

RESEARCH THAT MATTERS

ENFORCEMENT OF HIV CRIMINALIZATION in Louisiana

SEPTEMBER 2022

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OVERVIEW

The Williams Institute analyzed data from the state of Louisiana about individuals who came into contact with the state’s criminal system through allegations of HIV-related crimes. We analyzed both law enforcement incident-level data and data from the state’s sex offender registry to understand the beginning and end stages of the criminalization cycle. In total, we estimate that between 158 and 176 people have had contact with Louisiana’s criminal legal system because of allegations of HIV crimes.

Our analysis of incident-level data revealed that

- There have been at least 137 incidents reported to law enforcement in Louisiana that have included at least 147 separate allegations of an HIV-related crime since 2011.
- Between 128 and 136 people have been involved in these incidents.
- Enforcement is concentrated in East Baton Rouge Parish, Orleans Parish, and Calcasieu Parish.
- The number of incidents is not decreasing over time.
- Most incidents involved only allegations of an HIV-related crime. In the statewide incident-based data, 80% of incidents included only allegations of an HIV-related crime.
- Just over half of the incidents (52%) for which location data were available occurred at a home or residence, or a hotel, motel, or another lodging. Thirty-six percent occurred in a range of public settings (the location was unreported for 12% of incidents).
- Black people—and especially Black men—were the majority of people identified as suspects and arrested for HIV-related crimes.
 - In the statewide incident-based data, 63% of suspects were Black—45% were Black men. For incidents that resulted in arrest, all of those arrested were Black and 91% were Black men.
 - In incident-based data from New Orleans, close to 80% of all suspects were identified as Black—58% were Black men.
- Women and Black people were approximately half of the people identified as a victim of HIV-related incidents.
 - In the statewide incident-based data, about one in six alleged offenses indicated a law enforcement officer or “society-at-large” as the victim, and among the remaining offenses, almost half were Black (47%) and over half (56%) were women, with an equal share of Black women and white women (28% each).
 - In data from New Orleans, 70% of victims were identified as Black (60%) or Hispanic/Latino (10%), including 55% who were Black men. In the New Orleans incidents, and unlike the trend observed statewide, the vast majority of victims were men (95%).
- Non-sexual contact likely was the basis for the alleged crime in the majority of incidents for which we have data.
 - When analyzing victim-suspect relationships, we observed that over 40% indicated an intimate or romantic relationship (“[ex-]boyfriend/girlfriend” or “spouse”). Of these, 90% indicated a different-sex relationship, including 60% that indicate different-sex relationships among Black couples.

Our analysis of the sex offender registry revealed that

- There have been at least 47 separate HIV-related convictions resulting in sex offender registration since 1998 involving 43 people.
- Most people (63%) on the sex offender registry because of an HIV-related conviction are on the registry only because of the HIV-related conviction.
- Three-quarters of people on the sex offender registry for an HIV-related conviction were Black.
 - Black men were 63% of all HIV registrants but only 48% of the overall SOR. Black men are 44% of people living with HIV in Louisiana and 15% of the overall state population.
- HIV-related SOR registrants had a median sentence of incarceration of 4.3 years.
- Based on sex offender registry data, Louisiana taxpayers have paid at least \$6.5 million in prison incarceration costs related to HIV-related crimes.

BACKGROUND

HIV criminalization is a term used to describe statutes that criminalize otherwise legal conduct or that increase the penalties for illegal conduct based upon a person's HIV-positive status.¹ While there is only one federal HIV criminalization law,² more than two-thirds of states and territories across the United States have HIV criminal laws. Most HIV criminal laws do not require actual transmission of HIV or an intent to transmit HIV. In many cases, these laws criminalize conduct that poses no actual risk of transmission, such as spitting or biting.³ Most laws criminalizing HIV were passed in the early years of the epidemic,⁴ long before there were effective tests for the virus,⁵ treatments that allow people living with HIV (PLWH) to live normal lifespans in good health,⁶ and extremely effective methods for preventing transmission of the virus.⁷ Louisiana has one primary HIV criminal law, intentional exposure to HIV.⁸

LOUISIANA'S HIV CRIMINALIZATION LAW

Louisiana has one criminal law related to HIV, "Intentional exposure to HIV." This law makes it a felony for a person living with HIV who knows of their HIV-positive status to intentionally expose another person to HIV

- "through sexual contact without the knowing and lawful consent of the victim," or
- "through any means or contact without the knowing and lawful consent of the victim."⁹

Intentional exposure is a felony and the maximum sentence is 10 years imprisonment and a \$5,000 fine.¹⁰ The law provides for a heightened sentence for intentional exposure to a first responder

¹Dini Harsono, Carol Galletly, Elaine O'Keffe & Zita Lazzarini, *Criminalization of HIV Exposure: A Review of Empirical Studies in the United States*, 21 AIDS & BEHAVIOR 27(2017).

²See 18 U.S.C. § 1122 (2015) (pertaining to the donation or sale of blood or other potentially infectious fluids or tissues).

³See e.g., Françoise Barré-Sinoussi et al. *Expert Consensus Statements on the Science of HIV in the Context of Criminal Law*, 21 J. INT. AIDS SOC. e215161 (2018); J. Stan Lehman et al., *Prevalence and Public Health Implications of State Laws that Criminalize Potential HIV Exposure in the United States*, 18 AIDS BEHAV. 997, 1000 (2014).

⁴Harsono et al., *supra* note 1; Lehman et al., *supra* note 3 at 999.

⁵A *Timeline of HIV/AIDS*, hiv.gov, <https://www.hiv.gov/sites/default/files/aidsgov-timeline.pdf> (last visited Aug. 30, 2022).

⁶ANTIRETROVIRAL THERAPY COHORT COLLABORATION, *Survival of HIV-Positive Patients Starting Antiretroviral Therapy Between 1996 and 2013: A Collaborative Analysis of Cohort Studies*, 4 LANCET HIV e349 (2017); Barré-Sinoussi et al., *supra* note 3 at 7; CDC, *HIV Care Saves Lives Infographic* (Nov. 25, 2014), <https://www.cdc.gov/vitalsigns/hiv-aids-medical-care/infographic.html>; Lehman et al., *supra* note 3, at 1004.

⁷Dr. Francis Collins, *For HIV, Treatment is Prevention*, NIH DIRECTOR'S BLOG, (Jan. 22, 2019), <https://directorsblog.nih.gov/2019/01/22/for-hiv-treatment-is-prevention/>; Media Advisory, National Institutes of Health, *The Science is Clear: With HIV, Undetectable Equals Untransmittable* (Jan. 10, 2019), <https://www.nih.gov/news-events/news-releases/science-clear-hiv-undetectable-equals-untransmittable>; Robert W. Eisinger, Carl W. Dieffenbach & Anthony S. Fauci, *HIV Viral Load and Transmissibility of HIV Infection: Undetectable Equals Untransmittable*, 321 JAMA 451 (2019); CDC, *PrEP*, cdc.gov, (June 3, 2022), <https://www.cdc.gov/hiv/basics/prep.html>; Susan P. Buchbinder, *Maximizing the Benefits of HIV Preexposure Prophylaxis*, 25 TOP. ANTIVIRAL MED. 138 (2018).

⁸LA. REV. STAT. § 14:43.5(A)-(B).

⁹*Id.*

¹⁰*Id.* at § 14:43.5(E)(1)-(2). A first responder "includes a commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, and probation and parole officer, any licensed

performing their official duties, in which case the maximum sentence increases to 11 years and a fine of up to \$6,000.¹¹ Additionally, conviction for intentional exposure to HIV requires the person convicted to register as a sex offender under Louisiana law for 15 years.¹²

Louisiana's HIV criminal law does not require actual transmission or the intent to transmit to sustain a conviction.¹³ It also criminalizes behaviors that could never be a transmission route, such as exposure of certain bodily fluids to the skin.¹⁴ Moreover, it is unclear how the law would apply to someone who has not disclosed their status but is in effective medication treatment and virally suppressed so that HIV is not detectable in the person's blood.

Louisiana's HIV criminal statute added three affirmative defenses in 2018. First, it is an affirmative defense if the person living with HIV can establish that the person exposed to HIV (a) knew of the person living with HIV's status, (b) knew the action could result in exposure to HIV, and (c) gave consent with that knowledge.¹⁵ Second, it is an affirmative defense if the exposure involves the transfer of bodily fluids, tissue, or organs and the exposure occurred after a physician advised the defendant that they were noninfectious, and the defendant disclosed their HIV status.¹⁶ Third, it is an affirmative defense if the defendant disclosed their HIV status and took practical means to prevent transmission on the advice of a physician or healthcare professional.¹⁷

HIV is treated differently under Louisiana law compared to other sexually transmitted infections (STI). Louisiana law has also imposed a duty to disclose whether an individual has a "venereal disease" before engaging in sexual conduct; however, that requirement is located in the public health code rather than the criminal code.¹⁸ In addition, punishment is less severe. A violation of the STI public health statute results only in a fine between \$10 and \$200 for a first-time offense, a fine of between \$25 and \$400 for a second offense, and a fine of between \$50 and \$500 and/or imprisonment of between 10 days and 6 months for any subsequent offense.¹⁹

Sex Work and HIV Criminalization

In addition to the HIV criminalization statute, HIV status is relevant in other areas of Louisiana's

emergency medical services practitioner as defined by R.S. 40:1131, and any firefighter regularly employed by a fire department of any municipality, parish, or fire protection district of the state or any volunteer firefighter of the state."

¹¹*Id.* at § 14:43.5(C); § 14:43.5(E)(1)-(2).

¹²*Id.* at § 15:541(24)(a); see also LA STATE POLICE, *Offenses*, <http://www.lsp.org/socpr/offenses.html> (last visited Aug. 30, 2022)

¹³CTR. FOR HIV LAW AND POLICY, *Arrests and Prosecutions for HIV Exposure in the United States, 2008-2019*, https://www.hivlawandpolicy.org/sites/default/files/Chart%20of%20U.S.%20Arrests%20and%20Prosecutions%20for%20HIV%20Exposure%20in%20the%20United%20States%20%28June%202019%29_0.pdf (last visited Aug. 30, 2022).

¹⁴*Id.*

¹⁵LA REV. STAT. § 14:43.5(F)(1).

¹⁶LA REV. STAT. § 14:43.5(F)(2).

¹⁷LA REV. STAT. § 14:43.5(F)(3).

¹⁸LA. REV. STAT. § 40:1121.2. Venereal disease includes "syphilis, gonorrhea, chancroid, or any other infectious disease primarily transmitted from one person to another by means of a sexual act." *Id.* § 40:1121.1.

¹⁹*Id.* § 40:1121.11.

criminal legal system. In 1998, the Louisiana Court of Appeals in *Louisiana v. Richmond* upheld an unusually harsh sentence for a sex worker on the grounds that the accused person was aware of her HIV status while she engaged in sex work.²⁰ The impact of HIV criminalization on sex workers is compounded by a common police policy of considering carrying condoms as grounds for arrest for prostitution.²¹ Human Rights Watch has published a report noting that the New Orleans Police Department's practice of this policy led "sex workers, transgender women, and others at high risk of HIV infection" to avoid "carry[ing] condoms and that they sometimes had to engage in sex without protection out of fear of police harassment."²²

HISTORY OF HIV CRIMINAL LAWS IN LOUISIANA

Louisiana was one of the first states to criminalize HIV, enacting its law in 1987. At this time, HIV was not well understood, and the state's statute reflected common misunderstandings about the virus. For example, Louisiana's statute incorrectly referenced the "AIDS virus," rather than HIV,²³ and the old statute name, "Intentional exposure to AIDS virus," continues to be used by law enforcement.

In addition, these statutes were enacted before effective medications to treat HIV were identified and made widely available in 1996,²⁴ and before access to medication that prevents HIV transmission. Since 1996, a person in effective medication treatment cannot transmit HIV through sexual contact.²⁵ Moreover, a person who does not have HIV can take medication to prevent the transmission of HIV through sexual contact.²⁶

The legislative record for Louisiana's original HIV criminalization bill passed in 1987 indicates that the bill's aim was to compel people living with HIV to not be sexually active. The bill's lead sponsor, Representative Kernan Hand, said during a committee hearing that "the purpose of this bill is to deter those infected with [HIV] from remaining sexually active in the community."²⁷ Earlier in the legislative session, Representative Hand had introduced the intentional exposure statute as an amendment to

²⁰708 So.2d 1272, 1276 (La. Ct. App. 1998) ("[T]he trial judge noted that defendant committed the instant offense after she knew that she was HIV positive. The sentence imposed given the facts in this case is not constitutionally excessive."). The offense for which the defendant was charged was "crime against nature by soliciting unnatural carnal copulation for compensation." *Id.* at 1273.

²¹See HUMAN RIGHTS WATCH, *In Harm's Way, State Response to Sex Workers, Drug Users and HIV in New Orleans*, (Dec. 11, 2013), <https://www.hrw.org/report/2013/12/11/harms-way/state-response-sex-workers-drug-users-and-hiv-new-orleans#> ("Sex workers and people suspected by police of engaging in sex work also reported that police use condoms as evidence of prostitution. In stops and searches related to possible prostitution, officers frequently commented on, confiscated, or threatened arrest on the basis of how many condoms someone was carrying.").

²²*Id.*

²³1987 La. Acts 663 (codified at LA. REV. STAT. § 14:43.4).

²⁴Brad Sears & Shoshanna Goldberg, *HIV Criminalization in Georgia: Evaluation of Transmission Risk*, WILLIAMS INST., (2020) <https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Crim-Transmission-GA-Mar-2020.pdf>.

²⁵See CDC, *Effectiveness of Prevention Strategies to Reduce the Risk of Acquiring or Transmitting HIV* (June 17, 2022), <https://www.cdc.gov/hiv/risk/estimates/preventionstrategies.html>.

²⁶*Id.*

²⁷*Minutes of Meeting of June 23, 1987: Hearing on H.B. 1728 Before the S. Comm. on Judiciary C*, 1987 Leg., 13th Reg. Sess. (La. 1987) (statement of Rep. Kernan Hand). Both Rep. Hand and the bill itself incorrectly referred to HIV as "the AIDS virus." 1993 La. Acts 411 (codified at LA. REV. STAT. § 14:43.5).

Louisiana's second-degree murder statute. If successful, intentional exposure would have carried a life sentence without the possibility of parole, probation, or suspension of sentence.²⁸

In 1993, the law was amended to expand the scope of the offense to criminalize exposure "through any other means or contact," besides sexual contact. The amendment also added a heightened sentence when the victim is a police officer. The amendment's sponsor, Representative Victor Sally, stated the purpose was to "prohibit a person from intentionally exposing a police officer to [HIV]," and the legislative committee heard testimony from Louisiana State Police that officers were unprotected when persons living with HIV attempted to expose them.²⁹ The amended statute criminalized "spitting, biting, stabbing with an AIDS contaminated object, or throwing of blood or other bodily substances."³⁰ The Centers for Disease Control and Prevention have stated that spitting, biting, and throwing bodily fluids pose a "negligible" risk of transmission: "HIV transmission through these exposure routes is technically possible but unlikely and not well documented."³¹

In 2018, the statute was amended to bring Louisiana's statute closer to the modern scientific understanding of HIV.³² The amendment removed all inaccurate references to the "AIDS virus" and replaced this language with "the human immunodeficiency virus (HIV)."³³ In addition, the amendment removed the enumerated examples of "any means or contact" which included spitting, biting, stabbing, and throwing of bodily substance out of recognition that these are unlikely to result in transmission while keeping the broad language indicating an expansive scope.³⁴ Further, the amendment added the three affirmative defenses listed above, which were absent from the original statute.³⁵

However, some of the reforms proposed by Representative Jordon were not enacted. The affirmative defenses were limited by amendments requiring the defendant to disclose HIV status in order for the defense to apply, even if the person living with HIV could not transmit HIV because of medication, or if the sexual partner could not contract HIV because of medication.³⁶ In fact, rather than restricting

²⁸See *Minutes of Meeting of May 14, 1987: Hearing on H.B. 1634 Before H. Comm. on Admin. of Crim. Just.*, 1987 Leg., 13th Reg. Sess. (La. 1987). It was in the committee debate for this separate bill that an amendment to use the language knowing "exposure" was first proposed. *Id.* (amendment from Rep. Donelon). See also Hayley Fritchie, Comment, *Burning the Family Silver: A Plea to Reform Louisiana's Antiquated HIV-Exposure Law*, 90 TULANE L. REV. 209, 219 (2015) (discussing the legislative history of the 1987 bill and its origins in the second-degree murder statute).

²⁹See *Minutes of Meeting of Apr. 22, 1993: Hearing on H.B. 335 Before H. Comm. on Admin. of Crim. Just.*, 1993 Leg., 19th Reg. Sess. (La. 1993) ("Sgt. Hamilton Mixon of the Louisiana State Police testified that presently there is no statute to deal with the intentional exposure of a police officer to the AIDS virus when an arrest is made.").

³⁰1993 La. Acts 411 (codified at LA. REV. STAT. § 14:43.5).

³¹CDC, *HIV Risk Behaviors* (Nov. 13, 2019), <https://www.cdc.gov/hiv/risk/estimates/riskbehaviors.html>.

³²2018 La. Acts 427 (codified at LA. REV. STAT. § 14:43.5).

³³See *Minutes of Meeting of May 5, 2018: Hearing on H.B. 275 Before S. Comm. on Judiciary C*, 2018 Leg., 44th Reg. Sess. (La. 2018), http://senate.la.gov/video/videoarchive.asp?v=senate/2018/05/050118JUDC_0.

³⁴See *Minutes of Meeting of May 5, 2018, supra*. The Committee heard testimony from Dr. Eugene Collins, who was asked to confirm that these actions cannot result in transmission for the committee discussed elimination of the enumerated examples. Additionally, there has been some question in the courts regarding the constitutionality of the enumerated examples that scientifically cannot result in transmission. See *Louisiana v. Gamberella*, 633 So. 2d 595, 603–04 (La. App. 1 Cir. Dec. 29, 1993).

³⁵See LA. REV. STAT. § 14:43.5(F).

³⁶See *Minutes of Meeting of Apr. 12, 2018: Hearing on H.B. 275 Before H. Comm. on Admin. Just.*, 2018 Leg., 44th Reg. Sess.

criminal liability, the 2018 revision expanded it. An amendment expanded the heightened offense for exposing law enforcement beyond police officers, adding emergency medical practitioners and firefighters to the statute.³⁷ The relevant committee did not address the original rationale for this heightened offense for first responders, which was based on concerns about spitting and biting.

PREVIOUS STUDIES OF HIV CRIMINAL ENFORCEMENT

This report builds on a series of studies analyzing the enforcement of HIV criminal laws using state-level data. Since 2015, the Williams Institute has published similar studies for California,³⁸ Georgia,³⁹ Florida,⁴⁰ Missouri,⁴¹ Nevada,⁴² Kentucky,⁴³ Virginia,⁴⁴ and Tennessee.⁴⁵ These studies show that

- Thousands of people have been prosecuted for HIV crimes.
- The number of HIV-related arrests and prosecutions has not decreased in recent years.
- The vast majority of arrests, prosecutions, and convictions are pursuant to state laws that do not require actual transmission of HIV, the intent to transmit, or even conduct that can transmit HIV.
- Black people and women are disproportionately affected by HIV criminal laws.
- Sex workers are often disproportionately affected by HIV criminal enforcement.
- In most states, arrests are concentrated in just a few counties and appear to be driven by local law enforcement practice.
- Convictions for HIV crimes can carry long sentences and create lifelong collateral consequences from a felony conviction. Some states also require registration on the state's sex offender registry.

(La. 2018), https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2018/apr/0412_18_CJ.

³⁷See *Minutes of Meeting of Apr. 12, 2018: Hearing on H.B. 275 Before H. Comm. on Admin. Just.*, 2018 Leg., 44th Reg. Sess. (La. 2018) (amendment by Rep. Landry). Discussion of the amendment can be found at 4 hours and 50 seconds at the following: https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2018/apr/0412_18_CJ.

³⁸Amira Hasenbush, Ayako Miyashita & Brad Sears, *HIV Criminalization in California: Penal implications for People Living with HIV/AIDS*, THE WILLIAMS INST. (2015), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Criminalization-CA-Dec-2015.pdf>.

³⁹Amira Hasenbush, *HIV Criminalization in Georgia: Penal Implications for People Living with HIV/AIDS*, THE WILLIAMS INST. (2018), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Criminalization-GA-Jan-2018.pdf>.

⁴⁰Nathan Cisneros and Brad Sears, *HIV Criminalization in Florida: Length of Incarceration and Fiscal Implications*, THE WILLIAMS INST. (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Incarceration-FL-Jul-2021.pdf>.

⁴¹Brad Sears, Shoshana Goldberg & Christy Mallory, *The Criminalization of HIV and Hepatitis B and C in Missouri: An Analysis of Enforcement Data From 1990 to 2019*, WILLIAMS INSTITUTE (2020), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Criminalization-MO-Feb-2020.pdf>.

⁴²Nathan Cisneros & Brad Sears, *Enforcement of HIV Criminalization in Nevada*, THE WILLIAMS INST. (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Criminalization-NV-May-2021.pdf>.

⁴³Nathan Cisneros & Brad Sears, *Enforcement of HIV Criminalization in Kentucky*, THE WILLIAMS INST. (2021), <https://williamsinstitute.law.ucla.edu/publications/hiv-criminalization-ky/>.

⁴⁴Nathan Cisneros & Brad Sears, *Enforcement of HIV criminalization in Virginia*, THE WILLIAMS INST. (2021), <https://williamsinstitute.law.ucla.edu/wp-content/uploads/HIV-Criminalization-VA-Dec-2021.pdf>.

⁴⁵Nathan Cisneros, Brad Sears, & Robin Lennon-Dearing, *Enforcement of HIV Criminalization in Tennessee*, THE WILLIAMS INST. (2022), <https://williamsinstitute.law.ucla.edu/publications/hiv-criminalization-tennessee/>.

- Enforcement of HIV criminal laws has cost states tens of millions of dollars in incarceration costs alone.

The Williams Institute reports follow several earlier studies analyzing the enforcement of HIV criminal laws in other states.⁴⁶ For example, Trevor Hoppe, analyzing 431 HIV-related criminal convictions in six states, concluded that victim characteristics drive uneven patterns of enforcement and sentencing.⁴⁷ Hoppe found that there are disproportionately high rates of convictions among heterosexual white male defendants, yet at sentencing, Black defendants were punished more severely, and women were treated more leniently. Men accused of not disclosing to women were punished more harshly than those accused by men.

Prior attempts to analyze the enforcement of Louisiana's HIV criminal law, primarily based on media reports and court cases, have turned up only a handful of cases. For example, the Center on HIV Law and Policy, which maintains a comprehensive resource of state-level HIV criminal laws and their enforcement, has documented 12 individuals who were arrested for intentional exposure in Louisiana between 2008 and 2019 and two convictions on the state's sex offender registry.⁴⁸ A 2014 report indicated that in East Baton Rouge Parish alone, seven individuals were arrested over a nine-year period for intentional exposure.⁴⁹ The report indicated that of these arrests, only two were ultimately charged by prosecutors, and none resulted in convictions.

⁴⁶See Harsono et al., *supra* note 1; Carol Galletly and Zita Lazzarini, *Charges for Criminal Exposure to HIV and Aggravated Prostitution Filed in the Nashville, Tennessee Prosecutorial Region 2000-2010*, 17 AIDS BEHAV. 2624 (2013); Deanna Cann et al., *Historical and Current Trends in HIV Criminalization in South Carolina: Implications for Southern HIV Epidemic*, 23 AIDS BEHAV. 233 (2019); Trevor Hoppe, *From Sickness to Badness: The Criminalization of HIV in Michigan*, 101 SOC. SCIENCE & MED 139 (2014); Trevor Hoppe, *Disparate Risks of Conviction under Michigan's Felony HIV Disclosure Law: An Observational Analysis of Convictions and HIV Diagnoses 1992-2010*, 17 PUNISHMENT & SOC'Y 73 (2015); Trevor Hoppe, *PUNISHING DISEASE: HIV AND THE CRIMINALIZATION OF SICKNESS* (2018); Trevor Hoppe, Alexander McClelland & Kenneth Pass, *Beyond Criminalization: Reconsidering HIV Criminalization in an Era of Reform*, 17 CURRENT OPINION in HIV & AIDS (2022).

⁴⁷Hoppe(2018), *supra* note 47.

⁴⁸CTR. FOR HIV LAW AND POLICY, *supra* note 13.

⁴⁹Daniel Bethencourt, *Little-Known Louisiana Law Allows HIV-Exposure Arrests for Spitting, but CDC Says Disease Can't Spread that Way*, THE ADVOCATE (Nov. 14, 2014), https://www.theadvocate.com/baton_rouge/news/crime_police/article_024e2e9a-66a3-59ae-bfe7-c254efcb9653.html.

DATA AND SOURCES

In the sections that follow we present a new analysis of the enforcement of Louisiana’s HIV criminal law. By enforcement, we mean contacts with law enforcement and the criminal legal system resulting from allegations of a violation of the Intentional Exposure to HIV statute. For this analysis we drew on the following data sources:

- Incident-level data (contacts with law enforcement) from the Louisiana Incident-Based Reporting System
- Incident-level data (contacts with law enforcement) from East Baton Rouge Parish and Orleans Parish
- Registrant profiles from Louisiana’s public sex offender registry resulting from a conviction for Intentional Exposure to HIV

The incident-level data give us a partial view of the number of people who have come into contact with the criminal system through allegations of HIV-related crimes. While these data are incomplete (we do not have data from all law enforcement agencies or for all years), we are able to count the minimum number of HIV-related criminal incidents in Louisiana, and we are able to describe patterns in these incidents—for example, the demographic profile of people with system involvement because of allegations of HIV-related crimes.

The sex offender registry data provide a snapshot of the other end of the criminal system. Everyone convicted of an HIV-related offense in Louisiana is required to register with the state’s sex offender registry.⁵⁰ The sex offender registry therefore can be used to understand the characteristics of people convicted of HIV-related offenses in Louisiana. Unlike the incident-level data, the sex offender registry provides a statewide overview of HIV-related incidents.

Together, the incident-level data and the sex offender registry data capture the beginning and end points of a possible criminal case: the initial contact with law enforcement over allegations about an alleged HIV-related crime, and then post-sentencing, post-incarceration registration for those convicted of HIV-related offenses.

⁵⁰LA. REV. STAT. § 15:541.

ANALYSIS OF INCIDENTS AND ARRESTS

We first present an analysis of incident-level data. An incident is any contact with law enforcement as a result of an allegation of a criminal offense.⁵¹ For example, an incident might be reported if a person contacts law enforcement with an allegation of a crime. An incident might also be reported if a law enforcement official observes an alleged crime. For each incident reported, law enforcement officials must identify an alleged crime, a suspect (if any), and a victim (if any). Some reported incidents will result in an arrest, and some arrests will result in charging and prosecution decisions. Finally, prosecutions might lead to a guilty outcome, sentencing, and incarceration.

We analyzed data about HIV-related incidents from three sources: the Louisiana Incident-Based Reporting System (LIBRS) and publicly available datasets from the Baton Rouge Police Department and the New Orleans Police Department. We identified 50 HIV-related incidents in LIBRS. The two police departments add an additional 84 HIV-related incidents.

LOUISIANA INCIDENT-BASED REPORTING SYSTEM (LIBRS)

We contacted the Louisiana Commission on Law Enforcement and Administration of Criminal Justice and received incident data for 50 HIV-related incidents from the Louisiana Incident-Based Reporting System.⁵² Each incident involved at least one allegation of an HIV-related offense (“Intentional Exposure to HIV”) and included information on the location of the incident, suspect, victim, individuals arrested (if any), and additional alleged offenses. Not every incident resulted in an arrest.

Participating Law Enforcement Agencies

In Louisiana, 294 law enforcement agencies (LEAs) report crime data to the Federal Bureau of Investigation.⁵³ Most LEAs report only a subset of crime data, collated annually, using the Uniform Crime Reporting (UCR) program that dates to the 1930s.⁵⁴ Since 2003, law enforcement agencies have had the option to instead use incident-based reporting through the state’s Louisiana Incident-Based Reporting System (LIBRS).⁵⁵ Over the past two decades, the number of LEAs using LIBRS slowly increased. In 2014 there were 29 LEAs; in 2019 there were 40 LEAs. In 2020, the number more than doubled, to 99 LEAs, and in 2021 there were 194 LEAs, a nearly five-fold increase from two years previous. (See Appendix below for a list of participating LEAs by year.)

⁵¹Michael G. Maxfield, *The National Incident-Based Reporting System: Research and Policy Applications*, 15 J. OF QUAT. CRIMINOLOGY 119 (1999); See LA CRIME REPORTING, LIBRS, <https://crimeinla.org/librs/> (last visited Aug. 30. 2022); LA STAT. ANALYSIS CTR., LA UNIFORM CRIME REPORTING PROG., 2020 CRIME IN LOUISIANA (May 1, 2022), <https://lclalsac.com/wp-content/uploads/2022/04/2020-Crime-in-Louisiana.pdf> (hereinafter “CRIME IN LOUISIANA.”)

⁵²The Williams Institute submitted an electronic public records request to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice in February 2022. We received data from the Commission in May 2022.

⁵³U.S. BUREAU OF JUSTICE STATS., *Law Enforcement Agency Identifiers Crosswalk*, INTER-UNIVERSITY CONSORTIUM FOR POLITICAL & SOCIAL RESEARCH, (2018); but see Brian A. Reaves, *Census of State and Local Law Enforcement Agencies, 2008*, BUREAU OF JUSTICE STATS (2011) (reporting 348 state and local law enforcement agencies, but it is not clear if they all have crime data reporting obligations).

⁵⁴Maxfield, *supra* note 51.

⁵⁵NAT’L ACAD. OF SCIENCES, *MODERNIZING CRIME STATISTICS: REPORT 1: DEFINING AND CLASSIFYING CRIME* (2016).

Among Louisiana's largest cities and parishes—East Baton Rouge Parish (Baton Rouge), Jefferson Parish (part of New Orleans metro), and Orleans Parish (New Orleans)—Baton Rouge Police, East Baton Rouge Parish Sheriff's Office, and Jefferson Parish Sheriff's Office only joined in 2021, and New Orleans Police/Orleans Parish Sheriff do not report to LIBRS. On the other hand, several mid-sized parishes—notably Caddo, Ascension, and Calcasieu Parishes—joined LIBRS more than a decade ago. As a result, the enforcement data from LIBRS are only a small slice of all law enforcement actions across the state, and they are geographically concentrated.⁵⁶

Law Enforcement Agencies and Location of Incidents

Of the 194 law enforcement agencies participating in LIBRS at the time of analysis, only 11% (22) reported an HIV-related incident. Thirty percent of all of the HIV-related incidents originated from two law enforcement agencies: Calcasieu Parish Sheriff's Office (24%), and Lafourche Parish Sheriff's Office (8%). When aggregating to the parish level, we found that almost half of all incidents (48%) were from just three parishes: about a quarter (26%) of all incidents happened in Calcasieu Parish in the far southwest of the state, another 12% occurred in East Baton Rouge Parish, and 10% occurred in Bossier Parish (part of the Shreveport metro area). However, it is difficult to draw inferences from these limited data. It is likely that the geographic concentration in enforcement is driven by the limited law enforcement participation in LIBRS. Nevertheless, Calcasieu Parish Sheriff's numbers are noteworthy: the parish is about as populous as Caddo Parish and joined LIBRS later, yet Calcasieu Parish Sheriff had six times more incidents than Caddo Parish Sheriff.

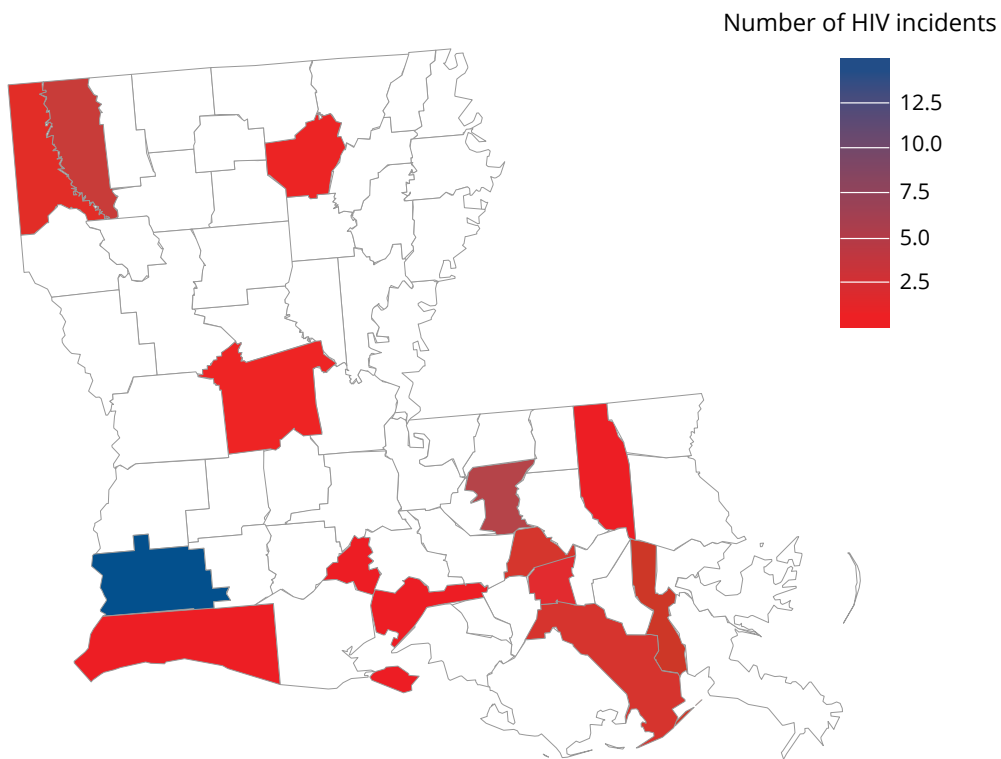
Table 1. Law enforcement agency and parish for each incident

AGENCY NAME	PARISH	NUMBER OF INCIDENTS	PERCENT OF TOTAL	YEAR LIBRS CERTIFIED
Calcasieu Parish Sheriff's Office	Calcasieu	12	24%	2010
Lafourche Parish Sheriff's Office	Lafourche	4	8%	2015
Ascension Parish Sheriff's Office	Ascension	3	6%	2003
Baton Rouge Police Department	East Baton Rouge	3	6%	2021
Bossier Parish Sheriff's Office	Bossier	3	6%	2004
St. James Parish Sheriff's Office	St. James	3	6%	2008
Baker Police Department	East Baton Rouge	2	4%	2021
Bossier City Police Department	Bossier	2	4%	2020
Caddo Parish Sheriff's Office	Caddo	2	4%	2003
Jefferson Parish Sheriff's Office	Jefferson	2	4%	2021
Jennings Police Department	Jefferson	2	4%	2010
Rapides Parish Sheriff's Office	Rapides	2	4%	2007
Cameron Parish Sheriff's Office	Cameron	1	2%	(at least since 2010)
East Baton Rouge Parish Sheriff's Office	East Baton Rouge	1	2%	2021

⁵⁶The 2020 *Crime In Louisiana* reported 70 law enforcement agencies reporting to LIBRS for all 12 months in the preceding year covering 1.74 million people (about 37% of the state's population that year. *CRIME IN LOUISIANA*, *supra* note 51.

AGENCY NAME	PARISH	NUMBER OF INCIDENTS	PERCENT OF TOTAL	YEAR LIBRS CERTIFIED
Gonzales Police Department	Ascension	1	2%	2011
Iberia Parish Sheriff's Office	Iberia	1	2%	(at least since 2010)
Lafayette Parish Sheriff's Office	Lafayette	1	2%	2020
Lake Charles Police Department	Calcasieu	1	2%	2020
Louisiana State University: Health Sciences Center, Shreveport	Caddo	1	2%	2020
Monroe Police Department	Ouachita	1	2%	2017
Ouachita County Sheriff's Office	Ouachita	1	2%	2018
Tangipahoa County Sheriff's Office	Tangipahoa	1	2%	2021

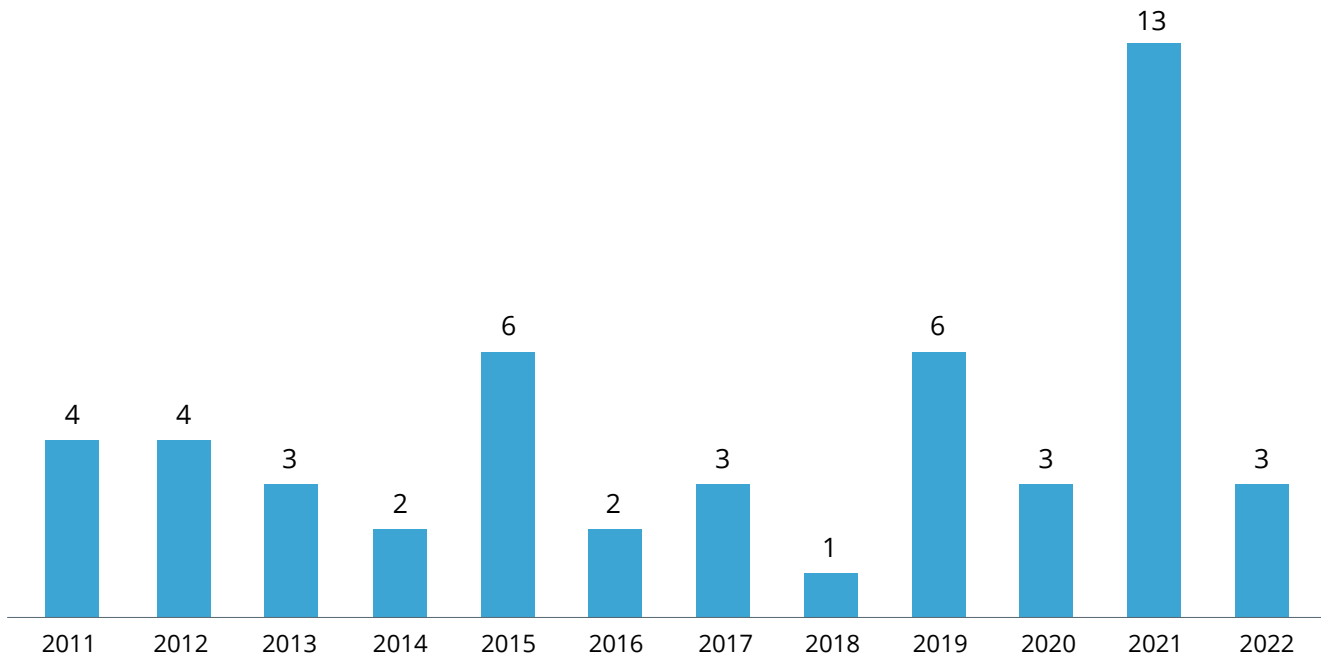
Figure 1. Parishes with HIV-related LIBRS incidents



Year and Month of Incident

The chronological distribution of incidents also reflects the slow uptake of LIBRS, with a sudden spike in the year 2021 in HIV-related incidents likely driven by the sudden increase in LIBRS-participating LEAs. More revealing than the apparent jump that year is the simple fact that incidents were being reported in 2021 and 2022, meaning that enforcement continued up to the time of analysis. (The most recent incident occurred in April 2022; data were received in May 2022.)

Figure 2. Year of incident in LIBRS data



Number and Type of Offense

Each LIBRS incident must include at least one alleged offense (crime). An incident might also include more than one offense. There were a total of 57 HIV-related offenses cited across the 50 incidents. The overwhelming majority of incidents cited only one HIV-related offense, however, 10% of incidents cited two HIV-related offenses, and one incident cited three HIV-related offenses.

Eighty percent of incidents only included HIV-related incidents, meaning there were no other crimes alleged. In total, 10 incidents cited an additional non-HIV-related offense in addition to the HIV-related offense. Each of these additional offenses occurred only once, except for “Mingling Harmful Substances,” which was cited twice in the same incident. However, battery, property crimes, and drug-related offenses each appear in more than one incident. We did not see evidence that the HIV-related offenses regularly occurred in the context of an underlying sexual assault or sex work-related crime in the LIBRS data. In fact, only one incident indicated criminalized sexual contact aside from the HIV-related offense (the two non-HIV-related offenses relating to contact with a minor). In contrast, resisting arrest and drug-related offenses each appeared in two separate incidents. It appears, then, that there are a number of pathways through which a person’s HIV status becomes the basis for an alleged crime.

Table 2. Offense cited in each LIBRS incident

LOUISIANA REVISED STATUTE	DESCRIPTION*	NUMBER OF CITATIONS	PERCENT OF TOTAL
14:43.5	Intentional Exposure to Aids Virus	57	80%
14:38.1	Mingling Harmful Substances	2	3%
14:108	Resisting an Officer	1	1%
14:108.2	Resisting a Police Officer with Force or Violence	1	1%
14:34.1	Second Degree Battery	1	1%
14:35	Simple Battery	1	1%
14:35.3	Domestic Abuse Battery	1	1%
14:402.1	Taking of Contraband to State Owned Hospitals Unlawful	1	1%
14:62.8	Home Invasion	1	1%
14:67.16	Identity Theft	1	1%
14:80	Carnal Knowledge of a Juvenile	1	1%
14:81	Indecent Behavior with Juveniles	1	1%
14:99	Reckless Operation of a Vehicle	1	1%
40:967	Prohibited Acts—Schedule II, Penalties	1	1%

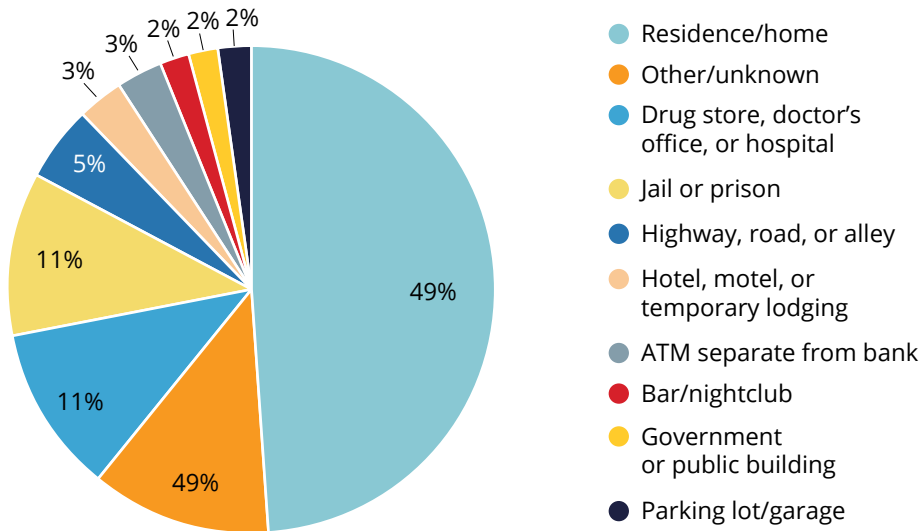
*: Every offense was tagged as “completed” rather than attempted.

Incident Location

LIBRS records location information for incidents. (Each offense within an incident is given a location, so an incident can have more than one location if there is more than one offense.) The most common location type for HIV-related offenses was “Residence/Home,” accounting for about half (49%) of the total. Another 3% indicated a “Hotel, Motel, or Temporary Lodging.” In contrast, over a third (36%) indicated a public place.

It is important to note that Louisiana criminalizes a wide variety of sexual and non-sexual behaviors, including spitting and biting, which are not transmission routes. The location data suggest that some of the HIV-related offenses may have been non-sexual in nature, for example spitting or biting in the context of interaction with law enforcement or while incarcerated. (See Appendix below for more information on the likely conduct criminalized in these cases.)

Figure 3. Location type of LIBRS incidents

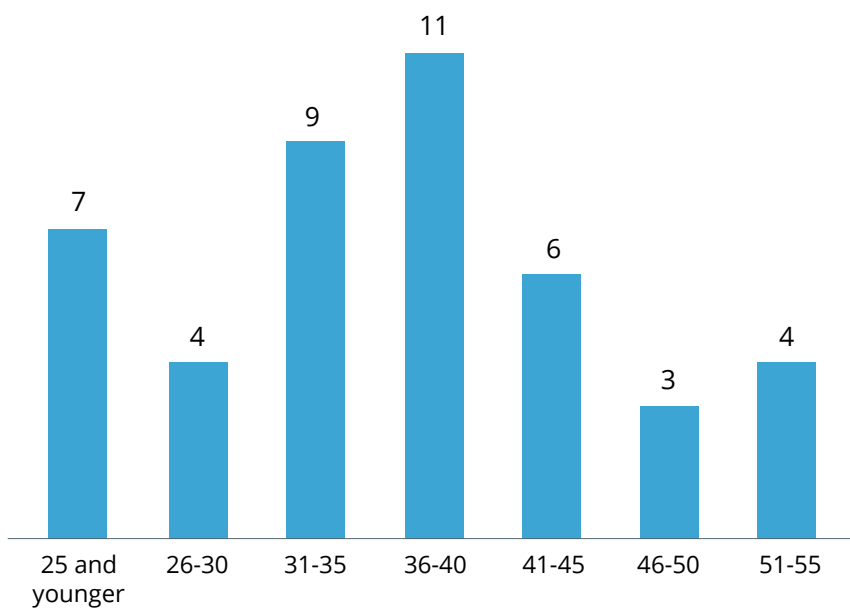


Suspect Specifics

Each incident in LIBRS contains information on the suspect(s), although not all incidents contain complete demographic information about the suspects. Nearly all HIV-related incidents had only one suspect, but one incident listed two suspects, and one incident listed three suspects.

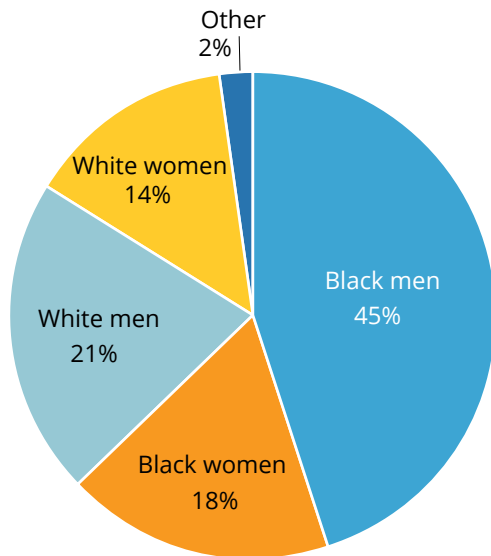
Age: We have age information for 44 suspects. The youngest suspect was about 20 years old; the oldest suspect was 53 years old. Mean and median age were both 36 years.

Figure 4. Age distribution of suspects in LIBRS incidents



Race & Gender: We have demographic information for 49 suspects. Close to half (45%) of all suspects were Black men, and another 18% were Black women. The corresponding figures for white suspects were 21% and 14% respectively. In total, 63% of all suspects were Black. No one was identified as Hispanic/Latino.

Figure 5. Demographic profile of LIBRS of suspects



Arrestee Specifics

Only 12 incidents (24%) resulted in an arrest. Half of the 12 arrests were based on an existing warrant, and half were so-called “on-view” arrests, in which an officer establishes probable cause for an arrest based on what they have witnessed first-hand. Among the 12 people arrested, only one person, a white woman, was not cited with an HIV-related offense; she was arrested for driving while intoxicated.

The other 11 people were all cited with an HIV-related offense at time of arrest. Of these 11 individuals, four were cited with another offense in addition to the HIV-related offense. In other words, while only 20% of HIV-related incidents included another offense, 36% of HIV-related arrests included another offense.

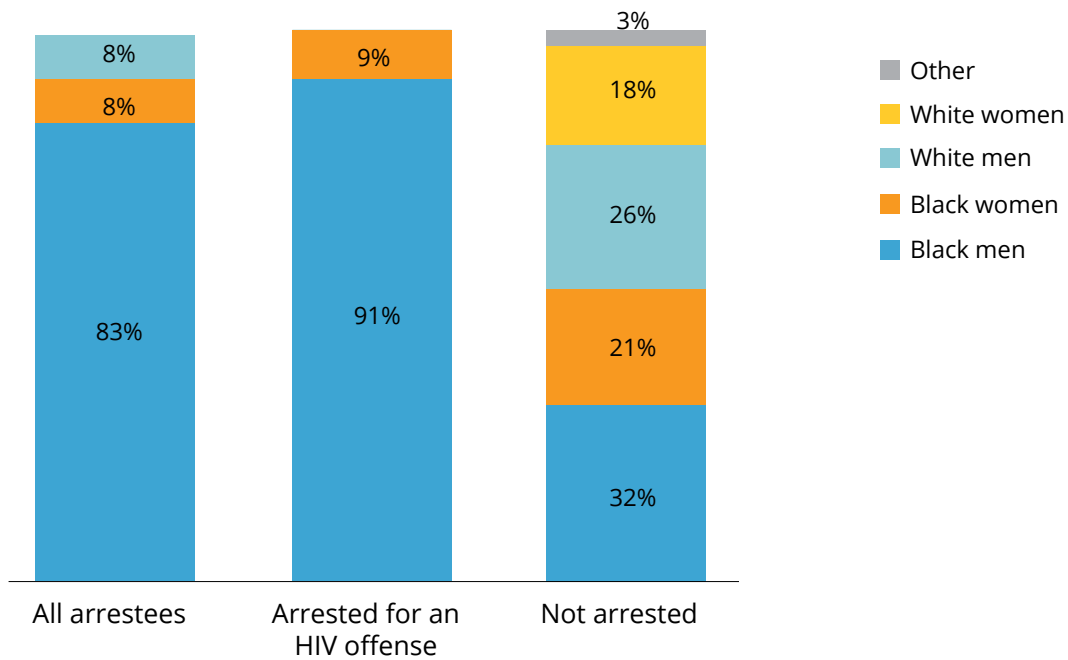
Table 3. Offenses cited at arrest in LIBRS data

DESCRIPTION	NUMBER OF OFFENSES	PERCENT OF TOTAL
Intentional Exposure to AIDS Virus	11	58%
Aggravated Assault	1	5%
Carnal Knowledge of a Juvenile	1	5%
Domestic Abuse Battery	1	5%
Home Invasion	1	5%
Indecent Behavior with Juveniles	1	5%

DESCRIPTION	NUMBER OF OFFENSES	PERCENT OF TOTAL
Operating While Intoxicated; First Offense; Penalties	1	5%
Simple Battery	1	5%
Taking of Contraband to State Owned Hospitals Unlawful	1	5%

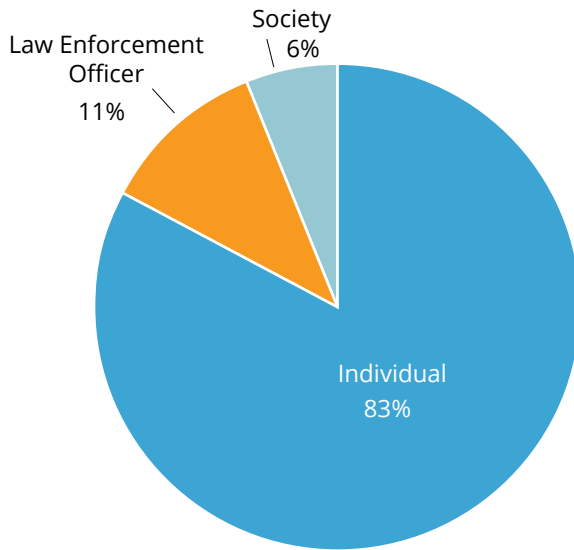
Notably, all 11 of those arrested for an HIV-related offense were Black: 10 Black men and one Black woman. This means that, when going from suspects to people arrested, the share of Black people increased from a little less than two-thirds to 100%.

Figure 6. Demographic profile of those arrested in LIBRS data



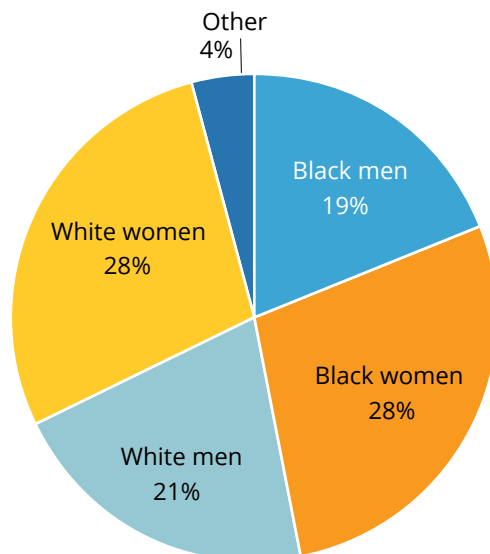
Victim Specifics

Each incident also contains information on the victim(s), including demographic information and relationship to the suspect(s). In total, there were 53 civilians listed as victims, as well as seven law enforcement officials, and four instances in which “society” was listed as the victim. In short, one in six victims of HIV criminal incidents were either law enforcement officers or society at large.

Figure 7. Victim type in LIBRS incidents

Forty incidents had only one (non-police) individual listed as a victim, another three incidents had two such victims, and two incidents had three or more individuals as victims. The minimum victim age was 14 years old and the maximum age was 60 years old. The median and mean ages were 33 years and 34 years.

Excluding law enforcement officers, a little over half (56%) of all victims were women, with an equal share of Black women and white women. There was a fairly even split among Black and white men as well: 21% and 19% respectively. No one was identified as Hispanic/Latino. Just over four-fifths (81%) of non-police victims were listed as being residents of Louisiana.

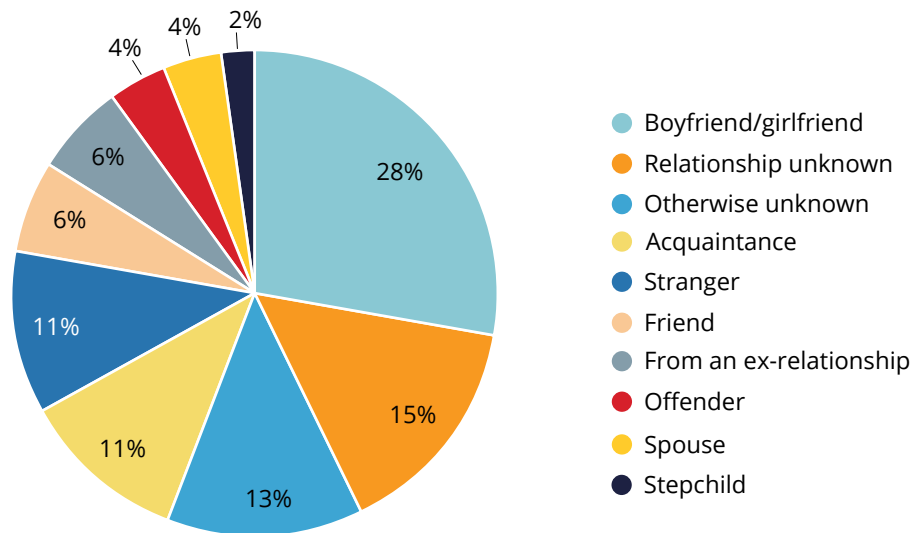
Figure 8. Demographic profile of victims in LIBRS incidents

LIBRS provides a field to indicate if any assault took place, and if so the type of assault. In each of the seven incidents involving a law enforcement officer, assault was indicated. In six incidents involving a law enforcement officer, an argument was indicated, and in one incident domestic violence was indicated.

Victim-Suspect Relationship

LIBRS also indicates a victim-suspect relationship for each incident. We have 53 victim-suspect pairings in which the victim was an individual (not a law enforcement officer) and the offense was HIV-related; of those, 47 have specifics on the relationship.⁵⁷ Over four in ten pairings indicated an intimate or romantic relationship (“boyfriend/girlfriend,” “from an ex-relationship,” or “spouse”). Of those indicating an intimate relationship, 90% indicated a different-sex relationship; only two pairings indicated a same-sex relationship.⁵⁸ One other incident included a family relationship between a male father and a male step-child.

Figure 9. Victim-suspect relationship in LIBRS incidents



Victim-Suspect Race and Gender Pairings

For those incidents where the victims were private individuals, we combined the race and sex of the suspect and the victim to get a race-sex pairing. For Black men, the victim was a Black woman in the majority of pairings. For Black women, the victim was a Black man in the majority of pairings. We observed that for white men, other white men were the majority of victims, and there were no Black people identified as victims. For white women, the victim demographics were fairly evenly split among the demographic groups.

⁵⁷The other eight pairings report “relationship unknown.”

⁵⁸It is possible that same-sex romantic relationships are underreported in the LIBRS data because law enforcement officers are less likely to recognize or record a same-sex relationship.

Table 4. Victim-suspect demographic pairing in LIBRS incidents

SUSPECT (PERCENT OF ALL SUSPECTS)	VICTIM	NUMBER OF PAIRINGS	PERCENT OF VICTIMS WITHIN DEMOGRAPHIC GROUP (PERCENT OF ALL VICTIM-SUSPECT PAIRINGS)	PERCENT OF PARINGS THAT ARE INTIMATE PARTNERS (PERCENT OF ALL VICTIM-SUSPECT PAIRINGS)
Black men (40%) n = 21	Black Women	11	52% (22%)	73% (40%)
	White Women	3	14% (6%)	33% (5%)
	Black Men	4	19% (8%)	25% (5%)
	White Men	3	14% (6%)	0% (0%)
White men (23%) n = 12	Black Women	0	0% (0%)	0% (0%)
	White Women	5	42% (10%)	100% (25%)
	Black Men	0	0% (0%)	0% (0%)
	White Men	7	58% (14%)	14% (5%)
Black women (19%) n = 10	Black Women	2	22% (4%)	0% (0%)
	White Women	2	22% (4%)	0% (0%)
	Black Men	5	56% (10%)	80% (20%)
	White Men	0	0% (0%)	0% (0%)
White women (17%) n = 9	Black Women	1	13% (2%)	0% (0%)
	White Women	2	25% (4%)	0% (0%)
	Black Men	3	38% (6%)	0% (0%)
	White Men	2	25% (4%)	0% (0%)

Of the 50 pairings for which we have complete demographic data, 40% indicated that the victim was an intimate partner. The overwhelming majority of intimate relationships were among opposite-gender pairings. We identified only two same-gender victim-suspect pairings that indicated an intimate relationship, however, it is also possible that some same-sex intimate partners were miscoded as an acquaintance or friend.

In terms of race and gender, when considering all suspect-victim pairings that indicate an intimate relationship, 40% involve a Black male suspect and a Black woman victim; 25% involve a white male suspect and a white woman victim, and 20% involve a Black woman suspect and a Black male victim. Although limited, these data suggest that as applied to conduct in the context of intimate relationships, HIV-related crimes in Louisiana primarily criminalize the conduct of different-sex couples (90%) and more specifically Black different-sex couples (60%).

Victim-Suspect Relationships Indicating Sexual Contact

We can use information about the victim, victim-suspect relationship, location of incident, and the non-HIV-related offenses to infer whether the alleged HIV-related offense was likely connected to sexual contact or to non-sexual contact, such as spitting or biting. In total, we identified 22 victim-suspect relationships that may have involved sexual contact and 17 victim-suspect relationships that may not have involved sexual contact. We were left with 14 victim-suspect relationships in which we lack evidence either way that the incident involved sexual or non-sexual contact. (See Appendix for more details on how we classified these incidents.)

ORLEANS PARISH AND EAST BATON ROUGE PARISH INCIDENTS

While more and more law enforcement agencies are reporting data into the LIBRS system, the unified city and parish of New Orleans (Orleans Parish) does not report data to LIBRS. Additionally, Baton Rouge Police Department and East Baton Rouge Sheriff's Office only joined in 2021. The Sheriff's Office for Louisiana's second most populous parish, Jefferson Parish, also did not join LIBRS until 2021.

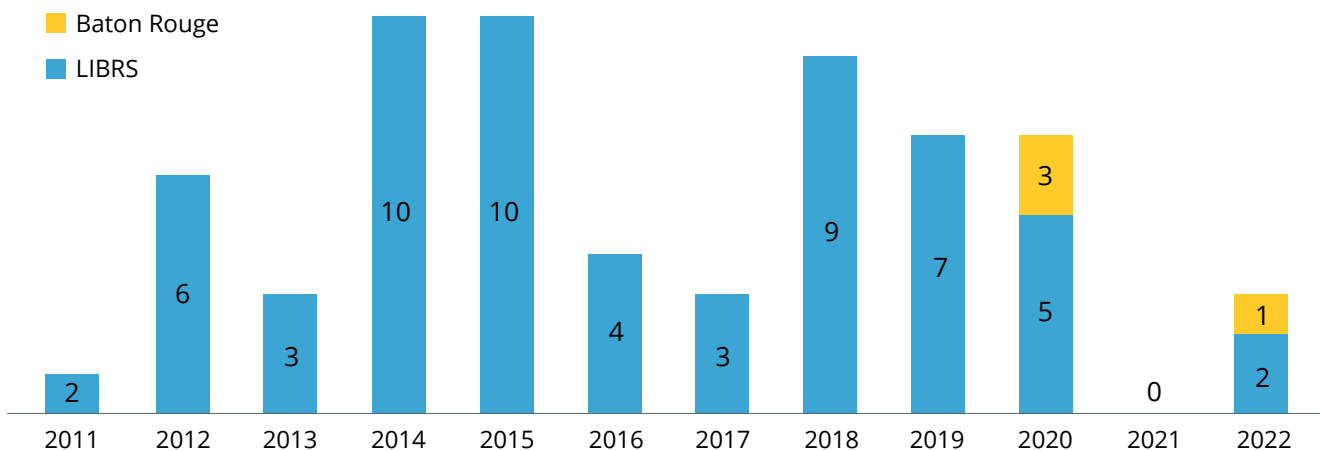
However, both the Baton Rouge Police Department and the New Orleans Police Department provide public datasets of crime incidents. The available data are more limited than what is available in LIBRS, but they provide additional and non-overlapping data points to complement the LIBRS data.

Together, these two police departments add 84 HIV-related incidents and 87 counts of an HIV-related crime to the LIBRS incidents. They also add up to 84 additional people who had contact with law enforcement as a result of HIV-related criminal allegations.⁵⁹

Baton Rouge Incidents

The Baton Rouge Police Department makes available incident-level data from January 1, 2011 to August 1, 2022 (the last available date for which data was available at the time of analysis).⁶⁰ In total, the data contain over 367,000 incidents and over 548,000 alleged crimes over this time period. Of these, 60 were new HIV-related incidents that were not included in the LIBRS data. (Three additional incidents also appeared in the LIBRS data and were removed from the counts here.⁶¹) Most fields are censored in the Baton Rouge HIV-related incidents, but we do have date and ZIP code data. There were 5.73 incidents per year on average since 2011 with no apparent time trend. Over six in 10 (61%) incidents occurred in three ZIP codes in the center and east of the city: 70805, 70802, and 70815.

Figure 10. Number of HIV-related incidents by year in Baton Rouge by data source

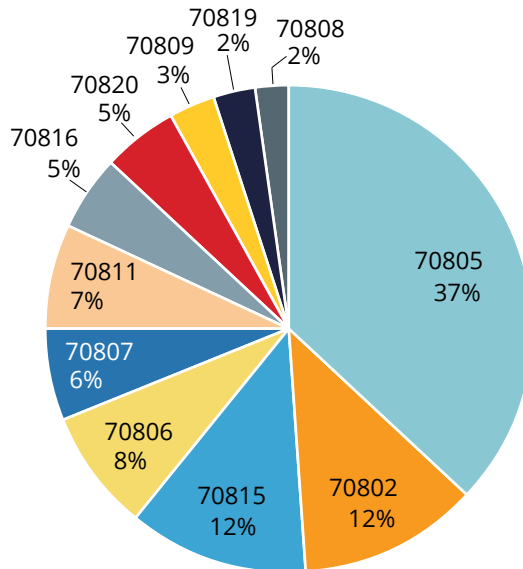


⁵⁹We do not know if the same person is associated with more than one incident in the Baton Rouge and New Orleans data. If each incident involves a different person, then 84 additional people were involved in HIV-related incidents across the two datasets.

⁶⁰See OPEN DATA BR, *Legacy Baton Rouge Crime Incidents* (Dec. 21, 2021), <https://data.brla.gov/Public-Safety/Legacy-Baton-Rouge-Crime-Incidents/fabb-cnnu> (incident-level reporting for January 1, 2011 through December 31, 2020); OPEN DATA BR, *Baton Rouge Crime Incidents* (Aug. 29, 2022), <https://data.brla.gov/Public-Safety/Baton-Rouge-Crime-Incidents/pbin-pcm7> (incident-level reporting for January 1, 2021 onward).

⁶¹Incidents were matched by date and time of day.

Figure 11. ZIP codes of HIV-related incidents in Baton Rouge data

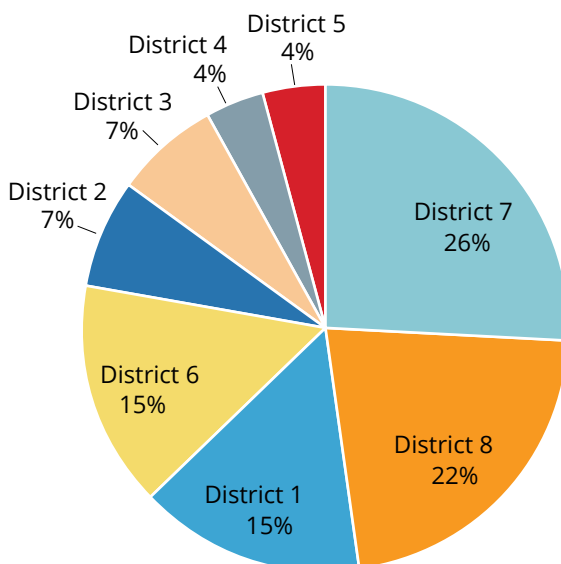


New Orleans Incidents

The New Orleans Police Department makes available incident-level data from January 1, 2010 to August 1, 2022 (the last available date at the time of analysis). In total, the data contain over 770,000 incidents and over 1.28 million alleged crimes over this time period. The New Orleans data also include demographic information on suspects and victims. In total, there were 30 total citations for an HIV-related offense across 27 incidents.⁶²

Location of incidents: Nearly half (48%) of all incidents occurred in police districts 7 (New Orleans East) and 8 (which includes the French Quarter and central business district).

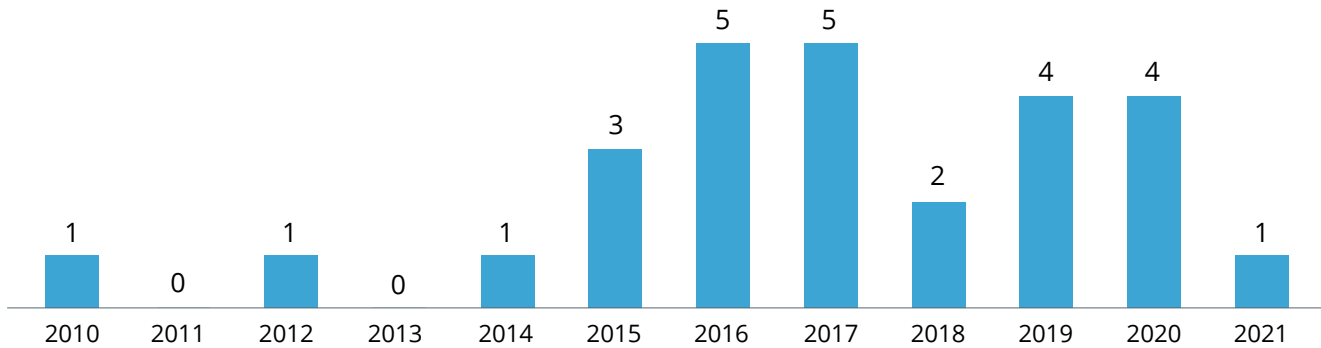
Figure 12. Number of HIV-related incidents by police district in New Orleans



⁶²Among the 27 incidents, one that included two HIV-related citations was labeled as “attempted.”

Years with incidents: There were 2.25 incidents per year on average from 2010 through 2022; incidents were more frequent at the end of the 2010s than at the beginning of the decade.

Figure 13. Number of HIV-related incidents by year in New Orleans



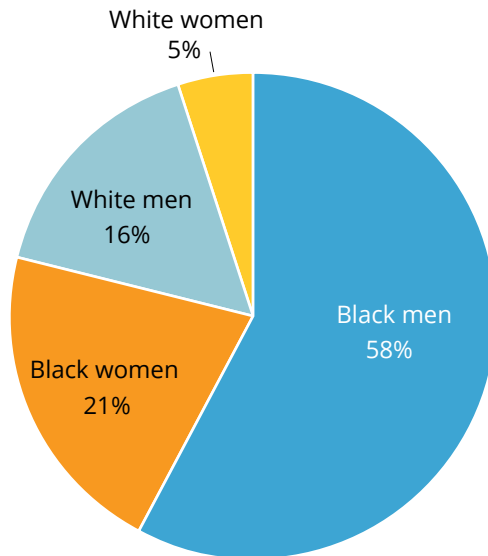
Concurrent offenses: There were a total of 19 non-HIV-related offenses included in the HIV-related incidents. Assault and battery were the most frequent (26%), followed by property crimes (21%), and assaulting an officer/EMT or resisting arrest (21%). Only three of the related offenses appear to have involved sex, one of which was for sex work.

Table 5. Concurrent offenses cited in New Orleans incident data

CHARGE DESCRIPTION	NUMBER OF OFFENSES	PERCENT OF TOTAL
Simple criminal damage to property	4	21%
Simple battery	3	16%
First-degree rape	2	11%
Resisting an officer	2	11%
Aggravated assault	1	5%
Battery of emergency room personnel, emergency services personnel, or a healthcare professional	1	5%
Disturbing the peace	1	5%
Domestic abuse battery	1	5%
Prohibited acts – drug paraphernalia	1	5%
Prostitution	1	5%
Relative to home invasion	1	5%
Theft	1	5%

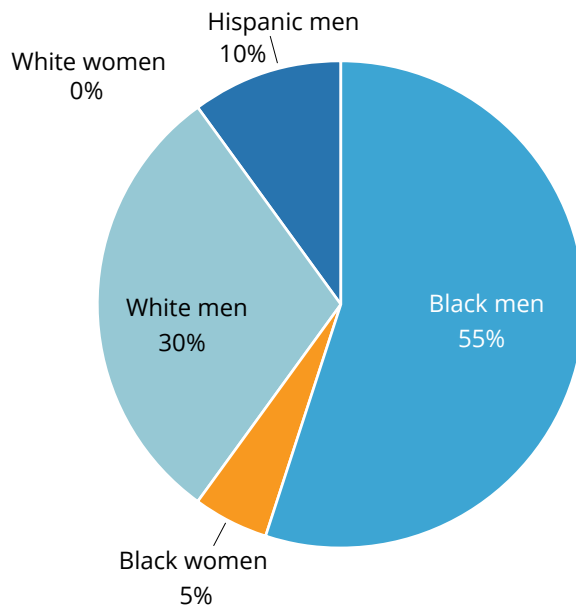
Suspect details: We have race/ethnicity and gender information for 19 suspects. Close to 80% of all suspects were identified as Black; Black men alone were 58% of all suspects. We have an age for 14 suspects; median age was 33 years old and mean age was 34 years old.

Figure 14. Demographic profile of suspects in New Orleans incident data



Victim details: We have race/ethnicity and gender information for 20 victims. Again, Black men were the most frequent demographic group (55%), followed by white men (30%). Only one victim was reported to be a woman. (For comparison, a woman was identified as the victim in 48% of all New Orleans non-HIV criminal incidents during the same time period.) We have an age for 15 victims; median age was 39 years old and mean age was 40 years old.

Figure 15. Demographic profile of victims in New Orleans incident data



Victim-Suspect pairings: We have complete race/ethnicity and gender data for 18 victim-suspect pairings. Again, only one victim was identified as a woman, and again, the most common victim demographic group was Black men.

Table 6. Victim-suspect pairings in New Orleans data

SUSPECT RACE/ETHNICITY AND GENDER	VICTIM RACE/ETHNICITY AND GENDER	NUMBER OF PARINGS	PERCENT OF TOTAL
Black male	Black male	5	28%
Black female	Black male	4	22%
Black male	White male	3	17%
Black male	Hispanic male	2	11%
White male	White male	2	11%
White male	Black female	1	6%
White male	Black male	1	6%

Only one incident (3.7%) indicated an arrest: a Black man was arrested for an HIV-related offense in which the victim was a white man. There were no other offenses cited in the incident. This arrest rate aligns with the arrest rate for all incidents in LIBRS (2.8% of all incidents indicated an arrest).

ANALYSIS OF CONVICTIONS: LOUISIANA'S SEX OFFENDER REGISTRY

In this section, we analyze data involving those who have actually been convicted for an HIV-related crime in Louisiana, as opposed to the large group of those who have been involved in an incident involving an HIV-related crime or arrested for an HIV-related crime.

Louisiana has mandatory sex offender registration for all people convicted of intentional exposure to HIV.⁶³ All convictions under Louisiana's HIV-related criminal statute—both sexual and nonsexual—require sex offender registration. The sex offender registry (SOR) can therefore be used to identify the minimum number of people who have been convicted of an HIV-related offense in the state. Sex offender registration in Louisiana is not automatically for life, and most (81%) HIV registrants are required to be on the registry for 15 years, so the SOR only provides a snapshot in time of the people convicted of an HIV crime.⁶⁴

We downloaded Louisiana's entire public sex offender registry on November 5, 2021. At that time, the sex offender registry contained 12,815 unique profiles with identifiable convictions, of which, 10,634 indicated that the registrant had a conviction that originated in Louisiana state courts.⁶⁵ Of those, 43 profiles included a conviction in Louisiana for an HIV-related offense (listed as "INTENTIONAL EXPOSURE TO AIDS" regardless of conviction date).⁶⁶

Of the 43 people on the SOR for an HIV-related offense, we were able to match three people to the LIBRS data using birthdate. We do not have birthdate information for the Baton Rouge or New Orleans incident data, and we do not have location of offense for the SOR data. However, we do have parish of residence for the SOR data. Assuming that a person on the SOR resides in the same parish after incarceration in which they were convicted, there could be at most an additional seven people overlapping in the Baton Rouge data and three people in the New Orleans data. This means that conservatively, there are an additional 30 people in the SOR data not contained in the incident-level data (assuming that all people in the SOR who are in active supervision living in East Baton Rouge Parish and Orleans Parish are also accounted for in the incident data). If there is no double-counting between the SOR and the parish data, as many as 40 additional people on the SOR are not accounted for in the incident data. This brings the total number of people who have had contact with law enforcement in Louisiana because of allegations of HIV-related offenses to at least 158 people, and perhaps as many as 176 people.⁶⁷

⁶³LA STATE POLICE, *supra* note 12.

⁶⁴LA REV. STAT. § 15:544.

⁶⁵There were 97 additional profiles (less than 1% of all profiles) for which we could not extract convictions information; they were excluded from the analysis of SOR convictions.

⁶⁶One additional profile indicated a conviction for the equivalent HIV-related offense in Arkansas; that registrant was excluded from the analysis of HIV registrants in this section.

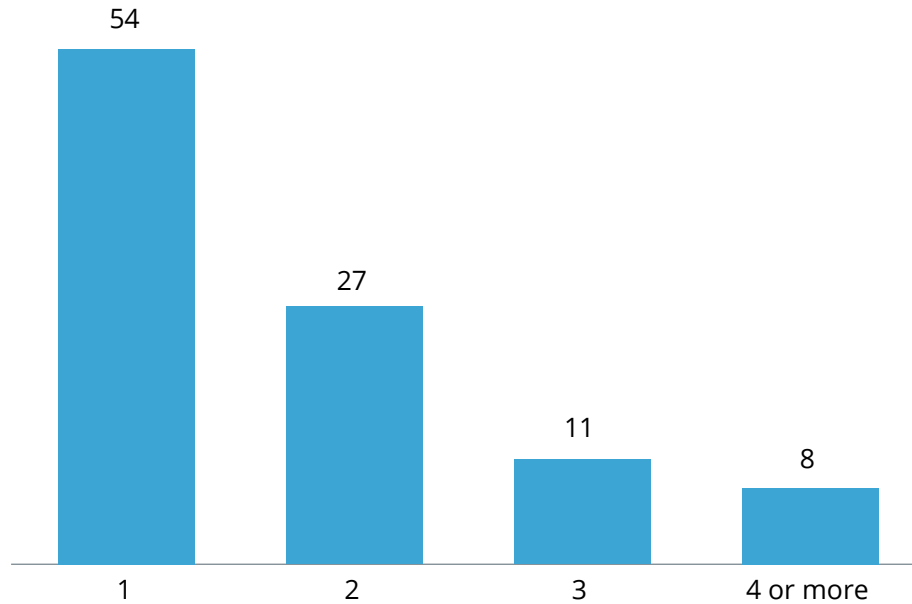
⁶⁷We have suspect demographic information for 49 people in the LIBRS data. We have 60 separate incidents in the Baton Rouge PD data that are not also in the LIBRS data, assuming one unique person per incident. We have complete demographic data for 19 people in the New Orleans data. We have 30 people in the SOR out on release who are not matched to the LIBRS data using date of birth, and who do not reside in East Baton Rouge Parish or Orleans Parish. However, there are 27 total unique incidents in the New Orleans data, so it is possible there are eight additional people

NUMBER OF CONVICTIONS

The entire SOR contained 17,586 unique convictions across the 12,815 profiles (of which, 14,305 convictions were Louisiana state convictions).⁶⁸ Among these convictions, there were 47 separate convictions for Louisiana's intentional exposure to HIV offense.⁶⁹ In total, 41 people had a single HIV-related conviction mandating SOR registration; one person had two such convictions, and one person had four such convictions. Put differently, 95% of people on Louisiana's SOR for an HIV-related conviction had only one such conviction.

Looking at the entire sweep of SOR convictions, we found that a little more than half (54%) of all registrants had only one conviction that mandated SOR registration. Another 27% of registrants had two SOR convictions, and 19% had three or more convictions. Among people on the SOR for an HIV-related conviction, the share of people with only a single SOR conviction (in this case, the HIV-related conviction) was even higher: 60% had only one HIV-related conviction. An additional 28% had the HIV-related conviction and one other (non-HIV-related) conviction and 7% had two or more non-HIV-related convictions. In total, 63% of HIV registrants were on the sex offender registry only because of HIV-related convictions. One additional person was on the registry only because of HIV-related convictions and a subsequent conviction for failure to follow registration rules. We do not know if any of these HIV-related convictions included sexual contact of any kind.

Figure 16. Number of convictions mandating SOR registration among Louisiana SOR registrants



in the that dataset (for whom we do not have demographic information). It is also possible that the seven people on the SOR in active supervision living in East Baton Rouge Parish and the three living in Orleans Parish are not accounted for in the incident data from Baton Rouge and New Orleans. This could add an additional 18 people to the total.

⁶⁸We were not able to determine if multiple convictions for the same offense at the same time (multiple convictions for multiple counts) were consistently recorded in the SOR. When removing multiple convictions for the same offense on the same date there were 14,647 SOR convictions, of which, 11,791 were from Louisiana state courts.

⁶⁹There were also three convictions on Louisiana's SOR for the equivalent offense committed in Arkansas. One person on Louisiana's SOR was twice convicted under Arkansas's exposure statute (in 2008), and other person was convicted once (in 1999) under the same statute.

Table 7. Number of convictions mandating SOR registration among Louisiana HIV registrants

	ONE HIV CONVICTION	MORE THAN ONE HIV CONVICTION
No additional SOR convictions	26	1
One additional SOR conviction	12	1
More than one additional SOR conviction	3	0

Among the one-third of HIV registrants who had another non-HIV SOR conviction, the other convictions closely mirror the most common convictions mandating registration overall—especially abuse of a minor, sexual assault, and SOR violations.

Table 8. Other SOR convictions among HIV registrants in Louisiana

DESCRIPTION	NUMBER OF CONVICTIONS	PERCENT OF TOTAL
Carnal Knowledge of a Juvenile	8	42%
Forcible Rape	3	16%
Failure to Register/Notify as a Sex Offender	2	11%
Sexual Battery	2	11%
Aggravated Crime Against Nature	1	5%
Crime Against Nature	1	5%
Indecent Behavior with Juveniles	1	5%
Molestation of Juvenile	1	5%

Table 9. Top ten SOR convictions among Louisiana convictions in SOR

CODE	DESCRIPTION	N	PERCENT
14:81	Indecent Behavior with Juveniles	3,265	22%
14:80	Carnal knowledge of a juvenile	3,042	21%
14:43.1	Sexual Battery	1,419	10%
14:42.1	Forcible Rape	1,294	9%
14:81.2	Molestation of Juvenile	1,262	9%
15:542	Failure to Register/Notify as a Sex Offender	1,087	7%
14:81.1	Pornography Involving Juveniles	556	4%
14:78.1	Aggravated Incest	413	3%
14:92 (A)(7)	Contributing to the delinquency of juveniles perform sexually immoral acts	383	3%

LOCATION OF RESIDENCE

The SOR reports a primary residence address for all registrants. Primary address can be used as a rough proxy for the parish in which a person was convicted. Among people on the SOR for an in-state HIV-related conviction who were listed as in active supervision (meaning they were not incarcerated, deceased, or lived out of state), about one in six people (16%) lived in East Baton Rouge Parish. Another one in nine (12%) lived in Caddo Parish.

Table 10. Primary residence of HIV registrants who are in active supervision

COUNTY	NUMBER OF REGISTRANTS	PERCENT OF TOTAL
East Baton Rouge Parish	7	16%
Caddo Parish	5	12%
Jefferson Parish	3	7%
Orleans Parish	3	7%
Jefferson Davis Parish	2	5%
Rapides Parish	2	5%
St. Landry Parish	2	5%
Terrebonne Parish	2	5%
Ascension Parish	1	2%
Avoyelles Parish	1	2%
Bienville Parish	1	2%
Bossier Parish	1	2%
Calcasieu Parish	1	2%
Claiborne Parish	1	2%
Grayson County	1	2%
Iberia Parish	1	2%
Lafayette Parish	1	2%
Lafourche Parish	1	2%
Ouachita Parish	1	2%
Sabine Parish	1	2%
St. Martin Parish	1	2%
Tangipahoa Parish	1	2%
Vermilion Parish	1	2%
West Baton Rouge Parish	1	2%
West Feliciana Parish	1	2%

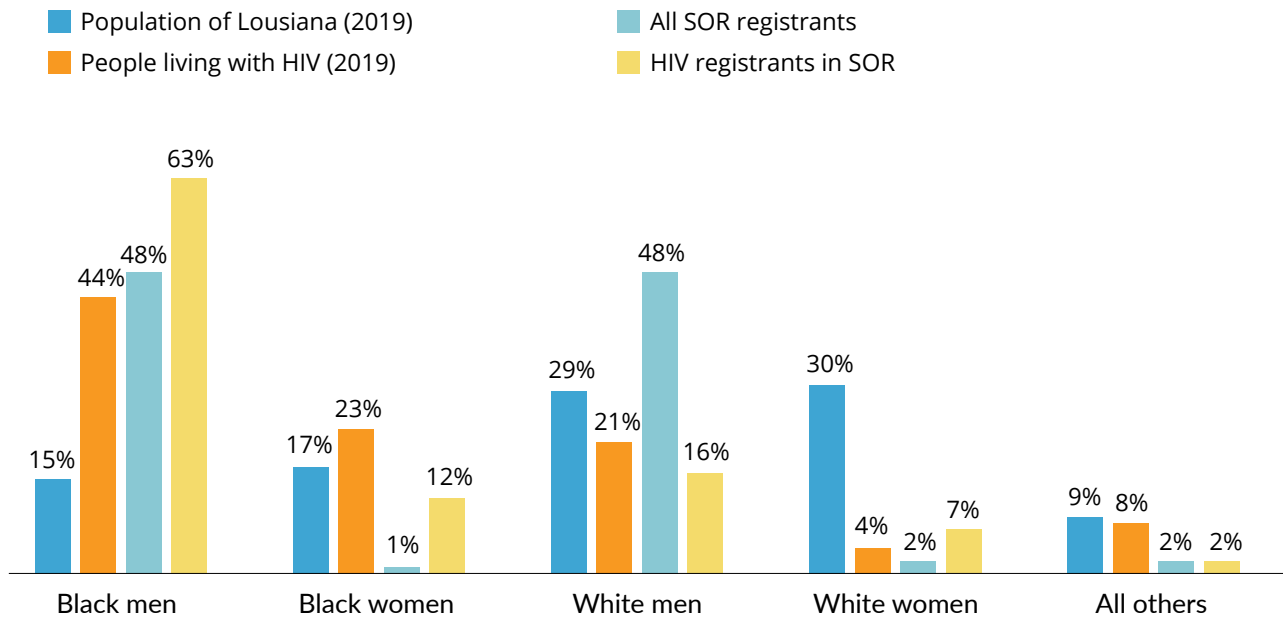
SOR DEMOGRAPHICS

The demographic profile of people on Louisiana’s sex offender registry for Louisiana state convictions looks different from that of the state as a whole. In the SOR, 49% of registrants were Black, compared to only 32% of the state’s population in 2019. Indeed, Black men alone were 48% of Louisiana’s SOR, but only 15% of the state’s population. White men were also 48% of people on the SOR for Louisiana convictions, but white men were 29% of the state’s population in 2019.

When looking at people on the SOR for HIV convictions in Louisiana, the racial disparities increase. Black men were 63% of people with an HIV conviction; Black women were another 12% of convictions. Combined, Black people were nearly three-quarters (74%) of all HIV registrants. However, Black people were only two-thirds of all people living with HIV in Louisiana in 2019 (Black men were 44% of people living with HIV; Black women were 23% of people living with HIV). In contrast, white people were a quarter of people living with HIV, and just under a quarter (23%) of people with an HIV-related conviction in the SOR.⁷⁰

⁷⁰One additional person with an HIV conviction in the SOR was identified as an Asian/Pacific-Islander man.

Figure 17. Demographic profile of Louisiana, people living with HIV in Louisiana, Louisiana's sex offender registry, and people on Louisiana's sex offender registry for an HIV-related conviction



Compared to the overall SOR, we found that HIV registrants' age at time of conviction skewed slightly older—median age was about 34 years old among HIV registrants compared to 31 years old within the overall SOR.

Figure 18. Age distribution of registrants on Louisiana's SOR (percent)

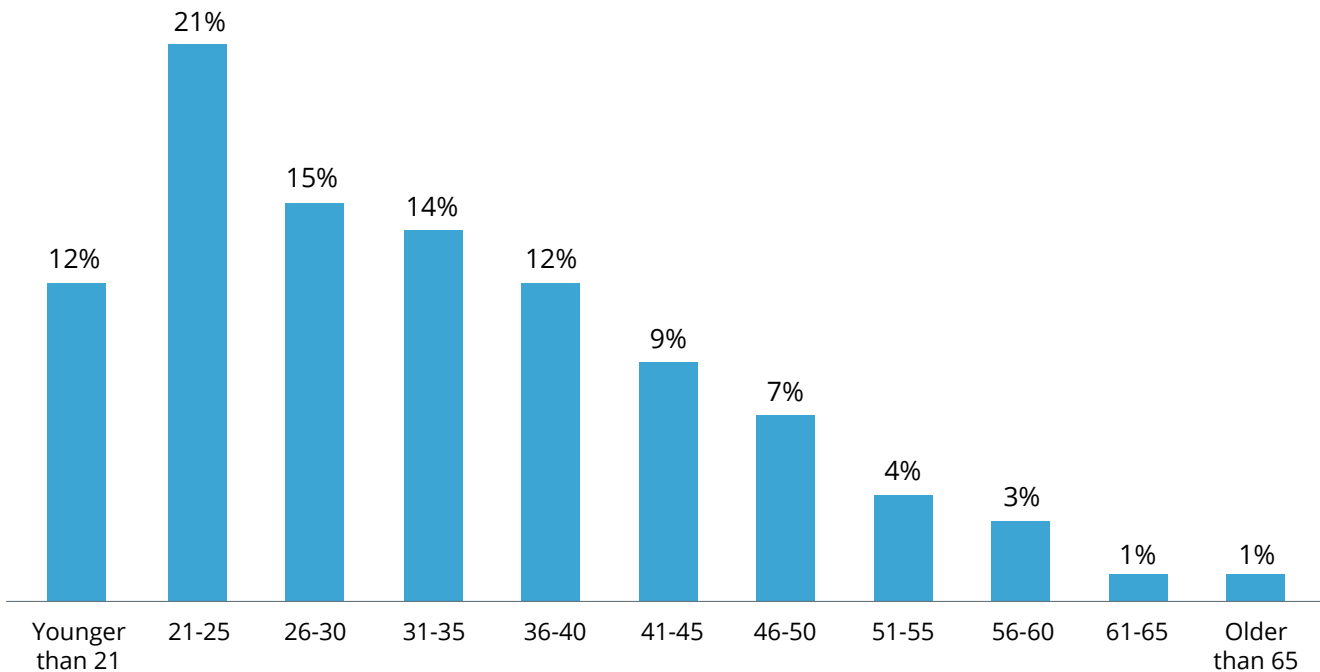
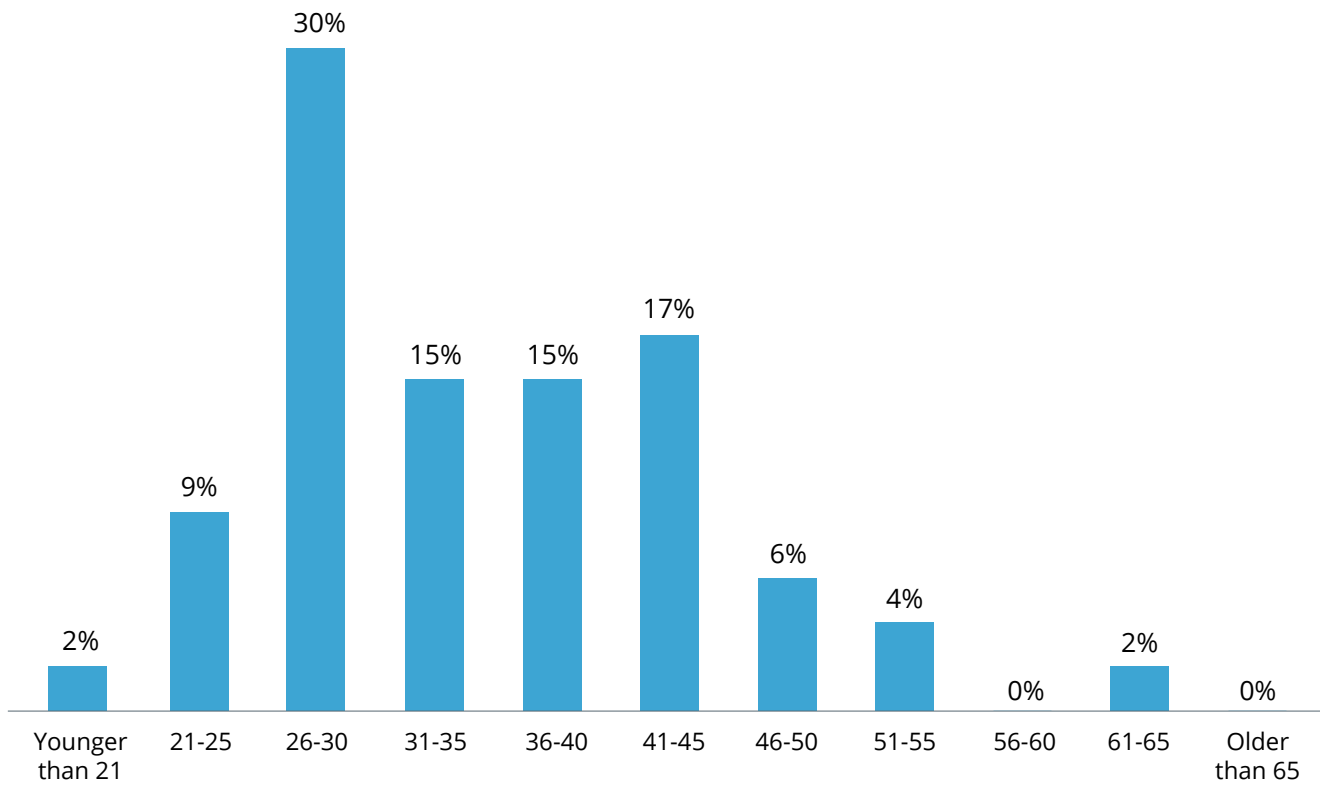


Figure 19. Age distribution of HIV registrants on Louisiana's SOR (percent)



LENGTH OF INCARCERATION

Louisiana's SOR includes information on conviction date, as well as the date a registrant was released from incarceration. However, this information is not uniformly reported—some release dates are missing. Nevertheless, we are able to calculate the total incarceration length for registrants whose profiles include both conviction date and release date. We found that, for those who had already completed their sentence, HIV registrants were incarcerated for essentially the same amount of time as people on the SOR overall (median of 4.3 years for HIV registrants compared to median of 4.2 years for SOR registrants overall). The spread, however, looked quite different: the minimum and maximum incarceration periods for HIV registrants were 0 years and 9.6 years respectively; for the overall SOR it was 0 years and 60 years.

Including people who were currently incarcerated when the SOR was analyzed, people with an HIV-related conviction have been incarcerated for a total of 242.2 person-years. This includes people who were convicted of both HIV-related and non-HIV-related offenses at the same time. Of the 47 separate convictions that included an HIV-related offense, 74% had only HIV-related convictions, and a further 11 had one additional non-HIV-related offense.⁷¹ One person had an HIV-related conviction and two non-HIV-related convictions.⁷²

⁷¹Seven people had an HIV-related conviction and a conviction for "carnal knowledge of a juvenile," two people had a conviction for "forcible rape," and two people had a conviction for "sexual battery."

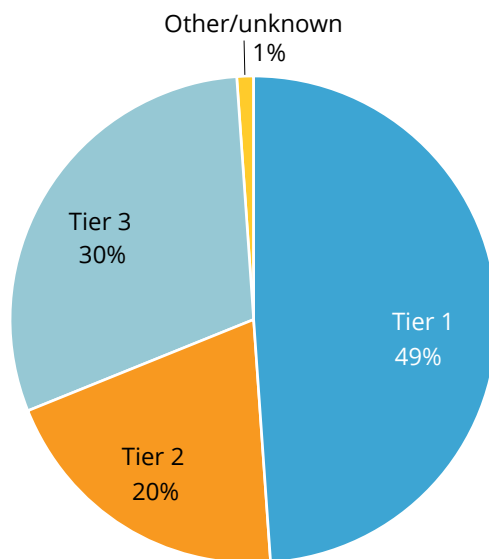
⁷²The two additional convictions were for "indecent behavior with juveniles" and "aggravated crime against nature."

OFFENDER LEVEL

Louisiana has a three-tier sex offender registration system; registrants are assigned an offender level that is determined by offense for which a registrant was convicted. Tier I offenses, including the HIV-related offense, require 15 years of sex offender registration and annual reporting.⁷³ Tier II offenses include certain offenses against a minor and require 25 years of registration with semi-annual reporting. Tier III offenses include all aggravated offenses, have lifetime registration, and require quarterly reporting.

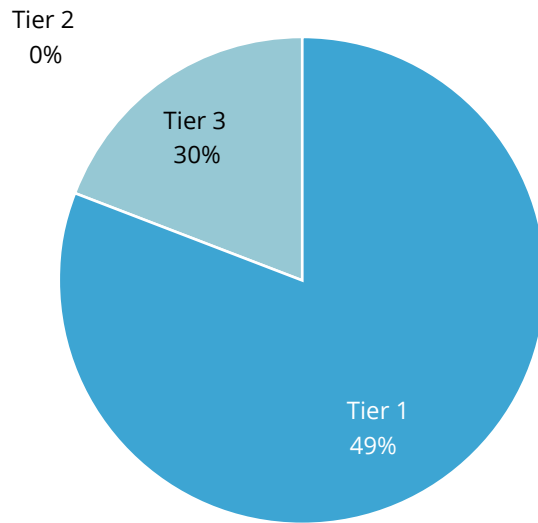
In the overall SOR, Tier I was the most common classification among people with a Louisiana state conviction; about half (49%) of all registrants had this designation, followed by Tier II (30%) and Tier III (20%). In contrast, the overwhelming majority of HIV registrants (81%) had a Tier I classification. The remainder (19%) had a Tier III classification. In all but one of the Tier III classifications for HIV registrants, there was also an assault conviction; one person appears to have received a Tier III classification for only (multiple) HIV-related convictions.

Figure 20. Offender level of registrants on Louisiana's SOR



⁷³LA REV. STAT. §§ 15:544, 15:542.1.

Figure 21. Offender level of HIV registrants on Louisiana's SOR



OFFENDER STATUS

The SOR also reports whether a person's registration is currently inactive because they are incarcerated (or for some other reason), or if they are currently in active supervision. While only 14% of people with Louisiana state convictions overall were inactive because of incarceration, 23% of HIV registrants were incarcerated. In general, fewer HIV registrants were in active supervision (63%) than were people on the SOR as a whole (79%).

Figure 22. Offender status of registrants on Louisiana's SOR

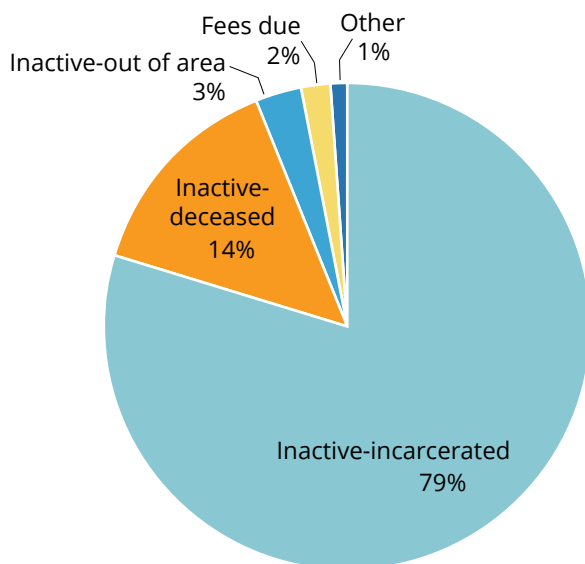
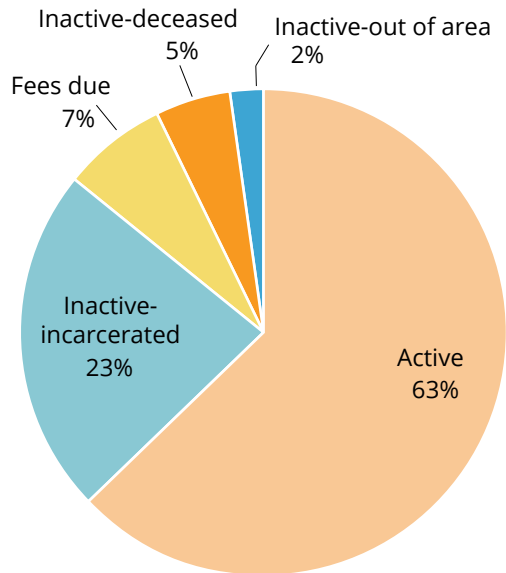


Figure 23. Offender status of HIV registrants on Louisiana's SOR

Likewise, the SOR reports whether or not a person has outstanding warrants. While only 4% of people on the SOR for Louisiana state convictions had an outstanding warrant, 16% of HIV registrants had an outstanding warrant.

SOCIOECONOMIC INDICATORS

SOR registrants in Louisiana are required to report any vehicles registered in their name; this vehicle information is publicly available on the SOR. While over half (54%) of all registrants with a Louisiana conviction reported a registered vehicle, only 23% of HIV registrants reported a vehicle. Registrants must also report any employer or school address. Just under half (48%) of SOR registrants with a Louisiana conviction reported a work address; only 19% of HIV registrants reported a work address. Just about 1% of all registrants reported a school address; the figure was 4% for HIV registrants. (The shares do not change when looking at just registrants aged 50 years and younger.) Together, the vehicle registration, work address, and school address information suggest that HIV registrants might have fewer economic resources than people on the SOR as a whole.

COST OF INCARCERATION

For fiscal year 2022, the Louisiana Department of Public Safety & Corrections estimated that the daily cost to house someone incarcerated in its adult state institutions was \$72.93 per person.⁷⁴ Using SOR data as described above, we estimate that people have been incarcerated in Louisiana prisons for HIV-related convictions for at least 242.2 person-years combined.

We, therefore, calculate that Louisiana taxpayers have paid at least \$6.5 million in prison incarceration costs related to HIV crimes.⁷⁵ This figure does not take into account expenses incurred by law enforcement and the judicial system to enforce and adjudicate allegations of HIV crimes, nor does it take into consideration additional medical costs associated with caring for people living with HIV while in custody. It also does not consider pre-trial jail incarceration costs or the costs to community and families of the people incarcerated.

⁷⁴LA DEP'T OF PUB. SAFETY, *Working Year-to-Year to Keep Louisiana Safe*, <https://doc.louisiana.gov/about-the-dpsc/annual-statistics/> (last visited Aug. 30, 2022).

⁷⁵ $\$72.93 \times 242.2 \times 365.25$.

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ABOUT THE WILLIAMS INSTITUTE

The Williams Institute is dedicated to conducting rigorous, independent research on sexual orientation and gender identity law and public policy. A think tank at UCLA Law, the Williams Institute produces high-quality research with real-world relevance and disseminates it to judges, legislators, policymakers, media, and the public. These studies can be accessed at the Williams Institute website.

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RESEARCH THAT MATTERS



APPENDIX

LAW ENFORCEMENT PARTICIPATION IN LIBRS

We collected information on law enforcement participation in LIBRS from the state of Louisiana's live LIBRS information website on August 1, 2022.⁷⁶ The website reports all law enforcement agencies that are currently certified for LIBRS. This number differs from the number of LIBRS-certified law enforcement agencies reported in the annual *Crime in Louisiana reports*; the reports only include those certified for the previous 12 months.⁷⁷

Table A1. List of Louisiana law enforcement agencies participating in LIBRS

AGENCY NAME	COVERED BY	YEAR CERTIFIED
Ascension Parish SO		2003
Bonita PD	Covered by Morehouse Parish SO RMS	2003
Caddo Parish SO		2003
Collinston PD	Covered by Morehouse Parish SO RMS	2003
Delta PD	Covered by Madison Parish SO RMS	2003
Donaldsonville PD	Covered by Ascension Parish SO RMS	2003
East Carroll Parish SO		2003
Madison Parish SO		2003
Mer Rouge PD	Covered by Morehouse Parish SO RMS	2003
Morehouse Parish SO		2003
Oak Ridge PD	Covered by Morehouse Parish SO RMS	2003
Vivian PD	Covered by Caddo SO RMS	2003
Basile PD		2004
Bernice PD		2004
Bossier Parish SO		2004
Plaquemines Parish SO		2004
Plaquemine PD		2005
Cheneyville PD	Covered by Rapides Parish SO RMS	2007
Glenmora PD	Covered by Rapides Parish SO RMS	2007
Lecompte PD	Covered by Rapides Parish SO RMS	2007
McNary PD	Covered by Rapides Parish SO RMS	2007
Port Allen PD		2007
Rapides Parish SO		2007
Tallulah PD		2007
St. James Parish SO		2008
Calcasieu Parish SO		2010
Jennings PD		2010
Gonzales PD		2011

⁷⁶See LA CRIME REPORTING, *LIBRS*, <https://crimeinla.org/librs/> (last visited Aug. 30, 2022).

⁷⁷CITE

AGENCY NAME	COVERED BY	YEAR CERTIFIED
St. Helena Parish SO		2014
Claiborne Parish SO		2015
Homer PD	Covered by Claiborne Parish SO RMS	2015
Lafourche Parish SO		2015
Lockport PD	Covered by Lafouche Parish SO RMS	2015
Tickfaw PD		2015
West Monroe PD		2015
Thibodaux PD		2016
Monroe PD		2017
St. John the Baptist Parish SO		2017
Gramercy PD		2018
Ouachita Parish SO		2018
Acadia Parish SO		2020
Arnaudville PD		2020
Benton PD		2020
Bienville Parish SO		2020
Bossier City PD		2020
Bryceland PD	Covered by Bienville Parish SO RMS	2020
Caldwell Parish SO		2020
Castor PD	Covered by Bienville Parish SO RMS	2020
Church Point PD		2020
Dixie Inn PD		2020
Dubach PD	Covered by Lincoln SO RMS	2020
Erath PD		2020
Estherwood PD	Covered by Acadia SO RMS	2020
Evergreen PD		2020
Gibbsland PD	Covered by Bienville Parish SO RMS	2020
Greensburg PD		2020
Helfin PD		2020
Houma PD		2020
Iberville Parish SO		2020
Ida PD		2020
Iota PD	Covered by Acadia SO RMS	2020
Iowa PD		2020
Jackson Parish SO		2020
Jamestown PD	Covered by Bienville Parish SO RMS	2020
Krotz Springs PD		2020
Lafayette Parish SO		2020
Lake Charles PD		2020
Lincoln Parish SO		2020

AGENCY NAME	COVERED BY	YEAR CERTIFIED
LSU Eunice PD		2020
LSU Medical Center Shreveport PD		2020
Lutcher PD		2020
Mansfield PD		2020
Marion PD		2020
McNeese University PD		2020
Mermentau PD	Covered by Acadia SO RMS	2020
Morse PD	Covered by Acadia SO RMS	2020
Mount Lebanon PD	Covered by Bienville Parish SO RMS	2020
Newellton PD	Covered by Tensas Parish SO RMS	2020
Norwood PD		2020
Plain Dealing PD		2020
Ringgold PD	Covered by Bienville Parish SO RMS	2020
Ruston PD		2020
Saline PD	Covered by Bienville Parish SO RMS	2020
Sibley PD		2020
Simsboro PD		2020
Springhill PD		2020
St. Charles Parish SO		2020
St. Joseph PD	Covered by Tensas Parish SO RMS	2020
Sulphur PD		2020
Tensas Levee District PD		2020
Tensas Parish SO		2020
Terrebonne Parish SO		2020
Vinton PD		2020
Vinton PD		2020
Walker PD		2020
Waterproof PD	Covered by Tensas Parish SO RMS	2020
West Baton Rouge Parish SO		2020
Westlake PD		2020
Wilson PD		2020
Abbeville PD		2021
Abita Springs PD	Covered by St. Tammany Parish SO RMS	2021
Addis PD		2021
Alexandria PD		2021
Baker PD		2021
Baskin PD	Covered by Franklin SO RMS	2021
Bastrop PD		2021
Baton Rouge PD		2021
Beauregard Parish S.O.		2021
Berwick PD		2021

AGENCY NAME	COVERED BY	YEAR CERTIFIED
Blanchard PD		2021
Bogalusa PD		2021
Broussard PD		2021
Cankton PD	Covered by St Landry SO RMS	2021
Catahoula SO		2021
Chataignier PD		2021
Clayton PD	Covered by Concordia SO RMS	2021
Clinton PD		2021
Concordia Parish SO		2021
Crowley PD		2021
De Soto Parish SO		2021
Delcambre PD	Covered by Vermilion SO RMS	2021
Delgado CC PD		2021
Delhi PD	Covered by Richland Parish SO RMS	2021
DeRidder PD		2021
East Baton Rouge SO		2021
Epps PD		2021
Fisher PD		2021
Fordoche PD	Covered by Point Coupee Parish SO RMS	2021
Forest PD	Covered by West Carroll Parish SO RMS	2021
Franklin Parish SO		2021
Gilbert PD	Covered by Franklin SO RMS	2021
Golden Meadow PD		2021
Grand Coteau PD	Covered by St Landry SO RMS	2021
Grant SO		2021
Gretna PD		2021
Gueydan PD	Covered by Vermilion SO RMS	2021
Hammond PD		2021
Harahan PD		2021
Harrisonburg PD	Covered by Catahoula Parish SO RMS	2021
Jefferson Parish SO		2021
Jonesville PD	Covered by Catahoula Parish SO RMS	2021
Kenner PD		2021
Killian PD	Covered by Livingston SO RMS	2021
Lafitte PD		2021
Lake Providence PD		2021
Leonville PD	Covered by St Landry SO RMS	2021
Livingston SO		2021
Livonia PD	Covered by Point Coupee Parish SO RMS	2021
Louisiana Tech University PD		2021
LSU BR PD		2021

AGENCY NAME	COVERED BY	YEAR CERTIFIED
LSU Shreveport PD		2021
Mangham PD	Covered by Richland Parish SO RMS	2021
Marksville PD		2021
Melville PD	Covered by St Landry SO RMS	2021
Morgan City PD		2021
Morganza PD	Covered by Point Coupee Parish SO RMS	2021
Opelousas PD		2021
Palmetto PD	Covered by St Landry SO RMS	2021
Patterson PD		2021
Pearl River PD		2021
Pioneer PD	Covered by West Carroll Parish SO RMS	2021
Pointe Coupee Parish SO		2021
Ponchatoula PD		2021
Rayne PD		2021
Rayville PD		2021
Richland Parish SO		2021
Sicily Island PD	Covered by Catahoula Parish SO RMS	2021
Slidell PD		2021
Southeastern PD		2021
Southern University New Orleans PD		2021
Springfield PD	Covered by Livingston SO RMS	2021
St. Bernard SO		2021
St. Francisville PD	Covered by West Feliciana SO RMS	2021
St. Gabriel PD		2021
St. Landry SO		2021
St. Martin Parish SO		2021
St. Mary Parish SO		2021
St. Tammany SO		2021
Stonewall PD	Covered by De Soto SO RMS	2021
Sunset PD	Covered by St Landry SO RMS	2021
Tangipahoa Parish SO		2021
UL Monroe PD		2021
University of New Orleans PD		2021
Vermilion Parish SO		2021
Vidalia PD		2021
Washington Parish SO		2021
Webster SO		2021
West Carroll Parish SO		2021
West Feliciana SO		2021
Westwego PD		2021

AGENCY NAME	COVERED BY	YEAR CERTIFIED
Winn Parish SO		2021
Winnsboro PD	Covered by Franklin SO RMS	2021
Wisner PD	Covered by Franklin SO RMS	2021
Zachary PD		2021

INFERENCES ABOUT INTIMATE CONTACT IN SUSPECT-VICTIM RELATIONSHIPS

We can use information about the victim, victim-suspect relationship, location of incident, and the non-HIV-related offenses to infer whether the alleged HIV-related offense was likely connected to sexual contact or to non-sexual contact, such as spitting or biting. In total, we identified 22 victim-suspect relationships that may have involved sexual contact, and 17 victim-suspect relationships that most likely did not involve sexual contact. We were left with 14 victim-suspect relationships in which we lack evidence either way that the incident involved sexual or non-sexual contact

Table A2. Victim-Suspect relationships that may have involved sexual contact

LOCATION TYPE	SUSPECT GENDER AND RACE	VICTIM GENDER AND RACE	GENDER MATCH?	RACE MATCH?	RELATIONSHIP TYPE	NUMBER OF RELATIONSHIPS
Highway, Road or Alley	Female-Black	Male-Black	FALSE	TRUE	Victim was Boyfriend/Girlfriend	1
Hotel, Motel, or Temporary Lodging	Male-Black	Female-Black	FALSE	TRUE	Victim was Boyfriend/Girlfriend	1
Other or Unknown	Female-Black	Male-Black	FALSE	TRUE	Victim was Spouse	1
Other or Unknown	Male-Black	Female-Black	FALSE	TRUE	Victim was Boyfriend/Girlfriend	1
Other or Unknown	Male-Black	Male-Black	TRUE	TRUE	Victim was Boyfriend/Girlfriend	1
Residence/Home	Female-Black	Male-Black	FALSE	TRUE	Victim was Boyfriend/Girlfriend	2
Residence/Home	Male-Black	Female-Black	FALSE	TRUE	Victim was Boyfriend/Girlfriend	3
Residence/Home	Male-Black	Female-Black	FALSE	TRUE	Victim was from an Ex Relationship	2

LOCATION TYPE	SUSPECT GENDER AND RACE	VICTIM GENDER AND RACE	GENDER MATCH?	RACE MATCH?	RELATIONSHIP TYPE	NUMBER OF RELATIONSHIPS
Residence/Home	Male-Black	Female-Black	FALSE	TRUE	Victim was Spouse	1
Residence/Home	Male-Black	Female-White	FALSE	FALSE	Victim was Boyfriend/ Girlfriend	1
Residence/Home	Male-White	Female-White	FALSE	TRUE	Victim was Boyfriend/ Girlfriend	4
Residence/Home	Male-White	Female-White	FALSE	TRUE	Victim was from an Ex Relationship	1
Residence/Home	Male-White	Male-White	TRUE	TRUE	Victim was Boyfriend/ Girlfriend	1
Residence/Home	Male-White	Male-White	TRUE	TRUE	Victim was Stepchild	1

We then looked at incidents in which the location appeared to be a public place such as a business, or a government facility ("ATM Separate from Bank", "Drug Store, Doctor's Office, or Hospital", "Government or Public Building", or "Jail or Prison"), and the relationship type was not one of the intimate partner relationships identified above. We counted 13 such victim-suspect relationships, and infer that these may have involved non-sexual contact, such as spitting or biting.

Table A3. Victim-suspect relationships that may not have involved sexual contact

LOCATION TYPE	SUSPECT GENDER AND RACE	VICTIM GENDER AND RACE	GENDER MATCH?	RACE MATCH?	RELATIONSHIP TYPE	NUMBER OF RELATIONSHIPS
ATM Separate from Bank	Victim was Stranger	Male-Black	Male-White	TRUE	FALSE	2
Drug Store, Doctor's Office, or Hospital	Relationship Unknown	Female-Black	Female-White	TRUE	FALSE	1
Drug Store, Doctor's Office, or Hospital	Relationship Unknown	Female-White	Female-White	TRUE	TRUE	1
Drug Store, Doctor's Office, or Hospital	Victim was Otherwise Known	Female-White	Female-White	TRUE	TRUE	1
Drug Store, Doctor's Office, or Hospital	Victim was Otherwise Known	Female-White	Male-Black	FALSE	FALSE	1
Drug Store, Doctor's Office, or Hospital	Victim was Otherwise Known	Female-White	Male-White	FALSE	TRUE	1

LOCATION TYPE	SUSPECT GENDER AND RACE	VICTIM GENDER AND RACE	GENDER MATCH?	RACE MATCH?	RELATIONSHIP TYPE	NUMBER OF RELATIONSHIPS
Drug Store, Doctor's Office, or Hospital	Victim was Otherwise Known	Male-Black	Female-White	FALSE	FALSE	1
Government or Public Building	Relationship Unknown	Male-Black	Female-Black	FALSE	TRUE	1
Jail or Prison	Victim Was Acquaintance	Male-White	Male-White	TRUE	TRUE	4

We also identified four victim-suspect relationships in which the victim and the suspect were both female, and the alleged incident did not occur in a public place. We infer that these may also have involved non-sexual contact, such as spitting or biting.

Table A4. Victim-suspect relationships that may not have involved sexual contact

LOCATION TYPE	SUSPECT GENDER AND RACE	VICTIM GENDER AND RACE	GENDER MATCH?	RACE MATCH?	RELATIONSHIP TYPE	NUMBER OF RELATIONSHIPS
Victim was Offender	Hotel, Motel, or Temporary Lodging	Female-Black	Female-Black	TRUE	TRUE	1
Victim was Stranger	Hotel, Motel, or Temporary Lodging	Female-White	Female-Black	TRUE	FALSE	1
Victim was Stranger	Residence/ Home	Female-Black	Female-Black	TRUE	TRUE	1
Victim was Stranger	Residence/ Home	Female-Black	Female-White	TRUE	FALSE	1

Finally, we identified an additional victim-suspect relationship in which ancillary charges led us to believe that this involved sexual contact (sexual abuse of a minor). In total, we identified 22 victim-suspect relationships that may have involved sexual contact, and 17 victim-suspect relationships that may not have involved sexual contact.

We were left with 14 victim-suspect relationships in which we lack evidence either way that the incident involved sexual or non-sexual contact. For example, two relationships indicated the the victim and suspect were strangers, and that the incident took place in a “highway, road or alley.” This could be an intimate encounter or an argument that got out of hand. Likewise, two incidents took place in a residence or home and the victim was a “friend.” We do not have enough information to suggest whether or not sexual contact was involved.