

Exhibit A

Procedures and Practices: In Custody Death During Law Enforcement Restraint

- **Definition:** “In custody death” is the death of any person who is detained, under arrest, or is in the process of being arrested, is en route to be incarcerated, or is incarcerated at any local or State police, detention, or correctional facility (including any juvenile facility). An “in custody death during law enforcement restraint” refers to a case being investigated by OCME where the death is associated with law enforcement coming into contact with the decedent and actively restraining the decedent by bodily force, mechanical restraints, blunt impact, chemical means, conducted energy devices, non-lethal weapons, or lethal weapons.
- **Pending Case Conference:** All completed autopsy reports for in custody deaths during law enforcement restraint shall be presented by the assigned medical examiner during the pending case conference.
- **Case Review by OCME Leadership:** The Chief Medical Examiner or a Deputy Chief Medical Examiner shall review the file of all in custody deaths during law enforcement restraint (including photography, histology, and toxicology) and sign the autopsy report to approve its release.
- **Impartiality:** All OCME investigations and autopsies are performed impartially, including death in custody cases involving restraint. OCME investigates deaths that may be also investigated by other governmental entities, including law enforcement agencies, and OCME may receive investigative information from them. Regardless of the source, medical examiners consider investigative information independently and objectively in all cases.
- **Sources of Initial Investigative Information:** The sources of initial investigative information shall be listed in the OCME investigation report for all in custody deaths during law enforcement restraint.
- **Observation of Autopsy by Non-OCME Personnel:** Any non-OCME personnel, such as law enforcement, who attend an autopsy for an OCME case, including those involving in custody deaths during law enforcement restraint, should be identified in the autopsy worksheet. Non-OCME personnel may only observe and witness the procedure; they are not permitted to provide input about the autopsy, inspection, or examination. For purposes of this policy, medical students, residents, fellows, and rotating physicians are OCME personnel.

- NAME Forensic Autopsy Performance Standards: OCME is accredited by the National Association of Medical Examiners (NAME). OCME adheres to the latest edition of the NAME *Forensic Autopsy Performance Standards* as policy for conducting all autopsies, including those involving an in custody death during law enforcement restraint, except where those standards are preempted by law, regulation, or OCME’s policies and procedures. A copy of the *Forensic Autopsy Performance Standards* is attached as Exhibit 1.

NAME Guide for Manner of Death Classification: OCME provides access to and medical examiners may utilize the latest edition of the NAME publication *A Guide for Manner of Death Classification* in effect at the time of their cases, including cases involving in custody deaths during law enforcement restraint, except where the *Guide* is preempted by law, regulation, or OCME’s policies and procedures. A copy of the *Guide* is attached as Exhibit 2.

- NAME Scientific Position Papers: OCME acknowledges that NAME publishes scientific position papers, which have a five-year sunset limitation. Medical examiners may consider NAME scientific position papers when investigating cases, including those involving an in custody death during law enforcement restraint.¹ OCME acknowledges that the NAME scientific position paper *Recommendations for the Definition, Investigation, Postmortem Examination, and Reporting Deaths in Custody*, originally published in 2017, has been extended until 2027. A copy of the position paper is attached as Exhibit 3. Medical examiners shall not follow any position-paper recommendation that is preempted by law, regulation, or OCME’s policies and procedures.

References:

Maryland Code Annotated, Health-General § 5-305(a)

National Association of Medical Examiners, <https://www.thename.org/home>; NAME *Forensic Autopsy Performance Standards*; NAME *A Guide for Manner of Death Classifications*.

Effective: [DATE]

¹ Mitchell RA, Diaz F, Goldfogel GA, et al. National Association of Medical Examiners Position Paper: Recommendations for the Definition, Investigation, Postmortem Examination, and Reporting of Deaths in Custody. *Academic Forensic Pathology*. 2017 ;7(4):604-618. Doi:10.23907/2017.051 (renewed through 2027).