

W04 The Impact of the COVID-19 Pandemic on Forensic Sciences With a Focus on Opioids and Emerging Drugs

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Learning Overview: After attending this presentation, attendees will have a better understanding of: (1) the challenges that have resulted from the COVID-19 pandemic in the management of patients with Opioid Use Disorder (OUD); (2) the measures that institutions and providers have taken to address those challenges; (3) how toxicology and seized drug analysis have been impacted and how they have adjusted to meet unprecedented demands and challenges; and (4) how a COVID-19-impacted court system struggles to maintain the balance of justice and procedural law in the midst of interrupted and shut down of court services.

Impact on the Forensic Science Community: This workshop will impact the forensic science community by offering a multidisciplinary perspective on the impact of the COVID-19 pandemic and its effects on opioid use and emerging drugs in the United States.

The COVID-19 pandemic has created new challenges in the management of patients with OUD.¹ Opioid overdoses and related deaths are increasing in various jurisdictions across the United States, likely due to increased psychological stress from isolation, employment- and income-related problems, and reduced access to mental health services, as well as the decreased administration of naloxone. To counteract these issues, the Substance Abuse and Mental Health Services Administration (SAMHSA) has advised take-home medication for drugs that previously required in-person administration. In addition, the Drug Enforcement Administration (DEA) will allow providers to evaluate patients more flexibly (for example, through telemedicine or phone interviews) and to prescribe Medication-Assisted Treatment (MAT) without written prescriptions.²

Law enforcement was also affected, by the re-allocation of resources to public safety activities, as a result of stay-at-home orders and civil unrest. Even as road traffic volumes went down, there was an early spike in fatal motor vehicle collisions as reckless driving increased, many incidents of which involved alcohol and drugs.³⁻⁵ Year-over-year traffic fatalities nationwide were up 14% in April 2020 as compared to 2019.⁶⁻⁸ Homicide rates also increased, possibly due to a spike in gun purchases in the early days of the pandemic, boredom, and social displacement.^{9,10}

Toxicology laboratories initially saw a decline in Driving Under the Influence (DUI) and Driving Under the Influence of Drugs (DUID) casework, as enforcement focused on more pressing public safety issues. However, drinking and drug use and driving arrests soon returned to pre-pandemic levels, as restrictions eased. Postmortem toxicology caseloads remained steady throughout the pandemic, since COVID-related deaths did not necessarily require drug testing. Drug-related deaths, however, increased in the first three months of the pandemic. Requests to test for popular COVID therapies, real and imagined, such as hydroxychloroquine/chloroquine testing, bleach and disinfectant ingestions, and the continued appearance of novel psychoactive substances increased laboratory caseloads.

Drug analysis in forensic laboratories were also heavily impacted. Agency policy and local stay-at-home orders affected the ability of laboratories to maintain operations. For example, in Cook County, IL, in March 2020, prosecutors were instructed to dismiss all pending drug cases, if forensic laboratory testing had not been completed, due to the closure of the Cook County crime lab.¹¹ While several laboratories reported early reductions in drug submissions, in later months, submissions resumed, often before the laboratory had fully reopened. Managers now had to address and implement protocols for social distancing, sourcing personal protective equipment supplies, staffing shortages, and absences due to illness, mandatory quarantine, and childcare responsibilities.

Across the United States, courts also shut down to avoid the risk of virus exposure to jurors, defendants, and court personnel. While pretrial hearings progressed in virtual courtrooms, trials were not permitted due to the right of the defendants to personally confront witnesses, and courts have almost universally held the needs to be in person, when requested by the defense. Judicial systems at local, state, and federal levels are coming back into operation in the midst of the COVID-19 pandemic, causing pronouncement of differential rules, deadlines, and decision-making. Courts now faced limited capacity mandates and handling operations with social distancing requirements, resulting in difficult decision-making processes as to which litigants and participants are granted court resources. Delay or denial of personal contact, orderly processing, and hope in the judicial system can be deadly for a person dealing with opioid addiction. As courts return to full power, Treatment and Problem-Solving Courts should be prioritized for return to personalized, comprehensive services for those suffering from mental health disorders, opioid addiction, and substance abuse disorders in general.

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