Advocating for Women Living With HIV in Prisons or Jails in the US

Last updated: October 5, 2023

Together, we can change the course of the HIV epidemic...one woman at a time.

#onewomanatatime #thewellproject
US Focus

• Presentation is focused on US
  – Some issues are similar across countries
  – But: legal systems and correctional institutions differ around the world

• Coronavirus pandemic
  – Lockdowns prevent contact within facility and with people outside
  – Some people released early to relieve overcrowding
    – Advocacy: 14% drop in incarcerated population
  – But: progress has stalled since

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Introduction

• US: highest number of people incarcerated in world
  – 2018: 639 people/100,000 inhabitants in prison or jail
  – Higher rate of women incarcerated than rest of world
  – Especially high among transgender people

• Higher HIV rate than in general population
  – 2015: women in prisons 9x more likely to live with HIV

• Inequities drive both incarceration and HIV rates
  – Racist policies and practices in legal system
  – Tendency to punish people who are poor
  – Harsh sentencing laws
  – Weak social net
Introduction

• Listen to people you are trying to help
  – Communications will be read by prison staff
  – Connect with organizations and people with experience

• 2018 national prison strike
  – Led by people in prison, supported by advocates outside

• People living with HIV have long fought for their rights in prison

• People in prison take great risk when self-advocating
  – Outside advocates can take on some of that work
    • Need signed release to get people’s medical information

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US Correctional System

• Types of facilities
  – Federal prison
    • Controlled by US Bureau of Prisons
  – State prison
    • Controlled by state’s Department of Corrections
  – County jail
    • Controlled by county’s Department of Corrections
    • Subject to laws in state where county is located
  – Immigration detention
    • Controlled by Immigration and Customs Enforcement (ICE)

• Facilities may be run by private for-profit companies

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Jail vs. Prison vs. ICE

• Jail
  – People awaiting trial or with shorter sentences
    • May be geographically closer to family, friends

• Prison
  – Longer sentences
    • May be far away from family, friends
    • Longer time to set up HIV treatment

• Immigration detention (ICE)
  – Even fewer rights because not US citizen
    • UN Human Rights Law applies in principle
Arrest While on HIV Treatment

• Belongings taken when arrested
  – Includes medications
  – Treatment adherence is important

• HIV criminalization
  – Harsher sentences if person lives with HIV
  – Activists trying to change such laws
  – HIV is not transmitted by spitting, etc.

• U=U
  – HIV cannot be transmitted when on treatment and undetectable viral load
HIV Testing

• HIV testing options
  – Mandatory
    • Everyone is tested
    • Opposed by organizations a human rights violation
  – Opt-out
    • Everyone is tested unless they explicitly decline
  – Opt-in
    • Everyone is offered a test but must explicitly consent
  – On request
    • No test is offered unless requested

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HIV Testing

• Considerations whether to get tested:
  – Potential discrimination inside prison
  – Lack of counseling if test is positive
  – Need to prove HIV status to get medications
  – Access to healthcare that may not be available outside

• HIV testing can be important step for someone to care for their health
  – Step toward getting treatment if living with HIV
Acquiring HIV While in Prison or Jail

- HIV more common than in general population
- Seroconversions uncommon, but do happen
  - Sex forbidden but does happen
  - Informal tattooing
  - Drugs illegal but injections do happen
- Prevention methods illegal
  - Some US laws are slowly changing
  - Elsewhere: tattoo rooms, syringe exchanges in prisons
    - Does not increase drug use but gets people into substance use treatment
HIV Treatment in Jail or Prison

• US Constitution’s 8th Amendment applies:
  “Excessive bail shall not be required, nor excessive fines imposed, *nor cruel and unusual punishments inflicted.*”

• Includes right to medical care while in jail or prison

• Theory ≠ Practice
  — 2007 study: estimated 29% of HIV drugs needed to treat all people in jail or prison diagnosed with HIV actually purchased by correctional institutions
  — Human Rights Watch report
  — Advocates report requests for help getting HIV medications, e.g., when facility runs out of medications

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Health Issues Facing Women in Jail or Prison

• Access to menstrual supplies
  - First Step Act: federal prisons must supply sanitary products
  - Does not apply to state, county facilities

• Pregnancy
  - Lack of HIV medications also increases risk for baby
  - Infants may not be allowed to remain with parent in jail
  - Shackling while giving birth

• Aging
  - Earlier age-related issues in people living with HIV
  - Advocacy for compassionate release of elderly or ill people
HIV treatment interruption when leaving jail/prison
- Prompt care upon release = better chance at staying virally suppressed

Uninterrupted treatment important for communities
- Short stays = no treatment or discharge planning
- U=U
  - Not virally suppressed in community = greater risk of transmission

Re-entry planning reduces re-arrests
- Includes help with getting ID, housing, Medicaid, etc.
- Volunteers can help with such planning
  - E.g., Project Start+

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Conclusion

• People in jail or prison lead fight for changes
  – Can use support from outside advocates

• Medical care is only one need
  – Advocate for other needs as well

• Intersection of prisoner’s rights and HIV
  – Work with organizations who support incarcerated people’s rights and with HIV organizations
Relevant Organizations and Articles

Organizations - General

- HIV Policy Resource Bank: Prisons and Jails
- Decarceration Project
- National Resource Center on Justice Involved Women
- Prisoner Reentry Network
- Movement for Family Power

Advocacy Campaigns and Interventions

- First Step Act
- Release Aging People in Prison (RAPP) Campaign
- Safe and Sound Return Partnership
- Prison Strike 2018

Incarceration - General

- States of Incarceration: The Global Context 2021
- Yes, U.S. Locks People Up at a Higher Rate Than Any Other Country

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Relevant Organizations and Articles

Specific Issues - Resources

- Caring for Women Impacted by Incarceration
- Basic Principles for the Treatment of Prisoners
- Women's Issues - Prison and Corrections
- Resources (Prison Activist Resource Center)

Re-Entry

- Discharge Planning for People Living With HIV in Correctional Institutions
- Models for Improving Linkage to Care for People Living with HIV Released From Jail or Prison
- Release Planning for Successful Reentry
- What Second Chance?

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• To learn more about this topic, please read the full fact sheet:
  – Advocating for Women Living With HIV in Prisons or Jails in the US

• For more fact sheets and to connect to our community of women living with HIV, visit:
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  – www.facebook.com/thewellproject
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  – www.instagram.com/thewellprojecthiv