

National Police Accountability Project

A Project of the National Lawyers Guild

March 14, 2024

Dear Minnesota House Committee on Public Safety Finance and Policy,

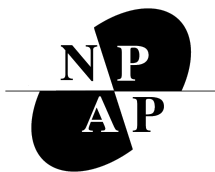
On behalf of the National Police Accountability Project (“NPAP”), we write to urge you to support HF 4118, a bill that will would prohibit: (1) “excited delirium” from being recognized as a valid cause of death; (2) peace officers from using the term “excited delirium” when describing an individual in an incident report; and (3) use of the term excited delirium in training for law enforcement personnel. HF 4118 will help reduce the use of the unscientific, racist theory of “excited delirium” to justify law enforcement violence and hinder accountability.

NPAP is a nonprofit organization dedicated to holding law enforcement and corrections officers accountable to constitutional and professional standards. We have a number of members in Minnesota who regularly represent the loved ones of people who have been killed in police or prison custody. In many of their cases, officers and their legal defense teams claim that their clients’ loved ones died due to “excited delirium” rather than the obvious consequences of excessive force. Moreover, many officers attempt to justify their continued use of deadly force because their clients’ loved ones were in a “state of excited delirium.” For instance, the officers that killed George Floyd cited “excited delirium” as a defense in his criminal case and his colleagues referenced it at the scene of the crime.¹ Similarly, the City of Aurora cited “excited delirium” to justify the use of a prolonged stranglehold against Elijah McClain.²

“Excited delirium” is a condition that lacks clear diagnostic criteria and is almost exclusively cited as a cause of death in cases where a person was

¹ Steve Karnowski, *EXPLAINER: Why ‘excited delirium’ came up in at Chauvin trial?* Associated Press, Apr. 19, 2021, <https://apnews.com/article/health-death-of-george-floyd-trials-george-floyd-3b60b3930023a2668e7fc63f903fc3aa>.

² *Id.*



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killed by law enforcement officers.³ There is no consensus about the definition of “excited delirium” in medical literature or surveyed clinicians.⁴ Even the shrinking community of proponents of “excited delirium” concede that it is a “diagnosis of exclusion,” or a potential explanation for deaths “when there are no other explanations.”⁵ Unsurprisingly, a recent report by Harvard University and University of Michigan doctors found that the syndrome is “scientifically meaningless,” not a proper medical diagnosis, and should not be cited as a cause of death.⁶

Courts across the country have also raised doubts about “excited delirium” in law enforcement death cases questioning the syndrome’s scientific validity and an officer’s ability to determine whether a person was in a state of “excited delirium.”⁷ Accordingly, the restrictions proposed by HB 1130 would be consistent with how many courts already treat cause of death findings of “excited delirium” and officer statements claiming a person was suffering from the syndrome.

In addition to the problems of scientific validity, “excited delirium” is rooted in racial stereotypes and has been disproportionately applied in deaths of Black men. The most commonly cited symptoms of people experiencing “excited delirium” are imperviousness to pain and superhuman strength, characteristics that have been baselessly attributed to Black people to justify

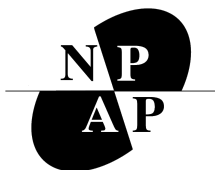
³ *Excited Delirium and Deaths in Police Custody: The Deadly Impact of a Baseless Diagnosis*, Physicians for Human Rights, March 2, 2022, https://phr.org/our-work/resources/excited-delirium/?CID=701f40000018pCHAAAY&ms=FY20_SEM_GoogleAd&gclid=CjwKCAiAg6yRBhBNEiwAeVyL0MLe0cfsU9OOQ2h3yxBloHm8vQxxSa5IeE5YWqTx6rS4avOGK2F0UhoCtpwQAvD_BwE.

⁴ *Id.*

⁵ Eric Dexheimer and Jeremy Schwartz, *In fatal struggles with police, a controversial killer is often blamed*, Austin American-Statesman, May 27, 2017, <https://www.statesman.com/news/20170527/in-fatal-struggles-with-policecontroversial-killer-is-often-blamed>.

⁶ *Supra.*, Note 3

⁷ *Lombardo v. St. Louis City*, 141 U.S. 2239 (2021); *Morad v. City of Long Beach*, 2017 WL 5187826 (C.D. Cal. Apr. 28, 2017); *Estate of Berger v. Spokane County*, 2017 WL 5639939 (E.D. Wash. Jan. 5, 2017); *Pedro v. Town of West Warwick ex rel. Moore*, 889 F. Supp. 2d 292 (D.R.I. 2012).



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abuse and mistreatment dating back to slavery.⁸ Additionally, Black people were overrepresented in a study of in-custody deaths where “excited delirium” was cited as a cause of death.⁹

HF 4118 would place meaningful restrictions on law enforcement’s ability to avoid accountability and perpetuate racist stereotypes about victims of police violence. We strongly urge you to pass this bill. If you have any questions, please do not hesitate to contact Lauren Bonds at legal.npap@nlg.org or Keisha James keisha.npap@nlg.org.

Sincerely,

Lauren Bonds
National Police Accountability Project

⁸ *Examining the Myth of the ‘Superhuman’ Black Person*, NPR, Nov. 30, 2014, <https://www.npr.org/2014/11/30/367600003/examining-the-myth-of-the-superhuman-black-person>.

⁹ Julia Jones, *Authorities claimed these Black men had excited delirium just before they died*. CNN, March 12, 2022, <https://www.cnn.com/2022/03/12/us/excited-delirium-police-deaths-study/index.html>.