



August 7, 2014

Douglas M. Brooks
Office of National AIDS Policy
The White House
Washington, DC 20502

Re: Comments and Questions for the ONAP Listening Forum in Brooklyn, NY

My name is **Dwayne Kwaysee Wright**. I am a first generation American originally from Trinidad and Tobago in the Caribbean. I grew up in New York City and I am entering my last year as a law student at The Pennsylvania State University, Dickinson School of Law. This summer, I am an intern with **The Center for HIV Law and Policy (CHLP)**, a national legal and policy resource and strategy center working to reduce the impact of HIV on marginalized communities and to secure their human rights. I am here on behalf of CHLP and my community.

First, I would like to acknowledge Mr. Brooks' work on the Presidential Advisory Council on HIV/AIDS (PACHA), where he was instrumental on [PACHA's 2013 resolution](#) calling for federal action against [HIV criminalization](#) – the use of criminal law to prosecute and punish people living with HIV for conduct that would be legal if they did not get tested or know their status. Mr. Brooks also co-chaired and steered to conclusion a working group that produced very useful [guidance on voluntary disclosure](#) of HIV and other STIs.

Unfortunately, it appears that, for the most part, the relevant federal agencies, particularly HHS and CDC, have yet to take seriously either of PACHA's important recommendations on HIV criminalization and disclosure. This inaction has serious consequences for those who are encouraged to get tested.

PACHA's resolution on HIV criminalization acknowledged an inconvenient truth: reliance on criminal law in the context of HIV exposure, without regard to a person's intent or steps taken to reduce an already statistically-low risk of transmitting the disease, is stigmatizing and counterproductive. It is rooted in identify-based bias and related, stubbornly uninformed notions of what HIV is and how it is transmitted.

HIV criminalization is part of a troubling tendency to use the criminal law to manage issues and communities that make mainstream policy makers uncomfortable. HIV criminalization is part-and-parcel of the over-criminalization and mass incarceration that over-burdens people from communities such as mine: people of color and immigrants.

I therefore would like to ask three questions:

1) Does ONAP have concrete plans to ensure implementation of PACHA's resolution on HIV criminalization, such as securing CDC-specific guidelines on what ensures consistency with current medical science?

2) Can ONAP take specific action to increase the visibility and to promote the actual implementation of the PACHA guidance on voluntary HIV/STI disclosure?

3) Would ONAP support issuance of a new Surgeon General letter to Americans on the routes, risks and current-day consequence of HIV transmission?

Respectfully submitted,

Dwayne K. Wright