



POLICE ACCOUNTABILITY BOARD

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August 27, 2025

Chief Marc Yamada, Montgomery County Department of Police
100 Edison Park Drive
Gaithersburg, MD, 20878

Dear Chief Marc Yamada,

Among its other duties, the Montgomery County Police Accountability Board (the Board) was established under law to work with law enforcement agencies to review, provide policy advice and report on disciplinary matters stemming from complaints of police misconduct involving members of the public, as well as to advise the Montgomery County Executive and Council on policing matters.

Further to its mission, the Board has reviewed the May 2025 statewide audit report titled “An Independent Audit of Restraint-Related Death Investigations at Maryland’s Office of the Chief Medical Examiner (OCME) from 2003-2019.” As explained in the report, a team of international experts in forensic medicine and pathology, psychology, and research methodology designed and executed the audit, the purpose of which was to assess whether OCME had inappropriately classified deaths that occurred during or soon after restraint, as well as to whether OCME’s determinations showed patterns consistent with racial or pro-police bias.

Following a review of over 1,300 OCME cases of death in custody during the audited time period, the audit team identified 87 cases involving an unexpected death which occurred during or soon after restraint. After removing extraneous and potentially biasing information (such as the decedent’s race and OCME’s original determinations of cause and manner of death), the audit team tasked an international group of 12 forensic pathologists to serve as case reviewers. Three case reviewers reviewed each of the 87 case files and independently rendered opinions on the cause of and manner of death. The opinion of the case reviewers differed from OCME’s opinion as to the manner of death in more than half of the 87 cases. Of note, in 36 cases, the case reviewers unanimously concluded that the death should have been classified as homicide and in 5 additional cases, 2 out of 3 reviewers concluded the death should have been

classified as a homicide. The findings were also that deaths involving Black individuals and deaths involving law enforcement restraint were significantly less likely to be ruled homicides compared to others. Of the 41 noted decedents statewide, there were five cases for which Montgomery County is the jurisdiction that OCME listed on the cover page of the decedent's autopsy report.

Among other findings, "excited delirium" was cited as a cause of death in nearly half of the reviewed cases. As the audit report explains in some detail, a multitude of leading medical organizations, including the American Medical Association (AMA) Council on Science and Public Health, the National Association of Medical Examiners, and the American College of Emergency Physicians, have published statements that they do not support the use of "excited delirium" as a cause of death. While the Board did not independently review medical or scientific journals, the audit report cites such authorities and notes assessments from the leading medical organizations that "'excited delirium' is not a valid, independent medical or psychiatric diagnosis," and that "there is no valid scientific evidence that excited delirium is an independent cause of death." Based on its review of the literature and its own review of the case files, the audit report recommends that OCME stop using "excited delirium" as a diagnosis.

It is with this foregoing information in hand that the Board brings to your attention its concern that the Montgomery County Police Department policy titled "Response to Resistance and Use of Force (Function Code 131) references "excited delirium." The policy defines the term as "[a] state of extreme and physiological excitement, characterized by extreme agitation, hyperthermia, epiphora, hostility, exceptional strength, and endurance without fatigue." On its face, the definition contains terms that appear so vague and potentially overinclusive that a reasonable person might question their utility to law enforcement officers in determining whether to use force (including potentially lethal force) to protect their lives or the lives of other persons. Read in conjunction with the research and findings in the state audit report, the continued inclusion of "excited delirium" in a use of force policy lacks a public safety rationale that is apparent to the Board.

We welcome your views on this subject and solicit your intentions within 30 days of your receipt of this letter regarding the continued inclusion of "excited delirium" in the policies, conduct, and training of police officers under your supervision.

Respectfully,



Bishop Paul L. Walker Sr., Chair
Police Accountability Board
Montgomery County, MD

cc: Dr. Earl Stoddard, Assistant Chief Administrative Officer, Office of the County Executive