

Supporting People Living with HIV charged with HIV non-disclosure and serving time



- **Claudia Medina**, Program Manager, PASAN
- **Chad Clarke**, Canadian Coalition to Reform HIV Criminalization
- **Michelle Pauline Whonnok**

Hosted by

- **Anita Schoepp**, Coordinator of 1-on-1 services, ACCM
- **Liam Michaud**, Regional Health Education Coordinator, CATIE

Canadian Coalition to Reform HIV Criminalization

- Formed in October 2016
- Coalition of people living with HIV, community organizations, lawyers, researchers
- Various working groups including a Support Working Group for those who have been criminalized



Conversation today

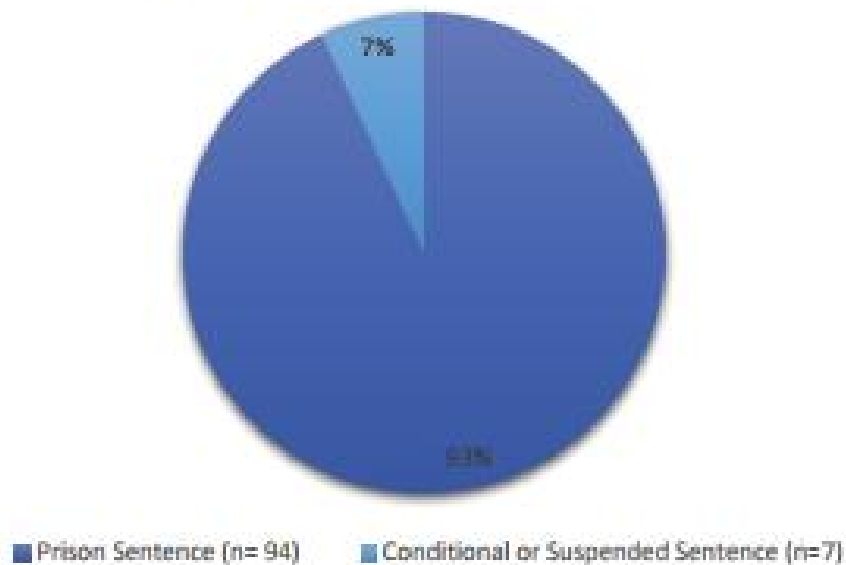
- To **build dialogue** among service providers and those engaged in the HIV response about the needs of those impacted by the criminalization of HIV non-disclosure
- Build **concrete skills** among service providers and community organizations to support impacted people (both emotional and health-related)
- Increase knowledge and understanding of prisons and **how to navigate the prison environment** as a service provider or support person

Background of HIV criminalization in Canada

- SCC, 2012: “Realistic possibility” of HIV transmission
- Realistic possibility negated only if:
 - Viral load is ‘low’ AND
 - Condom protection is used
- Aggravated sexual assault most common charge

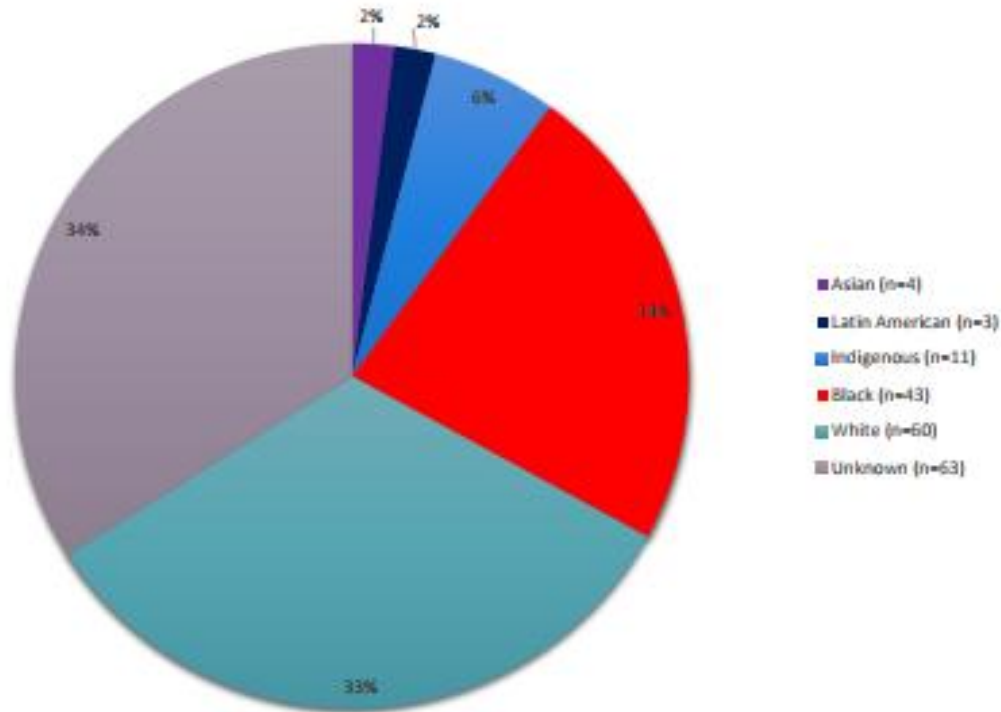


Figure 12: Sentence Upon Conviction in HIV Non-disclosure Cases, Canada 1989–2016 (n=101)



- More than 200 separate cases
- Conviction rate of 70%
- Average prison sentence 54 months

Figure 5: HIV Non-disclosure: Race/ethnicity of individuals charged, Canada 1989–2016 (n=184)



“Since the *Mabior* decision in 2012, almost half (48% [10/21]) of all people charged, for whom race is known, have been Black men. This is a significant increase from the period prior to 2012 in which 30% (32/105) of people charged for whom race is known were Black men.”

- Public health impacts
- Deters people from getting tested
- Fuels stigma against people living with HIV
- Exposure to negative emotional and physical health impacts of prison

“The *Mabior* decision has left people living with HIV open to prosecution in circumstances in which scientific evidence indicates that the risk of transmission is, at most, negligible.”

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Claudia Medina, Program Manager, PASAN



**WORKING WITH FOLKS WHO HAVE
BEEN CRIMINALIZED FOR HIV
NON-DISCLOSURE**



CLAUDIA MEDINA- PROGRAM MANAGER

BUILDING TRUST

Invest time to develop trust in your relationship

WHY SHOULD THEY TRUST YOU?

- Everyone has let that person down in the past
- The carceral experience demolishes trust
- For some folks family and friends are who reported them
- Trauma and violence in prison, Childhood trauma and abuse
- Links between trauma to incarceration, drug use and HIV
- Trauma of HIV non disclosure and arrest – COPS

HOW? WHILE INSIDE

- When you say you will do something follow through
- Set days you can be available for phone conversations
- Sharing goes both ways - share stories and experiences
- Listen, validate and don't try and fix
- The link between rejection and self esteem to HIV non-disclosure
- Build self esteem – Becoming aware they are a part of something bigger than themselves. Their story is attached to many other peoples stories and justice movement.
- Let them guide you to what their priorities are – Individual and changing (eg. Commissary, call mom, what happened in Big Brother last night?)
- Practical steps include support letter writing,

WHILE INSIDE

- Visit as often as you can
- Take the opportunity to change attitudes of prisoners inside in your programming about the issue of HIV and non-disclosure
- U=U messaging while problematic for some, can help educate prisoners regarding transmission
- HIV stigma is still strong inside, especially in Provincial system
- Folks on the inside are resourceful. If someone doesn't disclose their charges prisoners can find out.
- Assumptions can be made about sexual assault charges
- Supporting friends and family supports the individual



Without a condom you're sleeping with aids. Protect yourself.



SHIFTING MESSAGING

- Receiving a message for 2-10+ years of you are a “bad person”
- CSC, the courts, lawyers, parole officers all believe in the law- individual being told they are an offender
- We are saying that the law is wrong and needs to be changed
- They have to go through “Usually” high intensity sex offender programming, being told their sexuality is violent and wrong
- CSC attitudes towards HIV non-disclosure include a reprogramming of thinking
- Healing journey

SHIFTING MESSAGING

- Mentalities around HIV Criminalization/ internalization of HIV discrimination- Many people who have gone through the criminal justice system do not necessarily believe that people should not go to prison for HIV non-disclosure
- Working to change those narratives with people carefully is part of that healing process
- Slowly debriefing prison in a way that feels good for the individual (could include volunteering, talking groups, one on one support, forming community)
- Moving to activism... story telling as a tool to facilitate healing/renewal of identity (eg. Connecting with ASOs, peer mentorship, possibilities of engaging with larger justice struggles)

RELEASE PLANNING

- Develop priorities that are set by individual and a plan when they are released
- Be aware of all the barriers that they will face when they will be released
- Being released into a halfway house – dynamics
- Help in any way to support transportation upon release
- Given that a large portion of trials happen in the media, people might be going back to communities where they will face enhanced prejudice.
- Keep in mind that the individual may choose to pick up and leave again
- Help people prepare for Parole Board hearings, incredibly hurtful, relive the whole story - punitive messaging around their sexuality, For women reliving abuse that led up to arrest for non-disclosure
- Attend court dates
- Prepare client for long process when appealing. Wait time, back and forth, lots of parties involved

AFTER RELEASE – STARTING A NEW

- Remain in contact with ex-prisoners on their terms
- Clean slate, starting a new - you may be only connection to criminalized experience don't take it personal if they stop communicating
- Creating ones own prison on the outside - Isolation
- Writing letters, you may be the only person they receive letters from
- Be mindful and respect that relationship
- When you move on from your position or leave organization

THANKS

- PASAN conducts free training for those working with prison-affected and drug using populations. Training topics include:
- HIV & Prison, Prison 101, 201, 301
- Harm Reduction in Prison
- The Impact of Segregation
- Stigma & Discrimination
- Working with people who have been criminalized for HIV-Nondisclosure

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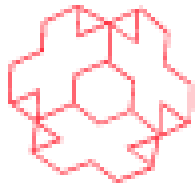
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ACCM



PASAN

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 **CATIE**

Questions and comments period



- **Claudia Medina**, Program Manager, PASAN
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CANADIAN COALITION TO REFORM HIV CRIMINALIZATION

<http://www.aidslaw.ca/site/canadian-coalition-to-reform-hiv-criminalization/?lang=en>

Contact the Coalition at:
ccrhc.ccrcv@gmail.com

Contact the Support Working Group at
ccrhc.ccrcv.help@gmail.com



Community consensus statement

<https://www.surveymonkey.com/r/CCRHCstatement>

**Canadian
Coalition
to Reform
HIV
Criminalization
(CCRHC)**

**Community Consensus Statement:
End Unjust HIV Criminalization**





Questions?

Liam Michaud -- lmichaud@catie.ca

Please evaluate this webinar.

Thank you!

