

City and County of San Francisco
HUMAN RIGHTS COMMISSION



Theresa Sparks
Executive Director

Edwin M. Lee
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FOR IMMEDIATE RELEASE

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****** PRESS RELEASE ******

San Francisco Human Rights Commission Commends City's Law Enforcement Agencies on New Policy to Discontinue Using Condoms as Evidence When Prosecuting Cases Involving Sex Workers

(San Francisco, CA) The San Francisco Human Rights Commission (HRC) is pleased to announce an agreement between the City's law enforcement agencies to no longer use condoms as evidence when prosecuting criminal cases involving sex workers. In a letter to the HRC's Executive Director, Theresa Sparks, San Francisco's District Attorney George Gascon wrote in part:

"My office [was] faced with balancing two very important interests- public safety and the negative health consequences to using condoms in criminal prosecutions. After six months of evaluating the arrests made by the SFPD and the outcome of the cases we charged, I feel confident that the public safety concerns can be addressed without jeopardizing the health of sex workers. We are pleased that we can meet both of these important goals and are excited to improve our policy to achieve greater public health and public safety. Therefore, we will no longer introduce physical evidence of condoms in our criminal prostitution cases. The Public Defender's Office has agreed to a joint stipulation that will be entered into in all prostitution cases. This stipulation will eliminate any discussion concerning the presence or absence of condoms as evidence in convicting or acquitting an individual of a prostitution related crime."

Theresa Sparks, HRC Director called the decision, "A milestone and a significant breakthrough that complements the City's long standing commitment to HIV/AIDS prevention and one that reflects a sincere commitment to public health, victims' rights and public safety that embraces all communities including the City's most vulnerable residents."

Sparks goes on to say, "The next steps will be to determine the best and most effective way to make sure the community is aware of this policy and to encourage them to carry and use condoms for their own protection. The HRC is dedicated to working with the Department of Public Health (DPH) and their condom distribution programs to coordinate this roll-out. I especially want to thank all of the City Departments who participated in researching this initiative working in conjunction with a number of community organizations and the internationally recognized Human Rights Watch."

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Resulting from a community and stakeholders meeting convened by the HRC, on October 31, 2012 the Office of the District Attorney issued a stipulated agreement with the Office of the Public Defender to discontinue the use of condoms as evidence in misdemeanor cases involving charges of prostitution, for a 90 day trial period ending in December 31, 2012. In January 2013 the trial period was extended an additional three months and upon the conclusion it was determined that the ban did not prove to have any substantial negative impacts on public safety and the quality of life of the residents of San Francisco.

San Francisco joins Washington, D.C. in the adoption of this policy that is destined to be replicated in other urban areas around the country.

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The San Francisco Human Rights Commission was established in 1964 by City Ordinance and became a Charter Commission in 1990. In 2014 the HRC will celebrate 50 years of distinguished public service in human rights advocacy for the City and County of San Francisco.