

April 17, 2007

Assemblyman Mike Davis  
700 State Drive  
Los Angeles, CA 90037-1210

RE: Assembly Bill 1344: Condom Distribution in State Prisons

Dear Assemblyman Davis:

On behalf of Stop Prisoner Rape, I am writing to request your support for the Inmate and Community Public Health and Safety Act, also known as AB 1334. This legislation will help stop the spread of HIV/AIDS within our communities by implementing a basic, common sense program of disease prevention. Specifically, the bill would permit non-profit or public health care agencies to provide sexual barrier protection devices in state prisons, one of the most concentrated sources of new infections. It would enhance current California law, which already recognizes that the spread of HIV/AIDS within prisons and jails represents a grave danger to inmates and the public (*see* Penal Code § 7500).

Stop Prisoner Rape is a Los Angeles-based human rights organization dedicated to ending sexual violence against men, women, and youth in all forms of detention. SPR receives letters every day from inmates who have been sexually assaulted behind bars. Approximately fifteen percent of these come from California prisoners, many of whom contract HIV/AIDS and other STDs while incarcerated. Although SPR advocates a zero-tolerance policy toward sexual violence, we believe that the reality of sexual activity behind bars requires a pragmatic approach. The availability of condoms will reduce transmission of HIV/AIDS and other STDs among California's prisoners.

The prevalence of STDs in correctional facilities is a critical public health issue affecting incarcerated persons and the public at large. Recent studies estimate that the rate of infection for HIV/AIDS and hepatitis among the nation's prison population is at least three to five times that of the general population, and even higher among women inmates. Passage of AB 1334 would safeguard the health of incarcerated persons, law enforcement personnel (including prison staff), and the communities to which prisoners return upon their release.

Furthermore, AB 1334 is consistent with the state's legal obligation to protect the health of those it incarcerates. California jail and prison administrators currently do little to prevent transmission of HIV/AIDS and other STDs beyond simply prohibiting sexual contact, an approach that is ineffective. Distributing condoms will allow prison officials to stem the spread of these diseases in the short term, while engendering healthier sexual practices among a population that will, in most cases, return to their communities.

AB 1334 also makes sound fiscal sense. Medical care for prisoners who contract HIV/AIDS and other STDs is very costly for California, which usually must continue to provide treatment upon a prisoner's release. Moreover, transmission of HIV/AIDS behind

bars results in lost productivity, rendering former prisoners afflicted with the disease less able to contribute to society and disproportionately reliant on social services.

There is also widespread public support for providing condoms in prison. A 2005 survey published by the California Department of Health Services in June 2006 found that nearly 70 percent of adults surveyed support making condoms accessible in prison. Condom availability in our state prisons is long overdue and should be implemented as soon as possible to protect public health both in our prisons and in our communities.

While some members of the corrections community have countered that the distribution of condoms threatens prison security and order, this argument is unfounded. A number of jails (Los Angeles, San Francisco, the District of Columbia, Philadelphia and New York City) and prison systems (including Vermont, Mississippi, Canada and the European Union nations) distribute condoms to prisoners, and there have been no reported incidents of their having been used as weapons or to hide drugs. Furthermore, the legislation leaves unaltered the current prohibition against sex among inmates.

The high incidence of rape behind bars makes access to condoms imperative. With the passage of the Sexual Assault in Detention Elimination Act in 2005, California has become a leader in the fight to combat this pervasive human rights violation. However, SPR continues to learn regularly of cases of sexual assault and coercion of inmates in California facilities. Hence, condom distribution continues to be a critically needed measure. The availability of condoms lessens the likelihood that rape in prison constitutes an unadjudicated death sentence.

Please contact me if you have any questions or would like to further discuss AB 1334.

Sincerely,

Kathy Hall-Martinez,  
Co-Executive Director  
Stop Prisoner Rape

Cc: Honorable Jose Solorio, Chair  
Assembly Public Safety Committee