



**BRIAN E. FROSH, MARYLAND ATTORNEY GENERAL**

# PRESS RELEASE

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## **Office of Attorney General Releases Report of OCME Audit Design Team**

**BALTIMORE, MD (October 19, 2022)** – Maryland Attorney General Brian E. Frosh released today the [report](#) of the Office of Chief Medical Examiner (OCME) Audit Design Team (ADT). Together with Governor Hogan’s Office of Legal Counsel, Attorney General Frosh engaged this expert team of forensic pathologists and behavioral scientists to develop the proposed design for an independent audit of in-custody death determinations made by the OCME during the tenure of Dr. David Fowler.

In 2021, following the trial of Officer Derek Chauvin for the murder of George Floyd, concerns were raised about the work of the OCME in Maryland. An open letter to Attorney General Frosh, signed by over 400 medical experts, asserted that in his testimony in the Chauvin trial, Dr. Fowler deviated from standard medical practice in assessing cause of death and classifying the manner of Mr. Floyd’s death as “undetermined” rather than “homicide.” The letter called for an investigation to determine whether the OCME’s in-custody death determinations under Dr. Fowler’s leadership exhibited racial or pro-law enforcement bias or failed to follow appropriate practices and protocols.

In May 2021, in consultation with Governor Hogan’s Office of Legal Counsel, Attorney General Frosh announced that the Office of Attorney General (OAG) would conduct an independent audit of in-custody death determinations made by the OCME under Dr. Fowler. In September 2021, Attorney General Frosh announced the [seven members](#) of an Audit Design Team charged with developing the process for reviewing in-custody death determinations. The members of the design team were given the task of developing the shape, scope, and methodology of the audit, including the manner in which cases for review should be selected.

Before submitting its proposed audit design to Governor Hogan and Attorney General Frosh, the ADT assessed over 1300 deaths in custody that were examined by the OCME during Dr. Fowler’s tenure. The ADT focused particular attention on cases involving physical restraint of the decedent. Based on its preliminary assessment of these approximately 100 cases, the ADT has recommended that an independent group of experts in forensic pathology perform a detailed review of the OCME files of these restraint-associated deaths in custody. This review will determine whether independent experts agree with the OCME’s determinations of cause and

manner of death, whether they believe the OCME's determinations were based on adequate investigations, and whether changes are needed to improve the OCME's practices.

"We embarked on this process with the goal of overseeing a professional and independent audit that adheres to the highest standards of impartiality and integrity," said Attorney General Frosh. "I appreciate the hard work done by the ADT's experts in proposing a thorough and thoughtful audit process that will provide a professional and impartial review."

The ADT's report details key factors and questions to be addressed by the audit, including: whether the cases were adequately investigated; whether OCME's operations and investigative protocols were consistent with best practices; what role restraint played in each death; whether the OCME's determinations were correct; whether the determinations were affected by bias; and where determinations were incorrect, what significance the reviewers attach to such errors, including whether they reflect bias. The report also outlines recommended procedures for conducting the audit.

The report proposes conducting the audit in two phases. In the first phase, reviewers will be given access to OCME case files and asked to give their own initial opinion about each case. In the second phase, the reviewers will meet to discuss each case and attempt to reach a consensus on key questions like the quality of the investigation and case workup by the OCME, and its conclusions regarding cause and manner of death.

Consistent with the recommendations of the ADT, OAG will now recruit additional independent forensic pathologists and other experts to perform a detailed review of OCME's files.

Attorney General Frosh thanked the members of the ADT for their work on the report: Stephen Cordner, MB BS FRCPA FRCPath; Jack Crane, CBE MB BCh FRCPath DMJ (Clin et Path) FFFLM FFPathRCPI; Deborah Davis, Ph.D., Itiel Dror, Ph.D.; Michael Freeman, Med.Dr.; Ph.D.; William Thompson, J.D., Ph.D.; and Alfredo Walker, MB.BS, FRCPath, DMJ (Path), MFFLM, MCSFS.

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