

# California Department of Corrections and Rehabilitation Prisoner Condom Access Pilot Program

*Information prepared by:  
California Department of Public Health  
Center for Infectious Diseases  
Office of AIDS  
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## History

Assembly Bill (AB) 1334 would have required the California Department of Corrections and Rehabilitation (CDCR) to allow any non-profit or health agency to enter CDCR institutions to provide “sexual barrier protection devices” to state prisoners. In his October 14, 2007, Veto Memo, Governor Arnold Schwarzenegger noted that although it is illegal to engage in sexual activity while incarcerated providing access to condoms is “consistent with the need to improve our prison health care system and overall public health.” He directed CDCR to carry out a one-year pilot program in one state prison to assess the “risk and viability” of condom distribution in one prison.

## Development

- December 2007 - CDCR Special Projects Unit approached staff in the California Department of Public Health (CDPH), Center for Infectious Diseases, Office of AIDS (OA) and the Sexually Transmitted Diseases (STD) Control Branch, and the Center for Health Justice (CHJ) for consultation regarding implementation planning and evaluation measures.
  - OA and STD Control Branch staff provided initial consultations requested by CDCR focused on evaluation measures for program effectiveness for reducing spread of HIV/STDs.
  - OA staff conducted a literature review, provided summaries of jail/prison systems with condom access programs, distribution methods, and findings from published evaluations, and proposed an evaluation plan.
  - CHJ coordinated site visits to the Los Angeles and San Francisco county jail systems for CDCR officials and CDPH staff.
- December 2007 - CDCR convened a task force that includes members from CDCR (Special Projects Unit, Office of Adult Research, Office of Legal Affairs, Office of Risk Management, Policy and Regulations Management Branch, Office of Labor Relations, Ombudsman’s Office, and Inmate Appeals Branch), CDPH (OA and STD Control Branch), and non-profit organizations (CHJ Health Justice and Just Detention International (formerly Stop Prisoner Rape).
- January 2008 - CDCR officials selected Facility II within Solano State Prison as the pilot site and wall-mounted dispensing machines for condom distribution.
- January 2008 - CHJ selected to provide dispensers, condoms, and inmate and staff education. OA selected to conduct evaluation research.

## Implementation

- Facility II of Solano is a Level III facility with dormitory and celled housing units and approximately 1,000 general population inmates (no special medical or security needs).
- Dispensing machines are located in each of five housing units and in two restrooms in the education complex and medical triage area. There is no charge for condoms.
- Facility II inmates may carry one condom to all areas except regular visiting as long as the condom is still inside the inner clear sealed plastic wrapper.
- **The pilot was initiated on November 5, 2008, and will run through November 4, 2009.**
- As anticipated with any prison condom access program, there have been several instances of dispenser tampering by inmates and condoms taken by staff, but no serious incidents involving harm to staff or inmates or unintended uses of condoms have been reported.

## Evaluation Aims

- Assess the acceptability of condom distribution among inmates and staff (inmate and staff surveys, pre- and post-pilot).
- Assess whether condoms are widely available and any barriers to accessing condoms (inmate and staff surveys, pre- and post-pilot).
- Describe and estimate the prevalence of unintended uses of condoms (incident record review and inmate and staff surveys, pre- and post-pilot).
- Estimate the prevalence of demographic, incarceration-related, sexual, and drug-using predictors for HIV, STDs, and hepatitis among inmates (inmate surveys, pre- and post-pilot).

## Organizations, Key Staff, and Roles

### CDCR

- Executive Sponsor: Richard Subia, Associate Director, Level II/III General Population, Division of Adult Institutions.
- Co-Principal Investigator (evaluation): Janet Mohle-Boetani, M.D., M.P.H., Chief Medical Officer, California Prison Health Care Services (CPHCS), Public Health Unit.
- Oversee/facilitate task force, implementation, and evaluation activities.
- Brief Governor, CDCR secretary, federal receiver.
- Enforce existing penal code relevant to sexual activity while practicing an exception to the contraband rule (Solano State Prison custody staff).

## CDPH, OA, and STD

- Principal Investigator (evaluation): Kim Lucas, M.P.H., OA.
- Key Researchers: Valorie Eckert, M.P.H., OA and Jamie Miller, M.P.H., STD Control Branch.
- Design and carry out all components of the evaluation; maintain Internal Review Board approval.
- Provide ongoing technical assistance to CDCR officials and CHJ regarding implementation, education, custody operations, responding to staff concerns, and communications with inmate advocates and peer educators within the pilot prison.
- In collaboration with Evaluation Team, prepare final report including findings and recommendations to assist Governor and CDCR secretary in deciding whether to expand access to condoms.

## CHJ

- Community-based organization focused on HIV prevention and care for prisoners.
- Mary Sylla, J.D., M.P.H., Director of Policy and Advocacy.
- Provision of dispensing machines and maintenance, condoms, inmate and staff education.

## **Evaluation Team**

- Kim Lucas, M.P.H., CDPH/OA.
- Janet Mohle-Boetani, M.D., M.P.H., CPHCS/Public Health Unit.
- Valorie Eckert, M.P.H., CDPH/OA.
- Jamie Miller, M.P.H., CDPH/STD Control Branch.
- Stacy Goldsby, CDPH/STD Control Branch.
- Mary Sylla, J.D., M.P.H., CHJ.
- Eric Chapman, CDCR/Office of Adult Research.
- Vimal Singh, Associate Warden, CDCR/Solano State Prison.
- Brian Duffy, CDCR/Division of Adult Institutions.