Abstract

Sexual misconduct by prison and probation staff is a damaging behavior, both for the organisation and those in its care. The aim of this research is to identify and describe categories of behavior, and work towards a definition of sexual misconduct for the UK prison and probation service. A qualitative content analysis of 25 cases, involving sexual contact between a staff member and offender, was completed to identify the behaviors. Following further understanding of this behavior, findings can be used to develop interventions and investigation techniques to prevent this damaging behavior.

Keywords: Abuse of power, corruption, prison, probation, sexual misconduct

Introduction

In 2021, former UK prison officer David Whitfield received a 6 year prison sentence for Misconduct in a Public Office after he abused his position of power at HMP Low Newton to demand sexual favors from 12 vulnerable female inmates (BBC, 2021). When sentencing him, Recorder David Gordon said that Whitfield had "undermined prison discipline...methodically, routinely and cynically took advantage [of inmates] ... and betrayed the trust of the public" (BBC, 2021). Corruption of this type can cause long lasting harm to already vulnerable victims, has a damaging effect on the reputation of the service, increases the risk to the public and undermines the safety and stability of the prison and probation environments (CCU & HMPPS, 2022). While these cases are extremely rare, there is a current gap in understanding how and why a small number of staff abuse their position and engage in sexual boundary violations against those they are charged with supervising.

His Majesty's Prison and Probation Service (HMPPS) is a government agency of the Ministry of Justice that facilitates the completion of sentences given by the courts, in both

custody and in the community (GOV.UK, 2023). The organization runs 105 of the 122 prisons in England and Wales and oversees the contracts for the 17 establishments managed by private companies. They currently house approximately 86,000 offenders and oversee the supervision of approximately 240,000 people on probation across 128 Probation offices (HM Prison and Probation Service, 2023). Prison life is characterized by a unique culture of suppressed aggression, communal mistrust and an underlying volatility (Crewe et al., 2014). Central to the functioning of the prison system, and key to ensuring control and efficient security flow, are the effective relationships between staff and inmates (Control Review Committee, 1984). The quality of both the relationships with inmates and staff behavior in general is crucial to the running of an efficient regime for daily prison life and maintaining security, control and good order, which are fundamental to ensuring a safe and rehabilitative environment within prisons (Thornton, 1984).

In a prison environment, power plays a pivotal role in these relationships. Power in a prison can be defined as "the ability of one party to influence or determine the behavior of another party" (Liebling et al., 2010) and although this power dynamic is often unspoken, it is the challenge and negotiation for power that drives many of the interactions within prisons (Bosworth & Carrabine, 2001). The use of legitimate power by officers and other staff can be seen as a positive way to encourage good order and control (McGuinn, 2014) which has seen a push in modern prisons for the use of 'soft-power', moving from coercive control to interpersonal decency (Crewe, 2012). By nature of this environment, the power dynamics at play, the associated restraints on personal freedom, and the criminal characteristics of those incarcerated, prisons create an ideal environment for corruption and wrongdoing (Goldsmith, 2020). There are many theories concerning how and why corruption occurs, with the majority focused on policing but with some applicability to the prison service. Research suggests that those who hold positions of power consistently seek to increase their own self-

interest, while attempting to uphold a positive self-image (Festinger & Carlsmith, 1959) and thus often 'slide' into corrupt activity blindly, unconsciously negating the needs and interests of others (Kipnis et al., 1976). The slow erosion of ethical standards by small transgressions, that build over time to larger transgressions has been labelled the 'slippery-slope' effect (Gino & Bazerman, 2009). Punch, 2009, compared the slippery slope to a ladder, suggesting that some police officers progress up the ladder, or down the slope, and others settle at a particular level or stop altogether. The alternative to this theory is that a single overwhelming opportunity is more tempting, and creates a situation where an individual is more likely to justify their corrupt behavior, or to see the potential cost as being outweighed by the large gain, suggesting that corruption occurs as more of a 'steep-cliff' (Köbis et al., 2017). Other theories of corruption have focused on the 'bad apple' concept; that individuals who join forces or organizations with ill intent, commit corrupt acts motivated by personal gain (Porter & Warrender, 2009). However, further theories place the emphasis on organizational culture, such as performance drivers regarding clear-up rates, and social pressures, such as the pressure on officers to protect their colleagues and not to report (Porter, 2013), arguing that these 'bad barrels' create the environment for good officers to be turned into 'bad apples' (Gottschalk et al., 2011; Punch, 2002).

HMPPS defines corruption as "a person in a position of authority or trust who abuses their position for benefit or gain for themselves or for another person. In prison and probation services, this would include the misuse of a person's role to plan or commit a criminal act, or a deliberate failure to act to prevent criminal behavior." (CCU & HMPPS, 2022, p7). This definition captures a range of behavior, from conveyance of illicit items into establishments, in contravention of section 39 of the Prison Act 1952 (CPS, 2023) to failing to follow procedures to the required standard. Within this definition, HMPPS includes "forming

inappropriate relationships with inmates or supervised individuals" and "sexual behavior with an inmate or supervised individual" (CCU & HMPPS, 2022).

The term 'Inappropriate Relationship' is used in a prison setting to describe a relationship that goes against institutional regulations and is clandestine in nature (Goldsmith et al., 2016), however this is not an agreed definition included in policy. It is believed that these relationships occur when the 'norm of reciprocity' is pushed too far; the notion that officers give certain freedoms to inmates to facilitate good behavior (Marquart et al., 2001). These small pushes, or gentle flexing of professional boundaries to maintain order, often lay the groundwork for larger indiscretions, in a similar way as in the 'slippery slope' theories of general corruption (Jones, 2013). While there is some research on how these relationships form, there is a lack of clarity and consensus on the scope and definition of the term 'Inappropriate relationship' (Goldsmith et al., 2016) and in general, research on these violations of professional boundaries within prisons is limited and lacks systematic inquiry into the nature and processes that underpin them (Stewart, 1998). Although not all of these 'Inappropriate relationships' are sexual in nature, any sexual relationship or interaction between a staff member and an offender is normally considered to be a subset of 'Inappropriate Relationship' (McIlwain, 2004). Relationships that develop inappropriately may eventually become sexualized, unless they are considered not serious enough for continuation before reaching the sexualized stage (McIlwain, 2004) and therefore lead to instances of abuse of power for a sexual purpose.

There is a lack of research into abuse of power for a sexual purpose, particularly in the prison setting. In 2017, the National Police Chiefs Council (NPCC) released the first strategy aimed at defining Abuse of Power for a Sexual Purpose (APSP), and put in place a framework for forces to deal with the damaging behavior (NPCC, 2017). They defined APSP

as "Any behavior by a police officer or police staff member, whether on or off duty, that takes advantage of their position as a member of the police service to misuse their position, authority or powers in order to pursue a sexual or improper emotional relationship with any member of the public." (NPCC, 2017)

In 2003, the Prison Rape Elimination Act (PREA) was passed in the US, following a national scandal caused by the publication of the Human Rights Watch first national study of inmates sexual assault in male correctional institutions (Dumond, 2003). The Act establishes a set of mechanisms to reduce, prevent and when it does occur sanction sexual violence in custody, including where staff are found to abuse their power over offenders for a sexual purpose (Smith, 2008). The introduction of PREA has had positive effects in the US, but studies have found that sexual violence, abuse and harassment continue to be an issue in American prisons (Smith, 2008). Other public sectors where professionals are brought into contact with potentially vulnerable individuals, such as the National Health Service (NHS), have a clear definition of sexual misconduct, and it has been found that most perpetrators of this type of misconduct were male doctors targeting patients under their care (Searle et al., 2017). Further insight into APSP can be gained from examining other environments where power dynamics affect relationships, such as UK Parliament, where sexual misconduct was shown to be endemic (Julios, 2022). Although "sexual behavior with an inmate or supervised individual" (CCU & HMPPS, 2022) is included within the definition of corruption, HMPPS currently has no separate definition of sexual misconduct or abuse of power for a sexual purpose.

Although some of the research and findings from other sectors, particularly the police, may be useful in understanding APSP and sexual misconduct in a prison setting, there are unique factors to the environment that limit this applicability. By virtue of their role, prison

officers hold power over inmates, however this power can be undermined, for example where a female officer interacts with a male inmate, who by virtue of their gender, strength and physicality may hold more power (Smith, 2011). The closeness of the environment, and the prolonged period of interactions can foster bonds between individuals, which are often encouraged by the service in order to maintain good order, and to develop a rehabilitative environment (Worley et al., 2003). Many of the sexual interactions between staff and inmates are seen to be consensual, and in some cases the inmate has reasons for instigating these relationships in order to facilitate special treatment or favors (Marquart et al., 2001). In fact, prison officers are routinely warned of the risks of inmate manipulation, and often advised to avoid overfamiliarity for this reason (Lindahl, 2011).

Research into the dynamics and working culture between officers and inmates suggests many factors which may contribute to abuses of position within the prison environment. Crewe et al (2023) describes how female inmates can be infantilized with the use of terms like 'girls' causing them to feel that they have lost their status as adult women. Furthermore, inconsistent uses of staff authority may lead to a loss of trust and respect on both sides. Where female inmates experienced sexual abuse, they began to mistrust the system, felt destabilized and at the mercy of the officers (Crewe et al, 2023). For female officers, gendered stereotypes have been reported to be both a strength and a weakness.

Nixon (2023) reported that male officers not only felt that female officers were perceived as physically weak and requiring protection from male officers but also that they chose the role to be seen as sexually desirable – reminding male inmates of the intimacy they once had prior to incarnation. The recent media coverage of HMP Wandsworth Officer, Linda De Souza Abreu who in the summer of 2024, was filmed having sex with a male officer in his cell serves to reinforce these stereotypes. The UK based newspaper The Daily Mail in particular revealing that De Soua Abreu had an OnlyFans account for adult content and including stills

of the video in their coverage (The Daily Mail, 2024). Ricciardelli & McKendy(2020), add that although female officers are perceived as more vulnerable to sexual misconduct than male officers, they are also valued for stereotypical feminine traits such as compassion, empathy and ability to de-escalate violent situations. Interestingly, Ricciardelli & McKendy (2020) also reported that prison management were perceived to show greater concern over female inmates making allegations of misconduct against male officers than the other way around. This might suggest that female officers are seen as less likely to abuse their roles for a sexual purpose and the gendered stereotypes which persist in the prison environment may serve to blur boundaries and avert suspicion. Nixon (2023), suggest that some female officers will adapt masculine and aggressive personas to better fit into the traditionally masculine prison environment – a finding which is echoed in police research. Porter & Warrender (2009) reporting that female officers had two identities – a police officer and a woman. To place greater importance on the policing identity made it easier to be accepted in the role.

For both male and female inmates, there is a complex interplay of established gendered stereotypes and rejections of the same. Female inmates are often described as moodier and more emotional than male inmates, less of a physical threat but oppositely more manipulative and harder to work with (Crewe et al, 2023; Nixon 2023). Laws and Lieber (2020), describe the masculine language applied to male inmate typologies such as Warrior and King and suggest there are in fact caring, naturing and paternal relationships between male inmates. This is almost a reversal of Crewe et al's (2023) narrative that female inmates lose their maternal and family-based roles while incarcerated. Regardless of how stereotypical gendered roles manifest within the prison environment, inmates are vulnerable people in a vulnerable situation. The officers have power but are also working in a high stakes and high risk environment where they themselves may e vulnerable e.g., through

inexperience or physical differences. Therefore, when sexual interactions occur within prisons, it may be harder to understand whether it is the officer or the inmate who holds the power than it is in other public sector roles such as education, policing or the health service.

There is a literature gap in understanding of what these sexual interactions are between offenders and staff, who they occur between and how the relationships that facilitate them develop. What impact do these relationships have on the running of the establishments, is there an abuser and a victim, and where they appear consensual, is that consent given freely. Information about these relationships and interactions is not easily available, contributing to the lack of research into this area. The current research uses information from past cases within HMPPS to look at the prevalence and nature of sexual contact between prison and probation staff and offenders under their supervision in the UK, with the aim of contributing to the understanding of this behavior and a more definitive and practical definition of its scope and level of culpability for the staff member and offender.

Method

Using records from HMPPS Counter Corruption Unit (CCU), 30 closed corruption cases were identified that fit the below criteria. The CCU is a unit within HMPPS that is responsible for preventing and pursuing corruption when it occurs throughout the organization, and for passing cases that meet a certain threshold onto the police for criminal investigation (CCU & HMPPS, 2022). Closed cases are defined as those cases that are no longer being investigated by either the CCU or the police, including those that have resulted in any kind of outcome, for example a criminal justice sentence or an internal disciplinary. The criteria for case inclusion were cases that:

 Had a criminal justice outcome, so could be considered proven and information of the cases would be available in the public domain. All the staff members involved in these cases were charged and found guilty of a criminal offence including Misconduct in a Public Office and Attempting to bring, throw or otherwise convey an illicit article into a prison.

Contained a suggested element of sexual contact between an offender and a HMPPS
staff member, employed or non-directly employed, including but not limited to sexual
intercourse, oral sex, kissing and sexual touching.

Available information on these cases was requested and reviewed, and out of the original 30 cases, the selection was narrowed to 25 cases where there was sufficient detail to analyze. For the remaining five cases, sexual contact could not be confirmed from the information given, only that a relationship had occurred, and sexual contact was suspected. Case files were collected including records from the electronic case management system, subject profiles relevant to the case, news articles on the cases and other evidence collected by the CCU in the investigation of the case, for example communication logs, case summaries, intelligence summaries and witness statements. The information contained within the case files varied, dependent mainly on the period in which the case was investigated, but also on the record keeping of the team involved. Records of more recent cases were more thorough and consistent when compared to older cases.

Given the use of secondary data sources, there are limited ethical considerations. Files were given to the researcher and all personal information was then redacted prior to coding, to retain anonymity. Ethical approval was given in line with the University's Research Ethics Code of Practice. Approval for the research was also given by HMPPS National Research Council (NRC) in line with policy on research conducted with HMPPS data and information.

The method of analysis used follows the methodology outlined in Sweeting & Cole (2022), using an inductive content analysis to identify a summarized narrative of the

behaviors (Elo & Kyngäs, 2008). The analysis followed a three-stage process, as set out by (Bengtsson, 2016). Following the initial reading of the case file in its entirety, inductive codes were established relating to categories within the data, such as age of the staff member, area of work, behaviors exhibited and descriptions of the relationship with the offender. In the re-contextualization phase, case files were compared to the codes ensuring all pertinent information had been captured. Lastly, the codes were categorized according to relevant labels, as listed below.

- Staff characteristics gender, age, length of service, marital status, any information relevant to the staff member, for example health difficulties.
- Offender characteristics gender, age, offence type, risk flags held on the prison system, any other information relevant to the offender.
- Location the prison or area where the relationship occurred, the category of the prison, the location inside the prison where behaviors occurred.
- Offence & Sentence details what offence was the staff member convicted of and the sentence given.
- Sexual Behaviors any information regarding sexual behaviors between the offender and staff member, including kissing, sexual touching, sexual intercourse etc, sexually explicit conversations etc.
- Corrupt behaviors other behaviors that fit the HMPPS definition of corruption, for example conveyance of illicit items, communication via an illicit device.
- Concealment behaviors any behaviors that were designed to conceal the relationship or sexual contact.
- Other behaviors other behaviors relevant to the relationship, for example phone contact, letters, gift giving.

- Relationship any description or details of the relationship between the offender and staff member, for example the length of the relationship or how it was described.
- Offender perception information from the offender's point of view about how they
 perceived the relationship, whether they consented, who they felt initiated it or what
 they felt about it.

To effectively reduce researcher bias potentially created by the first author's current role in HMPPS, at this stage the coding of three cases was validated by the project supervisor, who was a serving police officer but never an employee of HMPPS. This validation ensured any bias from prior knowledge of the service that may have affected the interpretation of the cases was kept to a minimum, preserving the benefits of an HMPPS researcher, including knowledge of the organization structures, processes, language, and terminology.

Part of the difficulty in the existing HMPPS policy is establishing the terminology regarding inappropriate relationships. In policing research into similar topics, (Sweeting et al., 2021; Sweeting & Cole, 2022) the police officers are referred to as 'perpetrators' and the other party as 'victims'; however in the case of the prison environment, the offenders that are party to these relationships could also be considered 'perpetrators', as they could manipulate staff members into relationships to leverage for gain, see discussion for further elaboration. For the purposes of this research, HMPPS employees will be referred to as 'staff member' and those that they were found to be having relationships with will be referred to as the 'offender'.

Results

The twenty-five case files received from HMPPS CCU were analyzed using an inductive content analysis, and information coded according to category labels as outlined in the Method section.

Table 1 shows the personal and employment characteristics of the 25 staff members in the cases, referred to as A-Y. Thirteen of the twenty-five staff members were 30 or under, with the second most being in the 30-40 age range (5 of 25). There were many staff members where the length of service was unknown (13 of 25), but for those where it was known, the majority had under 3 years' service (6 of 12 known). Most staff members (14 of 25) were Prison Officer's or Prison Custodial Officer's, the equivalent in contracted prison sites. Twenty-one of the twenty-five staff members were female.

Table 1 – Personal and Employment Characteristics of Staff

Staff				
Member	Gender	Age	Length of Service	Role
A	M	30 - 40	U/K	Prison Officer
В	F	40 - 50	3 years	Operational Support Grade
C	F	25 - 30	3 years	Prison Officer
D	F	30 - 40	2 years	Probation Officer
E	F	25 - 30	1 year 6 months	Prison Officer
F	F	40 - 50	U/K	Prison Officer
G	F	25 - 30	U/K	Probation Officer
Н	F	20 - 25	U/K	Non-Directly Employed
I	F	30 - 40	U/K	Prison Officer
J	F	25 - 30	U/K	U/K
K	F	25 - 30	U/K	Prison Officer
L	F	20 - 25	U/K	Prison Officer
M	M	60+	U/K	Non-Directly Employed
N	F	25 - 30	3 years	Prison Custodial Officer
О	M	50 - 60	17 years	Other
P	F	25 - 30	3 years	Operational Support Grade
Q	F	20 - 25	2 years	Prison Officer
R	F	U/K	U/K	Prison Officer
S	F	25 - 30	less than 1 year	Prison Custodial Officer
T	F	20 - 25	U/K	Prison Custodial Officer
U	F	30 - 40	U/K	Prison Officer

V	F	30 - 40	less than 1 year	Operational Support Grade
W	F	U/K	U/K	Other
X	M	40 - 50	7 years	U/K
Y	F	25 - 30	2 years	Prison Officer

Six of the staff members described themselves or were described in the case files as 'vulnerable' due to mental health difficulties, marriage difficulties, feeling isolated from colleagues or other personal difficulties. In three of these cases there was a suggestion that the staff member had been groomed, conditioned, or manipulated into the sexual behaviors by the offender (Staff Members I, L & N).

Table 2 shows the personal and offence characteristics for the offenders that were associated with the staff members. Twenty-three of the thirty-three offenders were male, and all of the relationships were heterosexual. Of the nine female offenders, six of these were associated with one staff member (A). Nine of the offenders were under 30, and for six their exact ages were unknown, but were in the range 22 -36 years old. The offences were unknown for a large number of the offenders (26 of 33) due to this not being recorded in the case management system, and for those remaining, two were sentenced for robbery, two for drug offences, two for murder and one for death by dangerous driving. Eleven of the offenders were classified as high risk, two as medium and the remainder unknown (19 of 33).

Table 2 – Offender personal and offence characteristics.

Staff Member	Gender	Age	Offence	Risk level	Alerts/Flags
A	F	22-36 ¹	U/K	High	RSH, PTSD, Anxiety, ED, IS
A	F	$22-36^{1}$	U/K	Medium	Violent, RtS, CL, IS
A	F	22-36 ¹	U/K	High	MAPPA, IS, Violent, RP
A	F	22-36 ¹	U/K	U/K	U/K
A	F	22-36 ¹	U/K	U/K	U/K

¹ Exact age unknown

A	F	$22-36^{1}$	U/K	U/K	U/K
В	M	52	U/K	U/K	MAPPA, DV, SO
C	M	30	Death by dangerous driving	U/K	MAPPA, RtS
D	M	U/K	U/K	High	U/K
E	M	21	Robbery	U/K	MAPPA, RtS, RSH, Bully, Violent, HPI
F	M	57	Drug supply offences	U/K	OCGN
G	M	U/K	U/K	U/K	Violent
Н	U/K	U/K	U/K	U/K	U/K
I	M	U/K	Double murder	High	MAPPA, SA, RtS, DV
J	M	31	Robbery	High	MAPPA, RP, Violent, CL
K	M	35	Murder	High	MAPPA
L	M	17	U/K	U/K	Bully, CL, MAPPA, RtS, Violent, OCGN, GN
L	M	17	U/K	U/K	GN
M	F	33	U/K	High	RtS, Violent, RSH
N	M	32	U/K	High	MAPPA
N	M	32	unknown	High	OCGN, GN, RC, RtS, Violent
O	F	30	unknown	unknown	unknown
P	M	27	unknown	unknown	unknown
Q	M	41	unknown	unknown	MAPPA
R	M	U/K	U/K	U/K	OCGN
S	M	32	Drug offences	U/K	OCGN
T	M	30	U/K	U/K	DV
U	M	32	U/K	U/K	OCGN
V	M	U/K	U/K	U/K	U/K
V	M	U/K	U/K	High	MAPPA, HPI, RtS, RF, HT, SA
W	M	24	U/K	U/K	OCGN, GN
X	F	28	U/K	Medium	Disabled, MAPPA
Y	M	32	U/K	High	MAPPA, DV, Violent

MAPPA; Multi-Agency Public Protection Arrangement, DV; Domestic Violence perpetrator, SO; Sex Offender, RtS; Risk to Staff, RSH; Risk of Self Harm, HPI; High Public Interest, OCGN; Organized Crime Group Nominal, RP; Risk to public, CL; Care Leaver, GN; Gang Nominal, ED; Eating Disorder, IS; Internal Secretor, RC; Risk to Children, RF; Risk to Females, HT; Hostage Taker, SA; Staff Assaulter; U/K details unknown

For twenty-five offenders, there was a record of their alerts or flags. These are markers placed against the offender to note various aspects, including varying risks and behaviors, such as risk to staff (RtS) and violence. Thirteen of the offenders were subject to Multi-Agency Public Protection Arrangements (MAPPA), nine identified as violent in custody, eight as a risk to staff (RtS) and seven were marked as Organized Crime Group Nominals (OCGN).

In three cases there was suggestion or evidence of control, coercion, or manipulation by the staff member towards the offender. In two of these cases the staff member made threats to the offender to ensure they complied with their wishes or did not end the relationship. In one case there were gifts given to the offender, who stated they were unwanted and that they felt 'targeted and taken advantage of'. In one of the cases where there were threats to the offenders, the staff member also paid for sexual favors, including intercourse.

In twenty-three of the cases, sexual behaviors were described in a way that could be coded, in the remaining two cases, 'sexual activity' and a 'sexual relationship' were the only references, and not in sufficient detail to code. Table 3 shows which staff members case files showed which behaviors. In ten cases there was evidence of sexual intercourse, with three cases resulting in pregnancies of the staff member where the offender was named as the father on the birth certificate. It is assumed in these cases that there may have been other sexual behaviors not reported, such as kissing. Most of the cases (17 of 23) contained multiple sexual behaviors. For the remaining six cases where only one behavior was reported, three of these were sexual intercourse, one was oral sex, one explicit image and one phone sex.

Table 3 – Sexual behaviors

Behavior type		Staff member involved	
Sexual comments	In person comments	A	
	Phone sex	S,U,V,W,X	
Sexual correspondence	Sexual letters	F	
	Sexting	D,G,I,J,L,R	
	Explicit images	C,D,E,G,L,R,T,V,W	
	Explicit videos	C,E	
Non-physical contact behavior	Voyeurism	A	
	Exposure	A	
Physical contact behavior	Kissing	A,B,E,I,O,Q,X	
	Sexual touching	A,B,I,L,O,Q	
	Oral sex	A,C,H	
	Sexual intercourse	A, C,D,F,G,J,K,P,S,Y	

Table 4 shows a breakdown of the concealment and other corruption behaviors present in the case files. Six cases included evidence of concealment behaviors by the staff member, including active avoidance of CCTV, encouraging the offender to lie to other staff, asking the offender to destroy letters and lying to management within the prison. The link between sexual behaviors and other corrupt behaviors was also coded within the case files. In fifteen cases there was evidence of other corrupt behaviors, mostly the conveyance of phones (4 cases) and failing to report an illicit device (8 cases). There were no cases in the sample where conveyance of drugs or drug related items was proven.

Table 4 – Concealment & other corrupt behaviors

Behavior type		Staff member	
Concealment	Active avoidance of target Requesting dishonesty from target Threatened target Asking target to destroy evidence Lying to management Conveyance of mobile phone	A	
	Requesting dishonesty from target	D	
	Threatened target	A,G	
	Asking target to destroy evidence	В	
	Lying to management	E,P	
Other corrupt behaviors	Conveyance of mobile phone	E,L,N,Q	

Conveyance other item A,M,V,W

Failure to report illicit device C,F,H,I,J,K,L,N

Gives restricted information A

Misuse of IT systems D,H

Facilitating assault of staff I

All twenty-five of the staff members were charged and convicted for Misconduct in a Public Office. In addition, one staff member was convicted of perverting the course of justice, one of attempting to convey a list b article into and a prison, and one of conveying a list b article into a prison. Thirteen of the staff members were given a custodial sentence, with an average sentence of 17.3 months. Nine staff members were given suspended sentence orders, one a community order and one issued a caution.

Seventeen of the cases report what could be labelled an 'emotional' relationship between the staff member and offender, with five staff members stating they 'fell in love' and the remaining twelve describing a relationship or using titles such as 'boyfriend'. Sixteen of these seventeen staff members were female, and all those reporting to have fallen in 'love' were female. When examining behaviors present, most of the information gathered was from intelligence reports or news articles based on court cases. The information regarding behaviors was limited within other case file documentation.

Discussion

The analysis of these twenty-five closed corruption cases has provided some insight into the characteristics of HMPPS staff members that engage in sexual misconduct and relationships with offenders in their care or under their supervision. It has also offered some understanding of the type of sexual activity that occurs, how frequent these relationships may be and the locations that they occur in.

Many of the findings of the present study can be attributed to the practicalities of the prison environment. It was found that most of the behaviors of interest occurred within Category C prisons. This is likely due to this being the category of prison which houses the largest number of offenders (HM Prison and Probation Service, 2023). It may also be due to the relatively limited supervision and security when compared to the Category B or high security estate prisons. Where the location for the sexual activity within the establishment was known, this was almost always within a cell. This is most likely due to this being an area with minimal CCTV and monitoring, and away from other staff members, communal inmate areas and supervisors. The presence of supervisors, or the lack of presence, has been found to be a key factor in locations for prohibited behavior of this nature (Marquart et al., 2001). The majority of staff members engaging in this type of misconduct were Prison Officers or PCO's. This is likely because they have the most day-to-day contact with inmates, and because they make up 66% of the prison workforce (Ministry of Justice, 2023). Furthermore, selecting an unsupervised area within the prison is likely to have facilitated the blurring of boundaries between officer and inmate, potentially causing destrabilization when the officer behaved in one way in the cell and in other when in other, more monitored areas of the prison (Crewe et al 2023).

More than two-thirds (69%) of the offenders involved in sexual behaviors were found to be male. At present, 96% of the prison population is male (HMPPS, 2023) which shows that when compared with the general population, men are underrepresented in those who engage in these types of relationships. This may suggest, that even though more male inmates are engaging in these behaviors, the percentage of female inmates engaging in them may be higher when compared to the overall population. A larger sample of cases would be necessary to establish this further, particularly as one of the cases in the present study

involved one male staff member associated with six female inmates, which does not appear to be the norm for these types of behavior and may have skewed the gender split in this study.

All of the sexual interactions in the present study were heterosexual. In 2023, 97% of the prison population, regardless of gender (HMPPS, 2023), and 72% of the workforce (Ministry of Justice, 2023) reported being heterosexual. Given this, and the majority of the prison population, being male, it would be expected, as was found, that most of the staff members involved in this behavior would be female. There could, however, be an under reporting of homosexual relationships, as there is still significant homophobia amongst incarcerated individuals, particularly in the male estate (Hensley, 2000). The extent of homosexual relationships or sexual activity between staff members and offenders in custodial settings could be explored with further research, particularly focusing on reasons why these relationships or activities may not be as readily reported or identified.

Elimination Act, that female staff involvement in sexual misconduct had previously been heavily underestimated, and even though they only account for 33% of the workforce, 66% of the staff involved in sexual misconduct are female, which increases to 95% in the juvenile estate (Smith, 2011). This finding is distinct from that of similar studies in the police, who consistently find more male officers engaging in sexual misconduct and abuse of power for a sexual purpose (Sweeting et al., 2021; Sweeting & Cole, 2022). The present study found a large number of the relationships involving female staff were labelled as emotional within case files and the media (68%). This labelling appears to be based on the staff members testimony and perception of the relationship, for example describing themselves as having 'fallen in love' or describing the offender as their 'boyfriend'. The Bureau of Justice Statistics in the US also labelled 68% of sexual interactions between staff and offenders as 'romantic' in nature (Beck & Harrison, 2008).). These differences in how the same sexual

misconduct behaviours are contextualized may explain why prison management appear to shown greater concern when male officers are the subject of allegations (Ricciardelli & McKendy, 2020).

In a study in the late 90's, conducted in Texas, Marquart et al. (2001) found a strong gender difference in staff involved in sexual misconduct with offenders. They found that male employees behaved as sexual predators, whereas female employees were seeking commitment and love, and showed no indications of using sex as a mechanism. This led them to suggest two categories of sexual act between staff members and offenders, one being 'Lovesick' and the other being predatory situations. They also observed that not all relationships in the 'lovesick' category progressed to sexual activity. Other studies have divided sexual activity into three categories, coercive, bartered, and consensual, and found that 17.4% of sexual encounters that involved physical contact were consensual (Warren et al., 2009This study, however, included sexual encounters between offenders as well as between staff and offenders. The majority of sexual activity in the present study would appear to fall into the consensual category, but more information on the offender perception of the activity and the way in which it was initiated would be needed to fully support this assessment.

In studies of teachers who sexually offend with students, a similar gender difference in the way males and females are described has been found (Knoll, 2010). Women who committed sexual offences were labelled as the 'teacher/lover' and were more likely to see the relationship as a consensual love affair (Mathews et al., 1989). These females developed relationships with troubled adolescent males who they viewed as their emotional equal, in need of their care and support. Other studies have labelled these women as the 'heterosexual nurturer' who see their role as one of caring and providing nurture and are less likely to have a previous conviction for sexual offences (Vandiver & Kercher, 2004). Many of these

relationships appear to be with consenting and enthusiastic juvenile victims (Hines & Finkelhor, 2007). The language used to describe these behaviors and relationships are reflective of a cultural reluctance to see women as sexually driven or aggressive, based on traditional gender ideals of feminine behavior (Denov, 2003). Crewe at al, (2023) note that due to the infantilization of female inmates, the relationships between them and officers can become akin to a child/teacher which may reinforce the idea that sexual misconduct committed by female officers is driven by emotion. Furthermore, prison work is seen as a caring profession for women but for men, despite elements of caring necessary for the role, is still seen as a highly masculine role (Compton & Brandhorst, 2021).

In three of the cases, there was mention of the staff member coercing or manipulating the offender into sexual behavior. However, given the lack of offender viewpoint within the case files and the media articles, it is likely this is not a true reflection, and this could have been present in more cases. Building on recommendations from previous research (Marquart et al., 2001) it is imperative that the offenders' version of the relationship and the behaviors that resulted be included and researched. In two of these cases, the male staff members acted in a predatory way, that mirrors the behavior shown by the 'shark' typology of male police officers who commit sexual misconduct (Sweeting & Cole, 2022). They appeared to target highly vulnerable women, and to establish sexual contact quickly, using their position to garner trust. In order to understand the similarity further, more needs to be known about how the relationship was initiated and the perception of the offender towards the officer and the relationship.

For those staff members where the length of service was known, half of them had under three years' service. This finding is supported by previous findings that most boundary violations by prison staff occur in the first 36 months of their employment, with the first 12 months presenting a particularly high 'at-risk' period (Marquart et al., 2001). Further to this,

Marquart et al., (2001) identified a set of situations that they labelled as 'naivete or accidents', where employees lacked social awareness of the professional relationship between the offenders and themselves leading to boundary violations. This research suggests that additional pre-service training may prevent occurrence of these situations. However, over 80% of the violations that occurred in these 'naivete or accident' situations were general boundary violations, including excessive familiarity, friendships and romantic relationships that aren't sexual, and only 2% were sexual acts. It is critical that the working relationships between younger in service officers and inmates are appropriate however given the impact of breaches of respect and trust caused by blurred boundaries. As Crewe et al, (2023), state, good relationships which are more informal with less clear boundaries are very different from relationships which are balanced and fair.

Previous literature on inappropriate relationships has suggested that officers' personal vulnerabilities create a shift in power towards the offender, which they can then use to their advantage to instigate a sexual relationship (Goldsmith et al., 2016a). In other professions where boundary violations have been analysed, it has also been found that extreme stressors in the professionals' life are often a catalyst to the violation (Peltz et al., 2001). In only six of the twenty-five cases were personal vulnerabilities of the officer mentioned. These vulnerabilities included mental health difficulties, issues with alcohol abuse, feeling isolated and teased by work colleagues and marriage difficulties. In only three cases was there mention of the staff member being coerced, manipulated, or groomed by the offender. It may be the case that vulnerabilities existed in the other cases in this study but were not included in the case material or media coverage, as some of the case files did not contain the same level of detail as others. From the findings of the present study, cases of manipulation of staff members with personal vulnerabilities appears to be a less frequent relationship dynamic. The extent to which personal vulnerabilities, such as mental health difficulties, substance misuse

and feelings of isolation at work, play a part in the development of inappropriate sexual relationships should be considered as a future research topic. Building on the two categories suggested by Marquart et al., (2001), a further category could be proposed, of staff who are manipulated by the offender into sexual acts, including those with personal vulnerabilities.

Studies in the US that have spoken to offenders about sexual activity within prisons found that most male inmates described themselves as sexually predatory towards staff and others within the establishment (Warren et al., 2009). Prison officers are routinely reminded of the risks of being conditioned or manipulated by offenders, who will seek to build relationships with them in order to leverage privileges, such as extra time out of their cells, increased access to phones or even illicit items (Goldsmith et al., 2016a). A further study in the US labelled those offenders who sought out sexual relationships with staff members as 'turners' and separated them into three groups; 'hell-raisers', 'heartbreakers' and 'exploiters' (Worley et al., 2003). Most of the offenders in this study fell into the 'exploiters' group, those offenders who use relationships with a staff member to gain favour or contraband. They were found to be quick to initiate a relationship, to work with the help of other offenders and most likely to use a 'lever', such as information on the officer, to manipulate the staff member. An example of this from the cases in the present study would be one officer who said that she shared an explicit image with an offender, who then threatened to share this image with the management of the establishment if she didn't bring in parcels (Staff member L). This officer was also linked to two offenders. However, this is the only case in the sample where this type of behavior by the offender was described in this detail. It is of note that three of the staff members who were described as vulnerable and having been manipulated by the offender, were committed to custody following their sentence, including Staff Member L who had been directly threatened by the offender.

More offenders in the present studies' case sample appear to fit into the 'heartbreakers' category (Worley et al., 2003). This category was described as acting alone and seeking out an emotional bond with the staff member, likely spending a significant period of time to develop this. Those relationships that were described as 'emotional' and where they are reported as occurring over an extended time period, would fit into this category. Further and more detailed information on the way that the relationship developed, and the offender narrative, is needed to establish the extent to which these categories of offender 'turners' are applicable to UK Prisons.

Power dynamics in prison environments are complex and reflect what has been labelled the 'informalization of prison governance' (Garces et al., 2013) describing how officers hold both formal and informal power over inmates and in certain situations, vice versa. While it may appear that officers hold power over those incarcerated individuals, the power that inmates hold over officers and other staff can be substantial and compromise the control and authority of prison staff (Sykes, 1956). This power is physical and psychological, arising from personal and situational factors that vary across different interactions (Goldsmith et al., 2016b). This dynamic distribution of power based on situational factors is one reason why labelling these sexual behaviors as the staff member abusing their power is seen as problematic.

As can be seen from the typologies described by both Marquart et al., (2001) and Worley et al., (2003) both staff members and inmates appear to have something to gain from these sexual relationships, and both appear to manipulate the power they hold in order to broker them. Sexual relationships have previously been categorized by two motivations; sexual and economic, although the two are not mutually exclusive and sometimes one individual may be motivated by both (Goldsmith et al., 2016a). Staff members and inmates can be motivated by either of these factors, but it has been suggested that inmates are much

more likely to initiate the relationship given the relative gain (Worley et al., 2003). Findings of the present study suggest a third motivation may be appropriate; consideration of the emotional reasons these relationships begin.

HMPPS does not currently have a separate definition of sexual misconduct or abuse of power for a sexual purpose (APSP). All the behaviors found in the present study were investigated by the Counter Corruption Unit, and all the staff members were charged with Misconduct in a Public Office. Misconduct in a Public Office (MiPO) is a common law offence, that carries a maximum sentence of life imprisonment (Law Commission, 2020). A review of MiPO by the Law Commission found it to be unclear and overlapping with other areas of law and recommended a change to the current offence (Law Commission, 2020). Studies in policing have found that this offence is rarely used for police officers who commit APSP as it is difficult to prove they were on duty at the time of the APSP (Sweeting & Cole, 2022). Due to the physical infrastructure of the prison, and restriction on the inmate's freedom, this is less of an obstacle for sexual relationships between prison officers and inmates, but could be similarly problematic for prosecuting Probation Officers, where it must be proven that the relationship formed in the course of their duties. No data was available on the number of instances of inappropriate relationships or sexual behaviors with offenders that were not prosecuted criminally but were dealt with through internal conduct and discipline processes, as there is currently not a separate charge for these types of investigations.

A limitation of the present study was the ability to look at previous conduct and discipline records of staff members. Police Officers committing abuse of power for a sexual purpose have been found to be more likely to have a history of complaints against them and to be the subject of previous sexual-related intelligence (Sweeting & Cole, 2022). Previous internal investigations or complaints against the staff members in the sample were not available for comparison, and this could be an area for development in future studies.

One of the recommendations of the present study is that case records within the Counter Corruption Unit should follow a consistent template with standardized information stored. It was found that much of the detail in the case files was dependent on the individual investigators level of record keeping, and that this varied significantly across the investigations. Routine documents, such as MG5 forms from police investigations and subject profiles, are not always included. Details included in the electronic case management system should also be reviewed for consistency and the level of detail, as some entries were lacking sufficient information for analysis. Records were focused on investigation processes, for example applications submitted and tactics used, rather than on behavioral details of the cases, for example length of relationship or number of phone calls. This may suggest a difference in the type of investigation that is needed when examining these types of boundary violations and relationships, as opposed to other types of corruption such as conveyance of illicit items. There were also gaps in the information held on subjects, both staff members and offenders, such as dates of birth, length of service and offence details for offenders. There was a significant lack of offender perception or voice, in both the case management files and in media articles.

Future research should aim to look at the offender perception of these relationships, to understand whether offenders can give full consent to sexual activity, given their lack of liberty and freedom. Do the instances of 'consensual' sexual activity between inmates and staff members constitute an abuse of power for a sexual purpose, in the same way that a police officer having a relationship with a witness or victim of crime does. Is there a power imbalance in these relationships, and where does it sit? Research should also look further at how these relationships develop, what are the motivations of both the staff and the offenders, and who instigates them. What is gained or lost from these relationships, and who has the more to gain? This could be facilitated by structured interviews with both staff members and

offenders who have been found to be involved in these relationships, to examine the behaviors and thinking patterns in detail, as well as the trajectory of the relationships, how they start and how they progress. Lastly, future research should further examine the links between these relationships and other types of corruption, such as conveyance – do the relationships facilitate the corruption or vice versa.

In conclusion, the present study finds that the majority of sexual behavior occurs between female prison officers and a single male offender, in the context of an emotional relationship. These relationships are associated with the conveyance and knowledge by staff of illicit devices, appearing to facilitate the continuation of the relationship. Sexual behaviors normally occur in cell areas, where there is minimal CCTV or monitoring, and multiple sexual behaviors are often present in each relationship. Further research is needed to fully understand the way these relationships develop, the extent of the effect on the environment and the motivations of the individuals involved. Recommendations are made for the recording of these types of investigations within HMPPS.

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