



## What is Drug Induced Homicide?

Drug Induced Homicide (DIH) refers to any charge for drug distribution that results in death. In the United States, DIH laws differ by state, but they exist in every one as well as federally. Some states have specific DIH provisions, while others use broader provisions, like drug delivery resulting in death (DDRD), murder, or negligent manslaughter.

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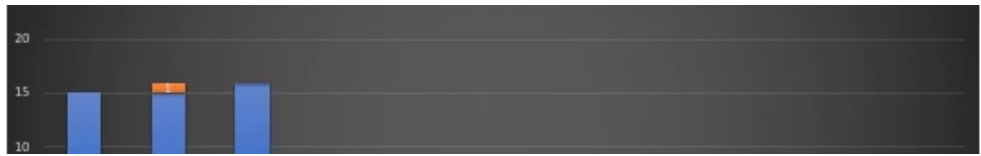
## What's Behind Increased Attention to DIH Laws and Prosecutions?

Under pressure to respond to America's overdose crisis, prosecutors and policymakers are increasingly treating accidental overdose deaths as homicides. The number and scope of DIH laws is growing under the banner of overdose prevention. The stated aims of the laws is to target drug traffickers, "sending a signal" to deter the distribution of illicit substances.

There is no systematic empirical evidence that DIH prosecutions slow the sale of illegal drugs. On the contrary, they may well be counterproductive. Running at cross-purposes to 9-1-1 Good Samaritan laws, DIH prosecutions discourage witnesses to overdoses from calling 9-1-1 for fear that they will be arrested and charged with DIH or other serious crimes. For those who are incarcerated and have an opioid use disorder, there is an exponentially increased likelihood of death from overdose during the first weeks after release. Investment in these prosecutions and incarceration also divert resources from treatment, harm reduction, and social support services.

We have applied an empirical lens to better understand DIH trends and their impact. As detailed below, data analysis of media reports found that the number of prosecutions has spiked with the rise of fatal overdoses involving fentanyl. These prosecutions are particularly common in the Midwest and Northeast regions of the United States. As with other elements of the criminal legal systems, these prosecutions burden Black and brown communities disproportionately.

Another preliminary analysis also found that a majority of prosecutions are being brought against individuals who are either low-level dealers, or are friends, family, and co-users of the overdose decedent.



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# Current Research

**Methods:**

Since there is no simple way to gather actual prosecution data nationally, we have systematically compiled media mentions of DIH prosecutions nationwide. Our collection process involves months of data collection and review. Due to the COVID-19 pandemic, news coverage of drug induced homicide declined, impacting the available data. This is just a decline in media mentions, however, and does not follow the decade long trend of both increasing overdoses and DIH cases. Overdoses actually increased during the COVID-19 pandemic, so we would have expected an even sharper increase in DIH prosecutions.

To visualize patterns in DIH media mentions and sentencing chronologically and geographically, we used Media Cloud to analyze the media infosphere. We then coded these prosecutions for various demographic and other characteristics and then run basic summary statistics.

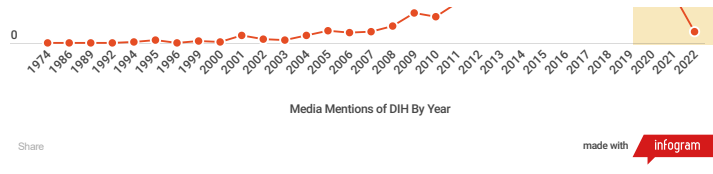
\*An older version of the data set used a web scraping algorithm to identify these cases.

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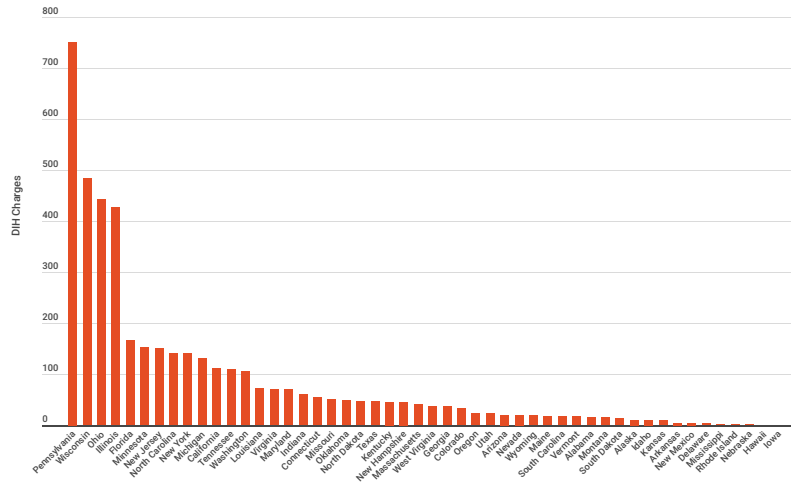
Media Mentions of Drug Induced Homicide By Year (1974-2022)



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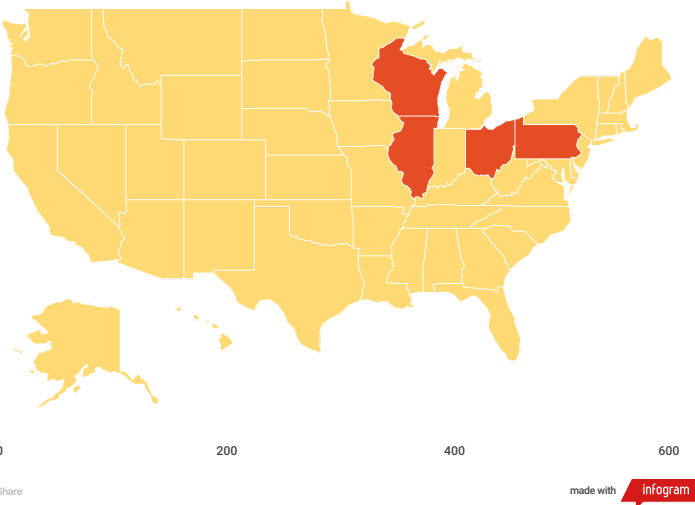
dih by year  
Infogram



s by Year (1974-2022), DIH  
State (1974-2022), DIH  
State Map (1974-2022),  
tencing By Race (2008-2022).

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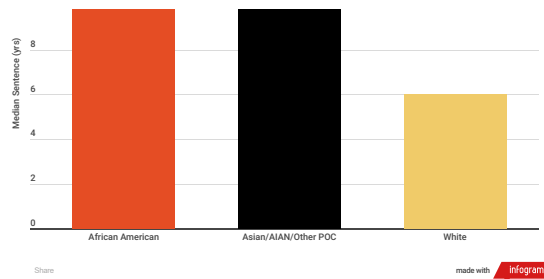
Media Mentions of Drug Induced Homicide Charges By  
State (1974-2022)



dih state map  
Infogram

Median Sentencing by Race for Drug-Induced Homicide (1974-2022)





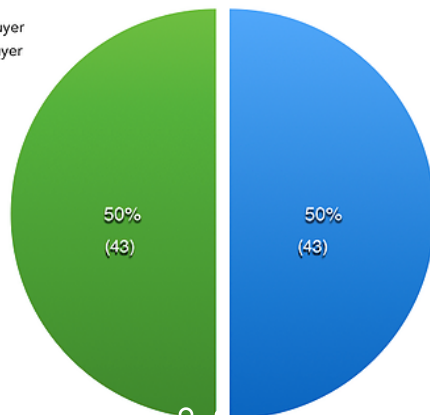
## Previous Research

In 2017, The Action Lab has hand-coded a random subsample of online media articles for detailed information about relationships between individuals accused of drug-induced homicide and those who are deceased. We are in the process of calibrating our web-scraping algorithm to automate this process.

**Relationship between overdose decedents and individuals accused of drug-induced homicide, by race**  
(N=86, Online News Reports 2000-2017)

- White Dealer & White Buyer
- P.O.C Dealer & White Buyer

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## What We Are Doing

### KNOWLEDGE GENERATION

- Gathering data on drug induced homicide cases by systematically collecting media stories since 2000
- Aggregating state DIH statutes to map the legal landscape
- Modeling the impact of DIH prosecutions and laws on health and safety outcomes
- Identifying new and proposed DIH legislation nationwide

### TRANSLATION

- Educating lawmakers about empirical and doctrinal implications of the DIH approach. Articulating policy alternatives to drug induced homicide, such as strengthening Good Samaritan policies
- Using evidence to inform current litigation, including filing court memos and briefs

### IMPLEMENTATION

- Developing a toolkit for defense attorneys
- Disseminating the toolkit directly to defense teams working on DIH cases, including trainings
- Raising awareness about trends and implications of DIH prosecutions
- Bringing attention to convicted DIH cases and post-conviction relief