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# THE SERO PROJECT

## YEAR TWO EVALUATION: 2013

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**DEDICATION**

The work of the Sero Project is dedicated to the people living with HIV who have been arrested, prosecuted, and incarcerated because of their HIV status.

**ACKNOWLEDGEMENTS**

We wish to thank our communities of people living with HIV, activists, lawyers, public health, young and old, quiet and loud, for your support, engagement, critiques, challenges, and commitment to just treatment for people with HIV.

We express our great appreciation to the Elton John AIDS Foundation, Broadway Cares / Equity Fights AIDS, H. van Ameringen Foundation, ViiV Healthcare, John Swaner and Gregory Whiting, Linda Meredith, and Josh Sapan for their belief in and considerable financial support for Sero's work and mission in 2013.

Prepared by Laurel Sprague, Research Director, The Sero Project, April 5, 2014

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## **PART I: COMMUNITY ENGAGEMENT ACTIVITIES**

In 2013, the Sero Project conducted approximately one speaking engagement per week for a total of 53 events, including community forums, conference presentations, and trainings. More than 2100 people participated in these events.

The topic for the majority of engagements was HIV criminalization, with the remaining engagements focused on the People Living With HIV (PLHIV) self-empowerment movement and the importance of PLHIV networks. Groups in the HIV field (AIDS service organizations and networks of people living with HIV), universities and lesbian, gay, bisexual, and transgender organizations sponsored most of the engagements. A particular outreach was made to law schools and graduate schools of public health. Other sponsoring organizations included legal, medical, government, and racial justice groups and international and national conferences. The sponsoring organizations and groups are listed below by category. Organizations and groups that fit into more than one category are listed twice. A full list of speaking engagements is provided in Appendix A.

In addition to these speaking events, the Sero Project was invited by the New York Public Library to submit a workshop proposal about HIV stigma and criminalization for youth. Sero's proposal focused on interactive socio-dramas, performed by trained young people. The library accepted the proposal for their youth program. The first programs are expected to take place in the second half of 2014.

### **AIDS service organizations, networks of people living with HIV and HIV activists**

ACT UP New York, CHAIN / PITCH Iowa, Virginia HIV/AIDS Community Planning Group, Iris House, POZ magazine, Philadelphia Fight, ADAP Advocacy Association, Southern REACH Legal Convening, AIDS Action Now, My Brother's Keeper, Lifelong AIDS Alliance, Trinity Memorial Church / HIV groups, Baltimore Student Harm Reduction Coalition

### **Universities**

University of Alabama at Birmingham, Williams Institute at UCLA Law School, Johns Hopkins Bloomberg School of Public Health, New York University, Fordham, Columbia Law, University of Louisville, University of Kentucky, Millersville University, University of Michigan Law, Duke University Law, College of William and Mary, Brooklyn Law School, SUNY Binghamton, University of Maryland, School of Visual Arts

### **Lesbian, gay, bisexual, and transgender organizations**

Pride at Work, Gay Men's Health Crisis, Baltimore Black Pride, Georgia Equality, National Black Gay Men's Advocacy Coalition, Queerocracy, Gay & Lesbian Medical Association, The Williams Institute at UCLA, OneIowa

### **Racial justice and health groups**

Baltimore Black Pride, Congressional Black Caucus Foundation, My Brother's Keeper, National Black Gay Men's Advocacy Coalition, National Black Women's Advocacy Coalition

### **Legal organizations**

ACLU Iowa Chapter, Davis Brown Law Firm, Canadian HIV/AIDS Legal Network, National Lawyers Guild, Law Firm of Glazebrook and Johnston

### **Medical groups**

Roosevelt Hospital (physicians); Children's Hospital of Los Angeles, Center for Strengthening Youth Prevention Paradigms; Gay & Lesbian Medical Association; Open Arms Healthcare Center

### **Government bodies**

Presidential Advisory Council on HIV/AIDS (PACHA), U.S. Office of Women's Health, Congressional Black Caucus Foundation

### **National and international conferences**

National Transgender Health Summit, U.S. Conference on AIDS, International Stigma Conference, National Lawyers Guild Conference, Congressional Black Caucus Foundation Annual Legislative Conference, International Workshop on the Public Health Impact of Criminalizing HIV Exposure / Transmission

## PART II: EVALUATION FROM COMMUNITY FORUM PARTICIPANTS

Approximately 25 percent of the Sero Project’s speaking events in 2013 took the form of community forums. These events are highly interactive, using videos, short presentations, and dialogue with participants to share information and discuss HIV criminalization. To measure the effects of the community forums and to ensure a way to get immediate feedback from community members, we developed a short pre- and post-test survey. The surveys are designed to help us learn about the level of engagement participants have had with the issue; their approval or disapproval of the criminalization of non-disclosure of one’s positive HIV status; their beliefs about the fairness of the justice system for people living with HIV who are accused of non-disclosure; and, importantly, whether any of their opinions changed over the course of the forum. The full surveys are included in Appendix B.

### PROCESS

Participants in the forums were asked to complete the first half (the pre-test) before the presentation started. The community forums generally started by showing the eight-minute documentary, *HIV is Not a Crime*, continuing with an introduction to the issue of HIV criminalization and a personal story to illustrate how HIV criminalization actually works and its effects by one of the survivor-advocates. Most forums also included a panel of speakers from the local area. The forums ended with a question and answer or discussion time that was usually lively and engaged. At the conclusion of the forum, participants were asked to fill out the second half of the feedback form (the post-test). These questions were developed to determine whether the information and discussion could stimulate changes in opinions over the course of the forum. Each community forum lasted approximately two hours.

Community Forum Participants		
	Number	Percent
<b>Sex</b>		
Male	127	38%
Female	161	48%
Transgender male	8	2%
Transgender female	1	<1%
Another identification	1	<1%
No answer	35	11%
<b>Race</b>		
African American	84	25%
Asian American or Pacific Islander	15	5%
American Indian/Native American	1	<1%
European American/White	184	55%
No answer	49	15%
<b>Ethnicity</b>		
Latino/a or Hispanic	26	8%
Arab	2	1%
<b>Sexual orientation</b>		
Gay/SGL/MSM	92	28%
Lesbian/SGLW	9	3%
Bisexual	17	5%
Heterosexual	163	49%
Asexual	2	1%
No answer	50	15%
<b>HIV-status</b>		
Positive	74	22%
Negative	216	65%
Not sure	7	2%
No answer	36	11%
<b>Age</b>		
18-24	88	26%
25-29	60	18%
30-39	51	15%
40-49	38	11%
50-59	46	14%
60-69	17	5%
70 and above	3	1%
No answer	30	9%

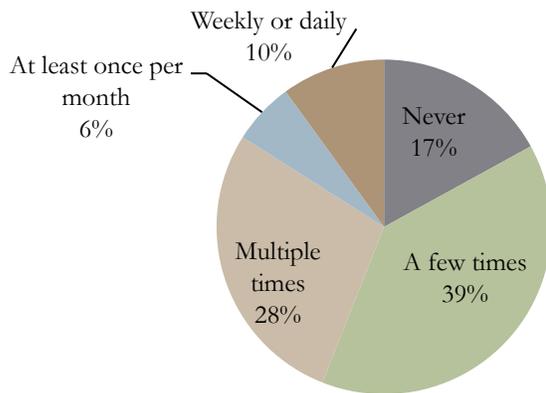
## RESULTS

In 2013, 333 people attended community forums and completed pre- and post-test surveys. An additional seven people filled out only the pre-test survey. Their responses are not included in the following results. The number of participants in 2013 showed an increase from the 285 participants in 2012.

Compared to the participants in 2012, there were more people who identified as HIV-negative (increasing from 55% to 65%), more heterosexuals (increasing from 44% to 49%), and more young people between the ages of 18 to 24 (from 14% to 26%) and the ages of 25 to 29 (from 8% to 18%) in 2013.

Community Forums by State	
2012	2013
Alabama (92)	Colorado (28)
Iowa (76)	Georgia (50)
Idaho (15)	Iowa (9)
Michigan (17)	Kentucky (64)
New York (38)	Maryland (38)
Pennsylvania (11)	Michigan (26)
Washington (36)	North Carolina (37)
	Pennsylvania (30)
	Virginia (11)
	Washington (13)
	Washington D.C. (34)

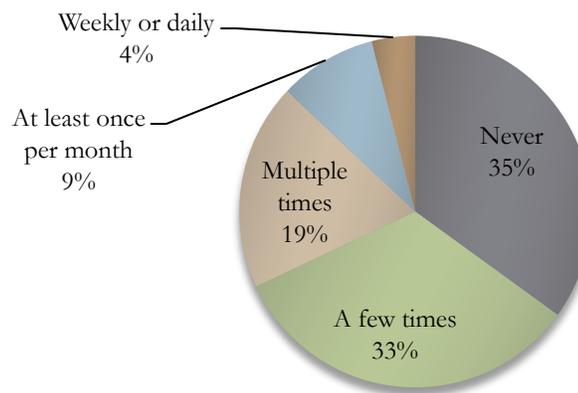
**How often participants thought about HIV criminalization before the forum**



The issue of HIV criminalization appeared to have become more visible in 2013, with more participants in forums indicating that they had given at least some thought to the issue before attending the forum.

Even so, few participants had engaged in conversation with others about the issue more than a few times.

**How often participants talked with others about HIV criminalization before the forum**



There were clear differences in pre- and post-survey responses in 2013. There were also notable differences compared to the responses in 2012. In 2013, participants were less likely than in 2012 to support HIV criminalization before the forum. In 2012, before the forum, approximately 30% of participants felt that HIV non-disclosure should be illegal. In 2013, only 18% of participants indicated that they felt this way before the forum.

Overall support for criminalization decreased during the forum, with 11% more participants saying that HIV non-disclosure should not be illegal and 10% fewer participants saying that HIV non-disclosure should be subject to criminal penalties.

<b>Difference in attitudes toward criminalization of HIV non-disclosure after the forum</b>			
	<b>Pre-forum</b>	<b>Post-forum</b>	<b>Difference</b>
No, it shouldn't be illegal	32%	43%	11%
It depends	21%	13%	-8%
Yes, it should be illegal	18%	8%	-10%
I don't know	30%	36%	7%

Similarly, participants generally lacked confidence that a person living with HIV could get a fair hearing if accused of not disclosing her or his HIV-status. Before the forum started, 73% of participants indicated their lack of faith in the possibility of a fair trial for a person with HIV accused of non-disclosure. After the forum, fewer participants felt any confidence that a person living with HIV could get a fair trial in these conditions while 11% more participants indicated that they were not confident that a fair hearing could happen.

<b>How confident are you that a person living with HIV could get a fair hearing if accused of non-disclosure?</b>			
	<b>Pre-forum</b>	<b>Post-forum</b>	<b>Difference</b>
Not confident	73%	84%	11%
Somewhat confident	23%	13%	-10%
Completely confident	4%	3%	-1%

Finally, respondents were asked to indicate the level of importance that they felt HIV criminalization held as an issue to be addressed. They were provided a scale of 0 to 100. In the analysis, scores of 0 to 25 were considered "low importance," 26 to 50 were considered to indicate "some importance," 51 to 75 indicated "moderate importance" and 76 to 100 indicated "high importance." After the forum, 23% more participants indicated their feeling that HIV criminalization was highly important as an issue to address compared to the percentage of respondents who felt this way before the forum.

<b>Difference in attitudes toward HIV criminalization as an important issue to address</b>			
	<b>Pre-forum</b>	<b>Post-forum</b>	<b>Difference</b>
Low importance	6%	2%	-4%
Some importance	20%	6%	-14%
Moderate importance	30%	24%	-6%
High importance	44%	67%	23%

### **PART III: PRISONERS NETWORK**

The Prisoners Network is made up of people living with HIV who are currently incarcerated and who are in contact with the Sero Project on a regular or occasional basis. Kerry Thomas, incarcerated in Idaho, is an active member of the Sero Project Board of Directors, participating in quarterly conference calls and providing input and support to the Board via U.S. mail.

In early 2013, the Sero Project hired Cindy Stine to handle communications and support for the Prisoners Network. Throughout 2013, the Sero Project received one to two letters per week from people living with HIV who are currently incarcerated or their family and friends. In addition, there were dozens of letters received before 2013 to which Sero responded in 2013.

The majority of people who wrote letters found Sero because they, or a friend or family member outside prison, read an article that Sean Strub wrote and were touched by his words. Others saw information in *Prison Health News*. Most say that they didn't know that "HIV criminalization" existed as a concept with people trying to combat it. Having this information allows them to put a name to what they are feeling and provides a language and structure for them to fight injustice. Many appear to have written to multiple groups and people without receiving a response and are surprised that Sero actually wrote back. One inmate sent a letter describing writing and sending many letters about his situation and that only Sero responded.

All of the people who wrote to Sero were living with HIV, or family members and friends who were helping them. Some were incarcerated specifically on an HIV non-disclosure charge. Others received enhanced penalties because of their HIV status. Even those who were incarcerated for a reason that had nothing to do with their HIV status write because they face discrimination within prison, such as administrative segregation or limits on employment or training, because of their HIV status.

In response to these letters, Sero sent legal resources and research, such as information about case law; current and accurate medical information; legal referrals; and letters of support, including for sentencing or ending segregation because of one's HIV status. The majority of letters were hand written and sought information, reflecting inmates' limited access to computers, research, and the internet. Examples of the responses included:

- research showing people living with HIV taking certain medication receive false positives for marijuana use and should not, therefore, be placed in segregation based on these results;
- letters of support to the South Carolina Attorney General and prisons to press them to follow the law in South Carolina and end HIV-specific segregation for prisoners;
- providing copies of Prison Health News;
- coordinating letters of support for a young man in South Dakota and sending educational information about HIV to his attorney and the judge in the case;
- providing resources for an inmate in Tennessee to set up a 6-week in-house training about HIV for women.

In letters to people who are currently incarcerated, we always share information about the Survivors Network. When they are released, they are connected with Robert Suttle, Sero's Assistant Director, who connects them with this support system, keeps in touch with them personally, and, if they wish, adds them to the list serve for survivors.

## **PART IV: SURVIVORS NETWORK**

The Survivors Network is made up of twenty people who have lived experiences of HIV-related investigations, prosecutions, penalties and incarceration and who have indicated a wish to join the network. Members stay in touch through a list serve and through the coordinating efforts of Robert Suttle, Sero's Assistant Director. In addition, many people have connected who have the experience of criminalization and don't want to be visible, but are interested in one-on-one support. They need to feel connected to someone who understands their perspective. They express that they are grateful to have Robert with whom to connect. In addition to the members of the Survivors Network, there are always a number of people who reach out to Sero with questions about prosecutions and legal resources, for themselves or on behalf of others. The period of contact may be long or short. Robert provides this support as well.

Survivors choose the extent of their involvement in the network. Particularly for people who face prosecution and incarceration, they have experienced tremendous loss of ability to make choices for themselves. Sero's philosophy with the Survivors Network is to always try to stay connected to survivors while also respecting each person's space and not pressuring her or him. It is always a choice for survivors to make themselves to continue to be involved. For those who choose to become active, some of their activities include:

- Joining the speakers' group
- Participating in the list serve
- Helping with Sero's strategic planning and organizing
- Providing emotional support and advice to other members of the group
- Engaging in political advocacy to address HIV criminalization

A small group of survivors form a speakers' bureau for Sero. There are currently six survivor speakers (four men and two women), of which two were new speakers who joined in 2013. These women and men, who have been willing to be bravely open about their experiences, are:

- |                 |                   |
|-----------------|-------------------|
| ■ Robert Suttle | ■ Donald Bogardus |
| ■ Monique Moree | ■ Tiffany Moore   |
| ■ Nick Rhoades  | ■ Kenneth Pinkela |

Examples of work done by survivors in 2013 include the following:

Nick Rhoades and Donald Bogardus have been active in the efforts to modernize Iowa's HIV specific law, Iowa Code 709c.

Kenneth Pinkela immediately got involved with the Sero Project after his release from prison, speaking with the Virginia Community Planning Group, students at the John Hopkins Bloomberg School of Public Health and the President's Advisory Council on HIV and AIDS (PACHA). He authored a blog for POZ magazine and has provided support and expertise for Sero about HIV criminalization prosecutions in the military. His blog is available at: [http://www.poz.com/articles/kenneth\\_pinkela\\_2676\\_23889.shtml](http://www.poz.com/articles/kenneth_pinkela_2676_23889.shtml).

Tiffany Moore initiated an HIV education program for women before her release. After her release, she shared her experiences at the Iris House conference on women and HIV and at the U.S. Conference on AIDS. She has actively raised issues important for women, including sex workers facing HIV criminalization.

## PART V: COMMUNICATIONS AND MEDIA WORK

Starting in 2013, the Sero Project added an organized media strategy under the direction of Communications Coordinator, Reed Vreeland. The communications and media work were identified as priorities in 2012 through consultations with community leaders and partner organizations and internal conversations about Sero's theory of change. In these consultations and conversations, it became clear to the Sero board and staff that a public voice was needed to counter the stigmatizing and sensationalist stories about HIV criminalization. In the first year of this venture, journalists and media outlets, most notably CNN and ProPublica, were supportive to a degree and seemed to recognize the opportunity to add a perspective otherwise missing to these stories. To provide an overview of this work, the main media interviews with Sero board and staff, articles by Sero board and staff, and coverage of Sero's work are listed here with links to allow access to see and hear this coverage online.

- On March 29, Robert Suttle was interviewed about his experience being prosecuted under Louisiana's HIV-specific criminal statute by *The GA Voice*, a publication based in Atlanta, Georgia.  
<http://thegavoice.com/activists-state-disclosure-laws-heavy-handed-promote-stigma/>
- On April 4, 2014, the *Bay Area Reporter*, a San Francisco publication, reported on a local screening of the Sero Project's film *HIV Is Not A Crime* and *Positive Women: Exposing Injustice*, a full-length documentary produced by the Canadian HIV/AIDS Legal Network. Similar joint screenings have been held in New York, Washington, D.C., and New Orleans.  
<http://ebar.com/news/article.php?sec=news&article=69120>
- On April 29, 2013, Laurel Sprague was interviewed by Edwin Bernard and Nicholas Feusel, of the HIV Justice Project, for a documentary on the public health effects of HIV criminalization. The documentary, *More Harm than Good*, was released in September 2013.  
<http://www.hivjustice.net/moreharm>
- On May 17, 2013, Robert Suttle published an op-ed on the AIDS Drug Assistance Programs (ADAP) blog, explaining that HIV criminalization is among the public health issues that exacerbate the U.S. HIV epidemic.  
[http://adapadvocacyassociation.blogspot.com/2013\\_05\\_01\\_archive.html](http://adapadvocacyassociation.blogspot.com/2013_05_01_archive.html)
- In July 2013, POZ.com, TheBody.com, and *HIV Plus* magazine informed their readers about the Sero Project and Transgender Law Project report on how HIV criminalization harms transgender people.  
<http://www.thebody.com/content/72208/study-fear-of-criminalization-harms-trans-people-1.html?ic=2004>
- On August 13, 2013, Sero's research director, Laurel Sprague, was interviewed about women and HIV criminalization for newsletter titled, "Spotlight on...Depicting HIV/AIDS and Criminal Laws," a joint project of the Entertainment Industries Council and U.S. Office of Women's Health to encourage accurate and sensitive portrayals of women living with HIV in films and television.  
<https://www.cvent.com/Pub/eMarketing/Pages/WebEmail.aspx?emstub=4c2d8ff3-db3e-41de-b49a-74e955ee1918>

- On September 9, 2013, Sean Strub, director of the Sero Project, appeared on CNN in a follow-up segment about the prosecution of David Magnum for allegedly having sex with 300 men in Missouri, a state with an HIV-specific criminal law:  
<http://outfront.blogs.cnn.com/2013/09/06/police-man-exposes-hundreds-to-hiv/>
- On October 14, 2013, Sero’s assistant director, Robert Suttle, and board member Tami Haught, were recorded in a discussion about HIV criminalization for the POZ I Am Radio Show.  
<http://www.blogtalkradio.com/poziam/2013/10/14/hiv-criminalization--robert-suttle-and-tami-haught>
- The Sero Project worked behind the scenes throughout 2013 with journalist Sergio Hernandez from Pro Publica on an in-depth look at HIV criminalization and the case of Nick Rhoades. The resulting article, co-published by ProPublica and BuzzFeed and released on December 1, 2013, was titled “Sex, Lies and HIV: When What You Don’t Tell Your Partner Is a Crime.” This article became one of the most deeply reported piece to date on HIV criminalization and the piece was widely read and circulated on social media.  
<http://www.propublica.org/article/hiv-criminal-transmission>
- On World AIDS Day, December 1, 2013, Robert Suttle, Sero’s assistant director, was interviewed about becoming an advocate against HIV criminalization and stigma on TheGrio.com.  
[http://thegrio.com/2013/12/01/world-aids-day-robert-suttle-on-fighting-the-stigma-criminalization-of-hiv/#s:robert\\_suttle-16x9](http://thegrio.com/2013/12/01/world-aids-day-robert-suttle-on-fighting-the-stigma-criminalization-of-hiv/#s:robert_suttle-16x9)
- On December 11, 2103, the Human Rights Campaign (HRC) blog announced the introduction of the REPEAL HIV Discrimination ACT to the U.S. Senate and referenced the Sero Project’s work.  
<https://www.hrc.org/blog/entry/new-senate-bill-would-end-hiv-discrimination>

## PART VI: RESEARCH

Research activities in 2013 focused on the Sero criminalization survey results from 2012, particularly on finalizing the data set and on analyzing responses from key affected populations.

New analysis of the data led to the preparation of a paper titled, “The Reasonable Person Standard.” A draft paper was presented at the University of Toronto at “HIV Prevention and the Criminal Law: An International Workshop on the Public Health Impact of Criminalizing HIV Exposure / Transmission,” held from April 26–28, 2013.

The meeting report describes the paper as, reporting “the findings of a community-based research project that surveyed over 3000 individuals, primarily from the United States, 72% of whom were HIV-positive. Rather than positing a simple, direct relationship between the criminal law and HIV testing, the paper suggests that the relationship is mediated by community norms that conflict with assumptions about reasonable conduct presumed by the law. In particular, the paper argues that ideas about responsible behaviour underpinning HIV criminalization laws exacerbate vulnerabilities faced by communities of people living with HIV/AIDS and affected by HIV, making it reasonable for them to avoid testing, disclosure and treatment.” The meeting report, “**The Public Health Implications of Criminalizing HIV Non-Disclosure, Exposure and Transmission: Report of an International Workshop,**” by Eric Mykhalovskiy, Jonathan Betteridge, Chris Sanders, and Marcella Jones is available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2374933](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2374933).

Sero’s research findings regarding the disabling legal environment and negative health consequences for people living with HIV created by HIV criminalization were presented in a documentary, “More Harm than Good.” The documentary debuted at the U.S. Conference on AIDS (USCA) in September 2013. The documentary is available at <http://www.hivjustice.net/moreharm>.

In early 2013, data cleaning of the full data set was completed and new analyses conducted of key findings regarding barriers to testing and treatment and distrust of the legal system. The new analysis was presented at USCA 2013 as “HIV Justice” on September 11, 2013. This analysis included the responses from the last set of participants, who were not included in the preliminary analysis for the International AIDS Conference (AIDS 2012).

Analysis of transgender people’s responses to the survey, with review by age group and race and ethnicity, was presented at the National Transgender Health Summit on May 17, 2013. The presentation was titled, “Intersections of Disclosure and Prosecution: Transgender People Respond to Criminal Laws Based on HIV Status.”

Analysis of the responses of young people was presented as a short report, “Legal Vulnerabilities Related to HIV Expressed by Young People Living with HIV in the Sero Study,” and two presentations focused on differences by gender, age, and sexual orientation for the Los Angeles Children’s Hospital, Center for Strengthening Youth Paradigms (August 15, 2013) and the Congressional Black Caucus Foundation (Sept 19, 2013).

## **PART VII: STATE AND FEDERAL GOVERNMENT ADVOCACY**

In 2013, the Sero Project continued the advocacy work with the Presidential Advisory Council on HIV/AIDS (PACHA) started in 2013 and joined with the network of people living with HIV in Iowa (called Community HIV and Hepatitis Advocates of Iowa Network, a.k.a. CHAIN), the state department of health, and local advocates to work for legislative reform in that state. Sero also has worked with grassroots advocates in Virginia, Georgia, Florida, Louisiana, Michigan, Idaho, Washington, Missouri and California to facilitate growth of their nascent anti-criminalization advocacy reform efforts.

### **PRESIDENTIAL ADVISORY COUNCIL ON HIV/AIDS (PACHA)**

Throughout 2012 and in early 2013, the Sero Project worked closely with members of the Presidential Advisory Council on HIV/AIDS (PACHA) to provide information about HIV criminalization and press for a formal resolution opposing unjust treatment of people living with HIV in the criminal law. On November 25, 2012, Sero brought seven people affected by HIV criminalization and Sero staff to speak to PACHA about the real-life effects of these laws. Of these seven people, five were survivors of HIV-related criminal prosecutions from around the country and two were the mother and sister of a man who was prosecuted on criminal charges relate to his HIV status. In addition, Sero presented results from our national survey of people living with HIV and affected communities on the barriers to HIV prevention and treatment services and fears created by HIV criminalization.

On February 7, 2013, the members of PACHA unanimously adopted the “Resolution on Ending Federal and State HIV-Specific Criminal Laws, Prosecutions, and Civil Commitments.” The Resolution called for an end to HIV-specific laws and for U.S. laws to be “consistent with current medical and scientific knowledge and accepted human rights-based approaches to disease control and prevention and avoid imposition of unwarranted punishment based on health and disability status.” In the resolution, PACHA charged the Department of Justice (DOJ) and the Department of Health and Human Services (HHS) / Centers for Disease Control and Prevention (CDC) to provide “a written review regarding opportunities for the creation of specific guidance and incentives to state attorneys general and state departments of health for the elimination of HIV-specific criminal laws” and the CDC to “issue a clear statement addressing the growing evidence that HIV criminalization and punishments are counterproductive and undermine current HIV testing and prevention priorities.” The full text of the Presidential Advisory Council on HIV/AIDS (PACHA) Resolution on Ending Federal and State HIV-Specific Criminal Laws, Prosecutions, and Civil Commitments is available in Appendix C.

### **LEGISLATIVE REFORM IN IOWA**

Community activists in Iowa, lead by people living with HIV, LGBT community members, and members of the Iowa state department of public health, have made reform of Iowa’s HIV specific criminal statutes a top priority for advocacy work. The Sero Project has been invited to support these efforts and has led community forums, provided information and data from Sero’s resources, and assisted with messaging, media and leadership support, particularly through our work with IowaWatch, a non-profit investigative journalist organization, and with Iowa Public Radio.

In 2013, efforts in Iowa were successful in gaining positive media attention and gaining further support from legislators to introduce reform measures in early 2014. Some examples of media publications follow, including two new newspapers editorializing in favor of changing Iowa’s laws (in addition to three editorials published by the *Des Moines Register*).

- Court: Iowa man guilty under HIV transmission law, Ryan J. Foley, Associated Press, October 2, 2013:  
<http://www.newsdaily.com/health/58b326ca506c9b39329e3a799058cda3/court-iowa-man-guilty-under-hiv-transmission-law>
  
- Our View: Iowa needs to update its HIV transmission law, Iowa City Press-Citizen Editorial Board, September 27, 2013:  
<http://www.press-citizen.com/article/20130927/OPINION03/309270022/Our-View-Iowa-needs-update-its-HIV-transmission-law>
  
- Editorial: Scale back HIV-transmission laws, Daily Iowan Editorial Board, December 4, 2013:  
<http://www.dailyiowan.com/2013/12/04/Opinions/35885.html>

## **PART VIII: COLLEAGUE EVALUATION FROM COMMUNITY LEADERS AND PARTNERS IN ADDRESSING HIV STIGMA AND CRIMINALIZATION**

As in 2013, Sero asked twelve leaders of the HIV, LGBT, law, public health and human rights communities to help us to evaluate our work over the last year. We invited people who had partnered with Sero during the previous twelve months and did our best to select people who had worked with us in different capacities, including partnering to create community dialogues and events, create trainings, and press for policy changes.

### **COMMUNITY LEADER AND PARTNER EVALUATORS, 2013:**

1. Tre Alexander, Philadelphia FIGHT, Institute for Community Justice
2. Julie Davids, HIV Prevention Justice Network
3. Jeremiah Johnson, Treatment Action Group
4. Vanessa Johnson, U.S. PLHIV Caucus, Red Ribbon Consulting
5. Bryan Jones, Campaign to End AIDS, Ohio
6. Pat Kelly, Positive Women's Network, South Carolina
7. Ted Kerr, Visual AIDS
8. Bill McColl, AIDS United
9. Kenneth Pinkela, U.S. Army, Sero Survivor Network
10. Eric Sawyer, UNAIDS, ACT UP New York
11. Daniel Solis, Center for Strengthening Youth Prevention Paradigms (SYPP Center), Los Angeles Children's Hospital
12. Jessica Whitbread, International Community of Women Living with HIV (ICW)

Each of these community partners agreed to a semi-structured interview of four questions designed to identify areas of impact and effectiveness as well as ways that we can improve our messaging and our work. Further, we asked about gaps in the current work to address criminalization that need to be filled, whether by Sero or another organization. All of the questions were made available to the community partners in advance.

Interviews were conducted by Sero's Research Director, Laurel Sprague, and lasted from 15 to 60 minutes each. The interview questions can be found in Appendix D.

### **SERO'S IMPACT**

Our community partners identified positive impacts from the Sero Project's work in four main areas related to HIV criminalization. These were: strengthened communications among advocates; more education for people outside of the current advocacy communities; increased and broader community engagement; and modeling a human rights approach to organizing through the greater and more meaningful involvement of people directly affected by criminalization.

#### **I. STRENGTHENED COMMUNICATIONS ABOUT HIV CRIMINALIZATION AMONG ADVOCATES**

All community partners discussed the increased communication and information sharing that resulted from Sero's work. They highlighted an increase in dialogue about criminalization between advocates and increased education and sharing of information related to criminalization.

*You guys made possible a conversation about HIV stigma and criminalization that seemed impossible before you began doing the work.*

*[The list serve] has done a phenomenal job of being a communication resource for people living with HIV and AIDS in the United States.*

*The list serve sets temperature for certain issues and brings new issues I hadn't thought about; I find out who else is in the community; and it helps people in the community know there are different ways of communicating.*

*The list serve creates a virtual space that includes people who have been explicitly criminalized as well as people who have lived in the daily stream of HIV stigma, bias, and criminalization. Sero has created a home, centered around people living with HIV but not exclusive to people living with HIV.*

Further, community partners noted specifically that the quality of conversations had improved and included stronger critical analyses that recognized some of the nuances of shame, responsibility, violence, racism, and sexism related to HIV criminalization.

*There has been a change in how people talk about criminalization. Now I scrutinize materials. There has been an effect on HIV tone and coverage. Sean's talk on CNN was really strong.*

*There is still a lot of debate within ACT UP and among all the activists about criminalization laws and whether they should or should not hold. Rather than having that discussion be invisible or divisive, Sean helped set the ball in motion to bring the topic up and give people more context so they can discuss in more informed ways rather than just raw and emotional.*

## **II. MORE EDUCATION ABOUT HIV CRIMINALIZATION OUTSIDE OF CURRENT ADVOCACY COMMUNITIES**

Community partners described multiple ways that Sero's work had spread beyond the original advocates working on HIV criminalization to reach a broader community of people, including those in prevention work, those working with young people, and those who don't speak English as a first language.

*Probably the biggest impact [of Sero's work] is found in the circles of folks who haven't been focused on HIV criminalization. It's more visible issue. I've seen it with folks we've done trainings with about social determinants of health and young people. People bring it up without us leading them to it. They bring up Sero's name and brochure.*

*More traditional HIV prevention settings are seeing this as an important issue that intersects in many ways. People are seeing the connections with racism, transphobia, poverty, healthcare access, and over-criminalization of people. They are realizing the importance of criminalization issues and teasing out the underlying causes and how it is relevant to their work.*

*The materials have been helpful for a local HIV treatment organization working with Spanish-language immigrant folks and with Spanish-speaking trans women. They are using them in their groups and with their promotion materials.*

## **III. INCREASED COMMUNITY ENGAGEMENT TO RESPOND TO HIV CRIMINALIZATION**

In the interviews, community partners highlighted their sense that community engagement had greatly increased because of Sero's efforts. They described an increase in ownership of the issue within their local communities as well as more local organizing and conversations about HIV criminalization and a broader diversity of engaged stakeholders.

*What has been extremely helpful is leadership by Sean to hook me up with other people. Sero continues to do that.*

*I know that, as our HIV prison work group, we had Monique come as a speaker. They are now about to get involved.*

*In the beginning, with [Monique Moree] and the video, we started to get more informed about our laws here in South Carolina.*

*We still have not organized to the degree of changing the rules. We are not yet organizing to change. We are having conversations about the issues and moving to the point of “what can we do.”*

*What I've done is to share the knowledge and get people involved. There were no conversations here about HIV criminalization until the videos came out.*

*The people that we have been involved with in this state are mainly those who have had the same issues. Also, others in the community have changed their minds. We have a few people who have been prosecuted—not necessarily willing to be out or talk about it, including a woman whose son was taken away and does not have her son back yet.*

*When sharing information at all of the meetings I go to, there are all different people with HIV there and they are surprised and hungry for more. They didn't know there was anyone out there doing this.*

#### **IV. MODELING A HUMAN RIGHTS APPROACH TO ORGANIZING THROUGH PROMOTING GREATER LEADERSHIP BY, AND SUPPORT FOR, PEOPLE DIRECTLY AFFECTED BY HIV CRIMINALIZATION**

The approach that Sero takes to ensuring that people living with HIV, particularly those who have faced criminal prosecutions because of their HIV status, was noted by community partners as a rare example of commitment to a human rights approach throughout all activities of the organization. (The other organization noted for this kind of work was the Positive Women's Network – United States of America.)

*Sero's messaging and mobilization brings in elements of empowerment and rights into the prevailing issues of the day in HIV. Sero is in the important space of going all the way, viewing rights as their own means and end. Strength and resilience are understood as a source of answers, not particular to a campaign. Protecting rights is both a means of practice and methodology.*

*Empowerment and stigma are the two sides of the same coin. Criminalization is the state practice of stigma. Sero is looking at stigma and empowerment at all levels, from individual empowerment through personal stories to systemic strategies.*

*I think that Sero has a lot to offer in terms of best practices and strategies for moving forward and doing this work. It would be beneficial, coming as someone from community organization, and other organizations and networks would probably be really into learning and sharing knowledge with Sero.*

In the interviews, community partners spoke positively of the increase in leadership by people directly affected by HIV criminalization, specifically those who have been arrested, prosecuted, and / or incarcerated on HIV-related charges. Sero was described as the only organization providing opportunities for people who have faced these charges to serve as leaders in the response.

*What Sero does I think is a wonderful thing because people who have been criminalized have a hard time making sense of things, including basics like where they can live and work.*

*Sero is different from other organizations offering legal help or focused on policy change. What Sero brought was a level of compassion, resources, people to talk to, linkages to people who walked the walk, like Nick, Robert, Monique and others. I wasn't ignorant to the stigma before this but I hadn't experienced it. HIV was nothing to me. Then I turned around and felt the brunt of it.*

*I'm so glad that Sero exists because positive people need their own meaningful involvement. This is an issue that is very personal to us. Others can be involved as partners and in leadership, of course. Without Sero, we would not have the voice that we should have on this issue.*

In addition, Sero’s role in bringing people together who have experienced arrest, prosecution, and / or incarceration was highlighted. Community partners expressed their experience that Sero has created a needed place of support and compassion and this, along with Sero’s mentoring, helps people facing criminalization to survive the process and to be able to participate as leaders in the movement.

*Sero has been the only group of people I got compassion from, I got friendship from, I got guidance from. I felt that someone cared about me. They’ve been blunt; they’ve been loving and caring. I want Sero to be the synchronizing group that integrates the experience of the experts on the law and policy with the human connection, the people who are affected. We can be the face.*

#### SERO ACTIVITIES AND IMPACTS

The community partners who were interviewed provided information about specific Sero activities and the impact that these activities had. In Table 1, each activity is linked with one or more impacts, as identified by our partners during the interviews.

TABLE 1

Sero Activity	Impact
<b>Sero email list</b>	Strengthened community conversations Increased community organizing Increased PLHIV leadership and support
<b>Community forums</b>	Strengthened community conversations More education outside of advocacy communities Increased community organizing Increased PLHIV leadership and support
<b>Videos of survivor testimonies</b>	More education outside of advocacy communities Increased community organizing Increased PLHIV leadership and support
<b>Brochures and materials (bilingual)</b>	Increased community organizing More education outside of advocacy communities
<b>Technical support for local organizing</b>	Increased community organizing Increased PLHIV leadership and support
<b>Central hub for materials and resources</b>	More education outside of advocacy communities Increased community organizing
<b>Staff, survivor, and advocate training and mentoring</b>	Increased PLHIV leadership and support
<b>Prisoner and survivor networks, with dedicated and outreach staff</b>	Increased PLHIV leadership and support

#### CONCERNS AND APPROACHES FOR THE SERO PROJECT

In the interviews, community partners were asked to describe any concerns they had about the Sero Project’s work, including the language and approaches used to address criminalization. Three concerns—related to funding, messaging, and diversity of viewpoints on the list—were noted by multiple participants. Of particular interest, one concern about sustainability that was raised repeatedly in the 2012 evaluation was not mentioned in these interviews, except to note improvement.

## I. FUNDING

In terms of funding, community partners raised a concern about Sero's capacity to expand into key areas, identified as important for criminalization work (described in the next section of the report). Further concerns were raised about sustainability of the organization and about providing stability and security to staff through full time employment with benefits.

*There needs to be more funding for Sero. The budget doesn't need to be that small. Sero has a great reputation. It's a great team, including the evaluation and research pieces. We are about to enter an era without ASOs. Groups like Sero are going to be even more essential. Sero needs to take the next series of steps that includes significant growth – and not just by the people already working there. Sero needs to be about reducing vulnerabilities. We are unique and do so much with so little. Communities need Sero to be sustainable and strong. Individuals working for Sero need to have what they need in an ongoing way. I think it's important. It's time to take next step and make it less a labor of love; to set up a sustainable structure and funding.*

## II. MESSAGING

A number of community partners identified a concern with the language of criminality and innocence used at times by Sero speakers and at other times by members of the list serve and in the wider community. A smaller number of partners expressed a different concern; one related to the messaging around potentially malicious or negligent behavior that leads to HIV transmission.

### CRIMINALITY AND INNOCENCE

This concern was about language that asserts, "I am not a criminal" or "S/he is not a criminal" which, depending on the emphasis and context, can give the impression that the group of people identified with Sero are different from others facing HIV-related charges. The result could be a mistaken impression that there are people arrested on HIV-charges who are *real* criminals and deserve incarceration. An extension of this concern was mentioned by a few community partners who worried that this language might seem to differentiate between people facing HIV-related charges and others, no matter their sero-status, dealing with arrest and prosecution in the U.S. environment of mass incarceration. The concern about language was brought up by different people; however, one partner noted specifically that Robert Suttle showed particular skill in sharing his own case without giving the impression that others deserved the treatment he received.

*My concern is not about a Sero message, as much individual members. It's an interesting thing. I think I hear some of the Sero spokespeople say "I am not a criminal" or "this can't happen." And sometimes it feels like a separation between HIV criminalization and other issues of mass incarceration...Better to say "this shouldn't be criminal" or "I don't perceive this as criminal."*

*We always have to be vigilant in balance between those within Sero, whose voice is coming through, and those who aren't. It's important not to set up a dynamic that there is an innocent victim of criminalization and a guilty person. We need to spend some time to think about how to not exacerbate that dynamic.*

*When Robert talks about his case, he always links it and makes it broader. His message isn't playing on Robert being really innocent versus others being less so.*

A recommendation was put forward for the Sero Project to create guidance for messages about criminality and innocence, particularly to help newer advocates involved with the Sero Project to reflect on their own assumptions about these concepts and to think through how their words might be understood by others.

*I wonder if the next step in terms of a communications tool people could look at would be how to assess if that [deserving blame*

*versus innocent] is how they are thinking and talking and what to do instead. Also we need tools for people telling their stories, to find their own voice, and how to talk about criminalization without treating others as bad. It would be good to think of a report, perhaps an infographic, very clear, not verbose, that shows how to talk about the issues, regarding people who are undetectable, for example, in a way that is accurate and that reaches people without blaming some.*

### MALICIOUS OR NEGLIGENT BEHAVIOR

*There was a panel discussion after a video screening. It felt like there was a deliberate attempt to skirt around a discussion when people in the audience might think criminalization might be appropriate. Afterward, people seemed muddled. They were sympathetic toward Robert and Nick – and felt law applied inappropriately in their cases – but still weren't clear if laws should be abolished.*

### III. DIVERSITY OF VIEWPOINTS ON THE SERO LIST SERVE

While the Sero list serve was the activity cited most often by Sero's community partners as effective; some community partners also noted they sometimes limited their participation because of the tone and lack acceptance of diverse viewpoints by some participants.

*I've been afraid to get involved in some of the list serve discussions, for example, the diatribe about the rose bowl parade.*

*I almost feel that there is a party line, and...if you don't toe the party line, you will be ostracized. At certain points in time, I've felt that way with Sero. For most part, it's been a respectful debate, but every now and then it gets a little shrill.*

*I think Sero has to do a better job of saying that we welcome diverse comments because we are all on the same page, all trying to find our way. I think what's happening is that people who don't agree with Sero's position are being silenced. That's a bad thing because it's the same people who you think are with you who will be the detriment in moving to resolution. My concern is from people in general on the list, rather than Sero staff. However, I don't feel like they have reigned in people or set the tone. We need to be respectful if we have a community list. We can't ask the general community to do what we are not able to do for each other.*

### IV. SUSTAINABILITY

Notably, one concern shared by community partners in the 2012 evaluation (year one) related to the sustainability of the Sero Project because the workload fell so heavily on the two leaders, Sean Strub and Robert Suttle, and because the project was so reliant on Sean's name and reputation as the founder. One clear area of success for 2013 (year 2) is that there was no discussion by the community partners of this concern. To the contrary, two people noted explicitly that they had seen improvement in this area. Comments to this effect included:

*People could be forgiven for thinking that Sero was one person. You all quickly worked to push back against that. Quickly it was clear that a bunch of people were involved.*

*I think one of the successes of Sero is that it's become more clear in the last year that it's not the Sean Strub show. Over the last year, more people were definitely involved and there is a broader mass of people who consider themselves part of the project and movement.*

### GAPS AND NEXT STEPS IN ADDRESSING HIV CRIMINALIZATION

The community partners who participated in evaluation interviews were asked to share their thoughts about existing gaps in the U.S. response to HIV criminalization and next steps that they would like to see the Sero Project take to respond to these gaps. The goal of this question was to identify current unmet needs, whether or not Sero was able to address those needs at this time. To answer this question, community partners were

instructed to share their ideas without worrying about whether they felt funding was available or Sero had the current capacity to take on the proposed work.

Community partners identified current gaps in the criminalization response in four areas: first, expanding coalitions and critical analysis about criminalization to work more closely with other justice movements, including those addressing prison justice and domestic violence, and with people with other stigmatized disease conditions; second, creating spaces for people living with and affected by HIV to talk with each other about the emotional issues related to transmission, responsibility, emotional hurt, and disclosure; third, increasing the tools and resources available for local communities; fourth, addressing HIV stigma and discrimination more broadly, especially with service providers; and fifth, launching a media strategy that is proactive and has clearly defined criteria for when and how to respond to new HIV criminalization stories.

#### I. EXPANDING COALITIONS AND CRITICAL ANALYSIS INTO OTHER JUSTICE, HUMAN RIGHTS, AND HEALTH MOVEMENTS

Joining efforts to address HIV criminalization with other justice movements was a high priority for the community partners. In particular, Sero's partners called for coalitions with movements focused on ending mass incarceration and with movements to address gender-based violence. Further, they argued for building on the criminalization work to address human rights and stigma against people living with HIV more broadly.

Finally, related to coalition building, some partners recommended creating documentation that other groups with stigmatized health conditions could adopt to build on the model created by Sero.

#### MASS INCARCERATION AND PRISON JUSTICE

In terms of mass incarceration, they identified shared experiences of injustice based on racism, homophobia, and stigma and discrimination within the criminal justice system, from police to prosecutors to judges. If anti-criminalization advocates work more closely with movements to address other structural injustices in the criminal justice system, they can better address the intersections of discrimination that face people living with HIV, better understand the variety of power dynamics that affect people facing criminalization of all kinds, develop clearer analyses of the systemic issues related to mass incarceration which affect, but are not limited to, people living with HIV, and build stronger coalitions for work to end unjust criminalization from allies who are skilled.

*It would help to have a little bit of thinking around how HIV criminalization fits in with the structural issues brought up by mass incarceration.*

*There are some big issues at stake that go beyond HIV to mass incarceration. In some ways, I feel that Sero's message is aimed more at the HIV community than at structural problem with mass incarceration.*

*HIV criminal laws will affect so many of the men I know, hit so many of their lives, see so much more massive incarceration. We have a governor who is more for business and enterprise. He took money from our education budget, is building more prisons, so of course he wants to house them with more people. When I go to the prisons, the only faces I see are young men and women of color. My fear is that if laws go into effect where criminalization of HIV becomes the norm for [my state], we are going to see much more mass incarceration than we've ever had here.*

*Outside of HIV community, we need more outreach. We are in a context of mass incarceration, drug sentencing, mandatory minimums. There are only 400 known cases of HIV prosecutions versus tens of thousands of cases of all the other things. We need more outreach to groups making progress in this field on mandatory minimums. We need to tap into the energy of the justice*

*movement more broadly. For example, we should reach out to Families against Mandatory Minimums, Drug Policy Alliance, and the Washington D.C. Criminal Justice Roundtable.*

#### GENDER BASED VIOLENCE

Community partners also highlighted the intersections between HIV anti-criminalization work and movements to address gender-based violence. A need was identified for advocates for ending HIV criminalization to build coalitions and develop shared strategies with women's coalitions, domestic violence workers, and other groups focused on ending gender-based violence. The groups currently collide in two ways: first, people working to end gender-based violence fear that *removing* laws criminalizing HIV exposure may limit the ability to prosecute perpetrators of violence because courts frequently are reluctant to hold them accountable for the abuse against their partners. Second, women living with HIV, in particular, fear that *keeping* these laws leaves women who are HIV-positive vulnerable to blackmail and violence by partners who threaten to charge them with non-disclosure if they try to leave.

*The one thing I have seen push back on—and I think this is for the movement in general—and that I think Sero should look at, is doing something around women and criminalization because there have been a lot of challenges, especially in the U.S., about how to frame criminalization when it comes to gender based violence... [I]t's so hard to get men charged for domestic violence—but if you add HIV, then it's kind of an automatic charge. How do we work together then with domestic violence groups?*

*You can legislate all you want, but if the people don't feel it, it doesn't matter. You still have domestic violence and killings. People circumvent. How do we learn from the movements? We've got the brains, how do we get the heart?*

#### DOCUMENTATION AND SUPPORT FOR PEOPLE OTHER DISEASE CONDITIONS WHO ARE ORGANIZING

Proposals for coalition building were not limited to issues around incarceration. It was also suggested that Sero's human rights approach to organizing around a stigmatized health condition could be documented and made available for people with other disease conditions.

*What is Sero's theory of change? How does Sero work with different tiers or levels of society? Can Sero identify this theory – which they are already putting into practice—and do it in a way that is documented and clear so people with other disease conditions can compare notes? Where are the parallels and overlapping groups? Think about diabetes, for example. It can be so stigmatizing.*

#### OTHER AREAS

Other potential focus areas included non-sexual transmission of HIV, HIV in the military, and the rights of transgender people.

*Perhaps we could start to deviate a bit from just sexual cases and potential sexual transmission, to issues such as spitting, or, like in Uganda, to mother to child transmission. There was one case in Canada around breastfeeding.*

*I wish Sero would expand further on HIV and on criminalization as an issue in emerging transpolitics.*

## II. CREATING SPACES FOR PEOPLE LIVING WITH HIV TO TALK ABOUT THE EMOTIONAL ISSUES OF TRAUMA, RESPONSIBILITY, HURT, AND DISCLOSURE AND ADDRESS ISSUES OF POWER AND PRIVILEGE

In the interviews, a number of community partners highlighted a need for spaces for people living with HIV to be able to talk through issues related to HIV criminalization. In particular, a need was identified for people to be able to talk with other people living with HIV about their feelings about seroconverting, especially when

they felt betrayed by someone they trusted. Further needs that were identified were for spaces to talk about and heal from trauma as experienced by people living with HIV and to address issues of power and privilege that limit solidarity and compassion within communities of people living with HIV.

*On the HIV side, there are formerly HIV-negative people who become positive who want to prosecute. We have not come up with the language to explain why one, it's in their interest not to or two, to talk about the injury and restorative justice, to acknowledge the injury. Then also to say that the criminalization justice system isn't the best way to handle this, and you could end up incarcerated as well.*

*She said everyone gets hurt in love, but these things happen. I said, you are missing the point. What do we do about people's hurt? What Sero could do is have that discussion. Everyone is not a lone ranger.*

*When people don't know what to say, they end up getting criminalized.*

*We need to have dialogue within our own community about what it means for the community at large, how do we conduct our business? What does it mean for us to be human and interact and help people to be able to think about care and concern for ourselves and each other.*

*Trauma is such a driver of HIV infection. It would be good to come out in the open and talk about it. That dialogue is useful in the movement and in terms of how we treat each other. We need to talk about anti-oppression work within our communities.*

### III. INCREASE THE TOOLS AVAILABLE FOR LOCAL COMMUNITIES

The community partners were largely united in the wish for many more tools to be available to support local communities to organize against HIV criminalization. It was noted that these tools need to be locally specific and include local statutes and statistics on prosecutions. Among these tools were included training for trainers, feedback and response mechanisms between local communities and Sero, a list of specific steps to consider if faced with prosecution, and regular webinars or other mechanisms for training and sharing current information.

*Politically, how do we get involved in educating and going to the next step? How do we make this a campaign in our state? Who is our go to person to make this happen?*

*It would be powerful if speakers from Sero would come to grassroots organizations and train about community organizing to overturn the laws. Perhaps there could be community trainers in different communities to train in their own organizations.*

*We should create communication mechanisms so that local people can give Sero feedback about what's going on locally. We can tell what we are doing on the front lines and see in return what is going on elsewhere.*

*We need to have information for providers about adjusting program planning and how information systems are set up. There is room for more messaging and guidance. Videos are a really good way to help people break these issues down.*

*We work with youth and folks that work with youth – it would be great to have more anti-stigma materials that youth could use to discuss or for groups such as empowerment groups, gay-straight alliance. A toolkit with prepackaged messaging for high school and college young people would be important, including materials about stigma, racism, real sexual health, decriminalization and effects of over-criminalization.*

*There is a need for a searchable database about laws and resources and also the reality of what's actually happening beyond the laws. Are prosecutors using the laws? Is there a way to do it without putting people at risk? What is the history of how these laws have been used?*

*Sero could play a needed role in information sharing about national and international efforts. People nationally get cut off from global efforts. Perhaps there could be a newsletter about relevant trends.*

*We should have a package that's available to give to someone; that a person can give to someone who is struggling. Something that says who we are, what we do, that includes voices of people incarcerated, of survivors. Needs to be expressed in warm language, not just professionalized. Not too technical. This could include information for those who are prosecuted or incarcerated about the prosecution process, things to know about incarceration, and information for those who have been released about where to locate housing, connect with services, or connect with a support group.*

#### IV. ADDRESSING HIV-RELATED STIGMA AND DISCRIMINATION MORE BROADLY

Some community partners described other examples of HIV-related stigma and discrimination that relate to HIV criminalization but also exist more broadly. Interest was expressed in seeing Sero, or another similar organization, use its analytical framework to respond to these situations.

*We just had a summit we organized with local county Department of HIV and STI around biomedical interventions. The summit was about PrEP and PEP. I think there's some room to talk about stigma and negative stereotypes about folks that are positive that are getting triggered in these discussions. Something is being brought up in these conversations, whether it is slut shaming, sex negativity, there is some kind of moral framework that is deeply connected to HIV that is being tapped and that people are subconsciously expressing. There is room for someone, like Sero, to do some unpacking of that. To have conversations around the stereotypes that happen particularly around service providers.*

#### V. LAUNCH A MEDIA AND OUTREACH STRATEGY

As in the 2012 evaluation, community partners expressed an interest in seeing much greater levels of outreach and media work. Their discussions focused on addressing the sensationalism that accompanies charges of HIV non-disclosure, exposure, and transmission; proactively engaging a media strategy so that anti-criminalization advocates are not always reacting to an agenda set by the media; and outreach to people who need information and services to protect themselves or gain support.

*I just wish there was a way to get the media to pay attention as much to the issues as to the arrests that are made.*

*What [the media] are paying attention to is every person that is arrested and goes on trial. Unfortunately, that gets attention, every time those arrests rear their ugly head.*

*What is our strategy in new cases? What do we do—do we stay clear? Do we stick our nose in and keep our strategic goal and vision statement linked in? Do we twitter and blog? Do we pick and choose the people we want to support?*

*Are you going to try to do neutralizing pieces for each of the cases?*

*How do we respond to these cases on a regular basis? That would be helpful. Could we mobilize our network to respond? What to do when we don't have the staff capacity to respond, but need to get some balance to the coverage, to calm it? How do we refocus the conversation on gay black men and the difficulty to disclose? These need to be really nuanced pieces. Very thoughtful so that they are effective in countering the persecutions.*

*Sero needs to engage those professionals, case managers, people who may come into contact with people who might be prosecuted.*

*How can we reach out to people who maybe headed down that path and try to circumvent it or intervene?*

*Can Sero be proactive? People come to us after the fact. How can we be active so that there doesn't become a fact?*

## APPENDIX A: COMMUNITY EDUCATION EVENTS, 2013

Date	Location	Venue type	Host organization	Number of participants	Topic	Speaker
1/28/13	Los Angeles, CA	Think Tank	Black AIDS Institute: Positively Out Think Tank			Robert Suttle
2/1/13	Des Moines, IA	Speech	Breakfast Club	75	HIV Criminalization	Sean Strub
2/4/13	Des Moines, IA	Discussion	ACLU Iowa Chapter	10	HIV Criminalization	Sean Strub
2/5/13	Des Moines, IA	Reception	Davis Brown Law Firm	75	HIV Criminalization	Sean Strub
2/7/13	Des Moines, IA	"Day on the Hill"	CHAIN/PITCH	50	HIV Criminalization	Sean Strub
2/7/13	Washington, DC	Meeting	Presidential Advisory Council on HIV/AIDS (PACHA)	50+	Passed Resolution re Criminalization	R. Suttle, S. Strub
2/15/13	Homewood, AL	Training	UAB AIDS Education and Training Center	35+	HIV/STIs and the Law	Robert Suttle
2/23/13	Washington, DC	Presentation	National Executive Board Meeting		Pride at Work	Robert Suttle
3/6/13	New York, NY	Community Forum	Gay Men's Health Crisis (GMHC)	35	HIV Criminalization	R. Suttle, S. Strub
3/7/13	New York, NY	Screening and Panel	School of Visual Arts	200+	HIV is Not a Crime	R. Suttle, S. Strub
3/18/13	Los Angeles, CA	Seminar	UCLA Law School	20	HIV is Not a Crime	Sean Strub
3/18/13	Los Angeles, CA	Presentation	Williams Institute at UCLA		HIV is Not a Crime	Sean Strub
3/25/13	New York, NY	Panel	Fordham University	75	HIV is Not a Crime	Sean Strub
4/4/13	Baltimore, MD	Community Forum	Baltimore Black Pride & Baltimore Student Harm Reduction Coalition		HIV Criminalization in Maryland	R. Suttle, S. Strub

4/4/13	Baltimore, MD	Community Forum	Johns Hopkins Bloomberg School of Public Health		HIV Criminalization in Maryland	R.Suttle, S. Strub, K. Pinkela
4/5/13	New York, NY	Speech	New York University/UAID	75	HIV Criminalization	Sean Strub
4/18/13	Richmond, VA	Briefing	Virginia HIV/AIDS Community Planning	16	HIV Criminalization	R. Suttle, S. Strub, k. Pinkela
4/19/13	Richmond, VA	Presentation	Virginia HIV/AIDS Community Planning	50	HIV Criminalization	R. Suttle, S. Strub
4/20/13	Washington, DC	Training	Pride at Work: LGBT Leadership Training	25+	HIV Criminalization	R. Suttle, S. Strub
4/22/13	New York, NY	Speech	Roosevelt Hospital (physicians)	100	HIV Criminalization	Sean Strub
4/23/13	Atlanta, GA	Community Forum	Georgia Equality	100+	HIV Criminalization	R. Suttle, S. Strub
4/24/13	New York, NY	Panel/Screening	Gay Men's Health Crisis	45	HIV Criminalization	R. Suttle, S. Strub
4/25/13	Nashville, TN	Speech	Streetworks Annual Benefit	150	Empowerment Movement	Sean Strub
4/28/13	Toronto, ON	Research presentation	HIV Prevention and the Criminal Law: An International Workshop on the Public Health Impact of Criminalizing HIV Exposure/Transmission	20	HIV Criminalization	L. Sprague
4/30/13	Binghamton, NY	Speech	Trinity Memorial Church/HIV groups	40	Empowerment Movement	Sean Strub
5/6/13	New York, NY	Speech	Women & HIV/Iris House	100+	HIV Criminalization	Sean Strub
5/6/13	New York, NY	Meeting	Columbia Law School	25+	Crim Justice, LGBTQ & HIV	Robert Suttle
5/17/13	Oakland, CA	Summit	National Transgender Health Summit	20	Transgender People Respond to Criminal Laws Based on HIV Status	L. Sprague & C. Chung

5/21/13	New York, NY	Forum	The Sero Project & POZ	7	POZ Roundtable Discussion	L. Sprague, R. Suttle, R. Vreeland, T. Haught
6/26/13	Philadelphia, PA	Summit	Philadelphia Fight	100+	Prison Health Care and Reentry	S. Strub, R. Suttle
7/7/13	Washington, DC	Conference	ADAP Advocacy Association	70+	HIV Criminalization	R. Suttle
8/15/13	Los Angeles, CA	Webinar	Children's Hospital of Los Angeles, SYPP Center	50	HIV Criminalization & Young People	Laurel Sprague
8/22/13	Milford, PA	Teleconference	NBWHAN & NBGMAC Think Tank	8+	Black Communities & HIV Criminalization	Robert Suttle
9/6/13	New Orleans, LA	Meeting	Southern REACH Legal Convening	25+	HIV Criminalization	Robert Suttle
9/8/13	New Orleans, LA	Conference	U.S. Conference on AIDS	100+	HIV Criminalization	R. Suttle, L. Sprague, R. Vreeland
9/19/13	Washington, DC	Conference	Congressional Black Caucus Foundation Annual Legislative Conference	50	HIV Criminalization & Young People	Laurel Sprague
9/19/13	San Francisco, CA	Screening & Discussion	Canadian HIV/AIDS Legal Network		Positive Women & HIV is Not a Crime	Robert Suttle
9/21/13	Denver, CO	Conference	Gay & Lesbian Medical Association (GLMA)	100+	HIV Criminalization	Robert Suttle
10/2/13	Louisville, KY	Community Forum	U of Louisville School of Public Health & Information Sciences/ School of Law	40+	HIV Criminalization	R. Suttle, S. Strub
10/3/13	Lexington, KY	Community Forum	Kentucky State University Outlaw Student Chapter	30+	HIV Criminalization	R. Suttle, S. Strub

10/6/13	Millersville, PA	Original Theatre	The Citamard Players at Millersville University		Despite These Marks: An HIV Devised Theatre Piece	R. Suttle, S. Strub
10/8/13	Baltimore, MD	Community Forum	Johns Hopkins Bloomberg School of Public Health		HIV Criminalization	Robert Suttle
10/16/13	Milford, PA	Meeting	AIDS Action Now	5	Think Twice Information Meeting	R. Suttle, S. Strub
10/22/13	Ann Arbor, MI	Community Forum	University of Michigan Law School	50	HIV Criminalization	L. Sprague, S. Strub, R. Suttle
10/26/13	San Juan, PR	Conference	National Lawyers Guild	100+	HIV Criminalization	Robert Suttle
10/30/13	New York, NY	Meeting	QUEEROCRACY	10+	Teach-In: HIV Criminalization	Robert Suttle
11/11/13	Milford, PA	Comments	Opening of PWHA Caucus Retreat	12	Empowerment Movement	Sean Strub
11/15/13	Jackson, MS	Summit	My Brother's Keeper & Open Arms Healthcare Center	15+	HIV Criminalization	Robert Suttle
11/18/13	Raleigh/Durham, NC	Presentation	Duke University Law School	50+	HIV Criminalization	R. Suttle, S. Strub
11/22/13	Washington, DC	Conference	International Stigma Conference		HIV Criminalization	Robert Suttle
12/4/13	Los Angeles, CA	Community Forum	The Williams Institute	20+	World AIDS Day/HIV Criminalization	R. Suttle
12/9/13	Washington, DC	Screening & Discussion	Canadian HIV/AIDS Legal Network	15	Positive Women & HIV is Not a Crime	Robert Suttle
12/11/13	Seattle, WA	Community Forum	LifeLong AIDS Alliance		HIV Criminalization	Sean Strub

## APPENDIX B: PRE- AND POST-COMMUNITY FORUM FEEDBACK FORMS

### Sero Community Forum Feedback Form

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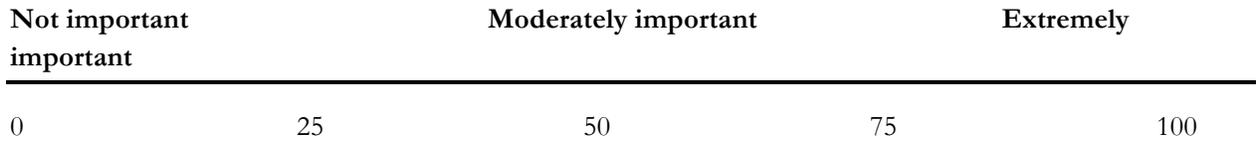
#### SECTION 1 – TO BE COMPLETED BEFORE THE FORUM

1. Why did you decide to attend this community forum today?
  
  
  
  
  
  
  
  
  
  
2. How often had you thought about HIV criminalization **before** you heard about this forum? (Please circle your answer.)  
Never      A few times      Multiple times      At least once per month      Weekly or daily
3. How often did you talk with other people about HIV criminalization **before** you heard about this forum?  
Never      A few times      Multiple times      At least once per month      Weekly or daily
4. In your opinion, **should** a person living with HIV disclose her or his status to a sex partner before engaging in sexually intimate acts?  
Should not disclose      Should not usually disclose      Should disclose if asked      Should usually disclose      Should always disclose
5. Should it be **illegal** for an HIV-positive person who knows his or her status to have sex without telling the other person about their HIV-positive status?  
No, it shouldn't be illegal      Yes, it should be illegal      I don't know      It depends
6. How confident are you that an HIV-positive person could get a fair hearing in your state by police, prosecutors, and the court system if he or she is accused of having sex without disclosing his or her HIV status?  
Not confident      Somewhat confident      Completely confident
7. Why or why not?
  
  
  
  
  
  
  
  
  
  
8. Have you ever heard of people with HIV being arrested for allegedly not disclosing their HIV status to a sexual partner?  
No      Not sure      Yes
9. Do you personally know anyone who has been arrested for allegedly not disclosing his or her HIV status?  
No      Not sure      Yes
10. When two people decide to have sex with each other, and one of them has tested positive for HIV, how much responsibility does each person have for safer sex? Please make sure that the total equals 100%.  
**Person who is HIV-positive** \_\_\_\_\_%

**Person who is HIV-negative or whose status is unknown** \_\_\_\_\_%

**Total** **100%**

11. On a scale of 0 to 100, In your opinion, how important is HIV criminalization as an issue to be addressed? Please indicate by drawing a line at the appropriate place on the line below:



<i>Optional</i> Demographic information								
Sex	Male	Female	Transgender	Male	Transgender	Female	Third sex	Other
Race	African American/Black				Asian American or Pacific Islander			
	American Indian/Native American				European American/White			
Ethnicity	Latino/a or Hispanic			Arab				
HIV-status	Positive		Negative		Not sure			
Sexual orientation	Gay/Same-gender-loving man (MSM)				Lesbian/Same-gender-loving woman			
	Bisexual		Heterosexual/Straight			Asexual		Other _____
Age	Under 18	18-24	25-29	30-39	40-49	50-59	60-69	70 and above

SECTION 2 –TO BE COMPLETED AT THE END OF THE FORUM

1. What did you think were the most important or useful aspects of the forum?
2. Did anything surprise you or do you see anything differently as a result of this forum?
3. What could have been improved about the forum? What would you like us to know for future forums?

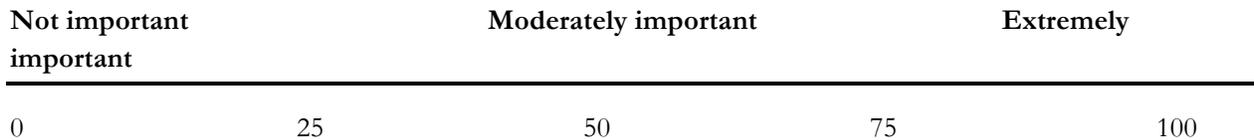
*Please answer the following questions again. Your answers may be the same as or different from Section 1.*

4. Should it be **illegal** for an HIV-positive person who knows his or her status to have sex without telling the other person of their HIV-status?  
 No, it shouldn't be illegal                      Yes, it should be illegal                      I don't know                      It depends
5. How confident are you that an HIV-positive person can get a fair hearing by police, prosecutors, and the court system in your state if he or she is accused of having sex without disclosing his or her HIV status?  
 Not confident                      Somewhat confident                      Completely confident
6. Why or why not?

7. When two people decide to have sex with each other, and one of them has tested positive for HIV, how much responsibility does each person have for safer sex?  

<b>Person who is HIV-positive</b>	___%
<b>Person who is HIV-negative or whose status is unknown</b>	___%
<b>Total</b>	<b>100%</b>

8. In your opinion, how important is HIV criminalization as an issue to be addressed?



## **APPENDIX C: PRESIDENTIAL ADVISORY COUNCIL ON HIV/AIDS (PACHA) RESOLUTION ON ENDING FEDERAL AND STATE HIV-SPECIFIC CRIMINAL LAWS, PROSECUTIONS, AND CIVIL COMMITMENTS**

Despite the relatively low risk of transmission and significantly lowered level of harm, thirty-four U.S. states and territories have adopted criminal statutes based on perceived exposure to HIV. Most of these laws were adopted before the availability of effective antiretroviral therapy for HIV, which substantially reduces already low transmission risks and provides a pathway to highly successful HIV treatment. Clearly the use of HIV-specific criminal laws, of felony laws such as attempted murder and aggravated assault, and of sentence enhancements to prosecute HIV-positive individuals are based on outdated and erroneous beliefs about the routes, risks, and consequences of HIV transmission. Legal standards applied in HIV criminalization cases regarding intent, harm, and proportionality deviate from generally accepted criminal law principles and reflect stigma toward HIV and HIV-positive individuals. People living with HIV have been charged under aggravated assault, attempted murder, and even bioterrorism statutes, and they face more severe penalties because law enforcement, prosecutors, courts, and legislators continue to view and characterize people living with HIV and their bodily fluids as inherently dangerous, even as “deadly weapons.” Punishments imposed for non-disclosure of HIV status, exposure, or HIV transmission are grossly out of proportion to the actual harm inflicted and reinforce the fear and stigma associated with HIV. Public health leaders and global policy makers agree that HIV criminalization is unjust, bad public health policy and is fueling the epidemic rather than reducing it.

Whereas the National HIV/AIDS Strategy (NHAS) includes a statement on the problem and public health consequences of HIV criminalization and notes that many state HIV-specific criminal laws reflect long-outdated misperceptions of HIV's modes and relative risks of transmission; that criminal law has been unjustly used in the United States to prosecute and disproportionately sentence people with HIV; and that legislators reconsider whether these laws further the public interest and support public health approaches to preventing and treating HIV;

Whereas nearly all HIV-specific criminal laws do not consider correct and consistent condom use and effective antiretroviral therapy that reduces the risk of HIV transmission to near-zero as evidence of a lack of intent or ability to harm; and behaviors that according to the Centers for Disease Control and Prevention (CDC) have negligible risk of transmitting HIV, such as spitting and biting, have resulted in sentences as long as 35 years;

Whereas sound criminal justice and public health policy toward people living with HIV is consistent with an evidence-based approach to disease control and research demonstrates that HIV-specific laws do not reduce transmission or increase disclosure and may discourage HIV testing;

Whereas criminalization harms women and young people, as well as men, with HIV in many ways, because it:

1. Creates a tool for control by abusers who threaten prosecution of partners who want to leave abusive relationships;
2. Complicates custody disputes and pregnancies;
3. Imprisons women and young people for non-disclosure without regard for complex reasons such as fear of violence or other situations when disclosure may not be advisable or safe;
4. Over-targets sex workers, against whom condom possession has been used as evidence of intent to commit a crime;

Whereas punishments imposed for non-disclosure of HIV status, exposure, or HIV transmission, including the use of sex offender registries and indefinite civil commitment, are out of proportion to the actual harm inflicted or intended and reinforce the fear and stigma associated with HIV;

Whereas singling out HIV or any other health condition or disability as a basis for prosecution or sentence enhancement is unjust and unwarranted from legal, ethical, and public health perspectives;

Be it resolved that the PACHA recommends that the Department of Justice (DOJ) and the Department of Health and Human Services (HHS)/CDC complete a written review regarding opportunities for the creation of specific guidance

and incentives to state attorneys general and state departments of health for the elimination of HIV-specific criminal laws and to develop recommendations for approaches to HIV within the civil and criminal justice systems that are consistent with the treatment of similar health and safety risks; and supports legislation, such as the REPEAL HIV Discrimination Act, that advances these objectives;

Be it further resolved that current criminal laws require modernization to eliminate HIV- specific statutes or application of general criminal law that treats HIV status, or the use of condoms or other measure to prevent HIV transmission, as the basis for criminal prosecution or sentence enhancement;

Be it further resolved that Federal and state officials should review the HIV-specific convictions and related penalties, sentence enhancements, and other restrictions imposed on people living with HIV, such as mandated sex-offender registration and civil commitment. In the event that such convictions or sentence enhancements fail to conform to the principles outlined above, federal and state officials should take appropriate measures (e.g., executive clemency, pardon, sentence reconsideration, parole, probation) to mitigate the harm caused to individuals;

Be it further resolved that all U.S. law should be consistent with current medical and scientific knowledge and accepted human rights-based approaches to disease control and prevention and avoid imposition of unwarranted punishment based on health and disability status;

Be it further resolved that the CDC should issue a clear statement addressing the growing evidence that HIV criminalization and punishments are counterproductive and undermine current HIV testing and prevention priorities.

## **APPENDIX D: INTERVIEW QUESTIONS FOR PEER REVIEW BY COLLEAGUES**

Semi-structured interviews were conducted with 12 people familiar with Sero's work over the last year. These people include directors of key population non-governmental organizations, lawyers, a public health official, a gay community blogger, and community activists. A list of names and organizations can be found in Appendix A.

The email invitation to participate included the following information and questions:

As someone familiar with Sero or its principals over the last year and who shares our goal of joining people living with HIV and our allies to end HIV stigma and discrimination, particularly that which occurs within laws and the judicial system, we would greatly appreciate your input into our evaluation.

Would you be willing to schedule a phone interview with me sometime in the next few weeks? The questions will focus on your experience working with the Sero project, such as:

- Positive effects of Sero's work;
- Concerns you may have about Sero's work or approach;
- Ideas you would like to share about ways to improve our work or directions you would like to see us take;
- Feedback about any ways in which we could improve our working relationship with you or other partners and friends.

The interviews focused on these questions but invited participants to share their thoughts openly and to not limit themselves to directly answering these questions if they had other thoughts to convey. Many respondents combined their answers to these questions in the thoughts they shared.