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Solicitor Wilson's Statement Regarding Jamal Sutherland's Death While in Law Enforcement Custody

Charleston, S.C. --- The South Carolina Law Enforcement Division (SLED) delivered their report regarding the death of Jamal Sutherland late in the afternoon of Friday, April 30. Since the day Mr. Sutherland died, we have met often with SLED investigators, Coroner Bobbi Jo O'Neal, pathologist J.C. Upshaw Downs, M.D., the Sutherland family attorneys, and the Sutherlands. I am grateful to the Sutherland family for their patience and cooperation with my office and me. They have shown a deep understanding of many issues and demonstrated their steadfast resolve to find justice for their son.

I have reviewed critical evidence with the Sutherland family. Some members of the community have requested (or demanded) that I publicly release evidence from this ongoing investigation. I remind everyone that as a *prosecutor* at this stage, I am governed by ethics rules that prohibit me from making further public statements and disclosures beyond this advisory.

Thus far, the evidence in this matter has revealed that deputies with the Charleston County Sheriff's Office were directed to conduct a jail cell extraction of Mr. Sutherland in order to secure Mr. Sutherland's presence at a bond hearing for a misdemeanor assault charge. Mr. Sutherland suffered from mental illness. During his forced removal from the cell, Mr. Sutherland became unresponsive and died. Dr. Downs ruled the manner of Mr. Sutherland's death is "undetermined." Dr. Downs opined, however, that Mr. Sutherland died, "as a result of excited state with pharmacotherapeutic effect during subdual process." He further stated that his review of the extrication process did not reveal any "unusual or excessive interactions or areas of direct concern." In order for the state to hold someone criminally responsible for another's death, the state must prove unlawful conduct was the *proximate cause* of death.

The evidence surrounding Mr. Sutherland's death has raised serious concerns and begged many questions. I have retained experts who may be able to shed more light on Mr. Sutherland's death

and the circumstances surrounding it, to include potential culpability of those in law enforcement. Furthermore, I have thoroughly briefed the South Carolina Attorney General's Office, the United States Attorney's Office and the Federal Bureau of Investigation.

My office is proceeding under the Ninth Circuit's Officer Involved Critical Incident policy which is located at <https://www.scsolicitor9.org/oici.php>. While SLED's report was not provided within our timeline, I expect to have the information I need to make a decision as to whether state criminal charges are viable before the end of June (and well within the 60 days provided in the policy). If for some reason, a decision is not possible, I will update the community as to the reasons for the delay. In addition, I will continue to keep our federal partners informed as to our further investigation and to the state's prosecutorial determinations.

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