



FAIRFIELD POLICE DEPARTMENT ROLL CALL TRAINING

October 2023

AB 360 “Excited Delirium”

On October 8th, 2023, Governor Gavin Newsom signed into law Assembly Bill 360, which prohibit coroners, medical examiners, physicians or physician assistants from listing excited delirium on a person’s death certificate or in an autopsy report. Law enforcement won’t be allowed to use the term to describe a person’s behavior in any incident report, and testimony that refers to **excited delirium** won’t be allowed in civil court. This law takes effect on January 1st, 2024.

The following new sections state:

1156.5 of the California Evidence Code states:

1156.5. (a) Evidence that a person suffered or experienced excited delirium shall not be admitted in any civil action.

(b) A party or witness may describe the factual circumstances surrounding the case, including a person’s demeanor, conduct, and physical and mental condition at issue, including, but not limited to, a person’s state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain, but shall not describe or diagnose such demeanor, conduct, or condition by use of the term excited delirium, or attribute such demeanor, conduct, or physical and mental condition to that term.

(c) For the purposes of this section, “excited delirium” means a term used to describe a person’s state of agitation, excitability, paranoia, extreme aggression, physical violence, and apparent immunity to pain that is not listed in the most current version of the Diagnostic and Statistical Manual of Mental Disorders, or for which the court finds there is insufficient scientific evidence or diagnostic criteria to be recognized as a medical condition. Excited delirium also includes excited delirium syndrome, excited delirium, hyperactive delirium, agitated delirium, and exhaustive mania.

Chapter 3.5 of Section 24400 of the Health and Safety Code states:

*24402. A peace officer **shall not** use the term excited delirium to describe an individual in an incident report completed by a peace officer. A peace officer may describe the characteristics of an individual’s conduct, but shall not generally describe the individual’s demeanor, conduct, or physical and mental condition at issue as excited delirium.*

How does this apply to Fairfield Police Department personnel?

Starting January 1st, 2024, the term “excited delirium” **shall not** be used in any police reports. Fairfield PD officers will need to articulate the subject’s behavior, physical appearance, mental state or diagnosis (if known) and level of intoxication (if applicable) in their police reports.

Also, keep in mind with contacting a person(s) in an agitated state:

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate. (Lexipol 300.6)

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Distribution: All employees