

THE OVERDOSE | HOMICIDE EPIDEMIC



OVERDOSES IN AMERICA

Every day, nearly one thousand people seek treatment in American emergency rooms for opioid addiction. Drug overdose deaths have reached unparalleled levels. Most overdose deaths occur in the presence of other people and many of these deaths could be prevented. Yet overdose witnesses hesitate to call for medical assistance because of their fear of the police and of prosecution.

CORONER VERSUS MEDICAL EXAMINER SYSTEMS

A medical examiner is a physician appointed to determine the cause and manner of death.

A coroner is an elected official with no required medical background; most, in fact, have no medical background. The push to replace coroners with scientifically-trained individuals began in the 1920s, but the coroner system remains today in several states.

PROSECUTORS, POLICE, & DEATH INVESTIGATIONS

Prosecutor and police involvement in death investigations is often unrestricted. They may supply information to the coroner at the crime scene or autopsy that affects the manner of death determination.

DETERMINING CAUSE OF DEATH IN DRUG-RELATED DEATHS

Coroners in some jurisdictions determine both the cause and the manner of death in overdose cases. Overdoses may be determined either an accident or homicide. Death investigations not only determine the cause of death, but also directly inform public health responses to drug use and abuse.



DRUG INDUCED HOMICIDE



PROFILE OF THOSE CHARGED WITH DRUG INDUCED HOMICIDE

Drug induced homicide charges are brought against the person who distributed the drug. In the vast majority of these prosecutions, the distributor is simply a friend or acquaintance who shared the drug with the deceased. Occasionally, a low-level dealer sold the drug.

INCARCERATION AS A SOLUTION TO THE OPIOID EPIDEMIC

Drug-induced homicide charges are brought by prosecutors focused on an alternative solution to the opioid epidemic: greater rates of incarceration. The prosecutors identify the criminal defendant as a killer, responsible for murdering community members by distributing drugs, even when that defendant is simply another addicted person using the same drugs.

DEATH INVESTIGATIONS ARE VULNERABLE TO INFLUENCE

A study by the National Association of Medical Examiners found that 70% of medical examiners had been subjected to outside pressures to influence their findings. Twenty-two percent had "experienced political pressure to change death certificates from elected and/or appointed political officials."

HYPERINCARCERATION IS NOT A SOLUTION TO ADDICTION

The heavy sentences of the 1980s and 1990s, the continuation of the War on Drugs in response to the crack-cocaine epidemic, has done little to stem the tide of drug use thirty-five years later. Similarly, homicide charges have no proven ability to mitigate the opioid epidemic.

Source

The Overdose/Homicide Epidemic, 34 Ga. St. U. L. Rev. 983 (2018)

Interesting Facts

- In Indiana, a seventeen-year-old recent high school graduate was appointed coroner.

- The required certainty for the cause and manner of death for a death certificate is only that the probability of accuracy exceeds 50%.

- Every month, more than four million Americans misuse opioids.

- Only 10% of U.S. medical schools have forensic pathology faculty members.

- Most defendants will take a guilty plea to a lesser charge when facing homicide. State court criminal trials occur in 6% of cases; the number is 3% for federal criminal trials.

- Twenty states have drug-induced homicide statutes. These statutes do not require intent to cause death, instead they typically only require that the defendant knew he or she was delivering the controlled substance.

Source

The Overdose/Homicide Epidemic, 34 Ga. St. U. L. Rev. 983 (2018)