

# ACT-UP Philadelphia Condoms in Philadelphia Jails Campaign (Overview)

*Think Piece for Project UNSHACKLE Meeting  
The John M. Lloyd AIDS Project at Stony Point Center, May 16-18, 2008*

**By Waheedah Shabazz-El**

Good prison health, put very simply, is an essential component of good public health. In 2006, ACT-UP Philadelphia and the Philadelphia Prison System (PPS) met to explore ways to make *health resource tools*, i.e. condoms, more accessible and widely available to inmates in the PPS.

ACT-UP negotiated and collaborated in good faith with the PPS through Commissioner Leon King and his staff on ways of fully implementing its condom access in prison statute, which had been in existence since September of 1988.

ACT-UP Philadelphia chose to focus its efforts on HIV prevention on the inside with the assistance of the Community HIV AIDS Mobilization Project (CHAMP). We were affiliate members of CHAMP's Prevention Justice Partnership pilot program early in 2006. ACT-UP Philadelphia was one of six groups across the United States that participated in this pilot project. For an entire year, the Prevention Justice Partnership offered technical assistance, campaign planning, skills sharing, weekly coordinator conference calls, and quarterly face-to-face two-day trainings to ACT-UP Philadelphia.

## **Rationale for the Condoms in Jails Campaign**

Men and women who are incarcerated have been identified by the Centers for Disease Control and Prevention (CDC) as one of the highest risk groups for contracting and transmitting HIV/AIDS.

The PPS and the Philadelphia Health Department made a judicious decision two decades ago to include availability of condoms as an intervention to increasing rates of HIV/AIDS in Philadelphia County Jails. However, following months of research, ACT-UP discovered that inmates in PPS had little or limited access to condoms. In many cases, inmates were not being advised that there were condoms available. In addition, we found that condoms were treated as contraband by many correctional officers.

In addition to CDC reports verifying HIV transmission in correctional facilities, what prompted ACT-UP to meet with the PPS were taped interviews with correctional officers and formerly incarcerated individuals at the 4<sup>th</sup> Annual Beyond the Walls Prison Summit. The target audience for this event was ex-offenders and their supporters. At the event, ACT-UP members conducted taped interviews with numerous former inmates and PPS Correctional Officers who were in attendance.

While the PPS has been commended throughout the U.S. as a model for its progressive HIV prevention programs, we found that inmates were being punished for being in possession of these health resource tools (condoms).

- ACT-UP was able to obtain a prison issued memorandum (dated September 7, 1988; attached) giving notice to their nursing staff that condoms would be distributed as part of their AIDS Prevention Program.
- ACT-UP conducted extensive research and gathered data about the rates of HIV and STD's in the city of Philadelphia (where most of these prisoners resided before their incarceration). We compiled a summary of our finding including data on the rise of HIV amongst men and women behind bars.
- ACT-UP attended prison-related seminars where we conducted taped interviews with former inmates of the PPS and recently-released inmates from PPS. We asked them about their access to condoms while they were on the inside.
  1. Most were not aware that there even was such a program and were under the impression that condoms were a contraband item.
  2. The ones who knew that they could get condoms from the medical staff, lived in fear of being caught with them in their possession. If the correctional officers did a random search (also known as a "shake-down") and discovered an inmate with condoms, the inmate was subjected to a disciplinary process.
- ACT-UP discovered that despite the fact that the PPS Condom Program had been highly praised throughout the country as a "model" for other correctional facilities that have condom programs or are considering initiating them, the PPS condom program was a program in name only. Instead of protecting inmates' health, the correctional officers had been allowed to treat this health issue as a moral issue and in fact were punishing inmates who were found to be in possession of "safer sex health resource tools = condoms."

**First Meeting With ACT-UP Philadelphia and PPS Commissioner Leon King, July 31, 2006.**

- ACT-UP shared our research summary on statistical data and transcripts from conversations to Commissioner King and his staff.
- ACT-UP presented "Essential Baseline Goals" of a revised HIV prevention program that would get health resource tools into inmates' hands without fear of retribution.
- Commissioner King and staff said that they were unaware that inmates didn't know that condoms were available, that correctional officers and medical staff were not in compliance with the condom distribution policy, or that inmates were being punished for being in possession of condoms. They assured us that inmate health and the prevention of the spread of HIV were top priorities for them.

**PPS agreed to the following:**

1. Update and amend the current condom Prison Policy E.3.4.1. to reinforce to the correctional officers that condoms are not contraband and assured us that the policy would be fully updated and implemented within three weeks.
2. Update inmate handbook to include the revised policy.
3. Display posters in English and Spanish (created by ACT-UP Philadelphia) to make inmates aware that a prevention program is available.
4. Allow wider access to condoms beyond the medical unit:
  - Social worker confidential areas
  - Inmate hygiene packages at intake
  - Inmate indigent packages for those with less than \$5 on their books
  - Add condoms to the Commissary lists (which, in doing so, would send a crystal clear message to correctional officers that condoms were not contraband)
  - Free condoms would still be made available at the medical unit and put onto the medical carts that dispense medication on the blocks/units
  - Distribute female condoms and dental dams as well as male condoms, and these items would be available to all inmates.

**ACT-UP agreed to:**

1. Draft a script to be used in an inmate-specific educational video about safer sex and the use of condoms.
2. Draft an inmate feedback survey to be used as an aid in evaluating the program.
3. At the request of Commissioner, “get some positive press for the PP,” to counter the huge amounts of negative press the PPS had been receiving because of the prison overcrowding issues.

**PPS met with ACT-UP again on August 28, 2006; however Commissioner King was not present and the PPS had not complied with any of the above agreements.**

Our next meeting with the PPS was scheduled for Thursday October 19. But before that scheduled meeting, ACT-UP spent the interim time doing more work to keep the issue in the media as a way to apply pressure.

- *ACT-UP drafted two embargoed press releases*
  1. One Positive. “Philadelphia Prison System Comes Up to Code on Inmate Health: ACT UP Applauds Commissioner King for Improving Condom Distribution Program”
  2. One Negative: “AIDS Activist Denounce Philadelphia Prison Commissioner’s Continued Failure to Stop HIV Spread in County Jails.”
- *ACT-UP prepared* to call a press conference informing the public about our negotiations and advocacy on behalf of community health.

- ACT-UP members were interviewed by local Metro Daily Papers and The Philadelphia Gay News, and “Condoms in Jails” was featured as the “Question of the Day” in the public opinion section of the Metro
- A Call to Action! December 12, 2006 sparked activist and allies from across the country to participate in and ultimately dominate an online survey poll conducted by NBC TV: “Should inmates receive condoms in jail”
- The results of the NBC poll as to "should inmates receive condoms while in jail":
  - 1,267 or 93% voted YES
  - 96 or 7% voted NO

***ACT-UP met with PPS and staff members of the City’s AIDS Activity Coordinating Office (AACO),*** as scheduled, on October 19, 2006 during which Commissioner Leon King announced that he would agree to sign an updated, revised version of Prison Policy E.3.4.1. He would do this as a measure to promote good health within the Philadelphia County jails. Commissioner King would send the revised policy to his board for review and approval.

The revised version of Policy E.4.3.1 included “suggested wording” from ACT-UP Philadelphia including:

1. Access to both male and female condoms
2. Access to condoms at medical intake
3. Access to condoms at medication windows
4. Access to condoms at physician sick call rooms
5. Access to condoms at AACO health educator offices
6. Access to condoms in indigent packages
7. Access to condoms through prison commissary
8. Access to condoms upon discharge
9. Social Workers would advise inmates where condoms could be accessed
10. Revision of Inmate Handbook to include area of condom access
11. Posters in inmate common areas informing inmates about condom access
12. Updated (inmate targeted) sex education video that would illustrate proper use of condoms

***October 24, 2006: ACT-UP Philadelphia released embargoed press release to KYW News.***

The next two to three month were a period of processing the revised policy. There were several interviews with local papers. We also replied to blogs that ridiculed our intentions. Most reporters and community members were eager to learn the outcome of the PPS decision on this major health issue. Initiating condom distribution programs targeted at inmates in correctional facilities remains to be an enormous undertaking

Many individuals would argue that giving condoms to inmates is promoting sex. The Center for Disease Control and Prevention (CDC) has concluded from a study on HIV transmission in the Georgia Department of Corrections that the vast majority of sex (which included sex between prisoners and correctional officers) was consensual.

From this study, we all gain the undisputable awareness that sex is, in fact, occurring in correctional facilities and that the sex in prison isn't only and always due to rape.

In an address delivered by Bill and Melinda Gates to the 16<sup>th</sup> International Conference on AIDS on August 13, 2006 in Toronto, Canada, Melinda Gates said, "Some people believe condoms encourage sexual activity, so they want to make them less available. But withholding condoms does not mean fewer people have sex; it means fewer people have safe sex, and more people die. This is a serious obstacle to ending AIDS. In the fight against AIDS, condoms save lives. If you oppose the distribution of condoms, something is more important to you than saving lives."

Finally, after several months of anticipation, skepticism, and controversy, the revised HIV Prevention Policy E.3.4.1 was officially signed by Commissioner Leon King on January 31, 2007. I recall a private conversation with Commissioner King during which I asked him why he was willing to make such a controversial decision. He replied, "Ms Shabazz, because it was the right thing to do."

The Policy signing was announced by ACT-UP in a press conference on February 9, 2007. The timing of the press conference coincided with another historical event known as African American HIV Awareness Day, also February 7. CDC data clearly point out that African Americans are disproportionately affected by HIV/AIDS and that communities of color are over represented in the criminal justice system, where the prevalence of HIV is said to be higher than in the general population. This was clearly a major victory that would improve the quality of life for those individuals who are incarcerated and considered as high-risk groups for contracting and transmitting HIV/AIDS.

The revised Condom Policy would officially include:

1. Real access to both male and female condoms for free
2. Condom access at Medical Intake
3. Condom access on Medication Carts and at Medication Windows
4. Condom access at Treatment/Triage Areas
5. Condom access at Physician Sick Call Areas
6. Condom access at AACO Health Educator Offices
7. Condom access for sale through Prison Commissary (attachments # 16 & 17)
8. Inmates would be permitted to be in possession of up to 6 unopened condoms in their personal living quarters.

#### Evaluation Measures and Next Steps:

- The Chief Implementation Officer is responsible for policy enforcement
- AIDS Program Service Manager issues a quarterly report on the number of condoms given out system wide
- Commissary vendor will ensure that male and female condoms are available as approved commissary items
- ACT-UP Philadelphia will provide inmate-targeted video script for updated sex education video
- ACT-UP Philadelphia will conduct an independent anonymous inmate survey using pre-addressed, pre-stamped postal cards in English and Spanish
- ACT-UP Philadelphia will design a poster to raise awareness of HIV prevention services in PPS in English and Spanish.

#### **Summary:**

ACT-UP Philadelphia as a Prevention Justice Partner to CHAMP was successful after a year long campaign that was able to convince the Philadelphia Health Department and the Philadelphia Prison System that condoms should be made available to both men and women in Philadelphia County jails.

Our primary goal of this campaign was for inmates to gain better access to condoms during their incarceration, thus implementing a great policy that offered a practical and scientifically proven intervention for stopping the spread of HIV.

Our secondary goal was to explore ways of getting the message to correctional officers that possession of condoms was not contraband but in actuality a responsible measure toward dealing with the reality of the escalating rates of HIV infections behind bars.

Commissioner King's decision to add condoms to the prison's commissary provided the precise communication that would resound to his entire staff at PPS that condoms were not contraband and that inmates should not fear punishment or retribution for being in possession of condoms.

Currently, ACT-UP Philadelphia continues to meet with PPS and serve as a watchdog group to this controversial policy revision that ultimately saves lives. In addition, we intend to keep pressure on the new PPS administration to extend condoms as health resource tools to the juveniles who are also housed in the Philadelphia Jails.

#### **Some news articles about the campaign:**

<http://www.kyw1060.com/pages/112796.php?contentType=4&contentId=228561>

<http://www.citypaper.net/articles/2006/12/21/rubbers-stomped>

<http://www.nbc10.com/news/10512028/detail.html>

**Waheedah Shabazz-El** is a 53-year-old African American Muslim female who was diagnosed with AIDS in 2003. She is a retired Postal Worker with 20 years of service to the United States Government. Waheedah is a Peer Educator/Consultant for Philadelphia Fight, is certified by the Philadelphia Department of Health in HIV Prevention, serves as an organizer for the Philadelphia County Coalition for Prison Health-Care and is a member of the PRHCN (Prison Re-Entry Health-Care Network). She also works with ACT-UP Philadelphia, works as Co-coordinator Prevention Justice Partnership with CHAMP Network (Community HIV/AIDS Mobilization Project, based in New York) and sits on the Positive Committee for The Office of HIV Planning in Philadelphia.