Front Page Outing of HIV Status

October 8, 2009 By Oriol R. Gutierrez Jr.

There is no universal agreement on all the instances when outing is appropriate, but many LGBT people agree that closeted public people (especially politicians) who are anti-LGBT are fair game.

So it follows that many LGBT people are less comfortable with outing private citizens who are not working against the interests of LGBTs.

The term “outing” has spread from its LGBT origins to mean revealing any intimate truth without consent. HIV status, however, is not only an intimate truth. HIV disease is a medical condition, so there are also legal privacy concerns when outing HIV status.

Going by similar logic from the above, I perhaps can understand risking legal trouble if outing HIV status is done for safety reasons but not when there should be no such safety concerns.

This leads me to a recent front page article in the St. Paul Pioneer Press. “HIV--one more on-the-job risk cops face daily” was the headline:

> Four St. Paul police officers had pursued Cary Kenneth Dorsey for hours during a car chase early Tuesday. When the dog caught him, they wrestled the 18-year-old into submission as blood flowed from the open bite wound. Only later did they learn Dorsey is HIV-positive.

Dorsey was a home burglary suspect. One officer in the arrest had an “open wound” and was treated with HIV medication. The other three underwent no treatment.

> “Exposure is a risk to officers,” said Sgt. Paul Schnell, spokesman for the St. Paul police. “It’s fairly

commonplace that officers get exposed to the full range of blood-borne pathogens in their work."

However, no workers in Minnesota reportedly have contracted HIV on the job since the state Health Department began collecting information in 1982 on the human immunodeficiency virus, said Luisa Pessoa-Brandao, HIV surveillance coordinator ...

Police take "universal precautions" to prevent such an infection, Schnell said. Citing the department's medical privacy policy, police would not release the names of the officers involved in the Dorsey arrest.

Interesting, isn't it, that the identity of the officers in the Dorsey arrest would not be released for "medical privacy" yet the suspect's identity was revealed?

An article in the Minneapolis City Pages most definitely thought so. "Pioneer Press splashes suspect's HIV status and mugshot across front page" was the headline:

[Was] the suspect's medical privacy violated in the process?

It would be one thing if the suspect had cut himself and was actively trying to infect officers, but in this case, the guy was bleeding because the police dog had bitten him. Basically, the police created the threat to their

health.

It also must be said that the officers were at very low risk, especially if they took basic precautions like wearing rubber gloves ... Did the punishment [having his HIV status revealed] fit the crime?

City Pages asked Kelly McBride from the Poynter Institute to weigh in:

“The one question that I have is, how do they know he’s HIV-positive, because they didn’t cite a source,” McBride says. “I’m assuming it’s the cops that told them, and then the question becomes: What are cops doing releasing that information?” ...

McBride says newspapers no longer shy away from revealing HIV status when it’s crucial for a story. But in this case, she wonders whether the suspect’s name and photograph really needed to be given prominent display.

“The question is: Is there an alternative to identifying the guy?” McBride asks. “The fact that this particular burglar is HIV-positive is not as crucial to the story so much as the fact that they arrested a burglar, he was bit

by a dog, and bled all over the cops. It’s not the name that’s important in this case.”

Thom Fladung, the Pioneer Press editor, is quoted as having no qualms about his decision to reveal the suspect’s HIV status:

“I don’t assume having HIV is a mark of shame, any more than having cancer or any other illness,” Fladung says. “The second thing is, newspapers name names. So I approach it from that perspective. We name crime suspects all the time. Why shouldn’t we name this one?”

It’s nice that the editor doesn’t believe HIV is “a mark of shame” and I can appreciate the fact that newspapers name names. What the editor seems to miss is that his decision should not have been based on either of these reasons. The aforementioned moral and legal considerations should have been weighed more heavily.

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