

SAFE SEX WHILE ON THE INSIDE⁴

In the US, gay, bisexual, and other men who have sex with men are more likely to be affected by HIV than any other group. The most common way gay and bisexual men get HIV is through anal sex without a condom. While access to condoms is limited while on the inside, there are steps one can take to limit risk of getting HIV and other sexually transmitted infections (STIs).

- **Have less risky sex.** Unprotected anal sex is the highest-risk sexual activity for HIV transmission. Insertive anal sex (topping) is less risky for getting HIV than receptive anal sex (bottoming). Unprotected oral sex can transfer HIV from one individual to another, but it carries a lower risk than anal sex.
- **Limit the number of sex partners.** The more partners you have, the more likely you are to have a partner with HIV whose HIV is not well controlled or to have a partner with another STI.
- If you have HIV, taking your HIV medications regularly as instructed can also reduce the risk of your partners getting HIV.
- If condoms are available, use condoms consistently.
- **HIV Testing.** Some prisons require HIV testing individuals entering the prison while others require testing individuals before they are released. Others offer voluntary HIV testing, but it varies from prison to prison.

PRIVACY & YOUR HIV STATUS^{5 6}

If you are HIV positive...

- While in prison it may be difficult to keep your status private as prisons do not always keep your medical information private. Keeping your status private may not be possible as you may be in situations where other individuals can overhear your conversations with medical staff or what medication you are taking.
- If you need to demand better medical care, you may find it necessary to reveal your HIV status to more people—and more often—than you would like to. If it is important to you to keep your HIV status private, you should avoid discussing it except when seeking or receiving medical care. In addition, you should mark as “confidential” all documents that mention your HIV status.
- You may not be able to hold on to medical papers as prison officials or other people in prison may see them. If you face this problem, you may have to decide whether to hold on to such documents. If someone on the outside will be helping you try to get the care you need, let them know about any privacy concerns you have.

“I think life has given me another chance, I now do what I can to inspire myself and others through these battles. For anyone out there affected with such disease please love yourself and never give up.”

Ricardo, individual living with HIV

“I don’t take what happened to me negatively, it won’t do me any good for my health. But moving forward, I’ve learned to love myself more. I’ve learned who my true friends are, and most especially, I’m happy with the love and support that I’m getting from my friends and fellow people living with HIV. There is always a life after an HIV-positive diagnosis.”

Ryan, individual living with HIV

“I know I have a lot more to go through with HIV. But just remember - trust the people you tell that they aren't going to judge you, but help you, and be there for you. Life is precious. Keep your head up and realize everything always works out like they are supposed to, and hurt is only but temporary.”

Curt, individual living with HIV

⁴ Information from <https://aidsinfo.nih.gov/understanding-hiv-aids/fact-sheets/25/81/hiv-and-gay-and-bisexual-men>

⁵ Information from <https://www.hg.org/legal-articles/prisoner-rights-while-incarcerated-36353>

⁶ Information from <https://www.hivplusmag.com/stigma/2016/4/20/locked-lost-hiv-behind-bars>

Quotes from <https://www.avert.org/living-with-hiv/stories>

HIV MEDICAL CARE^{7 8}

You are entitled to adequate medical care. Courts have found that for prison officials cannot ignore an individual's serious medical need. You have this right to medical care regardless of whether you are in a federal, state, or local prison or jail.

Steps to receiving better care

1. *Let prison medical staff know about your status.*
2. *If you were diagnosed with HIV before entering prison, ask your doctor to write a letter explaining your HIV status. In this letter, the doctor (or other medical care provider) should explain:*
 - The doctor's treatment plan for you
 - The names, dosages, and schedule for the prescription medications you have been taking
 - The importance of continuous care

Make copies of this letter and give the original to a prison official while giving copies to someone you trust on the outside (it might be needed in the future). As long as they are providing "adequate" care, the prison is not required to follow your doctor's treatment plan.

3. *If you believe you are being denied adequate medical care, file a formal complaint ("grievance") with prison officials.*
 - Find out how to file a formal complaint at your prison and follow those steps.
 - Follow-up on the complaints you file. If your complaint is rejected (or no action is taken on it) and the problem has not been fixed, file an appeal.
 - Keep going until the problem is fixed. If an appeal is rejected (or nothing changes), you should attempt to appeal to the next level—and do so until you have reached the highest level and "exhausted" all options within the prison system.
4. *Keep detailed records about your care and any complaints you file.*
 - Keep a diary about your medical condition and the treatment you receive. Write down the medical staff you have seen, the effects of any delay in treatment, and the number of days you haven't had treatment. Always include dates, a list of anyone who can back up what you say, and any other information that shows a prison official was aware of your status.
 - Keep proof of how you tried to get the problem fixed. Try to make and keep copies of all complaints you file and all responses you receive. If you cannot keep copies, write down the dates you filed complaints and, in as much detail as possible, the reason(s) for filing complaints. Also make notes about any responses and appeals you file.

For more information about your right to adequate HIV care while on the inside, please write to Lambda Legal at 120 Wall St., Suite. 1500, New York, NY 10005.

⁷ Information from <https://www.hg.org/legal-articles/prisoner-rights-while-incarcerated-36353>

⁸ Information from https://www.lambdalegal.org/sites/default/files/publications/downloads/fs_your-right-to-hiv-treatment-in-prison-and-jail_1.pdf