

# AIDS Foundation OF CHICAGO

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## **HB 686 (M. Davis) Condoms in Prison A Pragmatic Public Health Response to HIV in Prison**

HB 686 would protect inmates from HIV and sexually transmitted disease (STD) infection by allowing the Illinois Department of Corrections (IDOC) to distribute condoms. Sex behind bars would remain prohibited.

**Access to condoms in prison is a pragmatic public health response to a serious problem—sky-high HIV infection rates behind bars.** In 2005, IDOC had 488 known HIV-positive inmates. However, many inmates do not disclose their status, and there could be as many as 1,000 HIV-positive inmates based on national statistics and studies. HIV rates are at least three times higher in prisons than in the general population.

**Inmates have sex while in prison, but have no means to protect themselves from HIV and STDs.** In various studies, 44-65% of inmates reported sex behind bars. A U.S. Centers for Disease Controls and Prevention study reported that three-quarters of male inmates became HIV-positive while in prison reported male-male sex. Sex behind bars, high HIV infection rates, and prisoners' inability to access condoms creates the potential for infection rates to spiral upward.

**HIV in prisons is fueling the HIV epidemic among African Americans—and particularly women—living in the community.** Every year, almost 40,000 Illinois inmates return to the community, after an average prison stay of one year. Two out of three inmates are African American. When inmates become infected with HIV in prison, and return home, they put women in the community at risk of HIV infection. Access to condoms for prisoners on the inside will protect women—and their babies—on the outside.

**Condoms do not cause security problems in prisons that allow them.** Condoms could not be used to smuggle contraband into prisons because they would only be distributed inside. Opponents fear inmates will throw condoms filled with bodily fluids at guards; inmates can currently use a plastic bag or any container for this purpose. No U.S. prison or jail that permits condoms has reversed the policy and banned them.

Condoms are available in **Vermont, Mississippi**, and in jails in **Washington, D.C., Los Angeles, San Francisco, New York City, and Philadelphia**. Condoms are distributed in medical clinics, by health educators, in common areas such as libraries and recreation areas. Almost all European prison systems provide condoms to inmates.

It is time to accept that prisoners are having sex behind bars. Distributing condoms will not condone sex between prisoners, nor will it encourage prisoners to have sex, which is going on anyway. It will allow inmates to protect themselves and their loved ones in the community from a deadly, costly, debilitating disease that still kills over 18,000 people each year in the United States.

For more information, contact John Peller, 312-334-0921 or [jpeller@aidschicago.org](mailto:jpeller@aidschicago.org).

**CREATING HOPE THROUGH ACTION**

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# Condom Distribution in U.S. Jails and Prisons

In 2006, two states, Vermont and Mississippi, have condom distribution programs in their prisons. Five cities or counties have condom distribution programs in their jails: Los Angeles, New York, Philadelphia, San Francisco, and Washington DC. In 2006, a California bill allowing distribution of condoms in prison passed the state legislature, but was vetoed by the Governor Arnold Schwarzenegger.

## State Prisons

### **Vermont**

- There are two organizations that provide HIV/AIDS prevention education and HIV testing, Vermont CARES and Imani
- Vermont CARES provides HIV presentations and rapid testing to 6 of the 9 prisons (Brigham)
- Imani provides substance abuse, HIV/AIDS, and STI presentations along with Orasure testing to Chittenden Regional Correctional Facility (Robinson)
- Condoms are distributed by the health center at the prisons, where inmates must make the request (Brigham and Robinson)
- Female prisoners can gain access to dental dams per their request (Brigham)

### **Mississippi**

- Mississippi Correctional Facility provides two condoms to married inmates to use during conjugal visits that last up to one hour (MI Department of Corrections, "Conjugal Visitation")
- Birth control is the primary purpose of their condom distribution program.
- Inmates living with HIV/AIDS are segregated, which is done to reduce the risk of spread
- HIV+ and inmates with an STI are not allowed conjugal visits unless given special permission
- The program began in 1992

## City/County Jails

### **Los Angeles**

- Correct Help is the sole community-based organization that provides condoms to inmates in LA county jails
- Condoms are distributed only in unit K-11, a unit that voluntarily houses only inmates who identify as gay, bisexual, or transgender
- One condom is distributed weekly for each inmate who requests one.
- HIV/AIDS prevention and education is provided
- There is a 30 to 40 percent HIV prevalence rate in the K-11 unit. There is no mandatory HIV testing
- It is estimated that 100 condoms are distributed a week, with 300 individuals having access

### **New York City (Riker's Island)**

- Condoms are available in medical clinics
- Inmates can have up to three unused, unopened condoms on their person; more than three is considered contraband
- Sex between inmates is prohibited
- All inmates receive medical exams within 24 hours on arrival, which includes an offer of voluntary HIV testing.

### **Philadelphia**

- Condoms are sold in the commissary, and are distributed for free on the medication cart, during sick call, and in social worker's offices
- The annual amount of condoms distributed is 15,000-20.
- Condom distribution began in the late 1980s. In 2006, Act Up Philadelphia surveyed inmates and found condoms were difficult to obtain, and that correctional officers considered them contraband. This led to condoms being sold in the commissary to send a clear message that they are not contraband.
- Two community based organizations, Action AIDS and Philadelphia Fight, provide multiple discharge services, including case management, care outreach, and counseling
- There are 5 main jails, with 8,500 inmates
- HIV/AIDS testing within the jails is voluntary

### **San Francisco**

- Forensic AIDS Project is an organization within the San Francisco Department of Public Health that provides condoms to inmates
- Inmates obtain condoms by first participating in a HIV/AIDS prevention program where inmates meet with a health educator one on one. Once they complete the education and counseling program they can request condoms from the health center
- The program began in 1987

### **Washington, D.C.**

- Two organizations provide HIV/AIDS prevention education inside of the DC jail, Family and Medical Counseling Services, Inc. (FMCS), and Miracle Hands
- The DC jail is unique in that the condom distribution program is run through official channels
- Condoms are given to inmates per their request, and each inmate receives pre and post test counseling
- HIV/AIDS education classes are offered by health workers and inmates can be trained to become peer educators and participate in support groups
- The jail does not provide rapid testing
- Conventional testing is voluntary

*Based on information collected during summer and fall 2006 in interviews with officials from prisons, jails and community-based organizations. For more information, contact John Peller, 312-334-0921 or [jpeller@aidschicago.org](mailto:jpeller@aidschicago.org).*