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**The San Francisco Human Rights Commission Commends NYPD
on Decision to Limit Use of Condoms as Evidence in
Prostitution-Related Cases**

*New York City now joins San Francisco and a growing number of other cities
in adopting new policy.*

(San Francisco) The San Francisco Human Rights Commission (SFHRC) praises New York City for its decision to limit the use of condoms as evidence in prosecuting prostitution cases. The New York Times reports that the New York City Police Department will significantly limit the practice of seizing condoms for use as evidence in prostitution-related cases, ending a practice that health officials have long criticized as undermining efforts to protect sex workers from sexually transmitted diseases and unwanted pregnancy. NYPD's new policy parallels an existing agreement issued last year by the SFPD instructing officers that, "In accordance with City Public Health Harm Reduction Policy and Strategy regarding HIV and other sexually transmitted diseases, members are reminded NOT to confiscate, photograph, or otherwise document possession of open/unopened condoms."

In an April 2013 letter to the SFHRC, San Francisco's District Attorney George Gascon wrote in part:

"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." Condoms do not play an important role as evidence in arresting and prosecuting prostitution cases. Yet their importance in safeguarding health is vital.

Susan Belinda Christian, SFHRC Commission Chair noted "The San Francisco Human Rights Commission congratulates the NYPD on this policy change which balances public health and public safety goals and recognizes the critical nature of safeguarding essential human rights. I'm proud of San Francisco's continuing role

in leading the nation by advancing innovative public policy strategies that foster compassion and ensure that all populations are treated with dignity and respect.”

San Francisco and Nassau County, NY have stopped using condoms as evidence of prostitution and police in Washington, DC, are distributing know-your-rights cards to affected populations clarifying that the Police cannot interfere with possession of condoms.

“Since enacting the 2013 agreement to cease using condoms as evidence in prosecuting cases involving sex workers, San Francisco law enforcement agencies have reported no negative impact on meeting public safety concerns. This initiative is a testament to the City’s commitment to HIV/AIDS Prevention and harm reduction policies. We hope it will continue to serve as a model to other jurisdictions,” stated SFHRC Executive Director Theresa Sparks.

For more information on the San Francisco Human Rights Commission’s collaboration and partnership with the Office of the District Attorney, the Department of Public Health and the Office of the Public Defender to limit the use of condoms as evidence when prosecuting cases involving sex workers, please contact at nadia.babella@sfgov.org or (415) 252-3212.

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