



How Many People in U.S. Prisons Are Living With HIV?

The number of people with HIV in prisons has declined for 23 straight years, found a DOJ report that also looked at HIV testing in prisons.

March 28, 2023 By [Trent Straube](#)

At the end of 2021, fewer people in state and federal [prisons](#) were living with [HIV](#) than the previous year. The decline, of about 2%, represents the 23rd straight year that the number has decreased, [according to a report released this month by the Bureau of Justice Statistics](#), part of the Department of Justice.

Data from "HIV in Prisons, 2021 – Statistical Tables" Courtesy of U.S. Department of Justice/Office of Justice Programs/Bureau of Justice Statistics

Titled "[HIV in Prisons, 2021](#)," the report also includes data on [HIV testing](#). Highlights from the report include:

- At year-end 2021, an estimated 11,810 persons with HIV were in the custody of state and

federal correctional authorities, down from 12,060 in 2020.

- At year-end 2021, about 1.1% of persons—1.2% of males and 0.9% of females—in state and federal prison were living with HIV.
- In 2021, of the 50 jurisdictions reporting their HIV testing practices, 16 jurisdictions (which accounted for 40% of prison admissions) conducted mandatory HIV testing during intake.
- In 2021, a total of 18 jurisdictions offered HIV tests during routine medical exams of persons in custody, up from 11 in 2017.

A total of 1,032,130 people were in custody in state and federal correctional facilities in 2021, according to the report. Of those, 962,156 were male and 69,974 were female. The total number of people in custody declined each year since 2017, the earliest year included in the report, when the total number of people in custody was 1,279,259.

The 2021 decrease in prisoners living with HIV “followed the largest 1-year decline (down 15% between 2019 and 2020, largely as a result of the COVID-19 pandemic) since data collection began in 1991,” wrote the study authors. They added, “The population of state and federal prisoners living with HIV has fallen for 23 straight years from its peak of 25,980 in 1998, largely due to a roughly 4% average annual decrease in state prisoners with HIV.”

Statistics about HIV testing among people in state and federal prisons include the following:

HIV Testing During Intake Process

- In 2021, of the 50 jurisdictions reporting their HIV testing practices, 16 jurisdictions (which accounted for 40% of prison admissions) conducted mandatory HIV testing during intake.
- Twenty-four jurisdictions, which accounted for 44% of persons admitted to prison in 2021, offered opt-out HIV testing. With this practice, all those admitted were offered and given the test unless they declined it.

- Jurisdictions that conducted mandatory or opt-out HIV testing during intake accounted for a larger percentage of all persons admitted in 2021 (84%) than in 2017 (73%).
- In 2021, seven jurisdictions (accounting for 14% of persons admitted to prison) offered all prison admissions an HIV test that they had to opt-in to receive.

HIV Testing While in Custody

- In 2021, all 50 reporting jurisdictions offered an HIV test under one or more circumstances to persons in the custody of state and federal correctional authorities.
- HIV testing upon request—the most common testing practice for persons in custody—was reported by 47 jurisdictions in both 2017 and 2021.
- Forty jurisdictions in 2017 and 39 in 2021 conducted HIV testing upon clinical indication.
- In 2021, a total of 18 jurisdictions offered HIV tests during routine medical exams of persons in custody, up from 11 in 2017.

HIV Testing During Discharge Planning

- HIV testing on request of the person in custody was the most commonly reported testing practice during the discharge process in 2017 (27 jurisdictions) and in 2021 (29 jurisdictions).
- About half (48%) of persons released from prison in 2021 had been in jurisdictions that offered persons in custody HIV testing on request.

- Jurisdictions that offered all those in custody an HIV test during their discharge planning accounted for about a quarter (23%) of releases in 2017 and about a fifth (20%) in 2021.
- In 2021, jurisdictions that did not provide HIV testing upon discharge accounted for 9% of persons being released from prison.

The authors note that since the National Prison Statistics program began collecting HIV data, one to four jurisdictions per year have not reported the number of persons living with HIV in the custody of state and federal correctional authorities. To produce national and state totals of the number of persons living with HIV in prison, “data were imputed for nonreporting jurisdictions.”

The authors added that data on deaths are no longer included in the report and instead are reported on a quarterly basis to centralized state agencies.