Drug-Induced Homicide Prosecutions as a Drug Overdose Prevention Measure: A Mathematical Modeling Study

NPHL September 23, 2021

Leo Beletsky, JD, MPH

Northeastern University
School of Law and
Bouvé College of Health Sciences

UC San Diego School of Medicine







Acknowledgements

Co-authors: Kelly Kung, Judith Lok, Natasha Martin

No conflicts to declare

Overdose Crisis: Problematizing "Public Health Response"



Punishment as an Antidote

Drug dealers would face homicide charges after overdose under

The New York State Senate

Sena

SENATORS & COMMITTEES

BILLS & LAWS

EVENTS

ABOUT THE SENATE

TERRENCE MU ISSUE: CRIME

importa

NEWS & ISSUES

Find you This law would hold drug dealers accountable for the true cost of their activities, significantly diminish the open availability of these dangerous drugs on our streets and give district attorneys the necessary tools to work up the criminal chain to the ultimate supplier because facing life imprisonment for any amount of drugs that results in death is a profound disincentive to sell drugs within the state of New York.

This law seeks to punish those individuals involved in the illegal drug trade and is not intended to punish those individuals who are merely co-users.. Therefore a co-user who shares the drugs with the victim still has an incentive to follow the current good Samaritan law and save the other person as he or she will be able to avoid prosecution for homicide by sale of an opiate controlled substance and instead admit to a lower felony because it still is a distribution.

Legal Interventions: DIH Statutes



DIH Prosecutions "Send a Message"

EXCLUSIVE: U.S. Attorney Preet Bharara to slap opioid dealers linked to fatal overdoses with federal charges

HOME









THE UNITED STATES ATTORNEYS OFFICE
SOUTHERN DISTRICT of NEW YORK

U.S. Attornevs » Southern District of New York » News » Press Releases

U.S. ATTORNEY

Department of Justice

DIVISIONS

NEWS



U.S. Attorney's Office

Southern District of New York

FOR IMMEDIATE RELEASE

ABOUT

Wednesday, October 12, 2016

PROGRAMS

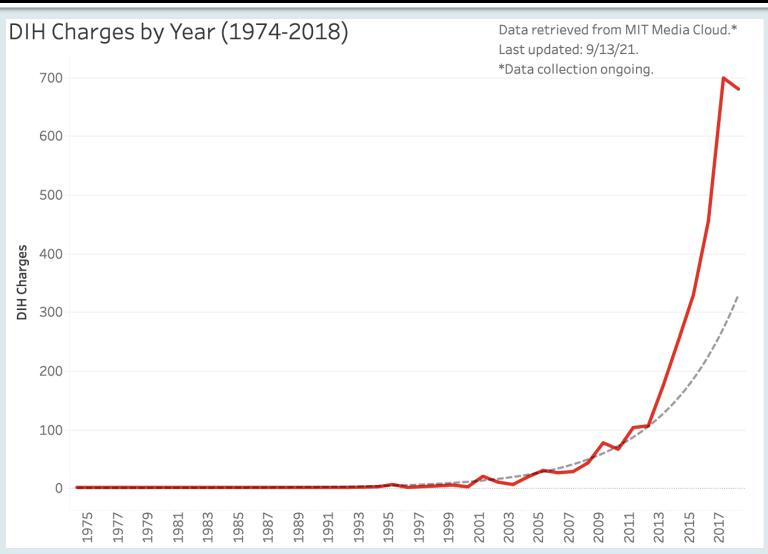
United States Attorney Announces Charges Against Narcotics Trafficker Connected To Heroin Overdose Death

Preet Bharara, the United States Attorney for the Southern District of New York, William F. Sweeney Jr.,

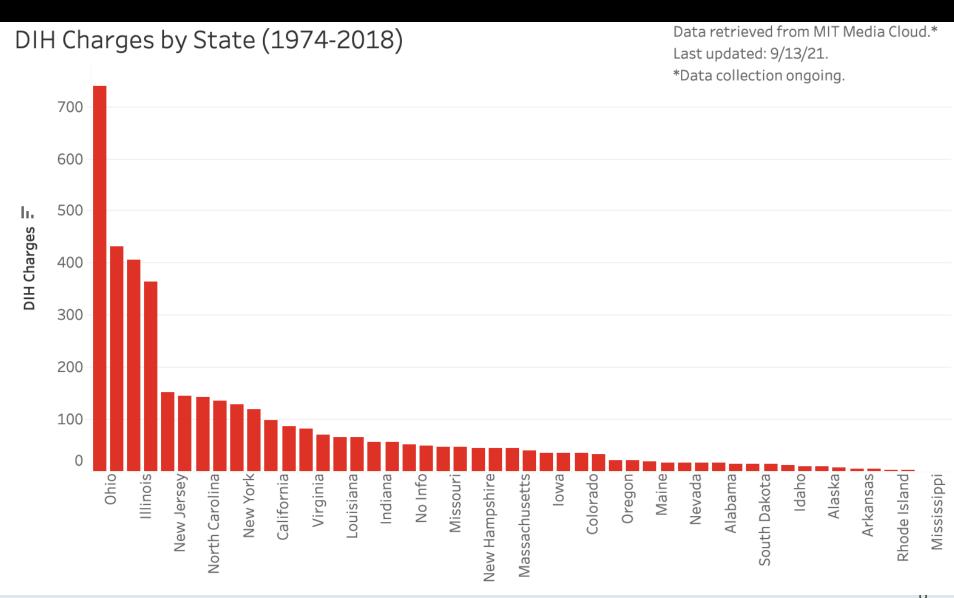
Manhattan U.S. Attorney Pr

U.S. Attorney Preet Bharara stated: "The epidemic of opioid abuse is devastating our communities. Charges like those announced today strike at the heart of the problem – dealers who fuel the cycle of addiction and overdose. Anthony Delosangeles allegedly dealt in heroin, including the heroin that killed Thomas Cippollaro, a 25 year-old White Plains man. We thank the FBI and our local law enforcement partners for their extraordinary efforts that led to the charges today."

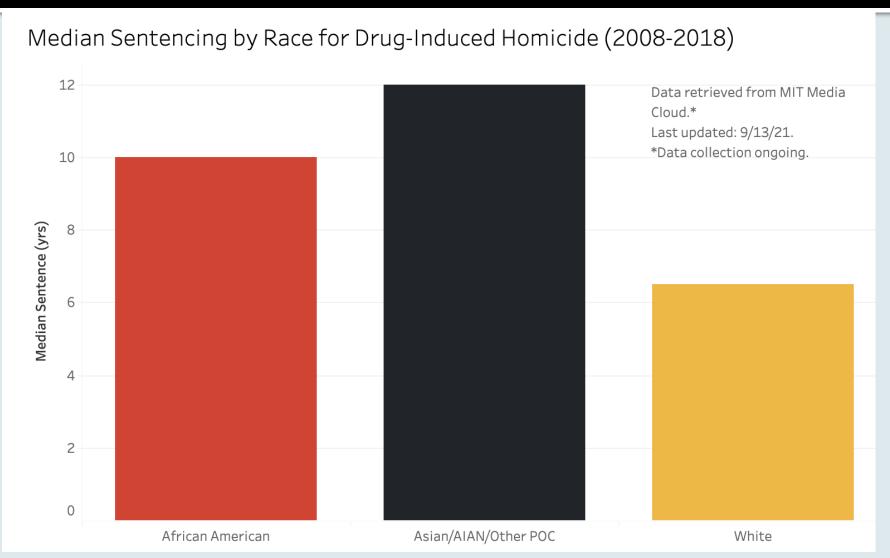
Media Mentions DIH Prosecutions



Uneven Geographic Distribution



Mapping onto Drug War Disparities



Public Health Impact: Helpseeking

International Journal of Drug Policy 50 (2017) 82-89



Contents lists available at ScienceDirect

International Journal of Drug Policy

journal homepage: www.elsevier.com/locate/drugpo



Research paper

"Caught with a body" yet protected by law? Calling 911 for opioid overdose in the context of the Good Samaritan Law



Amanda D. Latimore^{a,b,c,*,1}, Rachel S. Bergstein^{b,c,1}

Baltimore City Health Department, 1001 East Fayette Street, Baltimore, MD 21202, United States
 Johns Hopkins Bloomberg School of Public Health, 615 North Wolfe Street, Baltimore, MD 21205, United States

JOURNAL OF CRIME AND JUSTICE, 2016 http://dx.doi.org/10.1080/0735648X.2016.1215932





Contents lists available at ScienceDirect

International Journal of Drug Policy

journal homepage: www.elsevier.com/locate/drugpo



Research paper

Why are some people who have received overdose education and naloxone reticent to call Emergency Medical Services in the event of overdose?



Stephen Koester^{a,b,*}, Shane R. Mueller^{b,c,d}, Lisa Raville^e, Sig Langegger^f, Ingrid A. Binswanger^{c,d}

"If you['re] the one that's with them when they go out, you're possibly going to be

CHARGED WITH THEIR DEATH.

So that's the main reason why a lot of people don't call [911]."

Source: Latimore and Bergstein, IJDP (2017)

a Department of Anthropology, University of Colorado Denver, Denver, CO, USA

Department of Health & Behavioral Sciences, University of Colorado Denver, Denver, CO, USA

Division of General Internal Medicine, University of Colorado School of Medicine, 12631 E. 17th Ave. 8-180 Aurora, CO 80045, USA¹

^d Institute for Health Research, Kaiser Permanente Colorado, Denver, CO, USA² "Harm Reduction Action Center, 231 E Colfax Ave, Denver, CO 80203, USA

Faculty of International Liberal Arts, Akita International University, Japan

Other Pathways of Impact

- Stigma and discrimination
- Crowding out & opportunity costs:
 - Investigation
 - Incarceration
 - Public attention/resolve
- Etc.

Mathematical Modeling Study

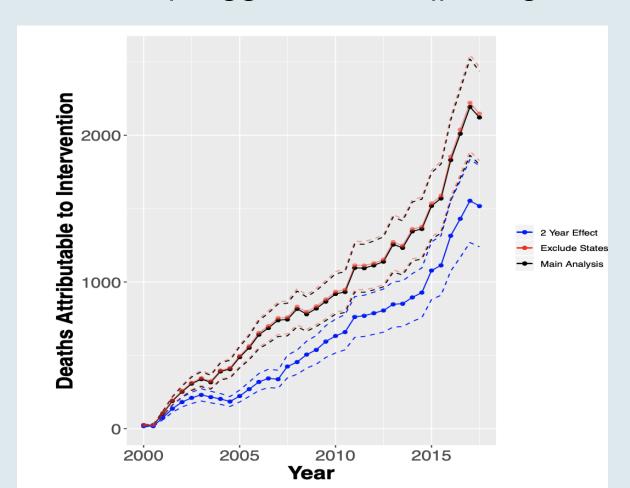
- Hypothesis: Media mentions of DIH prosecutions reduce future fatal overdoses (6mo window)
- Unit of jurisdictional analysis: state
- Data: CDC (1999-2017)

Modeling Study Methods

- Difference-in-Differences analysis
- Possible cofounders:
 - Naloxone access
 - Medical marijuana
 - 911 Good Samaritan
 - PDMPs
 - Medicare expansion

Modeling Study Results

RR: 1.076 (95% CI: (1.064, 1.089)



Modeling Study Implications

- Media mentions of DIH prosecutions are not associated with reduced overdose deaths
- This legal intervention is likely fueling the problem it purports to solve

Next Steps

- DIH statute elements as determinants of prosecution dynamics
- Defining "public health approach"
- Fentanyl myths as a catalyst for DIH statutes
- Using research to shape policy

Contact

Leo Beletsky
L.beletsky@neu.edu
@leobeletsky
www.healthinjustice.org

Public Health Law Conference
Harm Reduction law and policy: Past, Present, and Future

Policy Enabling Environments for Syringe Services Programs: A first step to saving lives and money

Sara Zeigler, MPA

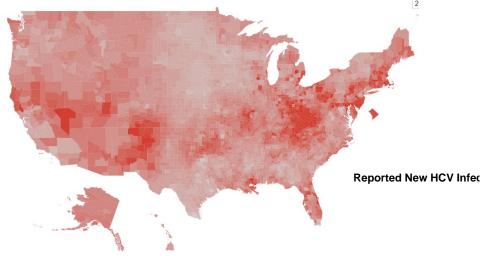
Associate Director for Policy
National Center for HIV/AIDS, Viral Hepatitis,
STD and TB Prevention,
Centers for Disease Control and Prevention
September 23, 2021

The findings and conclusions in this presentation are those of the author and do not necessarily represent the official position of the Centers for Disease Control and Prevention.

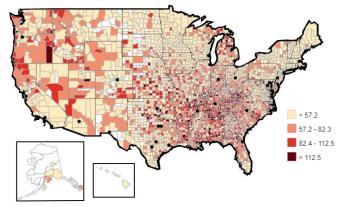
Overview

- The U.S. public health crisis involving drug use has brought increases in infectious diseases such as viral hepatitis, HIV, endocarditis, and more
- Syringe services programs can stop outbreaks of infectious diseases
- Mitigating these consequences with interventions like syringe services programs and provision of medication for opioid use disorder can <u>save lives</u>, <u>save money</u>, and <u>reduce health</u> <u>disparities</u>.

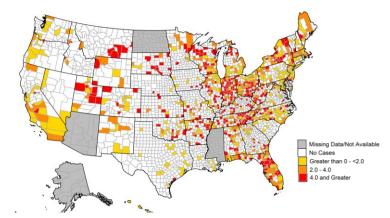
Geographic correlation of opioid prescriptions, drug overdose deaths, and hepatitis C virus infections



Estimated Crude Death Rates for Drug Poisoning by County, 2018



Amounts of opioids prescribed, by county, per 100 people, 2018



Rates of Reported Acute Hepatitis C Virus Infections by County, 2019*

35 States Reporting Hepatitis A Outbreaks 2016 – 2021

As of September 3, 2021:

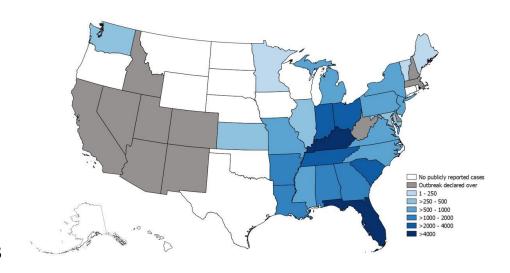
Total cases: 42,033

Hospitalizations: 25,547 (61%)

Deaths: 383

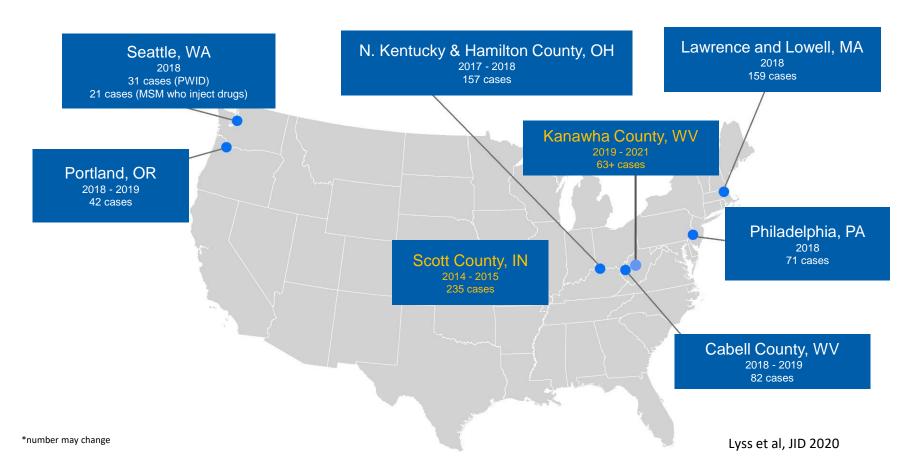
Primary groups affected

- People who use drugs
- People experiencing homelessness
- Men who have sex with men
- Over \$306.8 million in state health care costs



https://www.cdc.gov/hepatitis/hepAoutbreak (accessed Sept. 9, 2021). Hoffmeister. EID. 2020.

Increased HIV outbreaks among people who inject drugs



Infectious disease consequences of drug use are costly

July 2016 – February 2020

\$306,000,000

Estimated Hepatitis A hospitalization costs

\$11,400,000

Cost to treat skin infections at one FL hospital in one year

\$22,200,000

Total one-year costs to treat endocarditis

\$501,000

Individual lifetime HIV treatment cost

What do comprehensive syringe services programs provide?

- Access to sterile needles and syringes
- Safe disposal of used injection equipment
- Services or referrals to services – including
 - Substance use disorder treatment
 - Screening and treatment for infectious diseases
 - Naloxone provision
 - Vaccinations
 - Social, mental health, and other medical services



Syringe services programs prevent transmission of bloodborne infections

- Access to sterile injection equipment can help prevent blood-borne infections, skin infections and endocarditis
- Health care provided at these programs can catch problems early and provide easy-to-access treatment
- In Philadelphia, these programs averted 10,582 HIV infections over 10 years; 1-year return on investment of \$243.4M

SSPs + MOUD*
together
174%
HIV & Hepatitis
C Transmission



Source: https://www.cdc.gov/ssp/syringe-services-programs-summary.html; Ruiz, et al, JAIDS, 2019



Nearly 30 years of research: Syringe Services Programs are safe, effective and provide critical services

- Engage people who inject drugs in healthcare and other social service
 - Improved access to primary care
 - 5 times as likely to enter treatment for a substance use disorder
 - 3 times more likely to stop injecting than those who don't use the programs
 - Improved treatment retention
- Do not increase crime
- Keep communities clean by providing safe needle disposal

U.S. Syringe Exchange Directory Catalogs SSP Information

- 385 SSPs have authorized the North American Syringe Exchange Network (NASEN) to publish their data
- Three states with most SSPs listed: CA (38), KY (32), NC (27)
- Seven states with no SSP listed: AL, DE, KS, MS, NE, SD, WY
- NASEN also coordinates purchasing network for supplies



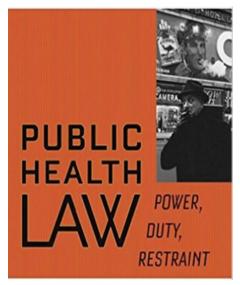
https://nasen.org/map/

Legal Strategies for an Enabling Environment

- The creation and implementation of laws can be used to achieve public health objectives
- State and local laws can facilitate access to clean injection equipment and other services for persons who inject drugs



- Authorization of syringe services programs
- Drug paraphernalia
- Retail sale of Syringes/Needles





Atlantic City is forcing its syringe program to shut down. What happened to 'trust Challenges

Editorial

Atlantic City, and

Indiana Needle Helped Contain

Outbreak To Be Shut Down

Judge continue new syringe law, but hasn rendered final decision ye

Facing tough restrictions, WV harm reduction programs wait for federal lawsuit ruling

Syringe access programs sti not fully legal in AZ

Needle exchanges are a proven tool to but officials still want to shut

Misinformation

Stigma

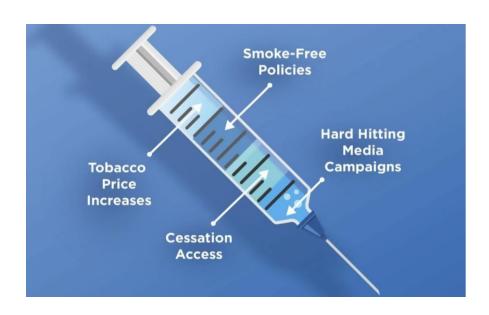
Broad Community Support

v Restrictions in West low Just How Fragile courc Exchange Programs Can B

Pleasantvine votes against syringe ac programs in the city

> Debate resurfaces over syringe exchanges as **Scott County considers** dropping program

Applying lessons learned from tobacco control: Policy *is* the intervention



Media and other policy approaches can have farreaching impact



Gaining Support for Community Syringe Services Programs



Misinformation about syringe programs thwarts support

Perceived barriers

- 1. Only some states have laws that explicitly allow syringe services
- 2. Physical location of programs can be a deterrent
- 3. Policing practices affect community health
- 4. Belief that syringe services enable drug use and increase needle litter and needlesticks

Stigma prevents access to healthcare

- Dehumanizes people struggling with substance use disorder
- Pushes people to the margins of society
- Discourages people who use drugs from accessing healthcare
 - Often limited to emergency department visits
 - Study: <50% of people who inject drugs (PWID) saw a healthcare provider in the past year
- Need to engage people with lived experience
- Embrace communication campaigns: Stories convince people













Broad Coalition of Champions: The messenger is as important as the message

- Public Safety
- Faith-Based
- Local Governmental and Community Leaders



Education about Syringe Services Programs Increases Support

Key Statements

- SSPs enable access to health services, evidencebased substance use disorder treatment, and education
- SSPs are an effective tool to reduce the spread of viral hepatitis, HIV, and other bloodborne diseases
- Amended laws and statutes move away from the criminalization of substance use disorders
- SSPs reduce the number of contaminated needles in public areas and protect law enforcement from needlesticks



Technical
Package
www.cdc.gov/ss
p

Strategies for Building Public Safety Support

- Delivering in-person trainings focused on decreasing needlesticks, SSP goals (including effective linkage to treatment), how/when to refer to community services, and SSP/syringe legality
- Reframing law enforcement officers as "agents of public health outreach"
- Engaging seasoned officers in promotion of harm reduction and educational efforts of new officers
- Recruiting and training more female officers
- Educating to reduce confusion about the term "needle exchange"

News Release: Delaware's
Syringe Services Program is
Saving Lives and Taxpayer
Dollars
Need

Politics Are Tricky but Science Is Clear: Needle Exchanges Work

Needle exchange pilot programs in N.J. are successful, health department finds

Syringe services programs are vital to ending the HIV epidemic and must be protected

Syringe Services Program Implemented During HIV Outbreak Led to Reduction of Injection-Related Risk Behaviors

Syringe Distribution Programs

Can Improve Public Health During
the Opioid Overdose Crisis

Rhode Island Legalizes Safe Injection Sites. Here's What a Rollout Might Look Like Syringe Exchange Programs Could Save Florida Hospitals Millions Of Dollars, Study Suggests

Thank you!

Sara Zeigler
szeigler@cdc.gov
www.cdc.gov/ssp

Acknowledgements: Yidi Amha, Nora Spencer-Loveall, Michael Williams