Bread Bags, Rubber Gloves and Wardens Afraid of Condoms: Condoms and HIV/AIDS in Prison

ACT UP Austin – July 2, 2006
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AIDS Foundation of Chicago
Corrections & condoms in prison

- Race
- Class
- Homophobia
- Demonization of the black male
- Demonization of condoms
- Society’s fear of talking openly about sex – especially gay sex
- Legislators see their next election – and opponents' mailer
We know giving inmates access to condoms is the right thing to do

- 2%-65% of inmates report having sex in prison
- Inmates have extremely high rates of HIV infection
- Long prison stays (average in IL is 3-4 years) without conjugal visits
Correctional Facilities Have Alarming Rates of HIV/AIDS

• The prevalence of HIV/AIDS is believed to be 14 times higher among inmates than among the general population.

• Illinois reported 551 prisoners with HIV/AIDS in 2003.

• The actual number of HIV-positive inmates could be as high as 900 based on seroprevalence studies.
Indisputable facts

• High rates of HIV infection in prisons
• Men locked up for a long time (few/no conjugal visits)
• No access to condoms
• Sex takes place in prison
• High rates of incarceration lead to a smaller pool of men in community which leads to overlapping relationships & women becoming infected
Georgia HIV and prison study

- 88 infections in 17 years in GA prison system
- Risk factors transmission: male-male sex and tattooing
- 54 reported male-male sex; 39 – no male-male sex in 6 months before prison entry
- 48 – sex with other inmates; 39 consensual sex (30% condoms or improvised barriers); exchange sex (21% improvised barrier methods) and rape.
International perspective

- World Health Organization endorsed condoms in prison
- 18 countries, including Canada allow or distribute condoms
Condom Availability in US Prisons/Jails

• Jails and prisons in Vermont, Mississippi, Los Angeles, San Francisco, New York, Philadelphia, and Washington, DC make condoms available to inmates.

• Some jurisdictions allow inmates to purchase condoms at the commissary and others allow community-based organizations to provide them.

• Washington, DC jails make condoms available to thousands of inmates each year. Condoms are available at health education classes, during HIV counseling and testing, and through medical staff.
The Political Landscape - Illinois

• Governor Rod Blagojevich (Democrat, elected 2002)
• House and Senate controlled by Democrats
The Governor & Condoms

• 2003 – Banned state’s use of federal funds to purchase colored and flavored condoms because they “promote sexual activity”
• Overall very solid on HIV/AIDS
## TX vs. IL

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<tbody>
<tr>
<td>State population (2000 Census)</td>
<td>20,851,820</td>
<td>12,419,293</td>
</tr>
<tr>
<td># of inmates</td>
<td>151,647</td>
<td>44,669</td>
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<tr>
<td>Incarceration rate (per 100,000) (US DOJ 2006)</td>
<td>703</td>
<td>350</td>
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<tr>
<td># of facilities</td>
<td>?</td>
<td>44</td>
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## TX vs. IL

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<thead>
<tr>
<th></th>
<th>Texas</th>
<th>Illinois</th>
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<tbody>
<tr>
<td># HIV tests</td>
<td>70,064</td>
<td>About 14,000</td>
</tr>
<tr>
<td>% tested in 1 year</td>
<td>46%</td>
<td>31%</td>
</tr>
<tr>
<td># positive found through testing</td>
<td>615</td>
<td>?</td>
</tr>
<tr>
<td>Inmates with HIV/AIDS (2003 USDOJ)</td>
<td>2,460</td>
<td>551</td>
</tr>
<tr>
<td>Percent HIV-positive</td>
<td>1.8%</td>
<td>1.3%</td>
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**Testing policies**

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<tbody>
<tr>
<td>Entry</td>
<td>Opt-out?</td>
<td>Voluntary</td>
</tr>
<tr>
<td>Exit</td>
<td>Mandatory</td>
<td>voluntary</td>
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Source: [http://www.tdcj.state.tx.us/health/health-aids-stats.htm](http://www.tdcj.state.tx.us/health/health-aids-stats.htm);  
USDOJ, HIV in Prisons 2003, [http://www.ojp.usdoj.gov/bjs/abstract/hivp03.htm](http://www.ojp.usdoj.gov/bjs/abstract/hivp03.htm)
Illinois Condoms in Prison Bill 2004

- Take condoms off contraband list
- Can’t lose good conduct credit for possession of condoms
- Mandatory testing
- $5 million cost estimate for mandatory testing
- Bill never moved.
2005 condoms in prison bill

• African American Response Act – initially had provision to take condoms off contraband list; would have killed the bill so it was removed.
• Also had a stand-alone bill to take condoms off contraband list (HB 469, Rep. Monique Davis)
“All institutions and facilities of the Department shall permit a committed person to purchase, possess, and use condoms. A committed person may not be denied any privileges or good conduct credit because of the committed person's purchase, possession, or use of condoms. Neither the Department nor an institution or facility of the Department may declare condoms as contraband.”
What happened in 2005?

• Bill was opposed by Corrections Dept.
  Arguments:
  – Condoms could be used as weapons (strangle inmates or guards)
  – Clog toilets
  – Filled with semen and thrown at guards
  – Used to smuggle drugs and other contraband
  – Sex is forbidden; giving out condoms is saying sex is OK

• Bill lost in committee by a vote of 2-8
Objections to condom distribution

• Stated: Shouldn’t be having sex anyway – it’s forbidden
• If we give them condoms, it’s giving them permission to have sex
• Legislators – it’s about the next election
2005 AIDS Foundation of Chicago
Corrections Policy & Legislation

• Fought mandatory HIV testing of prisoners
• Codified state corrections dept. policy of voluntary testing in intake and release
• Required referral to case management on release
• $1 million for HIV prevention education
• $1 million for reentry
What happened to the money?

- $600,000 mostly wasted
- Prevention education programs have not been beefed up
- Looks like there will be a coordinated, state-funded re-entry program in FY 2007
- Meds provided in work-release
Mandatory HIV testing in Illinois

- Legislation in 2005 (and previous years)
- Coupled with making GED classes free
- Cost of $23 million/year
- Lost 17-90 with 9 voting present
- Vote held on HIV/AIDS lobby day
- Will it be back in 2007?
Prisoners and Civil Rights

• Mandatory HIV testing: legislators, policymakers, general public think it’s a good idea
• Would it be OK force every person who happens to walk by a certain intersection to be tested? Gay men walking into a gay bar or bathhouse?
• Because someone is convicted of a crime, somehow a perception that they lose the civil right to make decisions about their body and medical care
What do the inmates want?

- Jamaica – riots by prisoners in 1997
- Opposed distribution because they would be stigmatized as gay
- Georgia HIV/Prison study: 38% said distributing condoms would be a good idea
The continuum of prison-based HIV/AIDS prevention and care

• Effective HIV/AIDS prison policy includes:
  – Counseling and voluntary or opt-out testing on entry
  – Peer-based or professionally-led HIV prevention education programs
  – Support groups for people who are HIV+
  – High-quality medical care for people who are HIV+
The continuum of prison-based HIV/AIDS prevention and care (continued)

- Condom distribution and distribution of other harm reduction supplies (clean needles and tattooing equipment, etc.)
- Counseling and voluntary or opt-out testing on exit
- Linkage with re-entry services for inmates who are HIV+ (including meds, housing, medical visits)
- Programs for families
- Condoms on departure
ILLINOIS PUBLIC HEALTH CORRECTIONS/ COMMUNITY INITIATIVE

CHICAGO DEPARTMENT OF PUBLIC HEALTH
Project Management
Evaluation

Illinois Department of Corrections
Discharge Planners make referrals

Cook County Jail
Internal Case Managers make referrals

HAYMARKET CENTER
Substance Abuse
Mental Health
(In- and Out-patient)

COMMUNITY SUPPORTIVE LIVING SYSTEMS
Housing
Extended HIV Services

CERMAK HEALTH SERVICES
HIV Counseling and Testing
Jail-Based Case Management
Intakes/referrals

CORE CENTER
HIV Counseling and Testing
Primary Care
Ancillary Services via referrals

NEW BEGINNINGS
Housing
Employment Ancillary Services

SAFER FOUNDATION
Employment services

F.A.I.T.H. Inc.
Support Groups

AIDS FOUNDATION OF CHICAGO
Intensive Case Management Coordination

Partner Agencies
Alliance for Community Empowerment
Access Community Health Network
Erie Family Health Center
Vital Bridges
Heartland Alliance/Rafael Center-South
UIC-Public Health Project

COOK COUNT JUVENILE TEMPORARY DETENTION CENTER
HIV Counseling and Testing

ALLIANCE FOR COMMUNITY EMPOWERMENT
ACCESS COMMUNITY HEALTH NETWORK
ERIE FAMILY HEALTH CENTER
VITAL BRIDGES
HEARTLAND ALLIANCE/RAFAEL CENTER-SOUTH
UIC-PUBLIC HEALTH PROJECT
Programs for families

- Centerforce: HIV/AIDS education programs for family members
- Waiting room/visiting room information
- Support groups for families; programs on busses visiting prisons
- Women need to be educated – what did your man do in there?
Future plans to advocate for condoms in prison in Illinois

• Meet with union (AFSCME)
• Ask for a demonstration in a wing of a low-security prison
• Push for conjugal visits
• Legislation – unlikely to be successful
Future plans in Illinois

- Build coalition of current and former inmates and families
- Parallel with syringe exchange – injected drugs are illegal, but public health arguments have worked
What about jails?

• Cook County Jail – 10,000 detainees, 100,000 detainees processed each year (some repeat offenders)
• Lack capacity (money, space, staff, time) to offer HIV testing in reception
• Voluntary HIV testing offered in units
• HIV doc holds regular clinics for HIV+ detainees
What about federal prisons?
Questions, Comments, Feedback or for More Information

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