



The State of Maryland

Executive Department

EXECUTIVE ORDER

01.01.2025.11

Advancing In-Custody Restraint-Related Death Investigations in Maryland

- WHEREAS, In 2021, the Attorney General of Maryland, in consultation with the Governor of Maryland, initiated an audit of in-custody restraint-related deaths investigated by the Maryland Office of the Chief Medical Examiner ("OCME" or "Office") from 2003 to 2019 (the "Audit");
- WHEREAS, In 2023, the newly-elected Attorney General, in consultation with the newly-elected Governor, inherited and continued the work of the Audit;
- WHEREAS, The Office of the Attorney General appointed a team of independent auditors consisting of international experts in forensic medicine and pathology, psychology, and research methodology, to design and execute the Audit (the "Audit Design Team");
- WHEREAS Pursuant to its methodology, the Audit reviewed 87 in-custody restraint-related deaths where the decedent experienced sudden unexpected death during or shortly after physical restraint by law enforcement or other individuals including security guards, civilians, fire/EMS personnel, or corrections officers;
- WHEREAS In 2025, the Audit Design Team completed its work and published the Audit's findings in a report entitled "An Independent Audit of Restraint-Related Death Investigations at Maryland's Office of the Chief Medical Examiner (OCME) from 2003-2019" (the "Audit Report");
- WHEREAS In 44 of the 87 cases reviewed, the independent case reviewers' opinions as to the manner of death differed from OCME's determinations, including 36 cases that the case reviewers deemed homicides that OCME had ruled as either undetermined, accidental, or natural;
- WHEREAS The Audit Report recommended a series of policy reforms for OCME and law enforcement to improve the quality of OCME's death investigations;
- WHEREAS, The Audit is a snapshot of the OMCE between 2003 to 2019 and does not reflect the operational and practical advancements and improvements that have been made within the Office since 2019;

WHEREAS, Since taking office, the Moore-Miller Administration has worked steadily to reform the leadership, oversight, policies, and procedures of the OCME;

WHEREAS, Maryland must take additional steps to further improve the quality of in-custody restraint-related and all death investigations conducted by OCME; and

WHEREAS, The State must implement and advance policies to reduce the risk of restraint-related deaths.

NOW, THEREFORE, I WES MOORE, GOVERNOR OF THE STATE OF MARYLAND, BY VIRTUE OF THE AUTHORITY VESTED IN ME BY THE CONSTITUTION AND LAWS OF MARYLAND HEREBY PROCLAIM THE FOLLOWING EXECUTIVE ORDER EFFECTIVE IMMEDIATELY:

A. Definitions. The following words have the meanings indicated:

1. "Audit" means the independent audit of in-custody restraint-related death investigations that occurred between 2003-2019 at the OCME.
2. "Audit Report" means "An Independent Audit of Restraint-Related Death Investigations at Maryland's Office of the Chief Medical Examiner (OCME) from 2003-2019," published by the Office of the Attorney General's Audit Design Team.
3. "In-Custody Restraint-Related Death" means sudden unexpected death during or shortly after physical restraint by law enforcement or other individuals including security guards, civilians, fire/EMS personnel, or corrections officers.

Authorizing the Attorney General to Re-Evaluate & Investigate OCME Audit Cases

B. Re-Evaluation of Audit Cases.

1. In consultation with the appropriate local State's Attorney's Office, the Maryland Attorney General is directed to review each case included within the Audit to determine if the case should be reopened for investigation. On or before December 31st of each calendar year, the Attorney General shall prepare an annual report on the status of the review of Audit cases until each case has been reviewed.
2. Upon request, the Maryland State Police may assist the Attorney General in conducting any resulting investigations.

3. Nothing in this Executive Order shall be interpreted to preclude local State's Attorneys' Offices from reopening and initiating their own investigations into any case included within the Audit.

Maryland Task Force on In-Custody Restraint-Related Death Investigations

C. Establishment. There is hereby established a Maryland Task Force on In-Custody Restraint-Related Death Investigations ("Task Force").

D. Membership. The Task Force shall consist of the following members:

1. The Executive Director of the Governor's Office of Crime Prevention and Policy, or the Executive Director's designee, who shall serve as Chair;
2. Two (2) members appointed by the Attorney General;
3. One (1) member of the House of Delegates, appointed by the Speaker of the House;
4. One (1) member of the Senate of Maryland, appointed by the President of the Senate;
5. The Public Defender, or the Public Defender's designee;
6. The Secretary of Health, or the Secretary's designee;
7. The Chief Medical Examiner, or the Chiefs designee;
8. The Superintendent of the State Police, or the Superintendent's designee;
9. The Secretary of Public Safety and Correctional Services, or the Secretary's designee;
10. One (1) member of the Maryland Judiciary, appointed by the Chief Justice of the Supreme Court of Maryland; and
11. The following members appointed by the Governor:
 - i. Two (2) members from the Maryland State's Attorneys' Association;
 - ii. One (1) member from the Maryland Chiefs of Police Association or Maryland Sheriffs' Association;
 - iii. One (1) member from a local law enforcement agency with expertise in policing standards, restraint, and use of force;

- iv. One (1) member with expertise in mental health and crisis intervention;
- v. One (1) member from a community organization that works primarily to improve circumstances and outcomes for crime victims and families of decedents;
- vi. Two (2) members with expertise in forensic pathology and/or medicolegal death investigations, with at least one member having trained as a medical examiner; and
- vii. Two (2) members from the Governor's Executive Office.

E. Duties. The Task Force, led by the Governor's Office of Crime Prevention and Policy, shall:

- 1. Identify ways to improve in-custody restraint-related death investigations in the State;
- 2. Make recommendations on the establishment of a multidisciplinary statewide oversight committee to review future manner-of-death determinations for all in-custody restraint-related deaths within the State;
- 3. Based on the re-evaluation of each case included in the Audit, consider ways to reduce the risk of in-custody restraint-related deaths;
- 4. In consultation with the Maryland Police Training and Standards Commission, evaluate the current standards for law enforcement agencies to document and investigate in-custody restraint-related deaths, and if necessary, make recommendations to improve Maryland's training policies and ensure that they meet or exceed national standards;
- 5. Explore the intersection of police encounters, mental health and substance abuse, and in-custody restraint-related deaths and identify opportunities to promote greater collaboration between law enforcement and other agencies with specific expertise, such as mental health and substance abuse professionals; and
- 6. Evaluate the need and feasibility of conducting a subsequent audit and commencing such an audit, if necessary.

F. Administration.

- 1. The Task Force shall be staffed by the Governor's Office of Crime Prevention and Policy.

2. Members appointed by the Governor shall serve at the pleasure of the Governor.
3. Members of the Task Force may not receive any compensation for their services, but may be reimbursed for their reasonable expenses incurred in the performance of duties in accordance with the State Standard Travel Regulations and as provided in the State budget.

G. Procedures.

1. The Chair shall:
 - i. Oversee and lead the work of the Task Force;
 - ii. Determine the Task Force's agenda; and
 - iii. Identify additional support as needed.
2. A majority of the members present shall constitute a quorum for the transaction of any business of the Task Force.

H. Meetings of the Task Force.

1. The Task Force shall meet as often as its duties require, but no less than quarterly.
2. The Chair may convene meetings of the Task Force and shall preside over the meetings.
3. The Task Force may establish ad hoc committees or working groups that meet in between the Task Force's official quarterly meetings.

I. Reporting. The Task Force shall submit a report to the Governor on or before December 31, 2026.

J. Duration. The Task Force shall terminate on December 31, 2027, unless extended by the Governor.

Office of the Chief Medical Examiner

K. The Maryland Department of Health ("Department") shall review the OCME's current policies and procedures for conducting in-custody restraint-related death investigations and clearly identify any changes that have taken place since 2019.

L. The Department shall review the practice and policy recommendations provided in the Audit Report and conduct a need-

based analysis for implementing the recommendations related to the OCME.

M. The Department shall work with OCME to improve how in-custody restraint-related deaths are investigated including:

1. Facilitating additional training for medical examiners; and
2. Ensuring the Office implements and follows the National Association of Medical Examiner's recommendations for in-custody restraint-related deaths.

N. The Department, in conjunction with OCME, shall submit a report to the Governor by December 31, 2026, detailing its progress in carrying out the duties outlined in Sections K through M of this Executive Order.

0. General Provisions.

1. This Executive Order shall be implemented in a manner that is consistent with all applicable statutes and regulations. Nothing in this Executive Order shall operate to contravene any State or federal law or to affect the State's receipt of federal funding.
2. If any provision of this Executive Order or its application to any person, entity, or circumstance is held invalid by any court of competent jurisdiction, all other provisions or applications of the Executive Order shall remain in effect to the extent possible without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are severable.

GIVEN Under My Hand and the Great Seal of the State of Maryland, in th City of Annapolis, this 15th Day of May 2025.



Wes Moore
Governor

ATTEST

Susan C. Lee
Secretary of State