



AN INDEPENDENT AUDIT OF **RESTRAINT-RELATED DEATH INVESTIGATIONS** AT MARYLAND OCME FROM 2003-2019

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May 16, 2025





Derek Chauvin



Today

TRIAL OF DEREK CHAUVIN IN DEATH OF GEORGE FLOYD

DR. DAVID FOWLER
Fmr. Maryland Chief Medical Examiner, 2002-19

C-SPAN2



Open Letter to Political Leadership,

was baseless, revealed obvious bias,

suggested open-air carbon monoxide exposure as contributory, was baseless, revealed obvious bias, and raised malpractice concerns. The cause of death statement of any individual should be an injury, disease, or combination thereof, reached to a reliable degree of medical certainty. We believe the unsubstantiated opinion that carbon monoxide exposure may have contributed to the death of George Floyd is far outside that standard and is grounds for an immediate investigation into the practices of the

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A brief review of the medical literature for Death in Custody epidemiology occurring within the State of Maryland uncovered two significant journal articles. Both articles, *Police custody deaths in Maryland, USA: An examination of 45 cases* and *Excited Delirium Deaths in Custody: Past and Present*, provides insight into the Maryland State OCME practices regarding cause and manner of death designation for these types of cases. There is a genuine concern that there may be an inappropriate classification of deaths in custody by the Maryland OCME as either Accident or Undetermined to purposefully usurp a manner of death classification of Homicide.

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The New York Times

Maryland Will Review 100 Police Death Cases for Signs of Bias

Testimony in the George Floyd murder trial raised questions about how Maryland had handled similar cases.



Activists marched through downtown Minneapolis after Derek Chauvin was sentenced for the murder of George Floyd. Aaron Nesheim for The New York Times

Appropriate determinations?

Racial bias?

Pro-police bias?



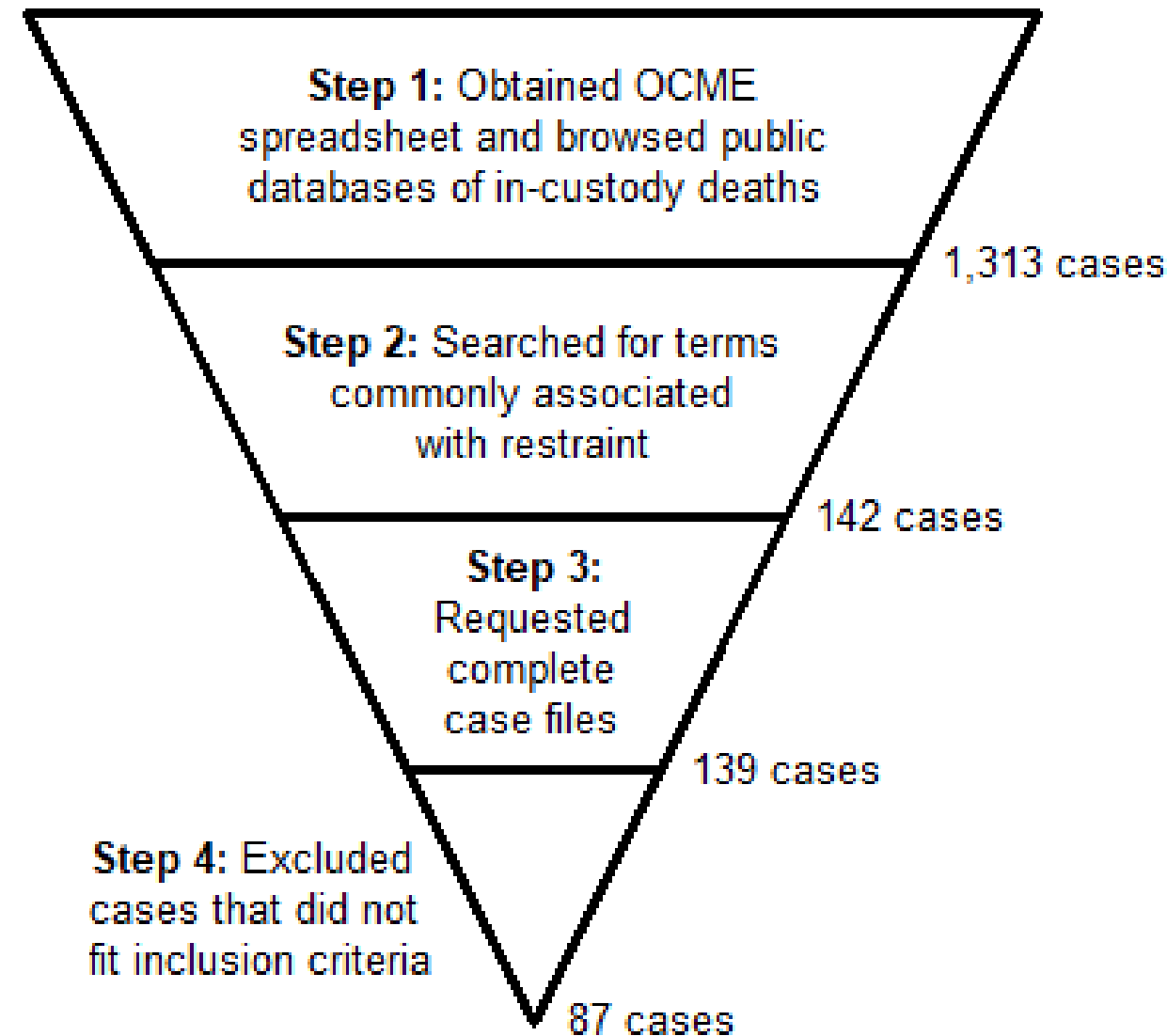
Cause of Death

The specific injury
and/or disease
that led to death.

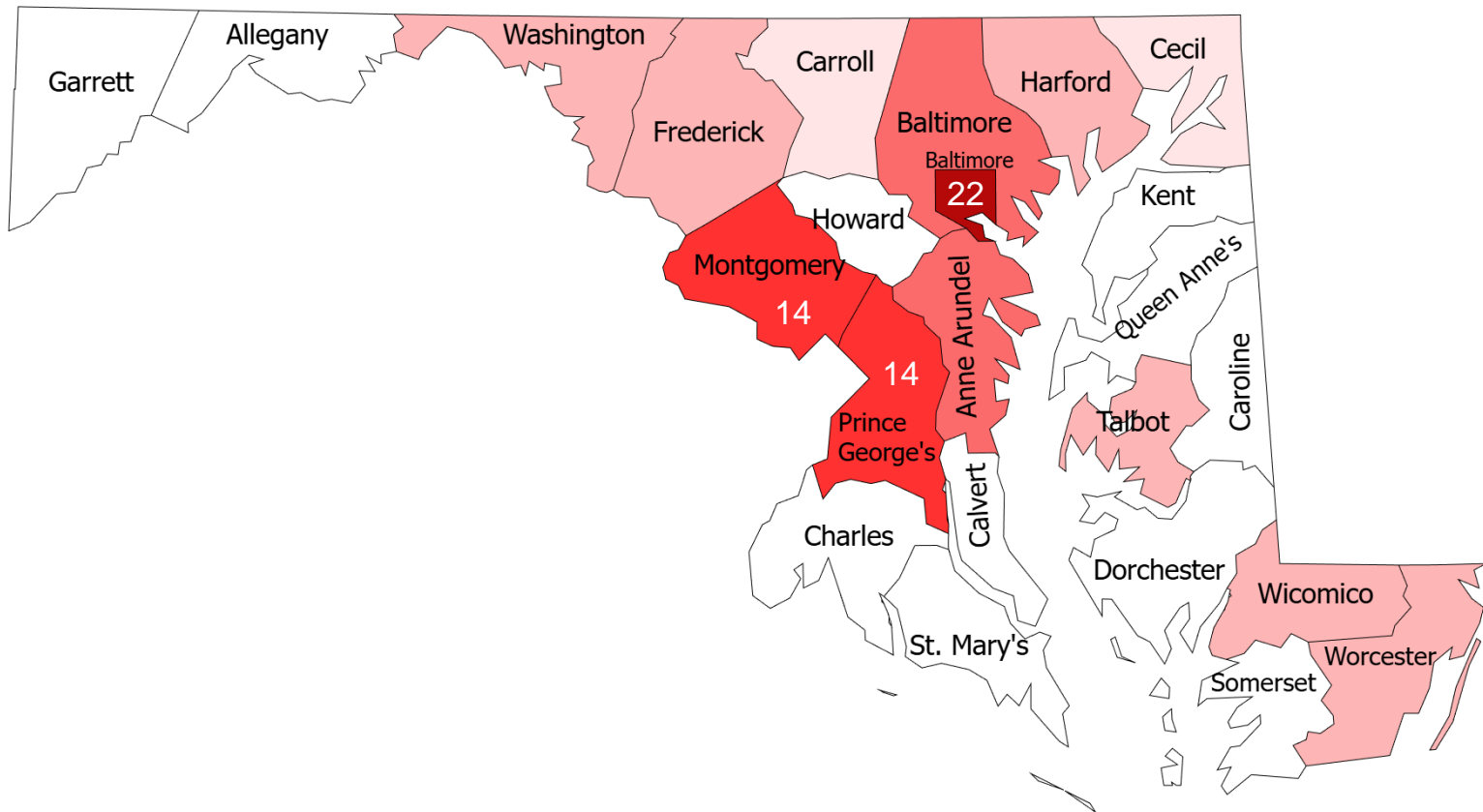
Manner of Death

- ☐ Natural
- ☐ Accident
- ☐ Suicide
- ☐ Homicide
- ☐ Undetermined

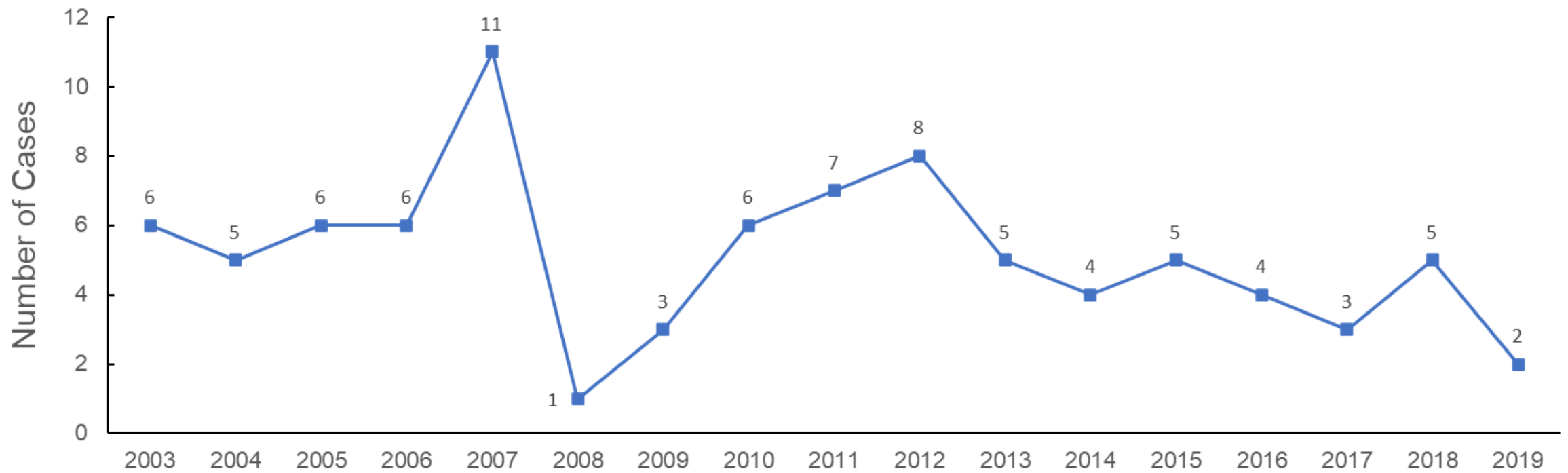




87 case files



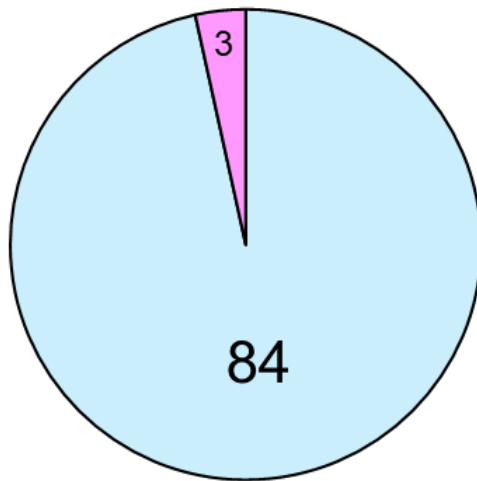
87 case files



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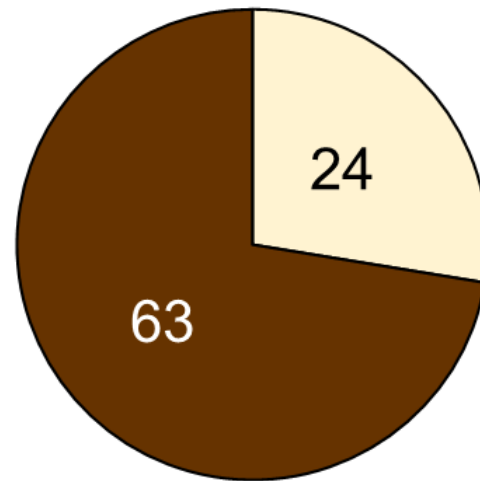


Sex



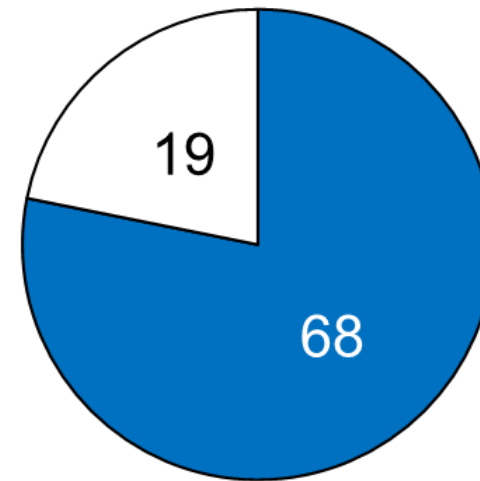
Men
Women

Race



White
Non-White

Restrained



By Police
By Others

87 case files



Name: [REDACTED] Case Number: [REDACTED]	POST MORTEM EXAMINATION REPORT OFFICE OF THE CHIEF MEDICAL EXAMINER STATE OF MARYLAND	Page 1
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An autopsy was performed on the body of [REDACTED] at the Office of the Chief Medical Examiner for the State of Maryland on the 15th day of **October, 2016**.

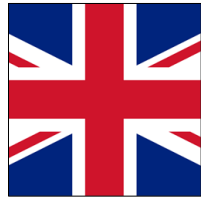
EXTERNAL EXAMINATION

The body was that of a well-developed, well-nourished, unclad [REDACTED] male. The body weighed 139 pounds, was 5'6" in height and appeared compatible with the reported age of 45 years. The body was cold. Rigor was present to an equal degree in all extremities. Lividity was present and blanchable on the posterior surface of the body, except in areas exposed to pressure. The scalp hair was [REDACTED] Facial hair consisted of [REDACTED] The irides were [REDACTED] The corneae were clear. The conjunctivae were pale without evidence of petechial hemorrhages. The sclerae were white. The external auditory canals and

12 case reviewers



7



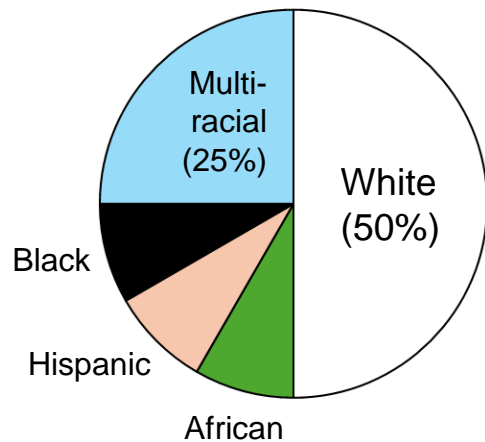
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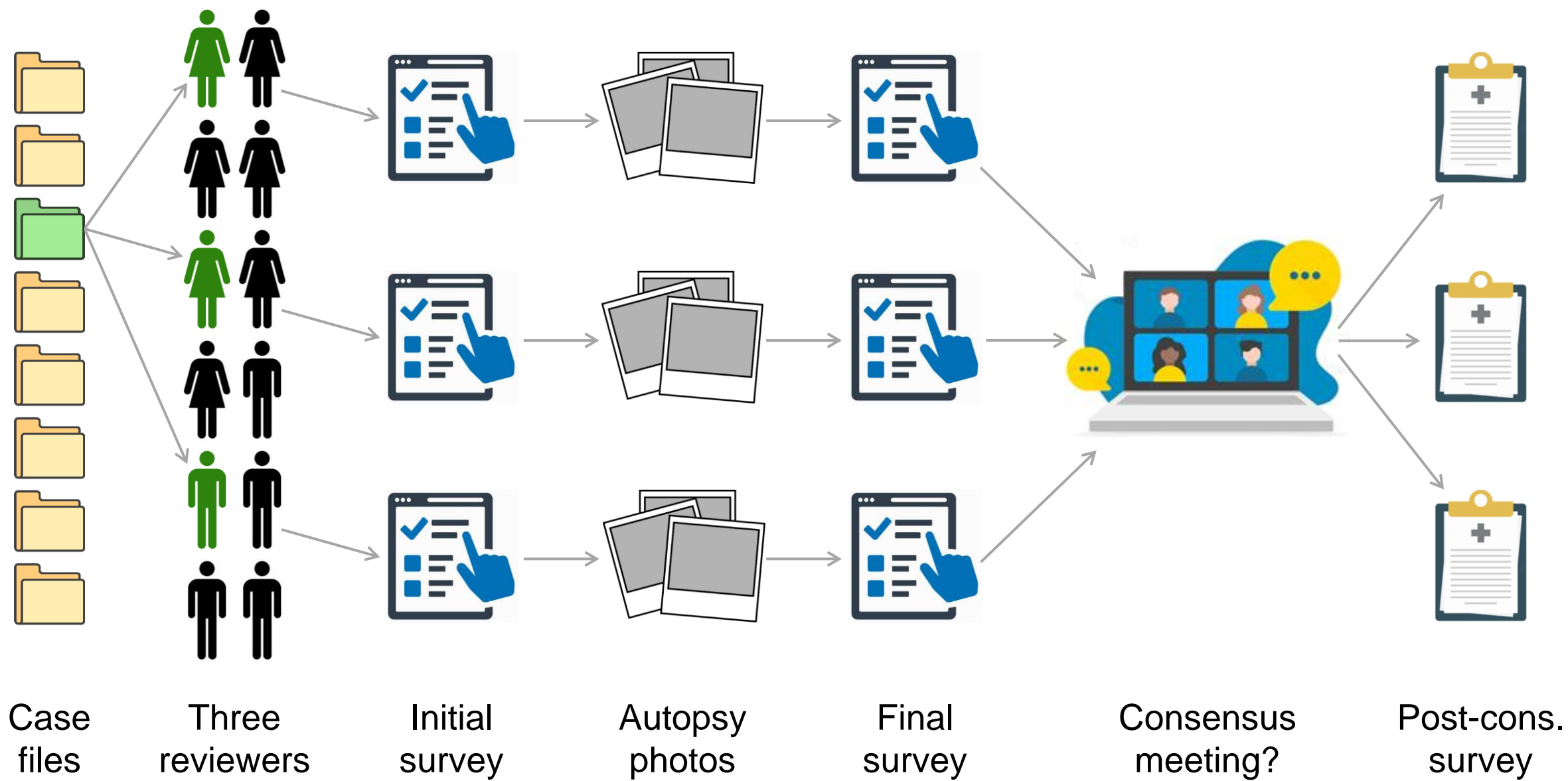
1



1



- All board certified
- Average of 14.2 years experience





Manner of Death

		Reviewers' Consensus Opinion					Total
		HOM	ACC	NAT	UND	[none]	
OCME's Determination	HOM						
	ACC						
	NAT						
	UND						
Total							



Manner of Death

		Reviewers' Consensus Opinion					
		HOM	ACC	NAT	UND	[none]	Total
OCME's Determination	HOM	12	-	-	-	-	12
	ACC	5	4	-	-	-	9
	NAT	2	1	1	1	2	7
	UND	29	6	-	13	11	59
Total		48	11	1	14	13	87

Manner of Death

		Reviewers' Consensus Opinion					Total
		HOM	ACC	NAT	UND	[none]	
OCME's Determination	HOM	12	-	-	-	-	12
	ACC	5	4	-	-	-	9
	NAT	2	1	1	1	2	7
	UND	29	6	-	13	11	59
	Total	48	11	1	14	13	87

For 13 cases (14.9%), reviewers did not reach a consensus opinion.

Manner of Death

		Reviewers' Consensus Opinion					Total
		HOM	ACC	NAT	UND	[none]	
OCME's Determination	HOM	12	-	-	-	-	12
	ACC	5	4	-	-	-	9
	NAT	2	1	1	1	2	7
	UND	29	6	-	13	11	59
	Total	48	11	1	14	13	87

For 30 cases (34.5%), reviewers agreed with OCME's determination.

Manner of Death

		Reviewers' Consensus Opinion					
		HOM	ACC	NAT	UND	[none]	Total
OCME's Determination	HOM	12	-	-	-	-	12
	ACC	5	4	-	-	-	9
	NAT	2	1	1	1	2	7
	UND	29	6	-	13	11	59
	Total	48	11	1	14	13	87

Overall, reviewers judged *four times* as many deaths as homicides.

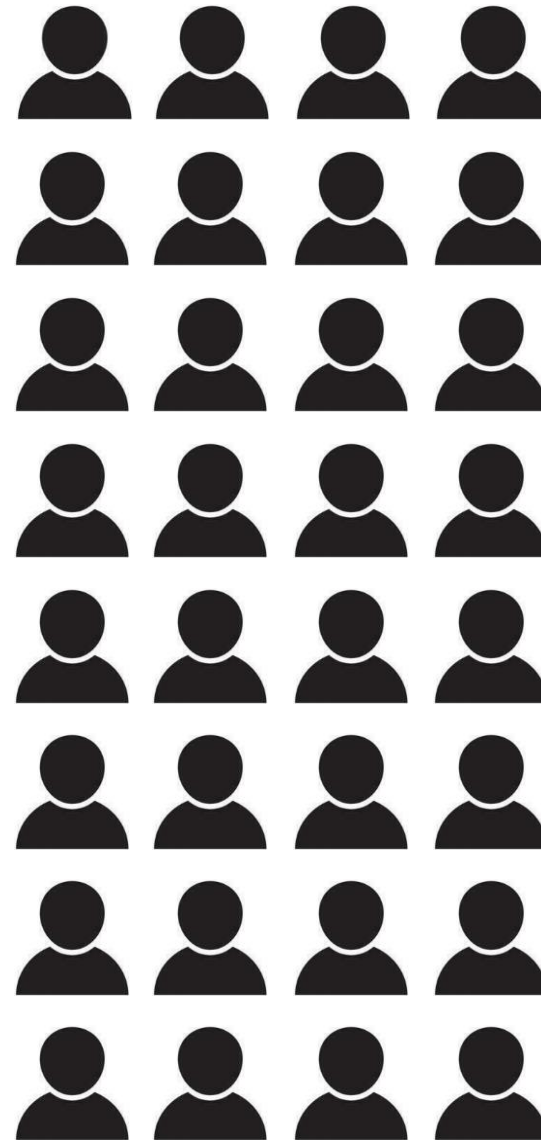
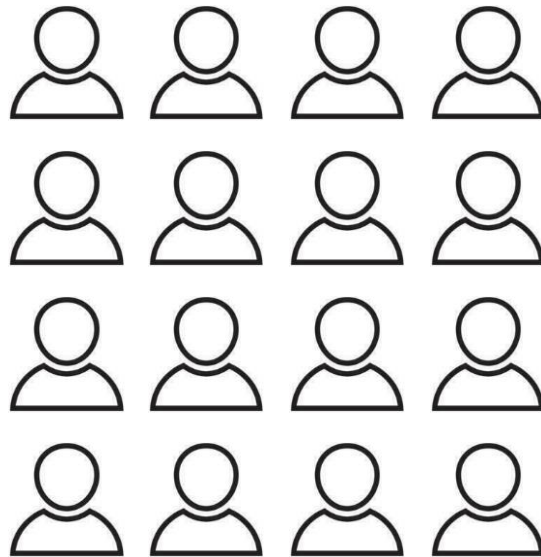
Manner of Death

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	Total	48	11	1	14	13	87

For 36 cases (41.4%), OCME failed to classify homicides as such.

Racial Bias?

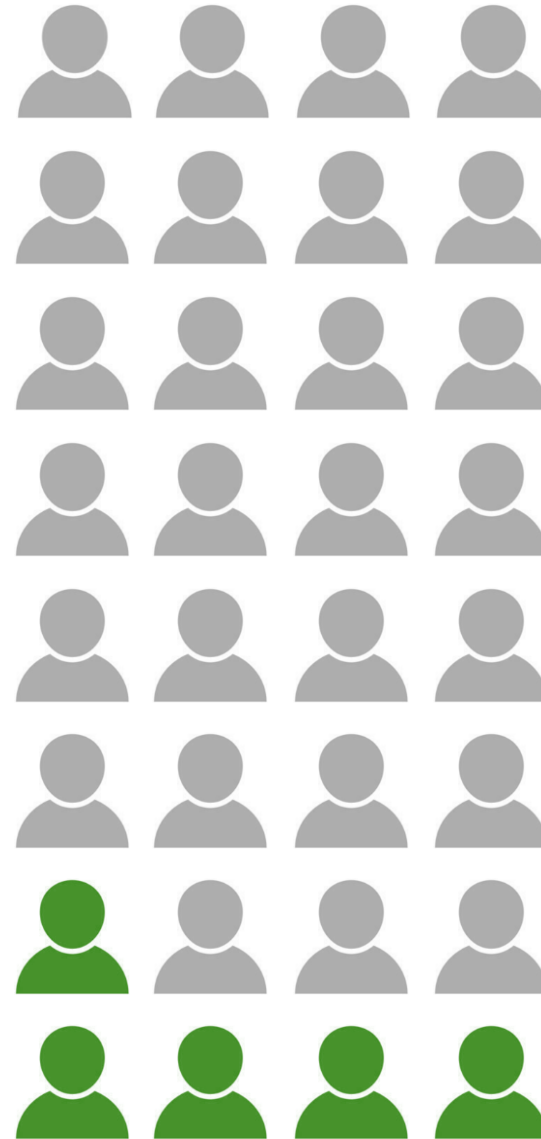
16 White
decedents



32 Black
decedents

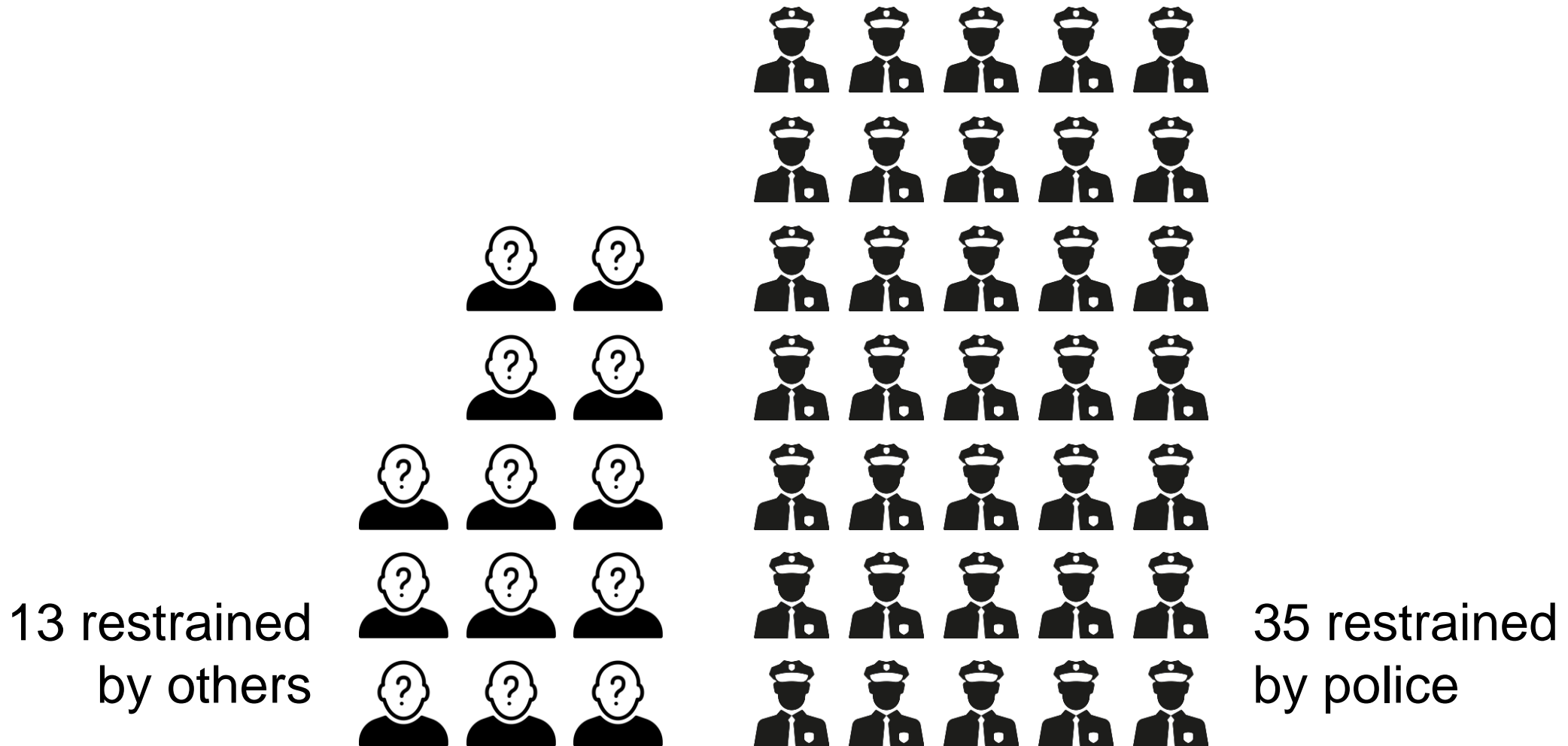
Racial Bias?

44%
homicides



16%
homicides

Pro-Police Bias?



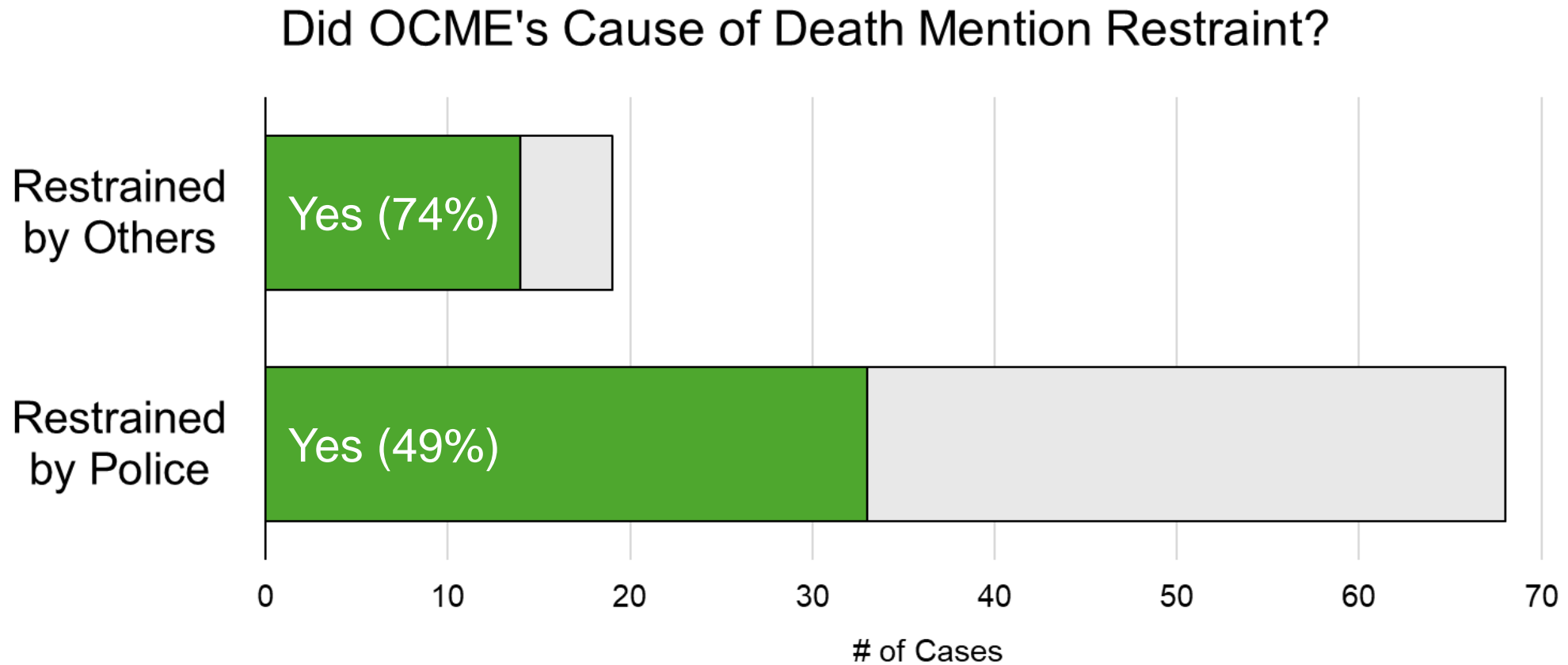
Pro-Police Bias?

54%
homicides



14%
homicides

Pro-Police Bias?





PRESS RELEASES

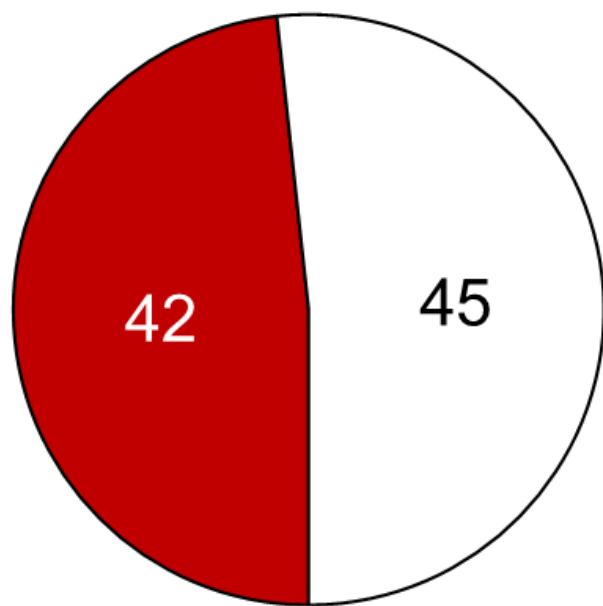
New AMA policy opposes “excited delirium” diagnosis

Jun 14, 2021

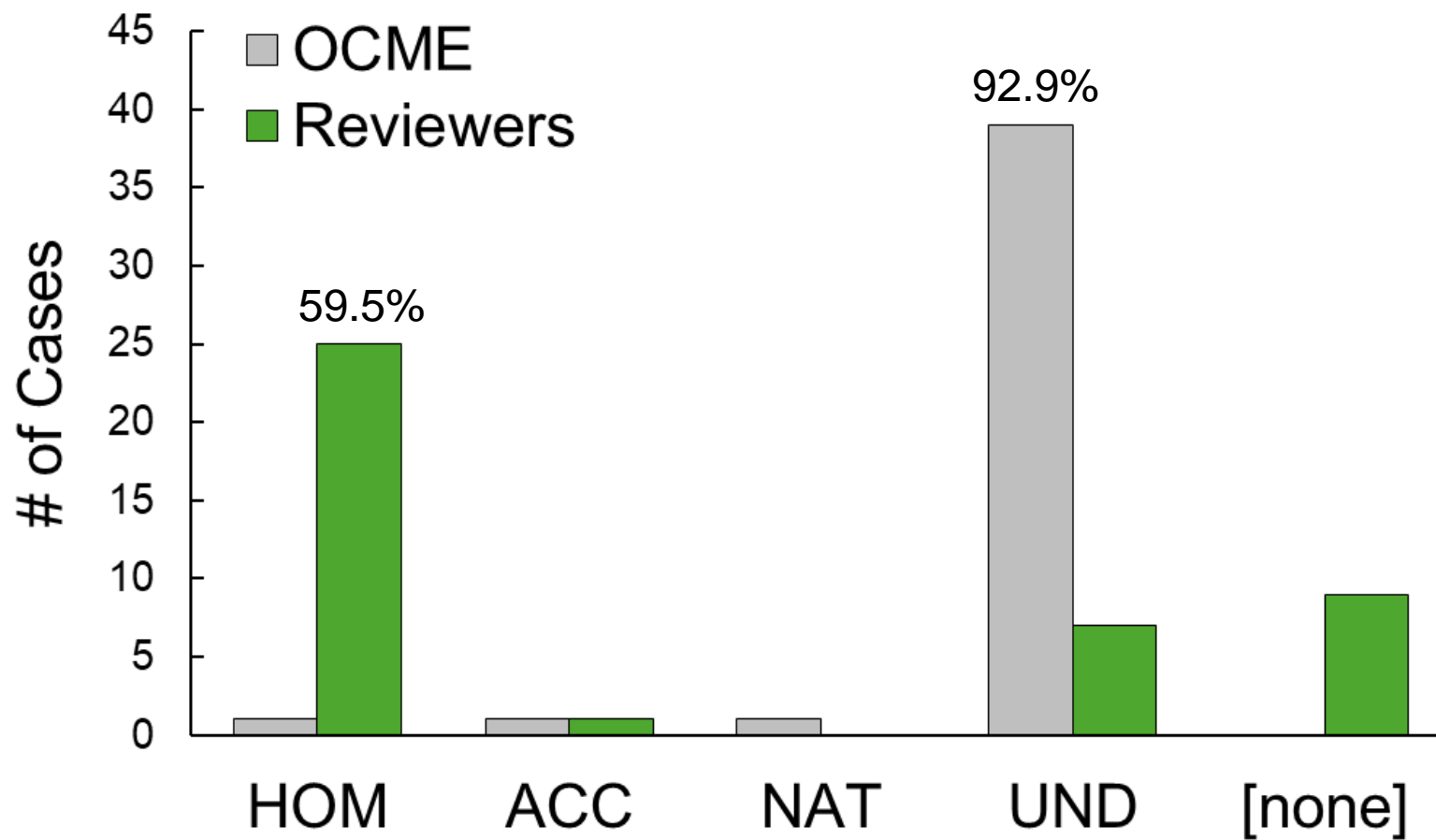
CHICAGO — A policy adopted by physicians, residents, and medical students at the American Medical Association’s (AMA) Special Meeting of its House of Delegates (HOD) opposes “excited delirium” as a medical diagnosis and warns against the use of certain pharmacological interventions solely for a law enforcement purpose without a legitimate medical reason.

The new policy addresses reports that show a pattern of using the term “excited delirium” and pharmacological interventions such as ketamine as justification for excessive police force, disproportionately cited in cases where Black men die in law enforcement custody.

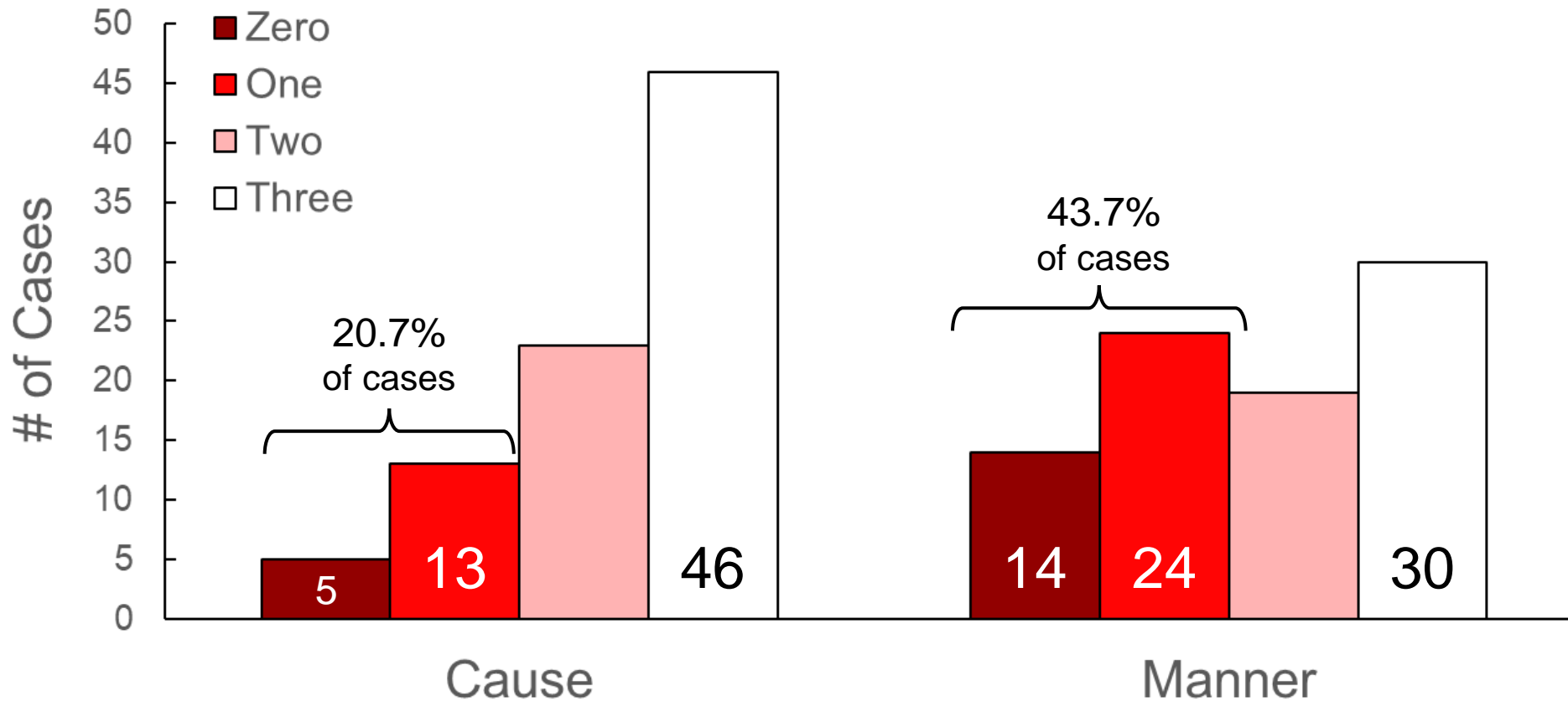
Did OCME's COD
mention 'delirium'?



■ Yes □ No



Were OCME's Determinations Reasonable?





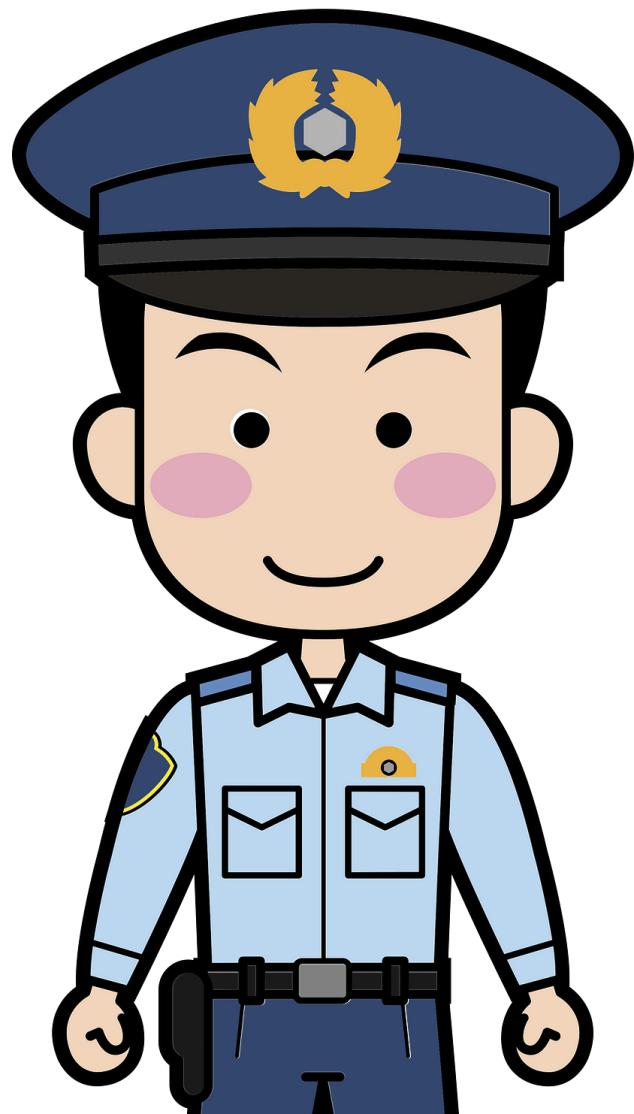
Key Findings

- OCME systematically undercounted homicides...
 - ... especially for Black decedents
 - ... especially if police applied restraint
- OCME attributed 42 deaths to ‘excited delirium’
 - 93% certified as ‘undetermined’
 - 60% deemed homicides by reviewers



Recommendations

- Abandon “excited delirium”
- Follow the “but-for” principle
- More and better autopsy photos
- Continuing education on restraint
- More standardized procedures
- Expanded quality control



Recommendations

- Better documentation of restraint
 - Verbatim witness accounts
 - Body-worn camera footage
- Training in appropriate restraint
- Involve mental health experts



Recommendations



- Review the 36 homicides that OCME misclassified
 - Is further action warranted?
- Similar audits in other states

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AT MARYLAND'S OFFICE OF
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February 2025

Questions?