Condoms in Prisons: Safe, Effective, and Essential

Condoms are “the single, most efficient, available technology to reduce the sexual transmission of HIV and other sexually transmitted diseases.”

Although sexual activity in prisons is common, prisoners have no access to condoms. Access to condoms would allow New York’s approximately 54,600 prisoners to protect themselves from HIV infection and mitigate the spread of the disease both in the prison system and in the communities to which inmates return.

Prevalence of HIV/AIDS is higher in prisons than in the general population, and rates in New York prisons are among the highest in the country.

It has been estimated that 14% of all those people with HIV and nearly 20% of African Americans and Hispanics living with HIV passed through a correctional facility during 2006. Prevalence of both HIV/AIDS in prisons is particularly high in New York—nearly 8 times higher than among the state’s general population.

In 2010, the percentage of the custodial population with HIV/AIDS in New York was the highest in the nation: 5.2% of the male prison population and more than 11.7% of the female prison population had HIV/AIDS.

HIV Infection in Prisons is Likely Owing to a Variety of Factors, Including Unprotected Sex.

Consensual and non-consensual sex between prisoners and staff occurs regularly in prisons, including among individuals who do not identify as homosexual. In a 1999 survey of 108 former New York state prisoners, 63% said they had witnessed inmates having sex while in a New York State correctional facility, 17% reported engaging in sex while incarcerated, and 45% reported knowledge of correction officers having sex with prisoners.

HIV transmission in prisons impacts the health and wellbeing of the entire community.

Condom distribution can prevent the spread of HIV infection not only in the prison system but also in the surrounding communities.

In 2013, the New York State Department of Corrections and Community Supervision (DOCCS) released roughly 27,000 people—almost 24,000 inmates and over 2,700 incarcerated parolees.

In 2006, a total of 14% of people living with HIV/AIDS in the United States were released from a correctional facility that year. Prisoners who have adopted safer sex practices in prison can practice these behaviors in their communities upon release. And of course, allowing prisoners to protect themselves from infection keeps their future partners outside of prison safe as well. In this way, condom distribution programs inside prisons can help create safer communities outside prisons.

Condom distribution programs result in decreased HIV transmission rates.

Condom distribution in prison has been associated with lower risk-taking behaviors and lower rates of infection.

Condom distribution in an LA County prison averted one quarter of HIV transmissions among sexually active inmates.

In New South Wales, Australia, where condoms are distributed in prison, condom use among prisoners is reported to be higher than in the general population.

HIV Law Project  
www.hivlawproject.org
Condom distribution programs result in better and safer conditions for prison staff.

Protecting the health of prisoners creates a safer work environment for staff. Combatting conditions that negatively affect prisoners’ health reduces violence in prisons and allows staff to manage prisons more effectively and with greater safety. Improvements in prisoners’ health also result in less stress for prison staff, in part by reducing workload.

Condom distribution programs are cost-effective, efficient, and safe.

One study of a condom distribution program in the gay and transgender unit of LA county prison found that averted medical costs due to prevention of HIV infection in an LA County prison exceeded program costs.

The cost of treating HIV disease over 32 years was $367,121 per person in 2009.

The annual cost of treating an individual with HIV in prison is roughly $14,000, and the annual cost of treating an individual with AIDS in prison is over $34,000.

Implementation of condom accessibility programs in prisons has also been shown to be feasible and unproblematic: in a survey of over 400 correctional facilities in Canada, 82% reported no problems associated with condom distribution programs. A condom distribution program has been successfully in place at Riker’s Island since 1987. Studies conducted internationally show no interruptions to prison routine, no increased threats to security, and no increased sexual activity or drug use as a result of condom distribution programs.

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9 New York State Department of Corrections and Community Supervision, “Admissions and Releases: Calendar Year 2013”.
16 Ibid.
19 Ibid.