HIV and Incarceration: History, Opportunities, Challenges

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HIV and Incarceration: History, Opportunities, Challenges

• The roots of Mass Incarceration
• Mass Incarceration and its impact on the HIV epidemic
  • Incarceration and HIV transmission
  • HIV screening of people passing through correctional facilities
  • Treatment for HIV in jails and prisons
• Ending of the Epidemic and criminal justice
HIV and Incarceration: History, Opportunities, Challenges

**INCARCERATION RATES AMONG FOUNDING NATO MEMBERS**

<table>
<thead>
<tr>
<th>Country</th>
<th>Incarceration Rate (per 100,000 population)</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>716</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>147</td>
</tr>
<tr>
<td>Portugal</td>
<td>136</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>122</td>
</tr>
<tr>
<td>Canada</td>
<td>118</td>
</tr>
<tr>
<td>Belgium</td>
<td>108</td>
</tr>
<tr>
<td>Italy</td>
<td>106</td>
</tr>
<tr>
<td>France</td>
<td>98</td>
</tr>
<tr>
<td>Netherlands</td>
<td>82</td>
</tr>
<tr>
<td>Denmark</td>
<td>73</td>
</tr>
<tr>
<td>Norway</td>
<td>72</td>
</tr>
</tbody>
</table>

Source: http://www.prisonpolicy.org/global/
• Dramatic and sustained increase in incarceration late 1970’s following rise in crime rate.
• Responses included longer sentences, mandatory minimums, and other “tough on crime” measures.

Source: Bureau of Justice Statistics Prisoners Series.
The Roots of Mass Incarceration

• After the Civil War, restrictive Black Codes were instituted leading to imprisonment for vagrancy and unlawful assembly, movement or speech.

• Imprisonment led to convict leasing – unpaid work by inmates that laid the foundation for a system that continues today.
In **1893–1909** every Southern state except Tennessee passed new vagrancy laws. These laws were more severe than the Black Codes passed in **1865**, and used vague terms that granted wide powers to police officers enforcing the law. In wartime, Black men were subjected to "work or fight" laws, which increased vagrancy penalties for those not in the military or employed.

The Supreme Court upheld racially discriminatory state laws and invalidated federal efforts to counteract them; in *Plessy v. Ferguson* (**1896**) it upheld the constitutionality of racial segregation and introduced the "separate but equal" doctrine.
The Roots of Mass Incarceration

• **1970**: Congress passes the Comprehensive Drug Abuse Prevention and Control Act: strengthens law enforcement tactics against drug use.

• **1971**: Nixon declares the “War on Drugs”

• **1973**: Drug Enforcement Administration created. Over remainder of the decade, ~513,000 incarcerated in the US. Over double the amount of a decade earlier.

• **1982**: Reagan recommits to the “War on Drugs”.

• **1986**: Anti-Drug Abuse Act institutes 100:1 disparity—a minimum sentence of five years without parole for possessing five grams of crack cocaine
First Step Act of 2018

- Only applies to Federal prison system
- Reduce disparities in sentencing for powder vs crack cocaine
- Ease mandatory sentencing laws
- Increase good time credits that inmates earn (excluded are undocumented immigrants and those with higher-level offenses)
- Ban shackling of women during childbirth
- Place inmates closer to families
Mass Incarceration: Who we lock up

Incarceration rates per 100,000 US residents, by race and ethnicity

Source: Bureau of Justice Statistics
Black Americans are disproportionately arrested for drugs

**Past-month illicit drug use**
2013 National Survey on Drug Use and Health

- **White**: 9.5%
- **Black**: 10.5%

**Drug-related arrests per 100,000 residents of each race**
2013 FBI Uniform Crime Reports / US Census Bureau

- **White**: 332
- **Black**: 879

Black people are much more likely to be arrested for drugs, even though they’re not more likely to use or sell them.

Chart credit: Joe Posner/Vox, with data from FBI Uniform Crime Reports and the US Census Bureau

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**Black defendants get longer sentences for the same crimes**

Black Americans receive longer sentences than white Americans for the same crime

Percent length of sentences of black people for drug trafficking above those of white people

Source: US Sentencing Commission
The South led the way in mass incarceration

Map credit: MetricMaps

The Roots of Mass Incarceration
In three states, more than one-fifth of the black electorate will be disenfranchised in 2016

Felon disenfranchisement of the black electorate in 2016
Percent of voting-age black citizens who can't vote due to a state's felon disenfranchisement laws

Source: Sentencing Project
Credit: German Lopez
The Roots of Mass Incarceration

VI. Mass incarceration isn't effective

Incarceration long ago reached the point of diminishing returns

States that cut incarceration don't have more crime

Less prison, but no more crime

SOURCE: Pew Charitable Trusts
Americans unaware that crime rates have dropped

Crime rates have been dropping for more than 20 years now, but most Americans seem to have no idea. This is one reason mass incarceration is so entrenched in the US: If Americans don’t know crime is dropping, how can they support locking up fewer people?
Annual government spending
(Elementary/secondary education vs. imprisonment, 2015)
Blacks, Hispanics make up larger shares of prisoners than of U.S. population

U.S. adult population and U.S. prison population by race and Hispanic origin, 2017

Note: Whites and blacks include those who report being only one race and are non-Hispanic. Hispanics are of any race. Prison population is defined as inmates sentenced to more than a year in federal or state prison. Source: U.S. Census Bureau, Bureau of Justice Statistics.

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Racial and ethnic gaps shrink in U.S. prison population

Sentenced federal and state prisoners by race and Hispanic origin, 2007-2017

Note: Whites and blacks include those who report being only one race and are non-Hispanic. Hispanics are of any race. Prison population is defined as inmates sentenced to more than a year in federal or state prison. Source: Bureau of Justice Statistics.

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Mass Incarceration and its impact on the HIV epidemic

• Mass incarceration fuels the HIV epidemic
  • Removes men from communities where HIV can thrive, creating gender ratio imbalance, partnership concurrency, and disassortative mixing
  • Disrupts intimate relationships, some of which are protective
  • Reduces prospects for employment and reinforces poverty for releasees, further destabilizing relationships
  • Children of an incarcerated parent have greater risk for behaviors that can lead to STI and HIV infection later on in life, perpetuating impact
  • Uncommon but real risk of HIV acquisition during incarceration
  • In total, the impacts of incarceration multiply to become a toxic force in a community that increases its vulnerability to HIV
1.5 Million Missing Black Men

By JUSTIN WOLFFERS, DAVID LEONHARDT and KEVIN QUEALY  APRIL 20, 2015

For every 100 black women not in jail, there are only 83 black men. The remaining men – 1.5 million of them – are, in a sense, missing.

Figures are for non-incarcerated adults who are 25 to 54.
1.5 Million Missing Black Men

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For every 100 black women not in jail, there are only 83 black men. The remaining men – 1.5 million of them – are, in a sense, missing.

Among cities with sizable black populations, the largest single gap is in Ferguson, Mo.

North Charleston, S.C., has a gap larger than 75 percent of cities.

This gap – driven mostly by incarceration and early deaths – barely exists among whites.

Figures are for non-incarcerated adults who are 25 to 54.
Where black men are missing

Rates are shown in counties with at least 1,000 prime-age black men and women.

Black men, as a pct. of all black adults
43% 46% 49% 52% 55%
National average, all races
Of the 38,739 new HIV diagnoses in the US in 2017, 19,968 (52%) were in the South.
Lifetime risk of acquiring HIV is highest in the South

Mass Incarceration and its impact on the HIV epidemic

• Incarceration that targets people and communities with greater risk of HIV infection, leads to a relatively high prevalence of HIV within jails and prisons

![Figure 1: Number of prisoners who had HIV and rate of HIV per 100,000 in the custody of state and federal correctional authorities, 1991–2015](image)

Note: Includes inmates in the custody of state and federal prison authorities that were known to be HIV-positive or had confirmed AIDS. See appendix table 1 for estimates.

HIV in Federal and State Prisons (2010)

- 2 million persons incarcerated in the US
  - Number with HIV: 20,093 (rate: 146 per 10,000 inmates)
  - 51% of incarcerated HIV cases in 5 States (New York, Florida, Texas, California, Georgia)
- From 2001 to 2010, the rate of HIV and AIDS-related deaths have declined an average of 3% and 16% each year, respectively

HIV Prevalence in Prisons
1.3% Versus 0.6% in General Population

AIDS prevalence in State/Federal prisons is 2.3 times that of the general population: 0.39% versus 0.17%.

Early age at childhood parental incarceration and STI/HIV-related drug use and sex risk across the young adult lifecourse in the US: Heightened vulnerability of black and Hispanic youth

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3Department of Sociology, New York University, 295 Lafayette Street, New York, NY 10012, United States

Abstract

Background — We measured associations between parental incarceration and STI/HIV-related drug use and sex risk, accounting for differences by race, age at first parental incarceration, and potential mediators of the relationship.

Methods — We used Waves I (adolescence), III (young adulthood), and IV (adulthood) of the National Longitudinal Study of Adolescent to Adult Health (n = 11,848) to measure associations between age of parental incarceration (never; < 8, 8–17, ≥18 years old) and marijuana and cocaine use, multiple partnerships, and STI in adolescence and adulthood among white, Black, and Hispanic participants and assessed mediation by sexual and physical abuse, mental disorder symptoms, and drug use.

Results — By Wave IV, approximately one in six had experienced a parental incarceration; high prevalence observed among black (26%) and Hispanic (29%) versus white (15%) respondents (p < 0.0001). Parental incarceration at any age was moderately to strongly associated with STI/HIV risk outcomes. In multivariable models, parental incarceration at age < 8 years old (versus never) remained strongly associated with STI/HIV risk in both adolescence and adulthood, with stronger associations among non-whites. Among black participants, parental incarceration at < 8 years old was associated with over double the odds of lifetime use of marijuana (adjusted odds ratio

Sesame Street reaches out to 2.7 million American children with an incarcerated parent

BY KATIE REILLY

Last week, Sesame Street added a new character, to whom more than 2.7 million American children can now relate. The show introduced Alex, a child whose father is in prison, in a video included in the online interactive, "Little Children, Big Challenges: Incarceration."
Mass Incarceration and its impact on the HIV epidemic

- Incarceration offers opportunities to:
  - Screening
  - Counseling/Education
  - Access to HIV and general health care
  - Linkage
Most state prisons perform mandatory or opt-out HIV screening at entry.

Some also test during incarceration and at release.

Rate of new HIV diagnoses is unclear.

One study from NC from 2008-9 found very few persons who tested HIV+ at prison entry were not already known to be infected by state DHHS.
Disease Prevalence and Use of Health Care among a National Sample of Black and White Male State Prisoners

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The University of North Carolina at Chapel Hill (UNC-CH), Chapel Hill, NC. The Center for Health Service Research, UNC Gillings School of Public Health, Chapel Hill, NC.

Abstract

U.S. prison have a unique, often neglected audience to provide health care to inmates. Given the substantial numbers of inmates, this has led to a need for a better understanding of health care needs among incarcerated populations. The aim of this study was to assess the prevalence of health conditions and the risk of cardiovascular and cancer among black and white male state prisoners. The study was conducted in 2004 among 5,059 male state prisoners. Health conditions, including heart disease, cancer, and stroke, were assessed, and one-year follow-up data were available for all prisoners. The study found that black male prisoners were more likely to report heart disease, cancer, and stroke, while white male prisoners were more likely to report mental health conditions.

Keywords

Prisoners, health disparities, access to health care, health care systems

Figure 2.

Associations between race and use of health services among a nationally-representative sample of male prisoners reporting healthcare problems in 2004. Blacks are the referent.
Mass Incarceration and its impact on the HIV epidemic

- Incarceration that targets people and communities with greater risk of HIV infection, leads to a relatively high prevalence of HIV within jails and prisons

FIGURE 2
Number of AIDS-related deaths and mortality rate among state prisoners, 1991–2015

Note: AIDS-related deaths were based on the jurisdiction population from 1991 to 2000 and the custody population from 2001 to 2015. Use caution when comparing data prior to 2001 to data from 2001 and beyond. Jurisdiction refers to the legal authority of state and federal correctional officials over a prisoner, regardless of where the prisoner is held. See appendix table 2 for estimates.

HIV Care Cascade Before, During, and After Incarceration: United States and Canada

HIV Treatment Outcomes Following Release From Jail: Men Versus Women

- Prospective, longitudinal study of HIV-infected jail detainees transitioning to the community (n=867)
  - Enhancing Linkages to HIV Primary Care and Services in Jail Setting Initiative (2008-2011)
- Correlates of HIV RNA <400 copies/mL 6-months post-release
  - Male: AOR 2.88 ($P=0.003$)
  - Mental health appointment: AOR 1.58 ($P=0.02$)
- Women with HIV transitioning from jail experience a disproportionate burden of medical, psychiatric, and social comorbidity compared to their male counterparts
  - Need for gender-specific transitional programs

![Graph showing treatment outcomes](image)

AOR: adjusted odds ratio.

*P<0.001 versus women.
Table 2. Effect of the LINK LA Intervention on Viral Suppression After Jail Release

<table>
<thead>
<tr>
<th>Measurement Time</th>
<th>No./No. (Probability)</th>
<th>Probability Difference (95% CI)</th>
<th>P Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baseline (n = 356)</td>
<td>Intervention: 88/180 (0.49)</td>
<td>Control: 91/176 (0.52)</td>
<td>-0.04 (-0.18 to 0.10)</td>
</tr>
<tr>
<td></td>
<td>Change at 3 months (95% CI): 0.04 (-0.08 to 0.17)</td>
<td>-0.16 (-0.28 to -0.03)</td>
<td>0.20 (0.02 to 0.38)</td>
</tr>
<tr>
<td></td>
<td>Change at 12 months (95% CI): 0.003 (-0.130 to 0.140)</td>
<td>-0.22 (-0.35 to -0.09)</td>
<td>0.22 (0.03 to 0.41)</td>
</tr>
</tbody>
</table>
HHS Has Launched A New Initiative to End the HIV Epidemic in America

**GOAL:**

- **Diagnose** all people with HIV as early as possible after infection.
- **Treat** the infection rapidly and effectively to achieve sustained viral suppression.
- **Protect** people at risk for HIV using potent and proven prevention interventions, including PrEP, a medication that can prevent HIV infections.
- **Respond** rapidly to detect and respond to growing HIV clusters and prevent new HIV infections.
- **HIV HealthForce** will establish elimination teams committed to the success of the Initiative in each jurisdiction.

**75% reduction in new HIV infections in 5 years and at least 90% reduction in 10 years.**
The Initiative will target our resources to the 48 highest burden counties, Washington, D.C., San Juan, Puerto Rico, and 7 states with a substantial rural HIV burden.

Geographical Selection:
Data on burden of HIV in the US shows areas where HIV transmission occurs more frequently. More than 50% of new HIV diagnoses* occurred in only 48 counties, Washington, D.C., and San Juan, Puerto Rico. In addition, 7 states have a substantial rural burden – with over 75 cases and 10% or more of their diagnoses in rural areas.

*2016-2017 data
PrEP and Corrections

• Not much going on, at least publicly.

• Many issues:
  • Interest
  • In-facility/Post-release
  • Cost
  • Who prescribes
  • Competing needs
  • Stigma
  • Trust
PrEP and Corrections

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  • Stigma
  • Trust
New Long-Acting Injectables for Treatment and Prevention and Corrections

- Two long acting injectable (IM) HIV meds, Rilpivirine and Cabotegravir, are in late stage clinical trials as treatment
- Administered every 1-2 months subcutaneously (under skin)
- Will require a ‘lead in’ of pills
- Cabotegravir IM also being studies also as PrEP
What is to be done?

- Recognize the toxic effects of massive incarceration
- Acknowledge the collateral damage of incarceration on individuals and communities
  - Contributions to perpetuation of the HIV epidemic via disruptions at the individual, community, and societal levels
- Evaluate and confront policies that would lead to reversal of downward trends in incarceration
- Vote
- Explore innovation to improve treatment and prevention
- Read
Further Reading

https://www.pewresearch.org/topics/criminal-justice/
https://www.sentencingproject.org/issues/incarceration/
https://www.bjs.gov/index.cfm?ty=pbse&sid=7