

What drives 'drug-induced homicide' prosecutions in North Carolina?

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A new study finds that prosecutors in North Carolina believe "drug-induced homicide" (DIH) laws are effective at both reducing drug overdoses in a community and curtailing the distribution of illicit drugs.

These beliefs are worth noting because there is no evidence to support them, while there is evidence that DIH prosecutions make people in affected communities less likely to call 911—and may actually increase the number of overdoses in a community.

DIH laws, also called "death by distribution" or "delivery resulting in death" laws, allow prosecutors to treat unlawful drug distribution as equivalent to homicide or manslaughter if someone using the drug dies of an overdose. DIH laws have been around since the 1980s, but there has been a significant increase in DIH prosecutions since the beginning of the opioid epidemic.

[More than two dozen states](#), including North Carolina, have DIH laws on the books. In North Carolina, 337 DIH cases were filed from 2015 through 2022.

"One reason we're interested in DIH cases from a public health standpoint is because there's strong evidence that prosecuting people under these laws reduces the likelihood that people in relevant communities will call [emergency services](#) when someone overdoses," says Jennifer Carroll, co-author of the paper and an assistant professor of anthropology at North Carolina State University.

"And there is emerging evidence—[from North Carolina](#)—that DIH prosecutions may increase the likelihood of overdoses and overdose deaths in relevant communities."

"We wanted to know how North Carolina prosecutors view these laws in order to understand better what drives their [decision-making](#) on when and whether to pursue charges under the state's DIH law," says Brandon Morrissey, first author of the paper and a Ph.D. student at NC State.

For the study, researchers sent surveys to district attorneys and assistant

district attorneys across North Carolina. The survey was designed to collect information on factors that inform prosecutorial decisions about whether to file a DIH case, as well as the impact the prosecutors believe these cases have on affected communities.

Of the more than 300 prosecutors contacted, the researchers received 24 responses from attorneys responsible for prosecutions in 42% of North Carolina's prosecutorial districts.

"Study participants overwhelmingly felt that DIH prosecutions reduce the likelihood of fatal overdoses in their districts and that the prosecutions prevent or deter illicit drug distribution in their districts," says Morrissey.

"This finding is worth highlighting because there is no evidence to support either of those beliefs, while there is evidence that the opposite is true—at least in regard to overdoses and calling 911," says Carroll.

"We also found that the factors which are normally predictive of prosecutions for any crime don't seem to apply when it comes to DIH prosecutions," Carroll says.

"For example, in general, the number of assistant district attorneys in a jurisdiction is normally predictive of the number of prosecutions in that jurisdiction. That doesn't seem to be the case when it comes to DIH. The number of DIH prosecutions also doesn't correlate to community-level variables, such as the number of overdoses or [overdose](#) deaths in a community. This creates significant uncertainty as to what drives prosecutorial decision-making regarding DIH."

"This study was exploratory, but it's concerning that so many survey respondents are making decisions about DIH prosecutions based—at least in part—on a belief that these prosecutions improve [public health](#)

and safety by preventing overdoses," Carroll says. "The available evidence suggests this could not be further from the truth."

"Moving forward, there would be real value in expanding this work to learn more about DIH prosecutorial decision-making in other jurisdictions," says Morrissey.

The paper is [published](#) in the *International Journal of Drug Policy*.

More information: Brandon Morrissey et al, Prosecuting overdose: An exploratory study of prosecutorial motivations for drug-induced homicide prosecutions in North Carolina, *International Journal of Drug Policy* (2024). [DOI: 10.1016/j.drugpo.2024.104344](https://doi.org/10.1016/j.drugpo.2024.104344)

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