

**NO STROKING IN THE POKEY:
PROMULGATING PENOLOGICAL
POLICIES PROHIBITING
MASTURBATION AMONG INMATE
POPULATIONS**

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Most U.S. prisoners are prohibited from masturbating by state and federal policies. In Section II, this Article explains that prisoners have little right to privacy, and why public masturbation is not socially acceptable within prison or in the general population. An important reason for maintaining this taboo is the high comorbidity between public masturbation and other paraphilic sex crimes. Thus, states' policies support that public masturbation among inmates could negatively impact society within prison, and upon inmates' reentry into the general population. Section III further justifies proscriptions on masturbation by arguing that frequent masturbation can adversely affect inmates' desires to improve themselves while in prison. Inmates should use their vitality, time, and energy to learn, rehearse, and engage in more sophisticated, productive, and deeply satisfying coping skills and activities. Section IV discusses examples that link masturbation and sex abuse

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within prison and the general population to argue that elimination of all sexual contact in prison, including masturbation, is essential to protect inmates from such abuse. This Section explains why all sexual contact in prison should be considered to be nonconsensual. In male correction facilities, the presence of semen on a person or object ought to be considered evidence of a crime, especially when assault has been alleged. A defense of masturbation should not thwart the potential strength of this evidence. The state's interest in investigating and punishing sexual assault perpetrated by inmates or guards justifies policies that eliminate consensual emissions and masturbation. If male or female prisoners cannot refrain from voluntary or involuntary masturbation, then mental health professionals should treat them.