Nashville Agrees to Rewrite Policies Disqualifying HIV-Positive Police Candidates

As part of a legal settlement, Nashville will pay John Doe $145,000 and rewrite its civil service medical examiner's policies.

April 4, 2024 By Laura Schmidt

The city of Nashville agreed to update its civil service policies to no longer automatically disqualify individuals from serving as a police officer or first responder because of their HIV status, according to a recent legal settlement.

In the settlement, Nashville agreed to pay $145,000 to a former Memphis police officer living with HIV, identified as John Doe, and rewrite its civil service medical examiner's policies, which previously required all Metropolitan Nashville police officer candidates to meet the physical requirements for admission to the U.S. Army or Navy. (Currently, people living with HIV are banned from enlisting in the military, but those who test HIV positive while serving are no longer automatically disbarred. An ongoing lawsuit, Wilkins v. Austin, aims to strike down the ban. For more background, see "Lambda Legal Asks Court to Allow People With HIV to Join the Military.")

Last year, Doe filed a federal discrimination lawsuit claiming that the Metropolitan Nashville Police Department rescinded a job offer after learning about his HIV status. This occurred despite the fact that Doe had provided a letter from his health care provider stating that he had a suppressed viral load, meaning that he cannot transmit the virus to anyone, a concept known as Undetectable Equals Untransmittable, or U=U.

The rewritten policies will include language requiring medical examiners to "individually assess each candidate for their health and fitness to serve" as Metropolitan Nashville first responders or police officers, The Associated Press reports.

Doe was represented by Lambda Legal, which advocates for LGBTQ and HIV causes through the courts. Lambda Legal also filed Wilkins v. Austin, on behalf of three individuals who were not

allowed to enlist in the military because of their HIV status.

“Medicine has progressed by leaps and bounds, allowing people living with HIV to live normal lives, and there are no reasons why they cannot perform any job as anyone else today,” Lambda Legal attorney Jose Abrigo said in a statement. “We hope this settlement serves as a testament to the work we need to continue to do to remove stigma and discrimination and update laws to reflect modern science.”

In 2022, a similar scenario played out in Clarksville, Indiana, where a qualified law officer had been made a conditional job offer that was revoked after the man disclosed his HIV-positive status during a state-mandated medical exam. The lawsuit stated that such HIV discrimination violated the Americans with Disabilities Act, under which HIV is considered a disability.

Meanwhile, last year, the Department of Justice found that Tennessee’s HIV criminalization laws violate the Americans with Disabilities Act (ADA). Specifically, the department found that Tennessee’s aggravated prostitution statute singles out people with HIV for harsher punishment simply because of their HIV status.

HIV criminalization refers to the use of unfair laws to target people who have HIV—notably, African-American, Latino and LGBTQ people and women—and punish them because of their HIV status, not because of their actions. Under outdated laws, people with HIV can be sentenced to prison in cases where HIV was not transmitted and their only crime was allegedly not disclosing their status.

To read more, click #Lawsuit. There, you’ll find headlines such as “Man Died After Allegedly Being Denied HIV Meds in California Jail,” “Woman With HIV Sues Arizona Rehab Center for Wrongful Eviction” and “Lambda Legal Asks Court to Allow People With HIV to Join the Military.”

Additionally, see our POZ cover story “Defying Discrimination” about fighting stigma and discrimination, which includes tips on filing an HIV lawsuit.

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