

LAW ENFORCEMENT MANAGEMENT INSTITUTE

AIDS AND LAW ENFORCEMENT

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BY

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I. INTRODUCTION

AIDS (Acquired Immune Deficiency Syndrome) is not only an increasingly serious health problem, it has also created an emotional crisis caused by a great deal of misinformation and fear. The fear of AIDS contamination has created yet another hazard for the law enforcement profession. By educating law enforcement personnel by keeping officers informed of the disease, and by developing an agency or developmental policy to help prevent contamination, the fear and threat of contamination will be eased.

AIDS is a communicable disease and sexually transmitted, but unlike other diseases, AIDS is a death sentence. Law enforcement officers frequently come in contact with AIDS-infected individuals through arrest of prostitutes, homosexuals, and intravenous drug users. This disease confronts the law enforcement profession for several reasons.

First, many suspects and criminals may be intravenous drug users which are considered to be "high risk" for becoming infected with AIDS. Law enforcement officers and correctional officers, in turn, are also placed at a high risk of infection with the disease by having to come into close physical contact with these criminals. Law enforcement officers can protect

themselves and at the same time help educate those engaged in illegal intravenous drug abuse about the hazards of the disease.

Secondly, law enforcement officers are usually the first to arrive at emergencies, where they must deal with victims of violent crimes, death or severe injuries, who may be infected with the AIDS virus, thus subjecting the officers to possible exposure.

This research paper will provide medical information on the AIDS disease, including how the disease is transmitted, and examine specific problems that the AIDS disease has created for law enforcement officers, as well as recommendations for educational and basic preventive measures which can be implemented.

II. THE CAUSES AND EFFECTS OF AIDS

Acquired Immune Deficiency Syndrome, commonly referred to as AIDS, is a sexually transmitted communicable disease that weakens the body's resistance to many infections, malignancies and diseases. Many diseases that are not considered deadly become life-threatening when connected with the AIDS virus. AIDS may also attack the body's central nervous system and cause dementia.

AIDS has become a significant health problem because of its high fatality rate since there is no known cure or vaccine for the AIDS virus. Once infected with the virus, there is no definite period of survival. However, to date, no one has recovered from the disease.¹ Persons infected with the disease are often misdiagnosed as having other diseases since the AIDS virus has a prolonged incubation period. The infected person may not develop the final stage of the disease until months or years after contamination.

The AIDS virus was first recognized in the United States in 1981. The disease may have been detected as early as 1969 by homosexual men who had developed an unusual form of pneumonia known as *Pneumocystis carinii*. The homosexual males also contracted a rare cancer called Kaposi's sarcoma. Upon the diagnosis of these two rare diseases, there was no

determinable cause other than a notable immune deficiency in the patients.

AIDS is caused by a virus known as Human Immunodeficiency Virus (HIV). The AIDS virus infects and destroys certain white blood cells in the body and reduces the body's ability to guard against infection. "The National Academy of Sciences estimates that 25 to 50 percent of HIV-infected persons will develop AIDS within 5 to 10 years of infection."² Since an individual can be infected with the AIDS virus for years without developing any symptoms, an infected individual can unknowingly transmit the virus. Because the HIV virus weakens the body's resistance to infection and malignancies, a certain type of skin cancer (Kaposi's sarcoma) and/or a particular type of pneumonia (Pneumocystis carinii) usually will cause death, not AIDS itself.

III. DIFFERENT WAYS THE AIDS VIRUS MAY BE TRANSMITTED

Only misinformed or uneducated individuals believe that the AIDS virus is transmitted easily from person to person. The AIDS virus is difficult to transmit because the virus itself is fragile when outside the body. It can be destroyed by heat, by many common household disinfectants and bleaches, and by washing with soap and water.

The AIDS virus is transmitted the same way as Hepatitis-B through exposure to contaminated blood, semen and vaginal secretions. This occurs through sexual intercourse or needle sharing by intravenous drug users. AIDS transmission has also been traced to blood transfusions and blood products given to hemophiliacs. However, the nation's blood supply is now considered safe due to the standard screening of blood received and the heat treatment of blood products. Transmission from infected mother to fetus has also occurred. Open wounds may also become contaminated with infected blood from another individual. There also have been a few cases of contamination of medical personnel accidentally stuck with a needle during treatment of an AIDS patient.

Casual contact with an infected person will not spread the disease. AIDS cannot be spread by sneezing, coughing, breathing, hugging, handshaking, or other forms of non-sexual

contact. Even sharing the same eating and drinking utensils, or using the same toilet facilities will not increase the risk of contamination.³

IV. PREVENTIVE MEASURES TO BE USED IN DEALING WITH INFECTED PERSONS AND CONTAMINATED ITEMS

To help prevent the spread of the AIDS virus, there are certain preventive measures that should be adopted. Part of the problem is a matter of professional standards and procedures, but a significant factor is the conduct of an officer's personal life. Law enforcement professionals are no different from the general population when it comes to dating and having sexual encounters. Since there is no way of looking at an individual to determine if he/she has AIDS, unless both mates are not promiscuous, it is recommended that a condom be used as a preventive measure. When using a condom, it has been recommended that the latex variety be used in conjunction with a spermicide, which will give additional protection. Condoms made of "lambskin" or "natural membrane" are ineffective because of the porous nature of the material. Individuals should avoid intercourse with someone they do not know or someone who is known to be promiscuous. Unprotected sexual contact with individuals who are infected should be avoided. Vaginal or oral sex with individuals who are intravenous drug users, or engaging in anal sex should also be avoided.⁴

Intravenous drug users who share the same needle or those individuals who have many sexual partners are considered to exhibit "high risk behavior." Safe behavior would consist of having sex with one mutually monogamous, uninfected partner, or through abstention.

Education of the high risk behavior group would be a primary preventive measure. The spread of AIDS infection could be lessened if (1) drug paraphernalia items were not passed around from user to user contaminating each one; and (2) if casual sex partners practiced safe sex. Training and education of the general population with a focus toward high-risk behavior groups will undoubtedly prove the best prevention.

V. SPECIAL AIDS-RELATED PROBLEMS
FOR LAW ENFORCEMENT PERSONNEL

Since law enforcement officers come in contact with many individuals in the high risk behavior group, there are certain recommended guidelines for law enforcement personnel to follow during the performance of their duties in handling individuals suspected of, or infected with, AIDS:

1. Cell and Body Searches:

- (a) Make sure that any open wounds and wounds are covered with clean bandages to prevent possible exchange of blood.
- (b) Wear protective gloves if there is a chance of contact with blood or body fluids on the individual, through either clothing or linen.
- (c) Avoid needle sticks or punctures with any sharp objects.
- (d) Never blindly place hands in areas where there may be sharp objects that could cut or puncture the skin, and be particularly alert for such objects during cell searches.
- (e) Wash hands with soap and warm water following every search.

2. Control of Inmate Disturbances and Aggressive and Violent Inmates:

- (a) Wear protective gloves to prevent contact with blood or body fluids.
- (b) Avoid bites, scratches, or other lacerations.

- (c) Immediately wash with soap and warm water any bites or wounds that draw blood and have them documented and treated by a physician.

3. Responses to Homicides and Suicides:

- (a) Wear protective gloves to avoid contact with blood or body fluids.
- (b) Wear protective gloves and use a disinfectant solution, such as household bleach diluted 1:10, if clean up of blood or other body fluids is necessary.

4. If an officer is given the duty of cleaning up blood or other body fluid spills:

- (a) The officer should wear protective gloves and use a disinfectant solution such as household bleach diluted 1:10.
- (b) Any clothing contaminated with blood or other body fluids should be placed in a bag and laundered as soon as possible. During laundering any of the following will kill the AIDS virus: hot water and detergent, bleach or the heat from an automatic dryer.
- (c) If there is infected waste to be disposed of, it should be incinerated or should be decontaminated before disposal in a sanitary landfill. Local regulations should be followed prior to disposal procedures.
- (d) Saliva is not a known fluid to transmit the AIDS virus. However, a cardio-pulmonary resuscitation (CPR) device is recommended for use when law enforcement personnel or correctional officers are needed to conduct such lifesaving efforts on an individual.⁵

VI. TEXAS LAW CONCERNING AIDS

During the 1987 session of the Texas Legislature, a law was passed requiring health officials to notify emergency care providers such as fire fighters, paramedics, and police officers when they have been exposed to a reportable communicable disease.⁶ The diseases considered to be communicable in nature are hepatitis-A and B, malaria, plague and AIDS. The Legislature passed this law but failed to provide a means for reporting potential exposures. Therefore, the County Health Departments and local municipalities have had to adopt their own reporting procedures.

One such example of County Health Department reporting is that of the Amarillo Bi-City County Health Department which has witnessed the spread of its procedures throughout the State.⁷ Basically, any first responder who has an unprotected exposure will submit a report of possible exposure to the County Health Department. The report consists of patient's name, age and description of the type of exposure, such as blood onto an open wound, mouth-to-mouth resuscitation given or blood splashed into the nose, eyes, or mouth. The Health Department also receives the responder's name and phone number. Pending the location of tests for communicable diseases, the hospital or the Health Department will contact

the exposed officer to check for possible infection and to ensure proper medical care.

The City of North Richland Hills, Texas, has adopted similar procedures in that the Fire Department paramedics will submit such reports to the Tarrant County hospital when unprotected exposures occur. This reporting procedure is the same for the City's Police and Fire Departments.

This needed Legislation provides protection under worker's compensation for the first responders who become occupationally infected with communicable diseases. Article 9, entitled Test for Acquired Immune Deficiency Syndrome and Related Diseases, was added to the Communicable Disease Prevention and Control Act. "A person may be compelled to undergo any medical procedure or test designed to show or help show whether a person has AIDS or HIV infection under limited circumstances" (at § 9.02). Tests can be conducted if they are in accordance with written infectious disease control procedures adopted by the Health Care Agency.⁸

This same Act also amended Chapter 22 of the Texas Penal Code to read as follows:

Sec. 22.012. INTENTIONALLY EXPOSING ANOTHER
TO AIDS OR HIV.

(a) A person commits an offense if the person, knowing that he or she has AIDS or is a carrier of HIV and with intent to cause serious bodily injury or death, intentionally engages in conduct reasonably likely to result in the transfer of the actor's own blood, bodily fluids containing visible blood, semen, or vaginal secretions into the bloodstream of another, or through the other

person's skin or other membrane, except during in utero transmission of blood or bodily fluids, and:

(1) the other person did not consent to the transfer of blood, bodily fluids containing blood, semen, or vaginal secretions; or

(2) the other person consented to the transfer but at the time of giving consent had not been informed by the actor that the actor had AIDS or was a carrier of HIV.

(b) In this section, "AIDS" and "HIV" have the meanings assigned by Section 9.01, Communicable Disease Prevention and Control Act (Article 4419b-1, Vernon's Texas Civil Statutes).

(c) An offense under this section is a felony of the third degree.⁹

Other states have adopted similar laws relating to AIDS and intentionally infecting an individual. One such case was reported in Camden, New Jersey, where a jury convicted an inmate infected with AIDS of attempted murder for biting a Sheriff's officer and yelling "now die, you pig." This case is one of about ten (10) in the country in which a person with AIDS has been accused of attempting to spread the virus through biting or spitting.¹⁰

VII. CONCLUSION

The AIDS epidemic has taken years to become recognized as such. This communicable disease poses a threat to the general population and an even greater risk to the law enforcement profession because of the incidence of high-risk behavior exhibited by the individuals with whom law enforcement officers must confront on a daily basis.

The high-risk individuals with whom law enforcement and correctional officers come into contact add yet another potential hazard for officers. Since law enforcement officers must continue to do their jobs and give assistance when needed, an officer cannot turn his back to a crime-in-progress or medical emergency. However, through training and education, officers can continue to do their jobs of enforcing laws and saving lives. Education on AIDS will give them the information needed to keep them safe. Training will give them the safe procedure to handle a potentially infected person or contaminated item. Jail education programs by public health officials might help the problem as well.

Agencies can assist their officers by furnishing basic preventive equipment in their squad cars or work site. Preventive equipment may consist of rubber gloves, protective goggles, face masks, and one-way breather mask for cardio-pulmonary resuscitation. These few items are relatively inexpensive and can give an officer the added protection and confidence he needs to lessen chances of exposure.

Officers should practice preventive measures on-duty and in their private lives as well. Because law enforcement officers are part of the general population, they can be exposed on and off-duty, therefore safe sex should always be practiced.

Laws have been amended to help fight the spread of the AIDS disease, but until the high risk behavior groups are educated to the practice of preventive measures AIDS will continue to be a threat. Presently, there is no known cure nor a vaccine to prevent AIDS. Hence, all law enforcement officers will have to cope with the deadly AIDS virus. Training, education, and preventive equipment will be law enforcement officers' weapons to combat the spread of AIDS disease.

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