

**SWANK**

Sex Workers' Action New York  
www.swop-nyc.org  
swank@riseup.net



**SWOP-NYC**

Sex Workers Outreach Project - NYC  
www.swop-nyc.org  
info@swop-nyc.org  
347.748.9163

*Sex Workers Action New York (SWANK) and the Sex Workers Outreach Project-NYC (SWOP-NYC) is a collective of current and former sex workers and allies, working to offer support, end stigma, fight oppressive laws and advocate for the health, safety and other human rights of sex workers.*

**Memorandum in Support-----**

**S01289A - introduced by Senator Montgomery  
A10389 - introduced by Assemblymember Clark**

**An act** to amend the civil practice law and rules and the criminal procedure law, in relation to the use in evidence of the fact of possession of a condom.

**A Statement in Support:**

As groups of sex workers and supporters, SWANK (Sex Workers Action New York) and SWOP-NYC (Sex Workers Outreach Project – New York City) urge New York State legislators to support this bill. If enacted, this bill would promote the public health of all New Yorkers by eliminating current legal policies and practices that discourage the usage of safer sex tools.

We believe that condoms are essential to the protection of our own health, our customers' health, our partners' health, and the health of the public. The recognized value of condom usage in strengthening public health has led to intensive efforts by government, healthcare institutions, non-profit organizations and many others to make condoms easily available.

Unfortunately, since condoms are currently confiscated by police and used against sex workers by prosecutors in court, many in our communities are hesitant to obtain and carry them. N\*, a member of our community, experienced the following incident while possessing some condoms she had obtained from a non-profit drop-in center.

*In the summer of 2004, I went to visit a sugar daddy of mine in [New York] City, and arrived by bus as I usually did. I was tired, and went out by the bronze statue of Officer Friendly, and sat down near it to have a smoke.*

*A police officer came over and told me I couldn't sit down, as it was "against the law." I didn't respond for a few seconds, since I was that tired from the trip. He told me, "Get up," so I did. He then*

**SWANK**

Sex Workers' Action New York

www.swop-nyc.org

swank@riseup.net



**SWOP-NYC**

Sex Workers Outreach Project - NYC

www.swop-nyc.org

info@swop-nyc.org

347.748.9163

*asked me for some ID.*

*When I opened my purse to get it, he looked inside, and saw that I had a string of Lifestyle condoms that I had gotten from RI Project AIDS. He demanded to see my purse, and I was scared, so I handed it to him. After rifling through it, he took the condoms and asked me what I had them for.*

*I told him, "Protection." He stopped for a second, looked at me, and then handed me my purse back without the condoms, saying "You won't be needing these here, will you?"*

*I knew he read me as a working girl, and I could tell he wanted a certain answer, so I responded "No." He then let me go, telling me "not to come back and to go back wherever the hell I came from." The officer never actually looked at my ID, he just took the condoms.*

N's experience is discouragingly typical. Sex workers, and people the police profile as sex workers, are routinely searched for condoms and these safer sex tools are taken from them and/or used as evidence against them. Some parts of our communities are particularly targeted. N is a transgender woman, and this community is alarmingly vulnerable to having condoms confiscated, due to constant profiling by law enforcement.

Enabling police officers to confiscate condoms not only violates an individual's right to protect his/her own health, but also contradicts the efforts of public health institutions to promote access to safer sex resources. It is an egregious waste of public resources that sends a mixed message by empowering health institutions to distribute condoms and then squandering police resources confiscating these same condoms from the people who need them. As grassroots organizations, we hope that legislators would ensure that state funds are utilized towards making safer sex supplies available and encouraging their use, as has been done via the NYC-branded condom distribution campaign.

Our communities should not be put in a situation where we must sacrifice the health of ourselves or anyone else in order to avoid police harassment or arrest. We urge legislators to reinforce New York's commitment to sound public health policy by swiftly enacting these bills.

*\*Name changed to protect identity*