Williams notes, in police citizen interactions, “an *exchange* between nominal equals is utterly impossible” whereas the possibility of a struggle, conversation, encounter, or discourse on terms that apply mutually to both parties is denied” (Williams 2012). The late legal theorist Robert Cover once famously argued that no one goes to jail voluntarily, even if it the subject appears to willingly go without any struggle. His point was that violence underwrites legal power, and we get a glimpse of this non-voluntary relation when the subject refuses to go quietly: direct physical violence will be used to compel the prisoner to jail (Cover 1986).

Similarly, no one submits to a BCS voluntarily, even if the subject appears “docile” and “willing.” In BCS encounters, the subject is coercively denied their ability to negotiate the social interaction on their own terms due to this non-consensual, non-reciprocal relation baked into the prerogative powers of the administrative state. This disproportionate amount of power state actors hold within an innately coercive context makes all the difference in any consideration of the practice and experiences of BCS. Actors in positions of power such as police officers, jail and prison guards, and prosecutors and judges, who carry the ability to project physical force or the threat of such can never receive consent. To claim any BCS is “consensual” is to completely

negate the structural force of police and carceral power, rendering the entire concept of consent simply meaningless or at least an obfuscation. The orthodox view holds police should be obeyed, their authority unquestioned, and the courts have the final say. In many cases constitution doctrine, which defines the scope of police power, expresses gratitude to the police, respect for the risks they bear, and deference to their “expertise” in determining subjective matters such as “danger” or “resistance.” Purportedly beneficial to the people at large, the law authorizes and legitimates police use of force, including BCS, but as Ristrophe (2016) argues constitutional regulations for police use of force are “too indeterminate to be relevant” (6). To say that actual consent is even possible during an encounter with BCS is to miss the point entirely: the law recognizes no space for a subject to legitimately resist the commands of its agents.

The impossibility of actual voluntary consent to any form of state penetration can be more fully grasped by situating police power within a long history of patriarchal prerogative. As Markus Dubber (2005) observes, the emergence of police power is an extension of the doctrine “king of the household,” and, as such, all police power is patriarchal and non-consensual. Dubber traces familial governance back to Ancient Greece (480-323 BC) as “the participant in political life, the subject-object of Athenian self-government, was the head of the household,” thus qualifying the patriarch as the autonomous decision maker and disciplinarian. The patriarch possessed total dominion, unlimited power, over his family and could do as he pleased to protect his family from outside and internal threats. In addition, the king of the household had total prerogative towards how to handle the internal discipline of those under his dominion such as his wife and kids. In Dubber’s meticulous telling, this patriarchal power that is discretionary and virtually limitless provides the genealogy of criminal law and particularly the modern police power. Fathers directed the family, fostering the discretionary nature of his authority to shape

personhood, kings ruled their kingdom, and eventually from the same patriarchal logics, the police emerge to manage “populations.” It is here where we can situate the BCS within a larger context of how different kinds of sexual penetration have historically operated as social domination.

The impossibility of actual voluntary consent to any form of state penetration can be usefully situated within a larger context of how different kinds of sexual penetration have historically operated as social domination. In Ancient Greece sex was not considered a “mutual enterprise,” but as “an action performed by a social superior upon a social inferior” (Halperin 1989:260). Athenians saw penetration as a way to confirm their superior social status in society. Another example of penetration as social domination comes from mid-1600’s American society when sodomy was not understood as “homosexual” but as a way to display one’s social superiority. Nicholas Sension, a prosperous member of a settlement in Windsor, Connecticut used his authority as he exclusively pursued and penetrated “men whose age and status placed them in a position subordinate to himself; his sexual impulses were articulated in the context of power relations” (Godbeer 1995:274). Historically, insertion symbolizes patriarchal authority, regardless of the gender or sex of the penetrated or the penetrator. For example, female correctional officers practicing BCS operate, on behalf of the state, within a system that historically legitimizes patriarchal authority to penetrate captives.

To reference the BCS as something *sexually* violent is not to limit the specific location of penetration, although understandably rectal or vaginal penetration have obvious sexual connotations. The state depends on its actors to systematically reproduce of bodily touching in order for the state to establish itself dominant, as penetrative practices have historically been understood, and maintain a hierarchy of gendered and racialized sexual power. Elements of

pleasure and desire at the humiliations its victims experience complicate the sexual nature of the BCS, where individual state actors act on their own sexual attraction or compulsion. The suspension of consent, and thus bodily agency, is inherently a violent context within which looking at or touching peoples' bodies, in many scenarios, becomes sexualize. Sadism implies a pleasure at the humiliation of the other, and the state has "pleasure" in that the BCS maintains the status quo, allowing the system to continually reproduce its dominance through penetration—visual and manual.

BCS Behind Penitentiary Walls

The BCS is one of the first procedures someone going to jail or prison experiences behind walls, quickly establishing the guard's sexual dominance and the prisoner's subordination. Scholars have previously addressed this power disparity, but not in terms of the BCS. For instance, Regina Kunzel's "pathbreaking study of prison sexual culture" fails to consider, or even mention, the BCS, despite the BCS being perhaps the most routine, and definitely the most institutionalized and codified, act of sexual power enacted behind prison walls. Despite what is an otherwise brilliant and astute account of carceral sexuality, Kunzel fails to account for how demoralizing rituals of penetration are built into the very rules, policies, and procedures of carceral institutions. The intake BCS is a schematic experience; it acts as an ideological and physical gateway for the criminalized to understand their new status through the feelings BCS creates. It is significant that one of the first things someone is forced to do when incarcerated is commonly described as humiliating, violating, degrading or upsetting, and arguably the intake BCS communicates the victim's new social status as a "criminal." It isn't a

stretch to suggest that schematic carceral formations actually encourage further sexual violence at the hands of guards—their job normalizes rituals of sexual dominance.

The convicted are not the only people at risk of this procedure. Pretrial detainees, loved ones visiting, and other employees are also searched. According to the landmark case *Bell v. Wolfish*, the constitutionality of the BCS rests upon a balancing of “*the significant and legitimate security interests of the institution against the inmates' privacy interests.*” Moreover, the opinion in *Bell* states that “*such searches can be conducted on less than probable cause and are not unreasonable*” (Pp. 441 U. S. 558-560). In other words, an officer can search you without any reason if they want. Of course, this goes against the popular commonsense that understands the rule of law as an effective check and balance system that reigns in the discretionary prerogatives of police and other carceral agents.

BCS also deters visitors. For example, officials from Buckingham Correctional Center in Dellwyn, Virginia, threatened to ban visitors who would not consent to BCS. Correctional officers told four female visitors they would have to consent to strip searches after the presence of drugs was alerted by detection dogs. After being searched for a noncontact visit, none of the women had contraband. Or, for example, when an eight year old girl and her mother discovered the only way the girl could visit her father was if she underwent a search, the mother said she would not be returning to the institution (See Figure 1.1 in Appendix A³, Harki 2019). American Civil Liberties Union (ACLU) women’s rights lawyer Nicole Tortoriello sums it up as:

Submit to an invasive search or risk never seeing your loved one again. I don’t think that’s a real choice. Certainly no one wants contraband entering these facilities, but these policies go way too far in the name of security, really providing a barrier to people who are incarcerated to maintaining connections with friends and loved ones (Harki 2019).

³ All figures mentioned throughout this thesis appear in Appendix A.

Not everyone submits to BCS. However, unlike visitors who deny the BCS and are allowed to leave the facility, the incarcerated who refuse are subjected to further punishment. When Angela Davis asked Joan Bird and Afeni Shakur what happened if you refused the BCS, Shakur responded “They lock you in the hole and they don’t let you out until you consent to be searched internally.” Davis explained her own rationalization to why she submitted to the BCS during her incarceration

I thought about refusing, but I sure as hell didn’t want to be in the hole. I had had enough of solitary. The ‘internal search’ was as humiliating and disgusting as it sounded. You sit on the edge of this table and the nurse holds your legs open and sticks a finger in your vagina and moves it around. She has a plastic glove on. Some of them try to put one finger in your vagina and another one up your rectum at the same time (Davis 2003:49).

In many cases, simply physically entering the building requires a BCS, a process that heavily fluctuates institution to institution, even as the BCS is a common practice to various extents at most all jails and prison institutions. Once you are inside, BCS proliferate. Mentioned above, Women’s Huron Valley Correctional Facility (WHV) received media attention for their invasive “spread-labia vaginal searches.” This BCS required imprisoned women to remove all of their clothing, sit on a chair, lift their legs, and spread their labia allowing an officer to inspect their vaginal cavities. According to a letter written by the ACLU to the Michigan Department of Correction (DOC), if someone refuses the BCS they can be physically forced to participate or sent to solitary confinement. From the same letter, women at WHV often underwent BCS in plain sight of others. One example was when four kitchen workers were subjected to simultaneous spread-labia vaginal searches because a guard thought one of them stole chicken from the kitchen. These BCS are rarely sanitary; at least one woman at WHV suffered a vaginal infection she contracted during a spread-labia BCS. Women are commonly exposed to each

other's bodily fluids and are often not allowed to wash the chair or their own hands (ACLU 2012:1-2). From the same letter, one woman testifies:

[A]fter a visit with my brother, I was [] searched in the chair by [a guard], who ordered me to get completely naked, sit on the edge of the chair, open my legs wide, touch myself and open the lips of my vagina. No lining paper or sanitizer were provided. ... I looked at the chair and saw spots from other prisoners' bodies. I could not seat my naked body on these spots, my stomach turned and I became nauseated. In order to comply with [the guard]'s order, I had to place my shirt on the chair, the shirt that I wore back to my housing unit after the strip search, before I sat down butt naked, with disgust. ... After the [] search was completed, there was no soap available at the sink to wash my hands, after I touched myself. I have not had a visit with my brother in a long time to avoid this torturing procedure. I become literally sick before and after each visit. ... Additionally, I am Muslim, and the Muslim religion prohibits women from exposing themselves in any manner or shape, especially in the manner I was being ordered to do so. This procedure violates my religion (2).

It is apparent the BCS severs family ties, indicated by the eight year old daughter who no longer visits her father and the woman the from testimony above, who no longer visits with her brother. The unsanitary procedure left her nauseated, disgusted by bodily fluids left on the chair from previous BCS. She described how she attempted to use her shirt to create a barrier between her and the “spots from other prisoners’ bodies,” only to have to wear the same shirt back to the housing unit, not allowed to wash her hands with soap after touching herself. In order to visit a loved one, she would have to overlook health and safety concerns and repeatedly have her religious beliefs violated. After their campaign against the labia-spread search, ACLU celebrated as Michigan ostensibly abandoned the practice. However, the BCS is a fluid and dynamic thing; not fixed in definition, space, actor, period, time, or institution. Sonya Taylor (2018) states that “each new attempt at social change seems to be a mutation of a previous system of body terrorism” (84). Taylor’s “body terrorism” refers to systematic marginalization of bodies based on a variety of different markers, and her claim that social change is a mutation of previous oppressive operations applies directly to the BCS. According to the 2016 Michigan DOC Policy

Directive, searching inmates, their visitors, and their employees is still on the books. The updated policy makes no mention, condemning or explaining alternatives, to the labia-spread searches.

“Reasonable Suspicion” and Roadside BCS

The BCS is not confined to carceral institutions; it is a common police practice carried out on highway roadsides, in gas stations, parking lots, driveways, and neighborhood curbsides. Minor traffic violations, combined with discretionary power of the police, makes the automobile a common location for BCS. The following are summaries of different traffic related BCS, some of which include graphic or upsetting imagery. Here, I think it again necessary to include the stories from those who have directly experienced BCS. I specify the gender, race, and age of all actors (if available) to demonstrate how no singular demographic is able to avoid the BCS, even as we know, like traffic stops in general, racialization and attendant disparities define the BCS as an institutional practice. The subsequent list summarizes fifteen traffic-related BCS cases, from counties located in various regions of the United States, indicating the invasive nature of the BCS as it occurs in urban, suburban, and rural locations.

Brazoria County, Texas

- On Memorial Day in 2012, Brandy Hamilton (female/black/26) and Alexandria Randle (female/black/24) were returning from the beach and wearing their bikinis when they were pulled over for speeding by state trooper Nathaniel Turner (male/white). Turner called female backup, state trooper Jennie Bui (female/white) stating, “I ain’t, because I

ain't about to get up-close and personal with your woman areas...she is going to put some gloves on." Bui told the women she was "going to get familiar with your womanly parts" before searching them without changing her rubber gloves (Zennie 2013; Schallert 2018).

Kings County, New York

- Diana Hardy (female/29) and her partner Mark McKoy were pulled over for speeding in 2013 when State Trooper Rober Baird (male). After two "sexualized" pat downs and searching Hardy's purse, Baird found her prescription Ambien, personal lubricant, condoms, a sex toy, and an opened bad of balloons from a child's birthday party. Baird immediately accused Hardy of being a drug mule. "He seemed to become enraged and handcuffed [me], demanding to know why she 'needed lube,' crudely asking if McKoy was 'really that big' and stating that he had a 'gut feeling' [she] was smuggling drugs inside her body," Hardy alleges. Hardy was taken to the station where she was shackled to a wall, wept through two separate BCS, and forcibly X-rayed. She states it is a "wound that I have to keep licking. It's never going to go away. It just shouldn't have happened the way it happened" (Boniello 2013 and 2015).

Cook County, Illinois

- In May of 2013 Caprice Halley (female/black/26), Tevin Ford (male/20), and Robert Douglas (male/black/19) were pulled over for doing the wrong way down a one way

street in South Side Chicago. Eight officers total arrived at the scene. Halley was forced to strip naked on the side of the road by a female officer while “five male defendant officers looked on and made jokes and comments about Ms. Halley’s body.” She was forced to remove her tampon. Meanwhile, Douglas was handcuffed to the bar in the alleyway of a nearby home where he was stripped and also underwent a BCS (ABC7 2014; Holland 2014).

Aiken County, South Carolina

- In 2014, Lakeya Hicks (female/black) was driving with her partner Elijah Pontoon (male/black) when they were pulled over by Officer Chris Medlin (male/white) for temporary paper tags. Medlin forced Pontoon out of the car and handcuffed him saying, “Because of your [drug] history, I’ve got a dog coming in here. Gonna walk a dog around the car. You gonna pay for this one, boy.” Three additional officers arrive, including a female officer who searched Hicks, exposing her breasts on the side of a populated road. During Medlin searching Pontoon’s anus, Pontoon told Medlin he was grabbing his hemorrhoids. The audio suggests two officers inserted their fingers in Pontoon as one asked “What are you talking about, right here?” to which the other responded, “right straight up in there” (Weiss 2016).

Hidalgo County, New Mexico

- In 2014, New Mexico resident David Eckert (male/black/54) underwent a traumatic BCS after allegedly failing to properly stop at a stop sign. Eckert consented to having his car searched, but when no drugs were discovered the situation quickly escalated. He was taken to Deming Police Department and Gila Regional Medical Center. The following took place: Eckert's abdominal area was x-rayed, doctors performed two exams of his anus with their fingers, three separate times doctors inserted an enema and Eckert was forced to defecate in front of doctors and police, Eckert was X-rayed again, doctors sedated Eckert and performed a colonoscopy where a scope with a camera was inserted into Eckert's anus, rectum, colon, and large intestines. Throughout the entire procedure, no narcotics were discovered. Police justification for searching Eckert and his car included Eckert avoiding eye contact, his hands shaking, standing with his legs together and clenching his butt cheeks. Police used Eckert's normal bodily reactions to justify violating him in an extreme manner. While Eckert initially "consented" to having his car searched, he never gave any doctors consent and verbally protested the latter medical procedures (Balko 2014; Nelson 2014; Hassan and Botelho 2014).

Harris County, Texas

- In June of 2015, Charnesia Corley (female/Black/20) was pulled over in a Texaco parking lot by Harris County deputies Ronaldine Pierre (female/black) and William Strong (male) for allegedly running a stop sign. Corely was forced to stand outside,

handcuffed, and underwent BCS on the side of the road. The dashcam footage shows the officers putting Corley on the ground naked below the waist and examining her for 11 minutes. Corley protested and the officers threatened to break her legs, proceeding to search her vagina for marijuana. Corley stated, “I felt like they sexually assaulted me. I really do. I felt disgusted, downgraded and humiliated” (Dahl 2017; Dart 2017; Hannan 2017)

Bexar County, Texas

- In 2016 in San Antonio, Natalie D. Simms (female) was approached by police while on the phone and sitting on the side of a public street, her car parked in the area. After consenting to having her car searched, Detective Mara Wilson (female) arrived on the scene and conducted a BCS in front of the multiple male officers. Wilson pulled Simms’ tampon out and commented on the amount of pubic hair Simms had (Patton 2019).

Burlington County, New Jersey

- Jack Levine (male/white/21) suffered “pain, public humiliation, and embarrassment” during a BCS in March 2017 when state Trooper Joseph Drew (male/white) stopped him for alleged tailgating on a highway. Levine cried for help, “He’s raping me!” (Walsh 2018).

Onondaga, New York

- In October of 2017, Torrence Jackson (male/black/42) failed to signal his intention at a traffic light in a “timely manner”. Officers found marijuana and cocaine residue in Jackson’s car and was booked in the county jail. He resisted BCS at the jail and was transported to St. Joseph’s Hospital Health Center where he was sedated after allegedly threatening to kill staff members. Doctors initially refused to conduct a BCS, but were legally forced to retrieve the drugs “by any means necessary” and the patient “had no right to refuse.” Even though x-rays revealed no drugs, doctors performed a sigmoidoscopy by inserting a flexible eight inch tube with a light on the end into Jackson’s anus to search his sigmoid colon. No drugs were found and Jackson woke to find blood in his underwear (Ciaramella 2018; Farberov 2018).

Wayne County, Michigan

- Kevin Campbell (male/black/32) was driving his wife’s new minivan in June, 2017 when Officer Daniel Mack (male/white) pulled him over for his temporary license plate. Campbell was forced to exit the car, handcuffed, and put back in the car. Mack took Campbell to the local police station where he resisted the BCS. Mack insisted Campbell possessed drugs and said, “Your pants are unzipped. I’m gonna find it one way or another, all right. So we can do this the easy way or the hard way. What do you got in your drawers?” Mack inserted his finger in Campbell’s anus, but no drugs were found. Campbell described the incident as “very humiliating” (Stern 2019).

Oakland County, Michigan

- In 2019, a Kia Sorrento was pulled over for speeding in Ferndale, Michigan. Police accused passenger Marteze Haliburton (male/black) of “moving suspiciously” and conducted a BCS. No other details were provided (WXYZ 2019).

Citrus County, Florida

- After allegedly failing to stop at a red light in 2019, police searched Devona Denis Ruiz (female/black/41) and her car. After drugs were discovered in her vehicle, Ruiz was taken to a detention facility where police discovered two pipes, a variety of pills, methamphetamine, marijuana, and cocaine in Ruiz’s body cavities (Theisen 2019).

Hamilton County, Tennessee

- In 2019, Hamilton County Sheriffs Deputy Daniel Wilkey (male/white/26) and Deputy Bobby Brewer (male/white) pulled over James Mitchell (male/black) for his tinted windows. After “smelling marijuana,” Wilkey forced Mitchell and his female partner to exit the vehicle and subsequently handcuffed Mitchell and began a BCS. Mitchell communicated to Wilkey he had a large, untreated hernia causing him pain. The situation quickly escalated as the officers beat Mitchell with their fists, knees, and feet. Wilkey removed Mitchell’s pants, bent him over the hood of his car and performed a BCS without gloves on the side of the road. At no point did Mitchell consent. Mitchell’s

girlfriend did not intervene, fearful the officers would kill Mitchell, and Mitchell was booked for resisting arrest. After his charges were dismissed, Mitchell underwent surgery for his irritated hernia and the tears in his anus. The event went public after the dash-camera video was released (Onley 2019).

- Also in 2019, Shanldle Riley (female/white/40) reports the same Deputy, Daniel Wilkey, and his partner another Hamilton County Sheriff, Deputy Jacob Goforth (male/white), pulled her over in her child's driveway, suspicious she had methamphetamines in the vehicle. The officers forced her out of the car and performed a BCS. After Wilkey called Riley a "piece of shit" and asked her if she had been saved. Wilkey claimed to have "felt the spirit" telling him to "save" Riley, he told her he would only charge her with possession of marijuana if she allowed. Feeling as if she could not refuse, Riley complied. Wilkey drove them to a nearby lake, stripped Riley to her underwear, and baptized her. Riley was "shivering uncontrollably and felt horribly violated" (Onley 2019)

Maricopa County, Arizona

- In 2020 single mother of two, Erica Reynolds (female/black/37) was pulled over for allegedly meeting with the primary suspect of a drug-trafficking investigation in South Phoenix. After searching her car and discovering no contraband, officers took Reynolds to the local precinct where she underwent a traumatic BCS. After Reynolds was released to her daughter, they went to Maricopa Medical Center where Reynolds told staff, "I

think I was raped by police officers. They did a body cavity search and now I have bleeding.” She later told the news “Things you did to me, I don’t know how to heal from. You went inside me, you violated me, you messed up my life. You stole emotions from me, you stripped me of things I took for granted. I feel disgraced, like people look at me differently” (Garcia 2019; Doudna 2020)

Traffic related BCS share similar themes to BCS behind penitentiary walls as victims in both use similar discourses around sex and violence. Their statements often highlight the humiliation of the BCS, as victims describe having their pubic hair and bodies more generally mocked by the police in public places. Another share themes was the lack of sanitation, either because the police did not use gloves or they did not change gloves between searches. Police penetrated people on the ground, the road, the hood of the car, where no soap or sanitation was available to the victim or police. The intersection of policing and hospitalization reemerged as well, whether it was the police taking the captive to the hospital where they were forced to undergo extensive examination or people had to seek medical care after BCS because of anal or vaginal bleeding or issues with irritated hemorrhoids or hernias.

Unlike the standardized BCS upon intake to a jail or prison, a traffic stop BCS is the result of an escalated scenario, motivated by the “suspensions” of one or two police officers. In the following section, I will explain how “reasonable suspicion” and “probable cause” operate as a safety net for the police, making it easy for them to satisfy the Fourth Amendment suspicion thresholds. The Fourth Amendment states

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue,

but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The earliest BCS/Fourth Amendment court cases dealt with police taking people from their cars or homes to hospitals where medical officials pumped suspects' stomachs or drew their blood to retrieve "evidence" such as pills or their blood alcohol concentration (*Johnson v. United States*, 1948; *Rochin v. California*, 1952; *Breithaupt v. Abram*, 1957; *Schmerber v. California*, 1966) or BCS cases of people crossing the border (*Blackford v. United States*, 1957; *Blefare v. United States*, 1966). Legal scholars researching the BCS almost exclusively worked on landmark cases concerning constitutional dynamics and investigated "the right of the Government to use the body as a source of evidence" (Eckhardt 1971:141). Law review articles commonly interrogated the reasonableness of certain individual cases beginning "with the premise that a valid arrest has been made and that some form of search is permissible" (Eckhardt 1971:147).

To be able to act on ideas about what makes someone suspicious is certainly a position of power. Suspicion has been socially constructed and informed by generations of troubling scientific and cultural fallacies, disproportionately impacting women, queer people, and people of color. Many inaccurate and harmful myths are passed down in collective social reasoning. One striking example, in terms of concealment and suspicion, is how women have long been accused of having a higher propensity for hiding things inside of themselves due to their internal genitalia. In 1950, criminologist Otto Pollack, whose work is widely considered a starting point for the criminological study of women, argued the following:

But whether or not a woman's body still does force her to concealment, it should be noted that it does actually make it much easier to practice deceit than does the body of man. Not enough attention has been paid to the physiological fact that man must achieve an erection in order to perform the sex act and will not be able to hide his failure. His

lack of positive emotion in the sexual sphere is impossible for him, if it is lacking. Woman's body, however, permits such pretense to a certain degree and lack of orgasm does not prevent her ability to participate in the sex act. It cannot be denied that this basic physiological difference may well have a great influence on the degree of confidence which the two sexes have in the possible success of concealment and thus on their character pattern in this respect (10).

According to Polluck, people with vaginas are more likely to commit crime because they are conditioned to participate in sex regardless of arousal, and therefore they are better at mental, emotional, and physical concealment. Thus, their character reflects their natural ability to deceive. Kraska and Kappeler explain how this stereotype is a “component of the masculine belief system in policing which supports unnecessary strip and body cavity searches” demonstrated by “a sexist, culturally based belief held by some police, judges, and lawyers that women are capable of carrying drugs and weapons inside their body cavities, and do so regularly (Kraska and Kappeler 1995:101). Of course these beliefs are not only informed by cis het misogynist criminologists, but they come from a long white supremacist police tradition of searching people with little to no evidence, particularly Black people (Correia and Wall 2018:189). Andrea Ritchie points out how black women bear the bulk of these stereotypes as “When they’re violating the bodies of black women, I think there’s this perception in society that that’s par for the course, that that’s to be expected and that combines with these profiles of black women as drug couriers, drug concealers, as people who are always hiding drugs in some part of their body” (Dart 2017). These beliefs reify as they expand and further legitimize the reach of state penetration to marginalized populations. Reasonable suspicion allows the police to create their own narrative of why the BCS might have seemed “necessary” without revealing patterns like racial profiling. Perhaps the police are suspicious of your bodily movements and reactions,

or maybe you just appear to possess a vagina. The police only need to claim their suspicion's reasonability for the law to justify the practice.

Due to often extreme measures taken to retrieve contraband (i.e. choking, emetics, enemas, blood sampling, colonoscopies), courts widely vary on how to determine the constitutionality of destroying evidence and whether or not to reject contraband as such evidence. The general consensus is that "real suspicion" supported by "objective, articulable facts" justifies conducting a BCS (Eckhardt 1971:149). Establishing a common vocabulary to use is difficult as there is no universal definition of any of these practices. In fact the courts notoriously avoid definitions, whether in terms of the permissibility of the search or the categorization of the search. For example, Simonitsch points out how the Court failed to define what exactly constitutes "bodily intrusion" or how to determine appropriate levels of suspicion. When the Courts do attempt to provide definitions, they are often described using loaded language of neutrality, objectivity, or reasonability.

One of the most common suspicions used by police for roadside BCS is the presence of drugs. It is undeniable that since the 1970s, the War on Drugs has been one of the United State's top concerns, pouring money and resources "toward its policing and incarceration apparatuses, [and] its legitimacy has been purchased through its promise to punish" (Story 2019:16). Once stopped, the police can use *almost anything* to construct what is legally defined as "reasonable suspicion." As Kraska and Kappeler (1995) explain, "the legality of a search depends not on its effect on the recipient but on whether the police conducted the search out of 'necessity,' based it on reasonable suspicion, and conducted it within constitutional guidelines' (99). In terms of BCS, reasonable suspicion often consists of common bodily functions and reactions (i.e. flexing or fidgeting) especially when considering the high stress caused by the power differential in

police-citizen encounters. Reasonable suspicion trumps the civilian's "constitutional right" to deny a search, and even if the BCS is resisted, police power to perform BCS remains completely intact. As a result, petty traffic violations like the failure to signal, driving without a license plate, tinted windows, speeding, or not coming to a complete stop frequently result in violent sexual assaults.

Conclusion

The BCS is a coercive instrument of state sexual violence, described by its victims as humiliating and degrading. Behind penitentiary walls and in traffic-related scenarios, people who experienced BCS described a variety of feelings and reactions including equating it to interpersonal sexual assault, feeling like they could not react, disgust, confusion, and violation of their bodily autonomy. BCS lexicon is sexual, both by state agents (verging on pornographic) and victims, who describe it as rape or assault. The BCS is built into the very foundations of our criminal justice system, and due to the social construction and legal dependence on "reasonable suspicion," there exists no legal space to legitimately resist the BCS performed by administrative agents. Regardless of identities, state penetration persists as a practice motivated by the sexual domination of civilians.

The cases above became lawsuits and received media attention, but it is reasonable to assume that most BCS cases fail to make the news as the majority of interpersonal sexual assault is not reported to the police (Rape, Abuse, and Incest National Network 2020). Houston attorney Allie Booker, who represented Hamilton and Randle, states she received five additional reports from other women who also underwent BCS by State Troopers. She explained "A lot of people

are scared to come forward. But people are contacting us. They say 'hey, this happened to me, too'" (Hastings 2013). Some victims go public in hopes their stories will change the systemic use of the BCS. David Eckert said in a written statement "I truly hope that no one will be treated like this ever again. I felt very helpless and alone on that night. My family and I hope that people understand that I don't want my face linked with jokes related to anal probing. For this reason, I asked my attorneys to issue this statement in the hopes that the media will respect my privacy" (Nelson 2014). Even when brave BCS victims do come forward, the state maintains absolute the power to perform BCS whenever, wherever, and upon whomever it deems fit. For example, Harris County District Attorney's Office Civil Rights Division Chief Natasha Sinclair claimed in a Texas bill outlawing warrantless BCS, passed only three months after her assault, would have protected Charnesia Corley. Sinclair argued, "the changes came too late" (Dahl 2017). Yet, BCS continue in Texas and all over the country, with and without warrants, indicating the law has little hold over the police power.

In many cases, it would seem "Power becomes the motive of abuse, as well as the means. Power creates the opportunities and then creates the sadists who exploit them" (Williams 2006: 112). I will not claim every person who has performed BCS is a sadist, for that would miss the point that a sadistic dynamic is built into the institutional structure of police. Perhaps, then, that while the BCS is state sexual assault, it would go to reason that the state that organizes, codifies, licenses, and enacts this degrading and humiliating practice is nothing less than a sadistic state.

PART TWO

VISUALITY AND THE BODY CAVITY SEARCH

Our realities are constructed by the information we are able to consume. In the blossoming field of Visual Criminology, the term *visuality* is used to describe the authority to decide who sees what and how that subsequently shapes how people understand reality (Mirzoeff 2011). BCS epitomizes *visuality*—even in its most innocuous forms, the practice has everything to do with authorized oversight. State authority, organized and legitimized by legal constructs, standardizes who can look, who can be seen, and how to do the looking. *Visuality* is a conceptual tool to dissect how hegemonic realities are materially produced by authorities; the *visuality* of carceral institutions “configures our ability to perceive them, the available vocabularies with which to speak of them, and the contexts in which to place them” (Schept 2014:201). While *visuality* encompasses more than an individual’s capability of seeing, its success “occurs in part through its ability to operate at the level of our senses, structuring our ability to see or operating at the very limits of our perception, existing outside our own frames while adjusting the frame itself” (Schept 2014:20). Thus, visual representations of the BCS help shape these realities as well. Ambivalence about the BCS manifests in the very images we produce of it, and we need to consider how various ways of seeing dictate social order while insisting “it is no longer possible to understand crime and control separately from how they are represented” (Brown 2017:1).

Using the slave plantation, imperialism, and the military as his exemplars, visual culture and media scholar Nicholas Mirzoeff defines “the complex” as a process in which “mentality and organization produces a visualized deployment of bodies and a training of minds, organized to

sustain physical segregation between rulers and ruled and mental compliance with those arrangements” (Mirzoeff 2011:480). Schept extends Mirzoeff’s theory, suggesting the prison industrial complex should be understood as the fourth paradigmatic complex of visibility. Accordingly, my argument centers the BCS, within the prison industrial complex, as an epitomized practice of visibility. According to Mirzoeff, the complex of visibility is composed of the three following operations: classification (naming, defining, or categorizing), separation (stratification), and aestheticization (normalization or naturalization) (2011:476). Mirzoeff’s three characteristics prove useful in tracing the development of the BCS as it emerged as one of the most routine carceral practices used in contemporary society. While I will go through each operation within the complex of visibility in relation to the BCS, it is necessary to point out the fluid nature of complexes as they overlap and intersect.

Step 1. *Classification.*

According to Mirzoeff, the first classification of visibility is classification—acts of naming, defining, or categorizing. Mirzoeff exemplifies classification techniques found in slave plantation practices, from the Barbados Slave Code in 1661 to the required mapping of plantations by the Admiralty in 1670 (2011:481). In terms of the BCS, various penetration practices were allowed for centuries without naming them “strip searches,” “pat downs,” or “body cavity searches.” While it is apparent searches have long existed in some capacity, naming and defining them has been an ongoing project. For example, Historian Jonah Miller (2019) investigates BCS in England from 1660 to 1750, where searches motivated by suspicions commonly occurred, but they were very much unregulated, mostly “facilitated by a lack of clear

boundaries or protections around the female body” (66). Additionally, early American psychiatric hospitals’ and prisons’ policies and procedures described searching subjects without naming the practice; (see *Code of Rules and Regulations for the Government of Those Employed in the Care of Patients of the Pennsylvania Hospital for the Insane 1850* and *Rules for the Government of the Reformatory Prison for Women: Massachusetts Reformatory for Women, 1909*—figures 2.1-2.4 in Appendix A).

The use of policies and procedures indicates visibility functions within bureaucracy, where authorized oversight was stated and eventually named. More specific BCS rules and regulations emerged in policing practices and corrections. For example in the mid-1800s, various ordinances, codes, and laws prohibited cross-gendered attire in over fifty cities of various population sizes across the United States, authorizing police to inspect suspect’s undergarments and dress (Eskridge 1999:27). These laws encouraged the police to act as constant gender voyeurs, definers of gender, as they envisioned someone’s sex beneath their clothing and were praised by city newspapers as “wise and worldly judges of gender— ‘too astute to be deceived’ —who skillfully detected the ‘feminine symmetry of limb beneath a man’s suit or the masculine features beneath a woman’s veil’” (Sears 2015:82). Another example, in stark contrast to early American correctional documents that make no mention of cavity searches, comes from *The State of Tennessee Department of Correction Administrative Policies and Procedures* (2018), which provides a contemporary detailed glossary with terms like “Body Cavity,” “Body Orifice Security Scanner (BOSS),” “Contraband,” “Drug Search By K-9,” “Dry Cell,” “Frisk Search,” “Institutional Search,” “Strip Search,” and “Visual Body Cavity Search” (1-2). The purpose of these categories, terms and their definitions is to familiarize the reader with the standardization of approved methods for “staff to search visitors, employees, inmates, inmate housing units, and

other areas of the facility” (2018:1). Classifying the different kinds of BCS is meant to make the standardization of each search clear and forthright, but drawing from testimonies of the directly impacted indicates otherwise.

BCS vary greatly, and there is little consistency in what happens during any given BCS due to the discretionary power of state actors and the sheer amount of institutions conducting BCS. But visibility’s work is not in ensuring identical practices. Its main objective is “to mask the inherent violence of state in a vocabulary that leaves intact the very logics, infrastructures, and institutions necessary for the violence to occur in the first place” (Schept 2014:3). Defining the different techniques and the minutiae of how to access captives’ bodies acts as a way for the establishment to claim its expertise as well as frame the BCS as a safety procedure, regardless of its actual implementation. Eventually, defining different techniques of BCS solidified the state’s continual right to look—creating common language normalized techniques used to separate the seen and the seers.

Step 2: *Separation.*

Next, visibility separates groups of people. According to Mirzoeff, separation as a tenet of visibility has a racialized history rooted in slave plantations. The plantations were monitored by the surveillance of the overseer; Mirzoeff refers to these actors as “the surrogate of the sovereign” (2011:475). Visibility depends on the looker and looked upon, the means of distinguishing the two, and it inherently creates a power differential. There is perhaps no better current example of this “looking” than the BCS. Spaces where BCS occur, the act of stripping, and the threat of force allow the BCS to persist as a way to define who sees whom. Different

institutions perform intake BCS differently—some jails perform BCS one-on-one, others do group BCS where everyone can see everyone, and some institutions perform BCS in cells behind bars, so officers can see the incarcerated but the incarcerated cannot see each other. In each scenario, the uniform symbolizes their authority to look. The right to remain clothed is made equivalent to the right to look. Those who remain clothed remain in control and remain looking. The nude are starkly contrasted to the uniformed, and the power differential is only made more apparent by the weapons worn by the officer, until the captive puts on *their* uniform, only to further stratify those with power from those without.

For example, allow me to elaborate on how separation worked within enforcing the cross-dressing laws. The police resorted to physical means in order to determine whether people were dressed according to their assigned sex. Police officers would tear off a suspect's wig or veil in order to determine their sex, which "served to confirm an officer's suspicions and to restore gender legibility to the cross-dressing offender" (Sears 2015:82). Once someone had initially been arrested for cross-dressing, they were locked away and often harassed while incarcerated. Sears documents how cross-dressed prisoners were made to strip and dance in front of guards and other inmates, allowing a "humiliating display before the gaze of guards and inmates" with no actual function other than to "titillate the guards and humiliate the cross-dressing inmate" (Sears 2015:86). If removing someone's wig or veil was insufficient data to determine the suspect's sex, the police would often supplement their search with jailhouse medical examinations. Sears writes, "this medicalized surveillance intensified the law's gaze" as it embarked on a "quest to reveal the bodily 'truth' of the crossdressing criminal" (Sears 2015:82). Medical and correctional institutions worked together to control populations deemed undesirable and therefore vulnerable to intense surveillance.

A more contemporary example of this stratification comes from Ali Siddiq, in his standup comedy routine *This Is Not Happening*. Siddiq describes being under scrutiny of Mitchell the Correctional Officer and the hatred he felt after being forced to undergo a BCS in the prison's populated hallway. He compares Mitchell to a pedophile before detailing feelings of the humiliation from being exposed to his incarcerated peers. Siddiq's description of the BCS is worth quoting in length as he gives insight to the intense emotions caused by BCS, describing how the BCS turned him from a nonviolent offender into a violent captive. He tells the audience

So he say, "Well I'mma strip search you." I'm like, "no you're not. Not in this high traffic area, no you're not sir." So he calls the rest of these other officers around, some fucking rookies that don't know me, and they like "yo, we're going to have to take off your clothes." So I take off all of they white shit, they clothes [...] I got my shorts on I'm standing there [crosses arms] He said, "You gonna have to take them shorts off." I say, "That's not the rules, Mitchell, not the rules." [Laughter] And now I'm getting a little, a little heated about this because I know I have a problem with being naked in the fucking hallway. And I know that I have a problem with this. And I—I'm trying to get Mitchell to understand. Mitchell. This is not gonna be good. [Stern face, audience laughter]. Mitchell, Mitchell, Mitchell. I'm trying to explain to Mitchell. Mitchell. So he gets all the rest of these officers around, the captain comes up, and says, "I can't go against my officer. He say you got contraband. You're gonna have to get naked." I said, "Captain. If I get naked in this hallway, in front of all these people coming in and out," and I turned right to Mitchell and looked him right in the eyes and say, "This ain't gonna be good, Mitchell." [stares off, audience laughter]. Because I don't get give a shit about coming home out at this point. I came here with fifteen years, Mitchell. I wanna do these little fifteen years and go home. But if you make me get naked in this motherfucking vestibule area.." So they got all these officers around me. And I done threatened this man, with the easiest way I could threaten him without getting sent to sig, I said, "Mitchell, this ain't gonna be good brother." Long story short, I end up naked. And I'm pissed. I'm baldheaded and he's taking me through this bullshit.

"Run your fingers through your hair." [exaggerates rubbing his hands on his bald head, audience laughter]

"Open your mouth." "I've been talking this whole time, if I had something in my mouth, Mitchell, it'd had been fell out."

"Open your mouth." [Smacks lips open]

“Lift up your balls.” [mimes lifting testicles, audience silent]

“Squat.”

Let me explain what he just did. I went to prison for a nonviolent case. Drug dealing. What he just turned me into was a violent young man at 21. Because you made me cough and squat for no fucking reason other than you wanted to see me in my mind. So now—I’m—I got tears in my eyes. People walking past, other prisoners walking past, and looking at Mitchell like” “Mitchell.” [Laughter] “This ain’t gonna be good.” So for eight months, I’ve been planning on killing Mitchell [Laughter]. Like I done wrote my mama this coded, this coded letter, letting her know that her son ain’t coming home no more. [Laughter] I told her, this is what I wrote in the letter, I say, “Mama, prison is like judicial slavery. I just figured this out. And I’m Nat Turner” [sips water, audience laughter] You have to know about history, y’all y’all have figured out. And my mom writes me a letter back like, “Just chill.” [Mimes drawing] And she about a face with tears on the face and I’m like looking—I don’t even like, I don’t give a fuck about my mama’s tears [laughter]. What I care about is this: I was in the fucking vestibule area, with my balls lifted up, squatting up and coughing, letting this fucking child predator look at me. This is what I’m fucking focused on. I’m killing Mitchell. I’ve already put it in my mind. I’m done.

Siddiq makes his story more palatable by framing it in terms of humor, but his story reveals the machinations of separation between agent and captive within visibility. . His account demonstrates how the jail or prison BCS is still subject to public viewing and voyeurism—by the officers and other inmates. When his incarcerated peers saw Siddiq crying during the BCS, he says they knew “this was not gonna be good.” Clearly Mitchell took pleasure in his power over Siddiq, like when he requested Siddiq run his fingers through his hair (he is bald), and this humiliation had real impacts on Siddiq’s mental health. Siddiq explains the BCS *made him violent*. After the BCS, Siddiq writes to his mother, in code, and tells her he was the revolutionary Nat Turner, an enslaved black man who in 1831 led a four day rebellion resulting in the deaths of around sixty white people. The audience laughter was scarce after he said this, possibly indicating many people, in what appears to be a majority white crowd, did not catch the reference. His mother wrote back having drawn a picture of herself crying, but Siddiq explains at

this point, the humiliation was so extreme that he no longer cares about his mother's tears—only revenge. It appears the audience found the jokes about murdering Mitchell funnier than Siddiq's BCS. They were entirely silent when he mimed lifting his testicles, squatting, and coughing; they laughed when he joked that "this was not gonna be good" and when he confessed he was planning on killing Mitchell. Perhaps anger and feelings of retribution is more relatable than the humiliation Siddiq felt, and relayed to the audience, during his naked squat-and-cough BCS.

Discussed previously, the BCS is the biproduct of centuries of white power and fascination with domination, or what Vincent Woodard (2014) describes as "white male consumptive desires" (171). While actors who perform the BCS do not have to be male or white, Siddiq's experience highlights centuries of sexual objectification under a white regime leading up to that moment. Whereas the slave master "deflected his appetites and hungers onto myths of the chattel slave as dependent, childlike, and somehow ennobled by the master's consumptive needs," the Correctional Officer deflects his appetite onto ideas about security. Social domination, causing humiliation, exercising authority, all in the name of "security" further bifurcates COs and BCS victims, acting as the direct antithesis to ideas about American liberty.

Step Three: *Aestheticization*.

The third and final component of visibility is aestheticization, the authorized production of a normalized "common sense." The separated and classified must somehow seem "right." The BCS acts as a self-justifying procedure when someone in power discovers contraband. In order for something to seem "right," it requires some kind of aesthetic, a "proper" picture for one to associate alongside a particular concept. Mirzoeff writes "The aesthetics of power were matched

by the aesthetics of the body not simply as form but also as affect and need. This aesthetic is not a classificatory scheme of the beautiful but ‘an aesthetic at the core of politics...as the system of *a priori* forms determining what presents itself to sense experience” (2011:484-485, emphasis in original). Teasing out the various cultural and political dynamics of the BCS as they are made visible by their representation is one way to understand the aesthetics of the BCS and its persistence as a “common sense” ritual.

Michelle Brown (2009) argues that “in this world, image is perpetually poached, re-invented, reclaimed, and reaffirmed in complex networks of penal usages. Consequently, in late modernity, the image is social life” (77). The image is constantly being produced and manipulated, informed by the transformative nature of all social relations in contemporary society. Brown notes how in American culture, citizens are more likely to “screen the prison rather than visit it,” and audiences are consequently familiar with imprisonment not through reality in practice, but its cultural representation (Brown 2009:56). Thus, in order to demonstrate the cultural aesthetics of the BCS, I embark on a scenographic analysis of a popular television show’s depiction of BCS in which one of the main characters experiences during being processed as an inmate in the Chicago jail. I focus on the cultural representation of the tensions between characters, actors, and the audience as a way of providing a critique of the humiliation built into the BCS. Additionally, I look at the fetishization of the BCS on social media, in cartoons, and memes. Sexual domination is a cultural motif as Kate Millet explains “However muted its appearance may be, sexual dominion obtains nevertheless as perhaps the most pervasive ideology of our culture and provides its most fundamental concept of power” (Millet 1970:25). Visual representations of BCS sometimes reflect, other times resist, hegemonic ideologies about sex, touch, bodies, security, and carceral power.

Scenographic Analysis

Provocative BCS related jokes and/or distressing scenes make appearances in popular television series such as *Shameless*, *Wentworth*, *The Simpsons*, *Law and Order: Special Victims Unit*, *South Park*, *Beavis and Butthead*, and *Orange is the New Black*. The BCS has been part of media storytelling for over a century⁴, used for humor, gore, or simply presented as a harmless routine bureaucratic penal practice. The scene in question occurs in the 406th episode of Showtime's hit series *Shameless*, "Iron City" (season 4 episode 6). *Shameless* is an American comedy-drama television series set in South Side Chicago following the lives of the Gallagher family living below the poverty line. Fiona Gallagher (Emmy Rossum) is the eldest daughter of six children. Their father, Frank Gallagher (William H. Macy) suffers chronic alcoholism and is often absent from or causing an upset in the childrens' lives, leaving Fiona to most of the child-rearing responsibilities. In this episode, Fiona is going to jail and experiences the intake after her three year old brother accidentally overdosed on her cocaine. "Iron City" is not the first episode to mention BCS in *Shameless*. In Season 1, Episode 10 a character says she has not been to visit her brother in prison because "Those dyke guards pat you down like amateur gynecologists." In Season 3, Episode 1 the patriarch of the household wakes up in Mexico with no papers. To get fake papers and back into the United States, he packs eighteen balloons of cocaine across the border in his anus, earning him legendary status and the new nickname "El Gran Cañon." The BCS as a broad range of practices appears on screen frequently, but I chose the following scene

⁴ See Bonnie Miller's *From Liberation to Conquest: The Visual and Popular Cultures of the Spanish-American War of 1898* where she analyzes Fredric Remmington's 1897 illustration "Spaniards Search Women on American Steamers," which gained national attention.

for several reasons including reactions from the lead actress and her fans, how this scene maneuvers nudity, and the portrayal of the BCS as simultaneously emotional and emotionless.

The scene under scrutiny opens with the profile of a white brunette woman peeing downwards, supporting the weight of her head with her fingers. We see her shaking. The frame zooms out to reveal a long hallway, full of people sitting and officers interacting with them in various ways. There is a black woman standing behind a counter, fingers hovering above their correspondent letters. SGT. FUCHS is embroidered on one side of her uniform dark blue polo, a star patch on the other side.

Fiona Gallagher?

Yes? (The camera looks through a glass divider on the counter as we see the brunette, Fiona, rush to the counter. She looks concerned.)

Any medical issues?

No. (She shakes her head fervently and looks down confused as if wondering why the woman would even ask such a thing.)

Diabetes? Tuberculosis? HIV? Food Allergies? (Fiona, her brow furrowing more still shakes her head again. Officer Fuchs makes intentional eye contact.)

You hooked on anything? Drug dependencies we should know about? (We see Fiona still shaking her head no, still concerned, and somewhat confused.)

What about medications? You taking any prescription meds?

No. (Fuchs pulls out a plastic bag from off screen.)

Personal items, please.

What?

Watch, rings, bracelets, earrings, wallet, money, keys, any other piercings, everything in your pockets. (Fiona, compliant, pulls out her belongings.)

My brother is in the hospital. I need to make a call, find out how he's doing.

Arm, please.

Please, can I make a call and find out how my brother is doing? (Officer Fuchs clasps a white wrist band on Fiona's wrist and taps to a point.)

That you? (Fiona confirms with a nod.)

Sign here to acknowledge these are the possessions you gave me. (Fiona tucks her hair behind her ear as she looks down and signs her name as an acknowledgement. Officer Fuchs takes the bag and plops a stack of linens down, Fiona's light blue uniform.)

Down the hall to the right and strip. (Fiona looks up, perturbed and Officer Fuchs raises her eyebrows.)

Let's go. (The camera zooms in on Fiona walking down the hall with a concerned, furrowed brow. Officer Fuchs is now just a blurry face behind her. There is no music. We hear nonspecific unidentified clanks.)

In there. (Fiona turns and enters the room as Officer Fuchs follows.)

Clothes in the bag. (Fiona sets her uniform down and starts to unbutton her flannel. The camera switches subjects as we see Officer Fuchs put on white latex gloves. Neither of them are speaking. Fiona undoes her belt and slips her shoes off. The camera looks back to the gloves, zoomed in on Officer Fuchs' hands silhouetted in front of a window full of bright light. Fiona grabs the bottom hem of her shirt with her arms crossed and lifts it over her head. She snuffles and shakes her head, lips pursed tightly. Next she takes her pants and socks off. In her bra and panties, she faces the CO.)

Underwear, too. (We see Fiona's breathing quicken as her collarbone rises and falls quickly. We see her remove her bra from behind, revealing her back but not her breasts. Her eyes begin filling with tears. All we see is her collarbone and up, her face is the center of this moment.)

Arms up. Open your mouth. Flip up the top lip. Flip the bottom. Lift up your tongue. (As Fiona complies, the camera zooms in even more--the viewer can no longer see below her chin or above her brow. She is shaking and appears scared, crying silently. The CO's flashlight illuminates her white teeth.)

Soles of your feet. The other one. (We briefly glimpse Fiona's hip as the camera pans down to show her lifting both of her feet up, one at a time, meeting the flashlight's beam.)

Bend over for me, please. (Fiona looks at Officer Fuchs over her shoulder, devastated. The camera goes in and out of focus as her face gets closer to the camera as she bends over. The camera keeps jumping from shot to shot, but they are all Fiona's face as she is increasingly upset, shaking from her silent sobs.)

Cough. (Fiona takes a breath and we see a string of mucus hanging from the roof of her mouth as she coughs dryly. She hesitates and stands.)

Put on the uniform. (The scene ends with her asking for her call one last time.)

The scene above establishes, both to Fiona and her audience, her new status as a state captive. As I argue in Part One, the BCS as an intake procedure functions as a schematic experience, introducing the subject to carceral norms and their new social status. The removal of Fiona's civilian clothes symbolizes the removal of her civilian freedoms. Her nudity represents the vulnerability inherent to the BCS before she is marked as "criminal" by the standard issue uniform. The BCS scene in *Shameless* received its fair share of media attention from Forbes, Twitter, and Reddit. Fans encouraged and supported Rossum for her performance, which Rossum described as the hardest scene she had ever done. To prepare for the BCS scene, Rossum went to a dark place that she described as

Just kind of go to a kind of sad, lonely place that lacked any hope. And I think that's kind of what she's experiencing in that episode. The hardest thing that I've ever done--Ever. On anything--was that strip search scene. Because of the way they shot it I was completely naked and it wasn't like the frivolous silly nudity we do on our show sometimes. The sexy stuff. It was really immensely vulnerable and emotional and scary. I kept thinking "God, I hope this scene is worth it. Because I'm losing a piece of myself. This is really hard." And I guess it is. I was such a wreck at the end of the day I had to get transpo to drive me home and leave my car at set. I couldn't drive. I couldn't function.

Fans tweeted their support, empathizing both with Rossum and victims of BCS, and praising Rossum for her commitment to the role.

- *@emmyrosum i have done it in real life they make you shower to it sucks i dont know how you did it with all them people around my hat off2u*
- *@emmyrosum you have given an exceptional and brave performance this year. And Emmy you deserve an Emmy.*
- *@emmyrosum time after time this season, you have had me right there with you, feeling Fiona's pain. you really are amazing at what you do.*
- *@emmyrosum Testament to your A+ acting...watching it was very uncomfortable, even though we had already seen nearly every inch of you b4.*
- *@emmyrosum that scene was SO uncomfortable to watch... great acting, great show #Shameless*
- *@emmyrosum truly makes one feel for experiencing those searches in real life.*
- *@emmyrosum just watched that episode in prison, imagine that in real life for first timers. Makes one think twice.*

Both Rossum and her fans acknowledge this scene is by no means the first time the audience sees Fiona naked. Frequent portrayals of Fiona's active sex life display her naked breasts, stomach, and buttocks from a varieties of angles. Yet, the BCS scene is crafted so the audience reveals none of the above. The only time the audience can tell Rossum is fully naked is when the camera pans down her side and we glimpse her bare hip before she bends over to take

her underwear off. At no point in this scene do we view her bare chest, stomach, or buttocks. Instead, the majority of the scene is zoomed in on Rossum's facial expressions as she sobs and grimaces throughout the BCS. At various times, she hesitates to reveal her body cavities to Officer Fuchs, emphasizing the discomfort and humiliation of exposing herself.

"Iron City" manages audience judgment as the episode highlights the complexities of the BCS as simultaneously emotional and emotionless. The audience is attached to Fiona as the mother-figure and an overall likeable character who made a careless and irresponsible mistake with drugs, thus harming a vulnerable child. The audience knows how much stress Fiona has endured up to this episode, and I believe we are meant to sympathize with Fiona as she suffers the degradation of the BCS. We do not see her naked body parts, creating a moment unlike other nude scenes in the show. I believe, here, we are not meant to see Fiona's body. The scene could have easily shown her entire naked body, but instead mostly focused on Rossum's intense and vulnerable facial expressions, building audience sympathy for Fiona. The viewer suffers with "the protagonist in a way that allows the audience to connect with movie or television characters in a way we cannot connect with "the imprisoned who remain locked in" (Brown 2009:63).

While the scene was emotionally tolling for the audience, actors, and character, one key character remained seemingly neutral, highlighting the routinization and mundane manner of the BCS. I am referring to the character conducting the BCS, Sergeant Fuchs (Saidah Arrika Ekulona). Ekulona's performance struck me as she appeared completely numb to the operation, from ignoring Fiona's pleas for a phone call, to moving through the steps of the BCS almost robotically. The portrayal of Officer Fuchs' rationalization might be understood through Neutralization theory, which is a theory used to explain how people justify a variety of harms such as rape, murder, and genocide (Maruna and Copes 2005: 223). For example, Alvarez (1997)

explained how Nazis “became more inured to their actions, and more brutalized or comfortable, and as the process was routinized and ‘sanitized’ (as when the killing method shifted from shooting to gassing), the techniques became easier to use and maintain” (Alvarez 1997:169). Maruna and Copes reason that neutralizing one’s behavior is not a static moment, rather it is an ongoing process in which people preserve themselves, present themselves, and navigate the subjectivities implicit to the social world. Maruna and Copes write, the ‘internal soliloquies’ of offenders are drawn from a ‘repertoire of culturally acceptable legitimations’” and neutralization research could benefit from looking beyond individual behaviors (Murphy 1999 in Maruna and Cope 2005: 283). As Presser (2018) argues, “the means of escaping self-condemnation are not invented by individual minds because we do not reason in isolation” (30). Logics of the BCS provide opportunities for state actors to suspend ethical standards of bodily autonomy in order to perform BCS, normalizing their sexual access and domination over all kinds of bodies.

The scene exemplifies both how personal and impersonal the BCS can be, depending on who does the seeing and who is seen. Rossum’s abundant and intense emotions contrast Ekulona’s bleak and expressionless approach to the BCS. Ekulona’s routine following orders and bureaucratic sexual violation embodies the power of the state. Yet, state agents are not always cold and detached, as many participate in the libidinal economy of state sexual violence. People produce images, such as memes and cartoons, that suggest the BCS is something to make light of or that they enjoy power over the captive body. The following section juxtaposes representations of neutralization and detachment with visual depictions of enjoyment and pleasure.

Fetishizing the BCS

Fetishizing the BCS appears on social media, in memes and cartoons, and in pornography, and it is a harmful act of de-contextualization. Fetishizing depictions of the BCS glorifies abuse of power as it frames the BCS as a sexually enticing opportunity. Taken from *The Plain View Project*, a database of public Facebook posts and comments made by current and former American police officers Figure 2.5 (Appendix A) shows a shared link where officers commented the man who experienced the BCS was “one lucky drug dealer.” Similarly, in the popular comic *Cyanide and Happiness* (Figure 2.6 in Appendix A), the BCS is literally romanticized as a bonding opportunity for the police as one officer reaches through a person’s mouth, the other through the anus, and they experience romantic love, depicted by a red heart, when their hands touch. The comic exaggerates the practice and dehumanizes the victim where the person being searched is merely a bonding vessel police force. A simple term search on popular pornography site Pornhub yields 1,250 results for the term “strip search,” 1,052 results for “cavity search,” 3,079 results for “police,” and a whopping 11,379 results for “officer,” indicating massive amounts of people find sexual gratification fantasizing about the BCS and displays of police or official sexual authority.

Patterns emerge in memes and social media posts of conventionally attractive men or women in uniform that frame either performing or receiving the BCS as something sexually desirable (Figures 2.7-2.10 in Appendix A). These images conventional ideas about attractiveness to justify sexually assaulting mass populations. In 2019 “Feeling Cute Challenge,” a variety of law enforcement officers of multiple genders and races posted selfies of themselves captioned with violent slogans that started with “feeling cute and might...” “shoot someone’s

baby daddy,” “wrestle an inmate,” “take someone’s baby momma to the hole,” “gas the whole wing later,” “knock up a few of your boys later,” “lock inmates down,” and “tase our girlfriend later” (Dimoff 2019). Millet suggests “the sexual is invoked to emphasize power of the tormentor, the vulnerability of the victim; sexuality itself is confined inside an ancient apprehension and repression: shame, sin, weakness” (Williams 2006:233). The Feeling Cute Challenge and these memes indicate people in positions in power feel attractive when they display their power in dominating acts.

Conclusion

The BCS, caught in a web of authority, depends on a vocabulary that masks its inherent violence in order for that violence to persist. The authority to look, then, becomes the reality for all parties—those looking, those being seen, and those who do not see. Looking, visual state penetration, reinforces the stratification between dominant and submissive, looker and seen. Yet, there is also the reality of not consuming the BCS, when it is out of sight is it out of mind? Media representations of the BCS allow the audience to remain a third party, still looking, but not directly participating in the spectacle at hand. What the audience consumes is dictated by the authority of media representation. As the BCS itself should be understood as a broad spectrum, so too should the ways we understand its representations. Whereas, *Shameless* brings attention to the dehumanization of the practice, *Cyanide and Happiness* is simultaneously able to romanticize it—these images do not exist in spite of each other, rather, they speak to the vast cultural uncertainty about how to approach something as degrading, but advertised as necessary, as the BCS.

CONCLUSION

In the dissenting opinion on the landmark case *Bell v. Wolfish* (1979), Justice Thurgood Marshall called BCS “one of the most grievous offenses against personal dignity and decency.” Indeed, described by its victims as degrading and humiliating, the BCS is legalized state sexual violence. Often used to establish the social dominance of the actor, the BCS is never “consensual” as it is a fundamentally coercive practice built into a system that routinely justifies police terror, which is at once state-sanctioned racial and sexual terror. The BCS acts as a gatekeeper for those in state custody and their loved ones, severing family ties while producing trauma both physical and mental. The BCS is always rationalized with appeals to security, but its more insidious use is as a sexualized intimidation technique, one that impacts those marginalized populations that are most heavily policed in today’s society – Black and brown communities, the poor more generally, and queer and trans folk. Justice Marshall’s framing of BCS as having something to do with stripping the economically and politically precarious subjects of their “personal dignity” highlights what is at stake in such a practice: the unmaking of personhood, individual agency, through routine legal coercion. Situations of life and non-life tend to be central in analyses of the state’s relationship to personhood, but the BCS as state sexual violence materializes as a biopolitical endpoint— not how the state produces life or death, but instead how it produces rape. Employing Puar’s (2017) framing of ability, the body cavity search becomes the legal technology dictating capacity, and its victims experience a political deterioration outside the “binary of resistance/passivity” (2).

The BCS should not be understood as a result of “bad apple” policing, or from any angle that privileges an individualistic approach that fails to account for the structural dynamics and

institutional codifications of state coercion and degradation. As a routine and quotidian technology of state sexual violence, the BCS is built into the very infrastructures of policing and carceral institutions. Law enshrines this sexualized legal terror as administrative ritual, and prerogative power in the name of security provides the BCS with its concrete justifications. What emerges is a figure of the administrative state as a sexually sadistic state, or a capitalist state that “touches” and “probes” its subjects in the most degrading of ways. In any other context not involving a legal agent, the penetrating and probing of a captives’ bodily orifices would be describe as sadistic and cruel, and it follows that there is no reason not to call the BCS for what it really is: administrative sadism. The BCS is schematic, or systematic, as it is one of the very first practices person is subjected too—always against their will—behind penitentiary walls. In order for the state to reproduce power hierarchies, its actors find ways to cope with this sexual sadism, whether that is neutralizing it or fetishizing it, detaching from the reality of BCS or joking about its humiliating violence.

There is very little consistency in what happens during any BCS. However, the main objective of visuality—the authority to shape who sees what and subsequent understandings of reality—is not to ensure identical practices. Rather, visualty works to mask the inherent violence of the BCS, leaving its logics completely intact, as the BCS becomes a cultural “common sense.” Mirzoeff confronts the complexes of visuality with what he calls “the right to look, or a countervisuality that reflects how people can use their autonomy to construct a more informed reality. Here, Mirzoeff claims “the right to look contests first the right to property in another person by insisting on the irreducible autonomy of all persons, prior to all law” (2011:478). Thinking about alternatives to the BCS can be situated within Mirzoeff’s “countervisuality.” Dismantling the humiliating BCS would require disrupting performative claims of its right to

look in order to reject its persistent penetration and. Mirzoeff sees countervisuality as a “means by which one tries to make sense of the unreality created by visuality’s authority while at the same time proposing a real alternative” (485). In the BCS, where is the alternative, the right to remain unseen and untouched, the right to remain impenetrable? The right to remain impenetrable can never exist in the system as we currently know it—the system depends on penetration as a legal form of sexual domination cloaked in the uniforms and policies of a sadistic state.

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APPENDICES



Figure 1.1

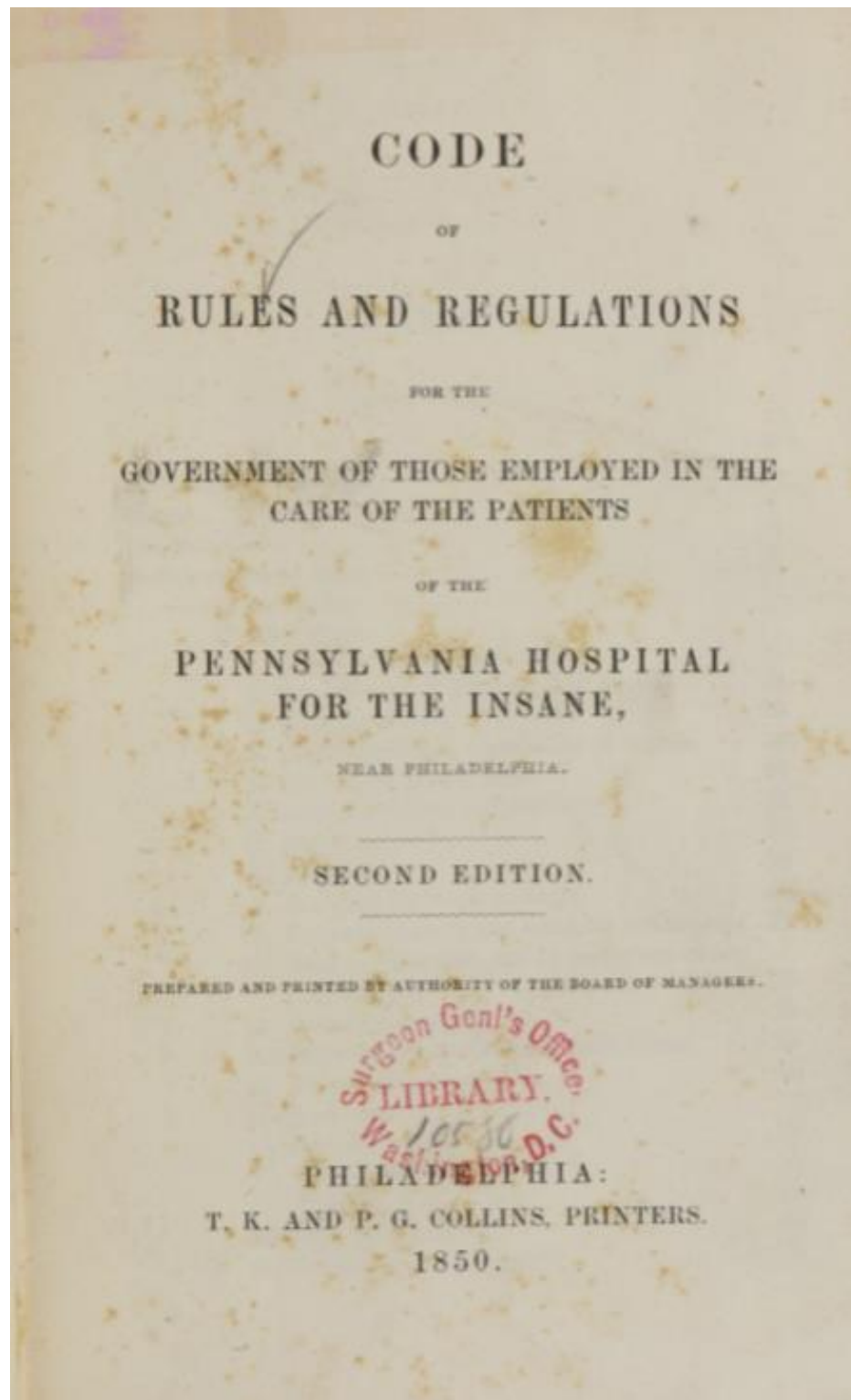


Figure 2.1

Patients are not to receive or forward any letters, parcels, or packages of any kind, without the knowledge and approbation of the physician.

19. PATIENTS' CLOTHING.—The clothing of every *new* patient is to be examined at the earliest opportunity after admission, to ascertain whether there are knives, weapons of any kind, money, tobacco, or other forbidden articles upon his person. If any are found, they are to be promptly given to the steward for safe keeping.

The clothing of a patient is not to be taken into a ward until it has been examined, and a list of articles taken by the steward or matron. All new clothing sent to a patient should pass through the same hands, and be registered in the same way, before it is used. No unmarked clothes should go to wash, or be used by a patient.

The attendants will carefully see that patients change their clothes regularly, and all reasonable requests in reference to changing clothes are to be gratified.

Soiled clothes are never to be allowed to remain in a patient's room, but are at once to be put among those to be sent to the wash-house.

The clothing of patients is to be kept neat and clean, and well brushed at all times. If buttons are found to be missing, or holes are seen in a garment, it is to be taken at once to the seamstress to be repaired. If suspenders or other necessary articles in the wards are found wanting, they are to be asked for till they are furnished. Shoes are to be kept tied—stockings gartered—clothing buttoned or fastened, at all hours, and on all patients.

When patients wet their clothing, they are to be changed as often as may be necessary to make them dry and comfortable, even if every hour. The wet part of their cloth-

Figure 2.2

ing may be dipped in hot water and dried, but is not to be returned to the ward without undergoing this process.

Pains are to be taken to induce patients to be neat in their dress, to wear slippers when within doors, and in wet weather to change their shoes after walking out.

In the South Wing, the attendants are expected, under the instructions of the matron and supervisor, to take charge of the patients' clothing, and see that it is carefully preserved and kept in proper order and repair. They will also take charge of any new work or work to be repaired that may be sent into the ward, occupy themselves with it, and encourage the patients to give them such aid as will be useful. Attendants can do no private work, except putting their own clothes in order, during the hours of duty, without special leave, nor can they employ the patients to do work for them, if there is any required for the house, without the same permission.

20. VISITING BETWEEN WARDS.—As the duties of each attendant are confined almost exclusively to a single ward, they can have but rare calls in any other unless specially directed by the proper authority to go there.

In going to and from the centre building, they will avoid passing through wards not necessarily in their way.

Patients, too, are not to visit from ward to ward, without permission from one of the physicians—and no patient is to be transferred from one ward to another except by special direction of the physician, unless some high excitement may induce the assistant physician to change a patient temporarily.

21. LEAVE OF ABSENCE.—To those who perform their duties faithfully, it is wished to allow as much relaxa-

Figure 2.3

d) The identity of each prisoner should be established through fingerprinting and photographing. In smaller jails this sometimes will have to be done by the police department. It is vital that there be no question as to the identity of every prisoner in the jail.

e) A thorough strip search followed by a shower should be given each prisoner.

f) Each prisoner should be provided with uniform jail clothing. It is virtually impossible to properly search and sterilize all clothing of all prisoners. The sanitation, security and orderliness of the jail are promoted through issuance of uniform jail clothing. After sterilization civilian clothing may be held in a special room in the jail or returned to the prisoner's relatives if desired. A duplicate record and receipt of clothing should be provided similar to the personal property records.

g) A thorough physical examination of each prisoner should be made. A cursory physical examination to detect body lice, body rashes or obvious evidences of illness can be made by the jailer. Special notations should be made of any evidences which might be significant to the jail doctor. Needle scars, head injuries, evidence of epilepsy, diabetes or other deviations from the normal are important. Examination by the jail doctor should be made of every prisoner as promptly as possible.

h) Minimum jail records should be completed including sufficient information to identify the prisoner, the names of relatives to notify in the case of emergency and to provide for his proper segregation within the jail. Information supplied by the prisoner, the arresting officer and, as soon as possible, from criminal record data, are minimum requirements.

i) Upon completion of receiving procedures the jailer should assign the prisoner to the type of housing facility for which he is qualified based on the information available.

6. Custody and Security.

The primary function of the jail, like the prison and other correctional institutions, is the safekeeping of persons committed to the jail, but custody and safekeeping are seldom accomplished by stone walls and iron bars alone.

To a large degree the principles and procedures of Chapter 14, "Custody, Security and Control" are applicable to the local jail.

The most important principals to be observed in maintaining jail security are:

a) *Maintain rigid and intelligent control of firearms.* All jail personnel should be trained in the proper and safe use of firearms.

Never permit guns inside the jail.

Never permit storage of weapons at any point in the jail which might be accessible to prisoners if they overpower a jail officer inside the jail and secure his key.

Figure 2.4



Hector Rodriguez

shared Mark Palma's post.

May 25, 2017 · 🌐

Lmao. Must be a slow news day.



Mark Palma

May 25, 2017 · 🌐

SUSPECTS SAY ???



PHILLY.COM

An untold part of stop-and-frisk: underwear searches

Underwear searches, conducted in public places, are strictly prohibited b...

 Like

 Comment

 Share



Rich Seamen

I love it. They checked my butt. Lol. Esp how it reads.. He was one lucky drug dealer. Lmao

Like · Reply · 43w



[REDACTED]

-"who wears a picture of his daughter around his neck". Gimmie a friggin break! I wonder what side [Philly.com](#) falls on. I'm so upset about this I almost spilled my cheetos on my underwear. I'm just glad Rochelle Bilal was there to clarify everything. Phew!



PHILLY.COM

Philadelphia local news, sports, jobs, cars,

Like · Reply · 43w



[REDACTED]

Well considering most were their pants under their asses, definitely should have been in plain view.. stupid!!

Like · Reply · 43w

Figure 2.5

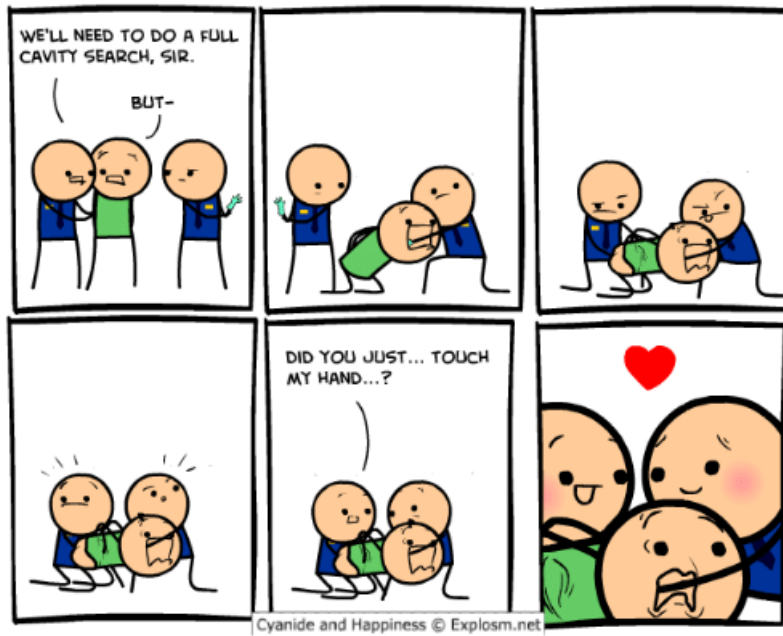


Figure 2.6

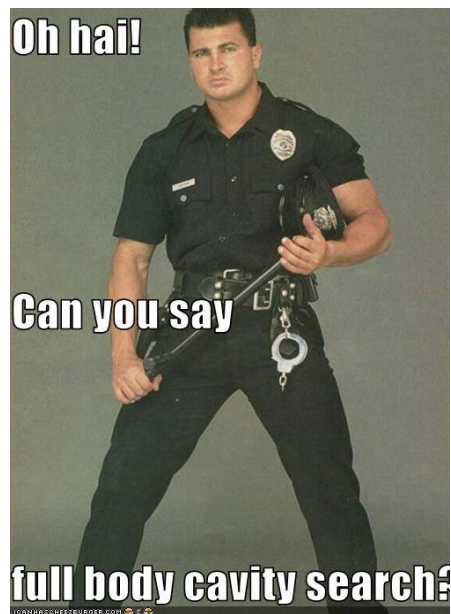


Figure 2.7

Me: we're gonna have to perform a cavity search

Her: but the detector didn't even-

Me: ma'm it's just protocol



Figure 2.8

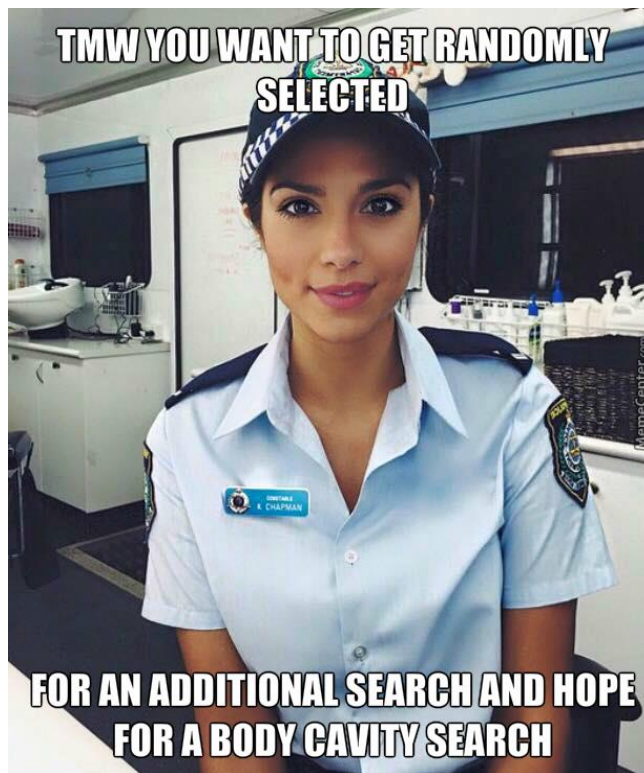


Figure 2.9

excuse me officer i may have drugs
on my person you might have to
perform a full cavity search ;)

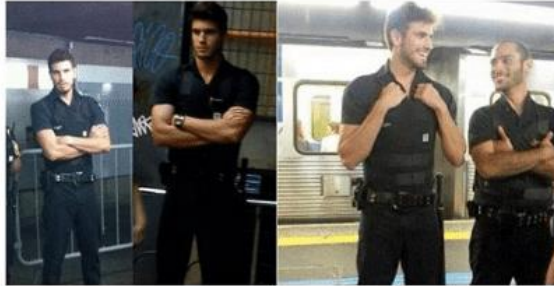


Figure 2.10

VITA

Vivian Swayne earned her B.A. in Sociology at The University of Tennessee in 2016. After graduating, Swayne worked for a local nonprofit before starting her M.A. in Sociology in August 2018. Swayne works as a teaching associate and spends her free time community organizing. Her research interests include Public Sociology and Visual Criminology. Swayne plans to pursue her PhD in Sociology.