Bar None

A judge rules that Alabama prisons must stop segregating HIV-positive inmates. That leaves only one state with this practice on the books.

March 20, 2013 By Trent Straube

Alabama has always segregated its HIV-positive prisoners from other inmates. Since 1987, the American Civil Liberties Union (ACLU) has challenged that policy in court. In 2000, the Supreme Court denied review of a ruling; this left segregation in place and meant that the subject could not be litigated again—unless there was a significant change in fact or law. In 2011, the ACLU tried again. What changed? “We argued that HIV was no longer an inevitably fatal disease,” says Margaret Winter, lead counsel for the plaintiffs. This time, they won.

The ruling, which arrived December 2012, means that the state’s 240 male and 10 female inmates with HIV will not miss out on the training sessions, addiction counseling and other programs offered to negative inmates—which is in accordance to the Americans with Disabilities Act. It also means that prisoners with HIV can’t be forced to wear armbands to alert others of their status.

South Carolina, maintaining that segregation helps the state save medical costs and offer positive prisoners better care, is now the only state to continue the practice. But that may change. “Our strong hope and belief,” Winter says, “is that South Carolina will soon voluntarily vacate their HIV segregation policy.” Good, because justice delayed is justice denied.

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