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## **Using City's Own Data, Report Reveals Public Health Crisis Caused by NYPD's Confiscation of Condoms**

### ***Advocates for Sex Workers, Elected Officials, and Public Health Experts Call for Law Barring Use of Condoms as Evidence of Prostitution***

**Albany, NY** – People with experience in the sex trade, elected officials, public health experts, and human rights advocates held a press conference today calling on the New York State Assembly to pass legislation barring the use of condoms as evidence of prostitution, and released a report detailing the public health crisis caused by the NYPD's confiscation of condoms.

The report released today, "*Public Health Crisis: The Impact of Using Condoms as Evidence of Prostitution in New York City*," is authored by the PROS Network (Providers and Resources Offering Services to Sex Workers) and [The Sex Workers Project](#) at the Urban Justice Center. It reveals findings from two separate surveys of NYC sex workers, including a survey conducted in 2010 by the Department of Health and Mental Hygiene (DOMH) that was FOIed by Human Rights Watch and is only now being released.

Both studies found that police routinely confiscate condoms from sex workers; that sex workers often do not carry condoms for fear of police repercussions; and that some sex workers engage in sex work without condoms following police confiscation. Read the full report [HERE](#).

- In the 2010 study conducted by DOMH, **57% of the sex workers interviewed said that they had had condoms taken away from them by a NYC police officer.** In the 2011 study, which surveyed a smaller sample, 42.8% of sex workers interviewed had had condoms taken away from them by a NYC police officer.
- In the 2011 study, **45.7% of sex workers interviewed did not carry condoms at some point for fear of police repercussions, and 50% of sex workers who had condoms taken away or destroyed by police engaged in sex work afterwards without a condom.**
- **The study includes examples of court transcripts and supporting depositions showing this practice is widespread.**

"One 21-year-old Latina transgender female in the Bronx who was interviewed in 2011 described how she was stopped by police who searched her purse and found a box of three Trojan condoms," said

**Sienna Baskin, Co-Director of the Sex Workers Project at the Urban Justice Center.** “The cops asked her what she was doing, what the condoms were for and why she had more than one. She was arrested and charged with loitering for the purposes of prostitution and disorderly conduct. She reported that she later engaged in sex work without a condom. Many more sex workers who have no other means of survival may engage in unprotected sex because they are afraid to be caught with condoms.”

Supporters of Bill S323/A1008, known as the [No Condoms as Evidence Bill](#), say that allowing condoms to be confiscated by police and used as evidence in criminal cases discourages sex workers and other vulnerable New Yorkers from carrying condoms, undermining efforts to combat sexually transmitted diseases and educate the public about safer sex.

"When it comes to condom possession and use, New York's health and criminal procedure policies are at odds," said **Senator Velmanette Montgomery (D-Brooklyn), the sponsor of Bill S323/A1008.** "For decades, city and state agencies have promoted safe sex practices as a public health priority and NYC, in particular, has taken this health campaign to the streets of the five boroughs, distributing millions of free condoms as a way to help combat sexually transmitted diseases and infections. The unfortunate reality is that some individuals and groups of people –and especially those who are typically profiled by the police as possible sex workers – are becoming increasingly afraid of carrying and thus consistently using condoms because they know the possession of even one condom can be used to justify arrest. The passage of this bill makes good public health sense and is necessary to help save lives."

“Confiscation of condoms for use as evidence of prostitution-related offenses is widespread in New York City and has serious public health consequences for sex workers and members of their communities,” said **Katherine Todrys, a consultant for Human Rights Watch,** which has interviewed over 125 sex workers, advocates, and law enforcement officers in New York City for another forthcoming report.

"This practice creates a catch-22 for LGBT youth of color. As one young transgender woman of color I interviewed for the PROS report told me, 'I'm damned if I do and I'm damned if I don't carry condoms,'" said **Chris Bilal, a youth leader at Streetwise and Safe (SAS),** an organization that participated in the research conducted by the PROS Network. "Discouraging condom use in this way is especially dangerous, costly, and perplexing in a city with one of the highest HIV infection rates, where almost every surface is plastered with AIDS prevention posters. How can something distributed by the city health department to save lives, end up being used to destroy lives? The use of condoms should be encouraged, not criminalized."

"The confiscation and use of condoms as evidence has particularly devastating effects for LGBTQ youth," said **Andrea Ritchie, Co-Coordinator of Streetwise and Safe (SAS).** "They are both targets of intensive HIV prevention outreach efforts in schools, drop-in centers, and communities *and* routinely subjected to stops and frisks – which, when condoms are found, can lead to profiling, arrest and prosecution for prostitution-related offenses. The impacts are potentially deadly."

## **ABOUT THE BILL**

[New York State Bill A1008/S323](#) would stop police and prosecutors from using possession of condoms as evidence of prostitution. Currently, police and courts can use the fact that a person has or is carrying condoms to prove that they are engaging in criminal activity. Sex workers report that they are more likely to be arrested if they carry condoms. Police officers regularly confiscate condoms from people

they allege are engaged in prostitution to use as evidence against them at trial. As a result people are hesitant to carry condoms to protect themselves and others, for fear that it will lead to arrest or be held against them in court. Sound public health policy would encourage condom use by eliminating the fear that carrying a condom will be used against you by police or in a court of law.

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