



**South Carolina
Law Enforcement Division**

P.O. Box 21398
Columbia, South Carolina
29221-1398

Henry D. McMaster, Governor

Mark A. Keel, Chief

Tel: (803) 737-9000

April 30, 2021

INVESTIGATIVE REPORT

TO: File 31-21-0006

FROM: Special Agent Ian Lundell

RE: In-Custody Death

Fickett, Lindsey (Correctional Officer)
Houle, Brian (Correctional Officer)
Sutherland, Jamal (Subject)

COUNTY: Charleston

Introduction

On January 5, 2021, the South Carolina Law Enforcement Division (SLED) received a verbal request from Sheriff Kristin Graziano of the Charleston County Sheriff's Office (CCSO) to conduct an In-Custody Death investigation, which occurred at the Sheriff Al Cannon Detention Center (SACDC) located at 3841 Leeds Avenue, North Charleston, South Carolina (SC). Lieutenant (Lt.) Matt Brown, SLED, assigned Special Agent (S/A) Ian Lundell to conduct the investigation. Senior Special Agent (SS/A) Ryan Kelly, SS/A Jomar Albayalde, and S/A Patrick Keegan assisted with the investigation. S/A Gabrielle Denizard, S/A Melinda Worley, and S/A Haley Fiorucci, SLED Crime Scene Unit, responded to process the scene.



An Accredited Law Enforcement Agency



Summary

On January 5, 2021, SS/A Kelly and S/A Keegan arrived at the SACDC and met with Jenny Antonio, CCSO, who verbally provided the following preliminary information: During the evening of January 4, 2021, Jamal Sutherland was a patient at Palmetto Lowcountry Behavioral Health (PLBH) located at 2777 Speissegger Drive, North Charleston, SC. While at PLBH, Sutherland damaged facility equipment and assaulted a staff member. Due to those actions, the North Charleston Police Department (NCPD) was contacted. After conducting an on-scene investigation, NCPD Officers arrested Sutherland for Assault Third Degree and transported him to the SACDC. On January 5, 2021, at approximately 9:00 a.m., Inmate Jamal Sutherland, was scheduled to attend a bond hearing for the charges filed by NCPD. Sutherland refused to leave his cell for the bond hearing. SACDC command, citing a previous command directive ordered Sutherland extracted from his cell, located in the Behavioral Management Unit (BMU), cell number 1232, to attend the bond hearing. Sergeant (Sgt.) Lindsey Fickett and Correctional Officer (CO) Brian Houle, who are members of the SACDC Special Operations Group (SOG), were directed to extract Sutherland. During the extraction, Oleoresin Capsicum (OC) was used, with little effect. Sgt. Fickett deployed her TASER at Sutherland, which caused him to fall. *Agent's Note: TASER is the brand name conductive electrical weapon manufactured by Axon and issued to SOG officers.* Sgt. Fickett and CO Houle gave Sutherland commands to slide to the cell door. Once close to the cell door, CO Houle entered the cell to handcuff Sutherland, and a struggle ensued. Sgt. Fickett entered the cell to assist CO Houle, and both discharged their TASERs several more times. Once Sutherland was restrained, he was removed from the cell. SACDC staff noticed that Sutherland was having a medical emergency and was examined by a certified medical assistant (CMA) India Burch who was present during the extraction. Emergency Medical Services (EMS) was notified and responded to the SACDC. Sutherland was pronounced deceased by EMS. The incident was captured by mounted cameras, body worn cameras, and a jail issued cell phone (*see Attachments 11, 14, 18, and 19*). SS/A Kelly and S/A Keegan were later provided with an incident report from the CCSO documenting the incident (**Attachment 1**).

Agent's Note: The interviews summarized in this report represent the context of the interviews and are not verbatim transcripts unless otherwise indicated. Please refer to the corresponding attachments for the complete interview.

On January 5, 2021, SS/A Kelly and S/A Keegan conducted an audio/video recorded interview with Lt. Brian Duvall, SACDC, which was documented in a Memorandum of Interview (MOI) (**Attachment 2**). Lt. Duvall was the on-scene supervisor during the cell extraction of Sutherland. Lt. Duvall read and signed a SLED Acknowledgement of Voluntary Statement (AVS) form. Lt. Duvall provided the following information and answered additional questions during the interview: Lt. Duvall was the Special Operations Lt. and supervised the SACDC BMU, the Special Management Unit (SMU), and SOG. The SOG is the in-house response team and are the only SACDC employees authorized to carry less than lethal weapons inside the facility. On January 5, 2021, at approximately 9:00 a.m., Lt. Duvall was conducting a disciplinary board hearing when he was notified that two inmates (Sutherland and an unidentified inmate) needed to be brought to a video conference area to attend their virtual bond hearings. Earlier in the morning, Sutherland had been uncooperative and refused to attend his bond hearing. Lt. Duvall anticipated Sutherland would be uncooperative again, and he contacted the bond hearing unit and advised them that a cell extraction would be necessary. The bond hearing unit confirmed Sutherland would need to be brought in front of the bond judge. Lt. Duvall contacted the medical staff to respond to the BMU and to be on standby. *Agent's Note: Standard practice at SACDC is to have a medical staff member present for cell extractions and planned use of force.* Lt. Duvall briefed Sgt. Fickett and CO Houle, the only SOG members at the SACDC during that shift. As they approached the cell, Sutherland did not comply with their verbal commands and an OC vapor was used. As CO Houle administered the OC vapor, Sutherland wrapped his face with a blanket and the OC vapor seemed to have minimal effect. Sgt. Fickett instructed CO Houle to partially open the cell door and then Sgt. Fickett administered a stream of OC spray. Sutherland continued to cover his face with the blanket, and the OC spray had minimal effect. As the OC spray had minimal effect, Sgt. Fickett then deployed her TASER, causing Sutherland to slide down onto the floor. *Agent's Note: TASER, X26P was the model issued to Sgt. Fickett and CO Houle.* Sgt. Fickett then gave verbal commands to Sutherland as he was seated on the floor. Sutherland slid toward the cell door

and rolled over on his stomach, as commanded. CO Houle then entered the cell and attempted to handcuff Sutherland. Sutherland “started resisting, locking his arms up” and it became a “straight out fight at that point.” Sgt. Fickett then entered the cell to assist. Lt. Duvall’s view was obscured by Sgt. Fickett and CO Houle, but he heard a second TASER deployment and assumed it was deployed by CO Houle. Lt. Duvall observed that Sutherland was combative during the extraction. After securing Sutherland in restraints, they slid him out of the cell and placed him in an Emergency Restraint Chair (ERC). Burch then examined Sutherland and removed the TASER probes. The medical staff was not able to detect Sutherland’s pulse. They removed Sutherland from the ERC, removed his restraints, and started Cardiopulmonary Resuscitation (CPR). They called 911, and when EMS arrived on scene, they took over CPR. EMS pronounced Sutherland deceased a short time later. Lt. Duvall had no prior dealings with Sutherland. Lt. Duvall gave authorization to use force after discussing the situation with Captain (Capt.) Kerrilyn Greathouse, SACDC, who also authorized the use of force in order to get Sutherland to bond court. Lt. Duvall did not have his BWC activated during the incident. *Agent’s Note: The information provided by Lt. Duvall was consistent with BWC and other videos recordings of the incident, (see Attachments 11, 14, 18, and 19).*

On April 19, 2021, a follow up phone interview was conducted by S/A Lundell with Lt. Duvall. The interview was to address the question of who specifically Lt. Duvall spoke with at the bond hearing unit. The interview was documented in a MOI (**Attachment 3**). Lt. Duvall provided the following information: he spoke with Master Deputy (MD) Tamisha James, of the SACDC bond hearing unit. He contacted her twice attempting to verify if Sutherland was required to attend his bond hearing and that force would be required to extract him from his cell. During a second phone conversation, MD James referenced a directive (see Attachment 17), stating if an inmate refuses their bond hearing, they must do so in the presence of a judge.

On January 5, 2021, SS/A Kelly and S/A Keegan conducted an audio/video recorded interview with Sgt. Chris Fennell, SACDC, which was documented in a MOI (**Attachment 4**). Sgt. Fennell was on scene during the cell extraction of Sutherland. Sgt. Fennell read and signed a SLED AVS form. Sgt. Fennell provided the following information and answered additional questions during the interview: On January 5, 2021, at approximately 9:00 a.m., Sgt. Fennell

was participating in disciplinary board hearings when bond court called to have Sutherland brought to his bond hearing. He arrived at Sutherland's cell and saw he was agitated and not responding to commands, stating several times, "Kill me, I want to die." Sgt. Fennell spoke to Sutherland for approximately ten to fifteen minutes. During that time, he believed he saw a filed down spoon in Sutherland's hand. *Agent's Note: During a search of Sutherland's cell, SLED Crime Unit documented a white plastic spoon. There was no indication that the spoon had been filed down (see Attachment 29).* SOG was notified and responded to Sutherland's cell. Once the SOG team was ready to compel compliance, Sgt. Fennell advised Sutherland that this was his last chance to comply, as the SOG team would remove him from his cell by force for him to appear at bond court. Sutherland walked to the back of the cell and stated, "Pop the pin." CO Houle then deployed OC through the cell door flap. Sutherland covered his face with a blanket. CO Houle then partially opened the cell door and Sgt. Fickett deployed more OC. Sutherland again covered his face with a blanket. CO Houle then gave verbal commands, but Sutherland did not comply. Sgt. Fickett then deployed her TASER, and Sutherland fell to the ground. Sgt. Fickett gave verbal commands and Sutherland began to slide towards the cell door. CO Houle entered the cell and attempted to handcuff Sutherland, and they started fighting. Sgt. Fickett "hit" another TASER cycle and followed up with a "drive stun" as Sutherland was going "buck wild." *Agent's Note: The Drive-stun mode is when the TASER device is physically pressed against a subject's skin or clothing. It is not designed to cause incapacitation and primarily becomes a pain compliance option. As soon as the CEW is moved away, the energy being delivered to the subject stops.* Sgt. Fennell attempted to secure Sutherland's legs with leg restraints but did not enter the cell due to being overwhelmed by the OC. Sutherland was fighting as CO Houle deployed his TASER, and Sgt. Fennell attempted to secure the leg irons, as Sutherland's legs were near the cell door. Sgt. Fennell believed another TASER cycle was administered. Sgt. Fennell again attempted to secure the leg irons as they placed a "spit mask" over Sutherland's face. *Agent's Note: A spit mask is a mesh hood placed over individuals, designed to limit their ability to spit fluids through the mask onto other people.* Sutherland yelled that he could not breathe as they slid him out of the cell on his stomach. As they pulled him from the cell, CMA Burch examined Sutherland and removed the TASER probes. They sat Sutherland in the ERC as CMA Burch continued to examine Sutherland.

CMA Burch told them to place Sutherland on the floor. They called a “medical emergency,” began CPR, and called for EMS.

When asked if Sutherland said anything, Sgt. Fennell recalled Sutherland stating during the struggle that he couldn’t breathe. During this time, Sutherland was on his stomach, his legs were secured by leg irons, and his hands were handcuffed behind his back. After the medical emergency was broadcasted, several more nurses were present within approximately one minute for the medical emergency. Sgt. Fennell stated he estimated there were approximately three to five TASER deployments during the incident. Sgt. Fennell had no prior dealings with Sutherland and had no knowledge of Sutherland’s mental status. Sgt. Fennell was not equipped with a BWC. *Agent’s Note: The information provided by Sgt. Fennell was consistent with BWC and other videos recordings of the incident, (see Attachments 11, 14, 18, and 19).*

On January 5, 2021, SS/A Kelly and S/A Keegan conducted an audio/video recorded interview with Sgt. Jean Claude Berry, SACDC, which was documented in a MOI (**Attachment 5**). Sgt. Berry was present during the incident. Sgt. Berry read and signed a SLED AVS form. Sgt. Berry provided the following information and answered additional questions during the interview: On January 5, 2021, he was the assigned first floor supervisor and was made aware that Sutherland needed to be brought to bond court. He entered the BMU and met with CO Houle, who told him Sutherland was being aggressive and that it looked like a cell extraction would be necessary to get Sutherland to his bond hearing. Lt. Duvall contacted the bond hearing unit and confirmed it was absolutely necessary that Sutherland attend his bond hearing. Sgt. Fennell talked to Sutherland in an attempt to get him to comply but was unsuccessful. Lt. Duvall, Sgt. Fennel, and Sgt. Berry, along with CO Houle and Sgt. Fickett, approached Sutherland’s cell door. Lt. Duvall briefed them on the situation and commanded CO Houle and Sgt. Fickett to extract Sutherland. CO Houle approached the cell door and gave verbal commands in an attempt to get Sutherland to comply. Sutherland did not comply. CO Houle then opened the cell door’s food service flap and deployed OC. Sutherland covered his head with a blanket. Sgt. Fickett then deployed OC into the cell. The OC deployment did not appear to have an effect on Sutherland. Sgt. Fickett then deployed her TASER. From the position where Sgt. Berry was standing, his view was obscured and he was not able to see the two OC

deployments nor the TASER deployment. Sgt. Berry then left the BMU and walked over to the SMU to deal with another matter. Sgt. Berry returned to the BMU approximately five minutes later and saw the cell door was opened with Sutherland on the ground. CO Houle was holding the area near Sutherland's head, Sgt. Fickett was holding the area near Sutherland's waist, and Sgt. Fennell was holding the area near Sutherland's feet. They were struggling to gain control of Sutherland's arms. When they finally applied handcuffs, Sgt. Berry positioned the ERC, and they removed Sutherland from the cell. As they were securing Sutherland in the ERC, they observed Sutherland was unresponsive, and CMA Burch called for a medical emergency. Sgt. Berry did not have a BWC. *Agent's Note: The information provided by Sgt. Berry was consistent with BWC and other videos recordings of the incident (see Attachments 11, 14, 18, and 19).*

On January 5, 2021, SS/A Kelly and S/A Keegan conducted an audio/video recorded interview with CMA India Burch, which was documented in a MOI (**Attachment 6**). Burch is a Certified Medical Assistance (CMA) and rendered aid to Sutherland after the cell extraction. CMA Burch is employed by Wellpath. *Agent's Note: Wellpath is a third party, private health care company, contracted by CCSO to provide medical services for SACDC.* Burch read and signed a SLED AVS form. Burch provided the following information and answered additional questions during the interview: At approximately 9:20 a.m., she respond to the BMU for a cell extraction. When she arrived at the BMU, she saw CO Houle attempting to get Sutherland out of his cell. Sgt. Fennell was talking to Sutherland through the cell door window, and Sutherland refused to present his hands to be handcuffed. Lt. Duvall called the bond hearing unit and confirmed Sutherland was needed in court. From where she was standing, she was not able to see Sutherland in his cell. She heard Sutherland yelling that "he was not coming out" of the cell, and she heard the officers telling Sutherland to drop his spoon. She heard Sgt. Fennell continuing to attempt to deescalate the situation by giving Sutherland commands. A short time later, she smelled the OC fumes and heard the TASER deployment but did not see either. Due to the OC fumes, she remained back, away from the cell and once the officers removed Sutherland from his cell, she approached. Upon making contact with Sutherland, she removed two TASER probes from his back and one from his front. Sutherland was handcuffed and lying face down. Sutherland was moving and breathing. Burch checked his pulse and observed

“snot” coming from his nose and Sutherland was breathing. Burch attempted to check his blood oxygen level but it did not register on the pulse oximeter. Upon checking his pulse a second time, Sutherland was dry heaving and she called for a medical emergency. Additional personnel from the medical staff immediately responded and began treating Sutherland. She did not think the use of force was excessive. It was only used to restrain him. The officers did not kick or punch Sutherland. After Sutherland was removed from the cell, the officers called her over immediately to examine him. *Agent’s Note: The information provided by Burch was consistent with BWC and other video recordings of the incident (see Attachments 11, 14, 18, and 19).*

On January 5, 2021, SS/A Kelly and S/A Keegan conducted an audio/video recorded interview with Sgt. Lindsey Fickett, SACDC, which was documented in a MOI (**Attachment 7**). Sgt. Fickett was one of two SOG operators to perform the cell extraction of Sutherland. Sgt. Fickett read and signed the SLED AVS form. Sgt. Fickett provided the following information and answered additional questions during the interview: On January 5, 2021, at approximately 9:00 a.m., she was at her assigned post on the second floor, serving as the housing unit Sergeant when she received a call from CO Houle asking her to assist with a cell extraction. She went to the BMU and met with CO Houle. They attempted to get Sutherland to come out of his cell voluntarily. When that was unsuccessful, they proceeded to do a cell extraction. Sutherland was at the back of the cell in a bladed stance and appeared to have something in his hand. Sgt. Fickett believed the item was possibly a spoon. Sutherland was yelling and not obeying commands given by herself and other jail staff. *Agent’s Note: Sgt. Fickett was equipped with a BWC (see Attachment 11) that captured Sutherland, in his cell shouting, “Hallelujah,” and non-compliant to instructions. The footage did not show Sutherland specifically stating he was refusing to exit his cell or responding to commands in a defiant manner. At the failure of verbal commands, CO Houle administered OC vapor into the cell. The OC did not have the desired effect of compelling compliance and Sutherland failed to obey commands. The SOG team then partially opened Sutherland’s cell door, and Sgt. Fickett administered OC stream into the cell. Sutherland wrapped his head in a blanket and the OC had a minimal effect. With OC failing to obtain compliance from Sutherland, Sgt. Fickett then deployed her TASER. The probes hit Sutherland, one in his chest and the other in the hip area, and he fell to the floor. Agent’s Note:*

*The TASER device, upon first trigger pull, deploys two small probes attached by a line, which allows for an electrical current produced by the handheld device to travel through the probes, into the target. With the TASER probes still attached, and as commanded by the SOG team, Sutherland “slid on his butt” towards the front of the cell. As he got close to the door, Sutherland stopped and refused to come any further. CO Houle entered the cell and attempted to handcuff Sutherland. Sutherland pulled away and tried to get “back up and fight.” Sgt. Fickett then administered another TASER cycle to Sutherland. Sutherland fell to the floor and there was a struggle to get him secured into handcuffs. Sutherland was handcuffed behind his back and placed on his stomach. CO Houle was on Sutherland’s shoulder blades, and Sgt. Fickett on Sutherland’s lower back. Once removed from the cell, Sutherland was given medical treatment. A CMA (Burch) removed the TASER probes from Sutherland. When they moved Sutherland to secure him in the ERC, he went limp and became unresponsive. The CMA examined him and was not able to detect a pulse. The CMA then began treatment. Sgt. Fickett did not recall if Sutherland ever said anything about not being able to breathe during the incident. Her TASER training and certification were current, and her BWC was turned on during the incident. Sgt. Fickett had no prior interactions with Sutherland, and she was not aware of him suffering from any potential mental health issues. *Agent’s Note: Sgt. Fickett’s statement contained inconsistencies with her BWC video (see Attachment 11). The actions of Sutherland attempting to get up, coupled with five additional TASER activations heard through audible cues of the weapon energizing did not match the statement provided, as she stated that she deployed her TASER twice. All other details were consistent with her BWC footage and other video sources (see Attachments 11, 14, 18, and 19). Prior to the interview Sgt. Fickett had not seen any of the BWC videos.**

On January 12, 2021, S/A Lundell obtained a preliminary TASER download report from Lt. John Hiatt of the SLED Training Unit (**Attachment 8**). Lt. Hiatt was asked to conduct a download of the data from Sgt. Fickett and CO Houle’s TASERs. The data would indicate the number of times each TASER was cycled during the incident with Sutherland, as well as the time of the cycle. According to Lt. Hiatt, who interpreted the data, CO Houle cycled his TASER three times during the incident, and Sgt. Fickett cycled her TASER seven times during the incident. According to Lt. Hiatt, if a more detailed analysis was needed, then the TASERs

would need to be sent to Axon for analysis. *Agent's Note: Approvals were obtained and the TASERs were sent to Axon for analysis and will be addressed later in this report (see Attachment 28).*

On January 15, 2021, S/A Lundell and SS/A Albayalde conducted an audio/video recorded interview with Sgt. Fickett, which was documented in a MOI (**Attachment 9**). The interview was held at the CCSO located at 3691 Leeds Avenue, North Charleston, SC. Sgt. Fickett read and signed a SLED AVS form. *Agent's Note: Sgt. Fickett had not watched her BWC footage prior to this interview nor was she shown the video by Agents.* Sgt. Fickett provided the following information and answered additional questions during the interview: On the date of Sutherland's cell extraction, Sgt. Fickett was working dayshift as a supervisor within the "housing unit" when contacted by CO Houle to assist with a cell extraction. Due to Sgt. Fickett still being SOG certified and the SOG unit not having enough personnel most shifts, Sgt. Fickett would frequently be requested to temporarily leave whichever duty she was assigned and report to serve as a SOG member. Upon the cell extraction decision being made by Lt. Duvall, Sgt. Fickett and CO Houle decided to start the extraction process by providing commands to Sutherland. Attempts were made verbally to compel compliance from Sutherland to follow the instructions, which had no effect. Additionally, Sutherland was standing in a way that Sgt. Fickett perceived as aggressive and ready to engage in a fight. Due to the failure of verbal commands, Sgt. Fickett then decided to have CO Houle utilize a spray of OC (vapor) into the cell itself. The rationale for deploying OC into a cell is to make the cell uncomfortable to be in, compelling the inmate to exit and thus not requiring any more force. Several minutes went by and Sutherland continued to refuse to obey commands, as the OC did not have the desired effect. OC (stream) was then used, this time directly to Sutherland's face and body, hoping the OC would cause enough discomfort to again compel compliance. The OC did not lead to compliance and after a few more minutes, Sgt. Fickett made the decision to utilize her TASER. Sgt. Fickett pointed the TASER through a small, controlled opening in the cell door and deployed it. Both prongs made contact with Sutherland, causing him to fall onto the floor of the cell. Once the cycle of the TASER ended, commands were then provided to Sutherland, which he began to follow. Remaining on the cell floor, Sutherland "scooted" his body until he reached the threshold of the cell, at which time he stopped following commands to lay flat on his

stomach and said he would not turn further. With Sutherland so close to the door, and partially obeying commands, Sgt. Fickett and CO Houle felt that was the best opportunity they were going to have to handcuff Sutherland. CO Houle then entered the cell and attempted to handcuff Sutherland, while Sgt. Fickett remained watching, holding her TASER with the probes still connected to Sutherland. Upon CO Houle making contact with Sutherland, Sgt. Fickett saw Sutherland attempt to get up, so she re-activated her TASER. After the cycle ended, she entered the cell and straddled the lower back of Sutherland while CO Houle was near Sutherland's upper back. During the altercation, Sgt. Fickett stated Sutherland continued to resist by "bucking" upward and not freely giving them control of his hands for handcuffing. Sgt. Fickett stated it felt like a "long time" in which they were "fighting" with Sutherland. Sgt. Fickett recalled deploying her TASER three times. Each activation was due to Sutherland continuing to fight, thinking the probes may have fallen out of contact with Sutherland or that the TASER was not operating correctly. Sgt. Fickett was not sure as to why she deployed the TASER device a third time since she did not feel it was working after the initial usage. Sgt. Fickett stated she was unsure if she had used her TASER more than the three times, as her focus was to maintain some control over Sutherland and not allow him to get up. Adding to her concerns, the cell door was unlocked during the altercation, knowing that she and CO Houle would be in an especially dangerous situation if Sutherland got to his feet. After the TASER activations, CO Houle and Sgt. Fickett were able to handcuff and leg shackle Sutherland, sliding him out of the cell. While on the ground, Sutherland became unresponsive and the medical staff began an assessment of Sutherland. While medical professionals were treating Sutherland, Sgt. Fickett remained on scene. Sgt. Fickett concluded the interview stating the force utilized on Sutherland was adequate in her opinion.

Sgt. Fickett's statement was inconsistent with her BWC (see Attachment 11), previous interview (see Attachment 7), and the TASER download report as provided by Lt. Hiatt (see Attachment 8). All other details were consistent with her BWC and other video sources. S/A Lundell notated the following inconsistencies:

- Sgt. Fickett stated in her second interview that she deployed her TASER three times, which was one more time than stated in her first interview (see Attachment 7), but less than the seven cycles as reported in the TASER download report (see Attachment 8).
- Sutherland remained on the ground throughout the incident and although Sgt. Fickett stated he was attempting to get to up that was not visible within any of the recordings.

On February 8, 2021, S/A Lundell and SS/A Albayalde conducted an audio/video recorded interview with Sgt. Fickett, which was documented in a MOI (**Attachment 10**). The interview was conducted to allow Sgt. Fickett an opportunity to review her BWC video of the cell extraction of Sutherland and to address the inconsistencies in the information she had previously supplied. The interview was held at the CCSO and was the first time Sgt. Fickett had reviewed the BWC footage. After completion of the AVS form, Sgt. Fickett provided the following information and answered additional questions during the interview: Sgt. Fickett was shown her BWC video at the beginning of the interview. Sgt. Fickett described the resistance of Sutherland as repeated attempts to get off the ground once the handcuffing procedure was attempted, which included trying to turn and stand up, grab CO Houle's legs, and "buck" officers off of him. While overly focused on the altercation with Sutherland, she was unaware of how many times she activated her TASER after the third deployment. Sgt. Fickett did not remember hearing anything in particular from Sutherland, including any "I can't breathe" statements. Sgt. Fickett addressed her decision to use the TASER stating she felt it would yield the greatest chance for compliance; however, Sgt. Fickett acknowledge her limited comfortability with the weapon as she stated she had not used the weapon in over a year and had sporadic use of it since obtaining a supervisory role several years ago. Agents told Sgt. Fickett that the TASER report showed a total of seven deployments, to which she did not have an initial response. Sgt. Fickett acknowledged that number was "not good," and she was unable to state why she continued to pull the trigger on the TASER device after she felt it was ineffective after the second deployment. When asked if she remembered, what the best practices were advised by Axon as to the total number of deployments during a singular incident that was taught during her TASER recertification course, Sgt. Fickett responded she did not know.

On January 6, 2021, Sgt. Tracey Mathewes, CCSO Bureau of Standards and Accountability, provided a compact disc that contained Sgt. Fickett's BWC footage (**Attachment 11**) reviewed by both S/A Lundell and SS/A Albayalde. *Agent's Note: SS/A Albayalde noted the video was of poor quality and appeared to be pixilated; however, the footage was still viewable. The computer program, Windows Media Player, offered the best results for viewing the video.* The video began at approximately 09:28:00 hours (9:28 a.m.), on January 5, 2021, and ended at approximately 09:58:58 hours. The following is a summary of the footage, which was documented in a Memorandum to the File (MTF) (see Attachment 11):

- **09:27:51** – SACDC, Lt. Brian Duvall provided a verbal briefing pertaining to the requested cell extraction of Sutherland, as well as the request of SOG members CO Houle and Sgt. Fickett to carry out the extraction. Lt. Duvall stated Sutherland “refused to cuff-up,” that he took an aggressive stance, and that Sutherland said they were going to have to use force on him. Furthermore, Lt. Duvall stated the Command Duty Officer (CDO), Capt. Greathouse was notified of the situation, and that Sutherland was to appear for bond hearing.
- **09:28:32** – Sgt. Fickett advised CO Houle that Sutherland had a spoon in his hand.
- **09:28:38** – CO Houle requested Sgt. Fickett to grab “vapor” (*OC Spray*) from his backpack.
- **09:29:17** – Sgt. Fickett unlocked the small access door on the cell door and ordered Sutherland to drop the spoon and to come to the door. CO Houle followed-up with the same verbal order. Sutherland is seen standing near the middle of the cell, repeatedly shouting “Hallelujah.”
- **09:29:27** – CO Houle deployed his OC vapor through the small access door. He stopped the deployment at 09:29:33 (approximately six seconds in duration).
- **09:29:57** – Sgt. Fickett ordered Sutherland to come to the door. CO Houle followed-up with the same orders.

- **09:30:40** - Sgt. Fickett instructed Sutherland, who was near the cell door, to turn around. CO Houle noted Sutherland tried to wrap a blanket around his heard.
- **09:31:30** – Sgt. Fickett retrieved a rope line with karabiners attached at each end from CO Houle’s backpack. *Agent’s Note: The line with karabiners is used to try and secure the cell door while partially opened, so that the door cannot fully open and allow an inmate to push through, exiting the cell.* She then attached one end of the rope to Sutherland’s cell door, and the other end of the rope to the cell door to the right. Sgt. Fickett ordered Sutherland to drop to his knees.
- **09:33:17** – CO Houle partially opened Sutherland’s cell door and Sgt. Fickett deployed OC spray. CO Houle ordered Sutherland to come to the door. Sutherland is seen with some sort of fabric covering his face. *Agent’s Note: It was later determined through interviews with CO Houle and Sgt. Fickett that the second deployment of OC spray was a stream type application.*
- **09:33:57** – Sgt. Fickett directed CO Houle to crack Sutherland’s door open, as she unholstered her TASER. Both Sgt. Fickett and CO Houle issued verbal commands for Sutherland to get down.
- **09:34:11** – Sgt. Fickett discharged her TASER (*five second duration, the standard discharge period of a TASER device*) at Sutherland, who fell on his back and could be heard groaning. Both Sgt. Fickett and C/O Houle instructed Sutherland to slide on his rear end towards them at the door. *Agent’s Note: The placement of the two TASER probes could not be determined based on viewing angle of the video.*
- **09:35:13** – Sutherland reached the threshold of the cell entrance door (feet first) on his bottom. Sgt. Fickett and CO Houle ordered him to turn onto his stomach. Sutherland, still seated on his bottom, turned to his right with his arms behind his back. Sutherland indicated that was as far as he could turn.
- **09:35:29** – Sgt. Fickett directed CO Houle to untether the cell door and to handcuff Sutherland. CO Houle moved into the cell behind Sutherland and advised him not to

resist. CO Houle took hold of Sutherland's arms, placing them to the rear and started to initiate the handcuffing process. CO Houle continued his attempt to handcuff Sutherland, and CO Houle told Sutherland to "loosen up."

- **09:35:48** – With his left hand, CO Houle quickly grabbed Sutherland at the back of the neck, and pushed Sutherland down and to the right on the ground. At the same approximate moment, Sgt. Fickett re-energized her TASER. Sutherland vocally reacted and groaned from the application of the TASER and assumed a stiffened position, with his arms to the side, and flattened out on the floor on his stomach. *Agent's Note: An audible rapid clicking noise was heard coming from Sgt. Fickett's TASER.* During the TASER period in which energy was being sent from the device into Sutherland, CO Houle removed his hands away from Sutherland. Following the five second TASER discharge, Sutherland was yelling and flailing on the floor. Sutherland also had his right arm around CO Houle's lower left leg. CO Houle attempted to control the top portion of Sutherland's body, while Sgt. Fickett entered the cell and tried to assist in controlling the lower half of the body. As CO Houle and Sgt. Fickett attempted to gain control of Sutherland, an intermittent clicking noise from Sgt. Fickett's TASER was heard. Sutherland continued to flail on the floor.
- **09:35:59** – The audible discharge of CO Houle's TASER was heard. Sutherland continued to move uncontrollably on the floor but maintained his right arm around CO Houle's leg while remaining on his stomach.
- **09:36:00** – Sgt. Fickett conducted a "Drive Stun" with her TASER, making contact with Sutherland's right upper outside leg area. Sgt. Fickett issued verbal commands and directed Sutherland to put his arms behind his back; however, Sutherland yelled and moved through the application of the TASER.
- **09:36:10** – Two probes from CO Houle's TASER were seen on Sutherland's middle back area, which appeared to limit Sutherland's movement briefly, as he continued to groan. After CO Houle's five second TASER cycle ended, Sutherland resumed yelling, followed by groaning, as his movements began to slow and his breathing was heavier.

Agent's Note: The deployment of the TASER devices of Sgt. Fickett and CO Houle could not be clearly distinguished based on the viewing angles of the video, and body positions of the officers and Sutherland. Intermittent clicking noises could be heard from both officers' TASER devices during this segment of the event.

- **09:36:39** – As the officers continued their efforts to place Sutherland's arms behind his back, Sutherland yells out twice (unintelligible) and then possibly stated, "I can't breathe." As the officers began moving Sutherland's arms towards his back, CO Houle's right knee was on Sutherland's left shoulder blade area (09:36:50 – 09:37:55, approximately fifty-five seconds in duration).
- **09:37:06** – The officers placed a handcuff on Sutherland's right wrist. CO Houle then transitioned from his right knee to his left knee, onto Sutherland's middle back area (09:37:07 – 09:38:25, approximately one minute and eighteen seconds duration).
- **09:38:13** - The officers secured the other handcuff on Sutherland's left wrist. Sutherland was still conscious and breathing, moving his head, and speaking. Sgt. Fickett instructed Sutherland to stop and to stay down as she maintained control of his handcuffed hands.
- **09:38:47** – CO Houle placed a spit hood over Sutherland's head. CO Houle placed his right knee back on Sutherland's middle back area (09:39:04 – 09:39:24, approximately twenty seconds in duration) as Sutherland began to move and not stay down. CO Houle then transitioned to his left knee in the same position (09:39:24 – 09:39:33, approximately nine seconds in duration) as CO Houle yelled for Sutherland to stop resisting as Sutherland can be heard stating he cannot breathe.
- **09:39:34** – Sutherland was removed from his cell. Officers slid him across the floor face down and towards the outer corridor of the cellblock area. *Agent's Note: Not captured on BWC, Sutherland had leg shackles placed on him by an assisting CO (Sgt. Fennell).*
- **09:39:51** – CO Houle ordered Sutherland, who was still positioned face down on the ground, to stop resisting. Both Sgt. Fickett and CO Houle ordered Sutherland to stop moving, while they waited for Burch to remove the TASER probes. Sutherland was still

conscious at that time. *Agent's Note: Sutherland's movement, as stated by Sgt. Fickett and CO Houle, was not visible during this segment of the video.*

- **09:40:11** – Burch began the removal of the TASER probes.
- **09:41:06** – The officers began to move Sutherland into position for placement into an ERC. When Sutherland was sat up by CO Houle, Sutherland appeared to be unconscious. Sutherland was lifted up, placed, and secured into the ERC.
- **09:41:15** – Sgt. Fickett stated, “Whoa, will you check him? Can you check him?” Burch proceeded to conduct an assessment.
- **09:41:53** – Sutherland was still breathing; however, he did not appear awake and was not speaking.
- **09:42:10** – Sgt. Fickett called over the radio for a “37 E.” *Agent's Note: 37 E is code for a medical emergency.* Sgt. Fickett asked Burch what she wanted them to do next. Sgt. Fickett and CO Houle were asked to lay Sutherland on the ground. Sutherland was removed from the ERC and placed on the ground (still handcuffed to the rear) lying down on his left side. Burch continued with her assessment.
- **09:43:45** – Additional SACDC nursing staff arrived and CO Houle said, “He was tased, I don't know how many times. Three or four by me and three or four by her.” The nurses continued their assessment of Sutherland.
- **09:48:54** – The nurses requested EMS be called to the scene. CO Houle proceeded to remove the handcuffs from Sutherland. The nurses began to position Sutherland to initiate CPR.
- **09:49:35** – SACDC nursing staff initiated CPR on Sutherland.
- **09:51:51** - An Automated External Defibrillator (AED) was applied to Sutherland by the nurses. The nursing staff switched three times to continue chest compressions.

- **09:57:16** – Charleston County EMS and North Charleston Fire Department personnel arrived at the cell block and continued with Sutherland's emergency medical aid until he was pronounced deceased.

On January 5, 2021, SS/A Kelly and S/A Keegan conducted an audio/video recorded interview with CO Brian Houle, SACDC, which was documented in a MOI (**Attachment 12**). CO Houle was a SOG operator on the date of the incident and one of two operators who performed the cell extraction of Sutherland. CO Houle read and signed a SLED AVS form. CO Houle provided the following information and answered additional questions during the interview: He is a member of the SACDC SOG unit. CO Houle, as the only on duty SOG member on the date of the incident, was notified that Sutherland was being uncooperative to commands and he was requested to respond. CO Houle was informed that Sutherland would not go to his bond hearing. Once on scene, CO Houle observed Sutherland appeared to be possibly suffering from mental health issues. CO Houle expressed concerns to Lt. Duvall that based on Sutherland's behavior force was going to be required for the cell extraction and was hoping if more time was allowed Sutherland would possibly calm down and comply peacefully. Lt. Duvall decided to approach Sutherland's cell and first attempt to communicate with him. Sutherland refused to come to the cell door. They made a second attempt to speak to Sutherland when he moved to the rear of the cell and appeared to have a spoon in his hand. Lt. Duvall contacted the bond hearing unit to possibly find an alternative option to forcibly extracting Sutherland. Lt. Duvall then notified Capt. Greathouse as she was the command duty officer for that shift and that it was highly possible that force would have to be used to get Sutherland from his cell. CO Houle did not know what was said during that conversation, but he was then told that Sutherland had to attend his bond hearing and proceed with the extraction. CO Houle called Sgt. Fickett, requesting her assistance for the cell extraction of Sutherland. Once Sgt. Fickett arrived, they made verbal contact with Sutherland and he continued to be non-compliant. CO Houle deployed OC vapor through the cell door flap and gave it time to fill the cell, hoping to make it uncomfortable for Sutherland and he would leave the cell without further force needed. However, Sutherland continued to ignore verbal commands and covered his face with a blanket to limit the effects of the OC. Sgt. Fickett and CO Houle decided to partially open the cell door and Sgt. Fickett administered OC stream directly at Sutherland, who continued to be non-

compliant. After OC was deemed ineffective, CO Houle opened the cell door and Sgt. Fickett deployed her TASER, striking Sutherland who fell to the ground. Sutherland, with probes still attached, started obeying commands and began to slide toward the cell door. Upon reaching the threshold of the cell, he stopped moving and refused to obey further commands. With Sutherland still on the ground, with his hands behind his back, CO Houle entered the cell to secure Sutherland with handcuffs. Sutherland began resisting the handcuffing process and Sgt. Fickett administered a second TASER cycle. Sutherland continued to resist and Sgt. Fickett administered another TASER cycle. Sutherland continued to resist and not knowing if Sgt. Fickett's TASER probes had disconnected, CO Houle deployed his own TASER, striking Sutherland in the upper back. Sutherland continued to resist and tried to grab CO Houle's legs. CO Houle then administered two more TASER cycles. He did not know if Sgt. Fickett's TASER was operational during the three deployments, and they may have cycled their TASERs simultaneously. After usage of the TASERs by both Sgt. Fickett and CO Houle, Sutherland continued to resist and struggled. CO Houle then placed his knee in Sutherland's back to aid in the completion of the handcuffing process. When Sutherland stated he could not breathe, CO Houle removed his knee. When they removed Sutherland from the cell, Burch removed his TASER probes. They then attempted to secure Sutherland in an ERC when the CMA told them to place Sutherland on the ground. The nurses began chest compressions on Sutherland and EMS arrived on scene. After several minutes of administering aid, EMS stopped and advised Sutherland was deceased. CO Houle had no prior interactions with Sutherland and was told prior to the cell extraction that Sutherland possibly had mental health issues. During the incident, they made several attempts to de-escalate the situation. CO Houle was equipped with a BWC, which was activated during the incident. *Agent's Note: CO Houle had not watched his BWC footage prior to this interview nor was he shown the video by Agents. CO Houle's statement was inconsistent with his BWC video, as his leg is still visible on the back of Sutherland for approximately a minute after Sutherland is heard stating, "I can't breathe."*

On January 15, 2021, S/A Lundell and SS/A Albayalde conducted an audio/video recorded interview with CO Houle, which was documented in a MOI (**Attachment 13**). CO Houle read and signed a SLED AVS form. CO Houle provided the following information and answered additional questions during the interview: Questions regarding the location of Sutherland's cell

(in the BMU) were addressed through CO Houle providing clarification on the purposes of the BMU and SMU. CO Houle stated the BMU primarily serves a wing of the jail that houses inmates with disciplinary issues. It additionally serves as overflow for other wings of the jail including the SMU, which is used to house inmates with non-disciplinary related concerns. When asked regarding the use of force procedure, CO Houle stated during his experience as a SOG Operator, the standard procedure when tasked with extracting an inmate from a cell is to first attempt verbal de-escalation. To do everything possible to not use force. If that is not a viable option or ineffective, the on-scene supervisor will develop a use of force plan, including notifying a nurse for medical standby. Before entry into the cell, CO Houle stated SOG Operators may place a strap on the exterior of the cell door, which they did during this incident. The strap is used so that once the cell is unlocked and opened the inmate cannot rush the door, force it all the way open, and escape the cell. After the initial setup is in place, the operators state to the inmate they will use force and typically start with the application of OC spray. Spraying the chemical agent to fill the cell room in an attempt to instill compliance by having the inmate desire to exit the cell without any further force. Another option if OC spray fails is the utilization of less-than lethal shotgun shells, making a loud noise and gaining compliance through that method. CO Houle stated a TASER may be used if OC spray does not work and it is ultimately up to the discretion of the SOG operator to determine what level of force to use and what equipment to utilize. There are no standardized steps for what less than lethal equipment to use. Ideally, four SOG operators is considered best practice to perform a cell extraction; however, for the past several months the SOG unit has been short staffed and two operators have been regularly used. Regarding the specific force used for the extraction of Sutherland, CO Houle stated after verbal compliance failed, he and Sgt. Fickett decided to introduce OC spray in vapor form into Sutherland's cell to gain compliance without the need to use further force. After its subsequent ineffectiveness, TASER devices were deployed. CO Houle and Sgt. Fickett ultimately entered the cell and were eventually able to place Sutherland into handcuffs using physical strength. Once handcuffed, CO Houle stated Sutherland still resisted by moving and trying to get up, so CO Houle placed his knee across Sutherland's upper shoulder, back area, until Sutherland was compliant. CO Houle stated he was aware of the medical term "positional asphyxia," but due to the short time period Sutherland was face down, positional asphyxia was not occurring within Sutherland. He added that he trains new officers

never to place a knee on a subject's neck and to target the muscle of the upper back as placement for any knees or legs. When asked about the utilization of the spit mask and placing it over Sutherland's head after he was handcuffed, CO Houle stated a spit mask was used on Sutherland due to him spitting from the effects of the "OC" spray. The mask was for the correctional officers' safety. After Sutherland was removed from the cell and appeared unresponsive, CO Houle stated he did not immediately think it was a medical concern as he has seen inmates involved in prolonged altercations or fights "go limp." Additionally while CO Houle was removing Sutherland from the cell, Sutherland was behaving the same way as other inmates have behaved after extensive cell extractions. When asked specifically about the number of times the TASER was deployed to Sutherland by both he and Sgt. Fickett, CO Houle stated multiple deployments of the TASER is not prohibited and that has occurred previously while in their job performance. CO Houle explained he is familiar with TASER policies and remembered the best practice described in the TASER recertification course lists the maximum number of cycles as three times, and he held himself to that while performing his actions. CO Houle was shown the footage captured by his BWC (see Attachment 14) during his interaction with Sutherland. CO Houle did not provide any different information than what was provided prior to the review. Additionally, CO Houle stated he had not seen the footage prior to being shown by SLED Agents during the interview. At the conclusion of the interview, CO Houle stated the only interaction between him and Sgt. Fickett, after knowing of Sutherland's death, was that they both spent a few moments consoling each other, with Sgt. Fickett crying and CO Houle extremely upset.

On January 6, 2021, Sgt. Mathewes provided a compact disc which contained the video footage from CO Houle's BWC (**Attachment 14**). A review of the footage conducted by S/A Lundell was documented in a MTF: *Agent's Note: SS/A Albayalde noted the video was of poor quality and appeared to be pixilated; however, the footage was still viewable. The program, Windows Media Player, offered the best results when viewing the video.* S/A Lundell reviewed the BWC footage and found that the BWC activation was concurrent with that of Sgt. Fickett's BWC video (see Attachment 11). Visible on CO Houle's video, which was not visible on Sgt. Fickett's recording, was the direct deployment of CO Houle's TASER, which was to the upper back area of Sutherland.

On February 17, 2021, S/A Lundell interviewed Capt. Kerrilyn Greathouse, SACDC, which was documented in a MOI (**Attachment 15**). Capt. Greathouse was interviewed via a conference call. The call was audio-recorded. The interview was scheduled as Capt. Greathouse was the command duty officer during the incident and supervisor to Lt. Duvall. On the conference call, and at the request of Capt. Greathouse, was CCSO General Counsel Shaundra Scott. *Agent's Note: When scheduling the interview with Capt. Greathouse, she requested that her attorney be present for the interview. Capt. Greathouse did not disclose that the attorney was the General Counsel for the CCSO.* A verbal acknowledgment of rights was provided to her before the interview began. Capt. Greathouse provided the following information and answered additional questions during the interview: She had over 18 years of experience with CCSO and stated she remembered and was aware of the incident involving Sutherland and the cell extraction. Capt. Greathouse was serving as the SACDC command duty officer during the incident. As command duty officer, Capt. Greathouse's primary responsibility was administrative and to remain knowledgeable of incidents occurring within the jail and any planned use of force. The command duty officer does not grant approval for decisions on the use of force. That decision falls on the on-scene supervisor, and the information passed on is procedural. On the date of the incident involving the extraction of Sutherland, Lt. Duvall notified Capt. Greathouse that Sutherland was being required to attend his bond hearing. Based on preliminary information a use of force was expected, as jail staff were planning to extract Sutherland him from his cell. Lt. Duvall informed Capt. Greathouse that Capt. Emma Salters, SACDC, who oversees the bond hearings within the jail, told him that Sutherland was absolutely required to attend his bond hearing. *Agent's Note: This information was communicated through MD James.* Mandatory attendance of one's bond hearing is a standard procedure, dating back to previous best practices, and Sutherland was not an exception. Capt. Greathouse added that if an inmate chose to refuse the bond hearing, they had to refuse on camera, which is located in another area of the jail. Refusal to attend bond is not allowed from an inmate's cell. Capt. Greathouse did not know if the Judge presiding over bond court made the order for Sutherland to attend court or if Capt. Salters gave the order to Lt. Duvall to perform the extraction. Capt. Greathouse was not aware of any information regarding Sutherland's medical or mental illness issues. It was Capt. Greathouse's understanding of the situation that it was an operation that was standardly performed within the jail and nothing was

passed on which indicated the extraction was going to deviate from normal practice. Capt. Greathouse's next communication was overhearing the radio transmissions regarding a medical emergency that had occurred with Sutherland. She reported to the Command Center location of the jail to pass information along to fellow supervisors. She stated that due to a meeting in the morning she was unable to look up Sutherland in Jail Management System (JMS) and thus did not know of any medical conditions or medical history of Sutherland. Capt. Greathouse stated at the time and date of the incident, inmates were not allowed to refuse their bond hearing without being escorted by the SOG to another location where they could then refuse via a mounted camera. Since the death of Sutherland, the current directive, put in place January 26, 2021, is that an inmate is now allowed to refuse bond hearing via BWC and the refusal will be relayed to the court. Furthermore, if a mental health issue is exhibited by the inmate at time of refusal, a mental health professional is notified. Capt. Greathouse stated that typically the arresting officer provides a copy of any medical documentation when the arrestee is turned over to the jail, the jail then contacts the medical facility directly and receives the full history. The interview concluded with Capt. Greathouse stating the procedures applied to Sutherland were not outside standard procedures at the time; cell extractions typically required force and were mandatory for any inmate refusing, at that time, to attend bond court. No alternatives in her experience were available prior to the incident that allowed an inmate to refuse their bond hearing; however, that has changed since this incident.

On March 3, 2021, a copy of the previous and updated policies regarding bond hearings, video bond hearings, TASER, Healthcare, and SOG were provided to SS/A Albayalde and reviewed by S/A Lundell (**Attachment 16**).

On April 16, 2021, SLED Lt. Charles Ghent conducted an interview with Capt. Emma Salters, SACDC, which was documented in a MOI (**Attachment 17**). Capt. Salters was interviewed in reference to a directive that she sent via email to SACDC Bond Hearing Division staff on April 20, 2017. *Agent's Note: A copy of the emailed directive (see Attachment 17) was provided to Lt. Ghent on April 16, 2021, by SACDC Detention Director Abigail Duffy.* Capt. Salters read and signed a SLED AVS form. Capt. Salters provided the following information and answered additional questions during the interview: Capt. Salters was the Lt. in the Bond Hearing and

Classification Unit at the time the email was sent. She explained there was an inmate at the detention center around the time of directive who was placed in the BMU due to combative behavior. The inmate was refusing to attend his bond hearing at least twice a day for three days. Capt. Salters heard that the bond court judge (she did not know which one) apparently called and complained to Chief Willis Beatty, who was the Detention Director at the time, about the situation. Capt. Salters clarified that she did not know this first hand and could not remember if someone told her that information specifically or if she had assumed it. There was a command staff meeting on the morning of April 20, 2017, and afterwards, Major Bernard Keyes relayed to her the information that would go into her email directive. The directive specifically stated, *“From this moment forward, when an inmate refuses to go to Bond Hearing, **the first time**, you are instructed to notify your supervisors and contact SOG. They will place subject [sic] in the ERC, if necessary, and bring him/her before the Judge **to refuse in person**. You will write an informational incident report in JMS (Jail Management System) and notify us when it is done.”* Capt. Salters stated that this email directive became the standard practice that was followed from that point on with regard to inmates being non-compliant on attending bond hearings.

On January 7, 2021, SS/A Albayalde was provided a compact disc which was reviewed by S/A Lundell. The disc contained the video footage from cameras located in the BMU that recorded the incident (**Attachment 18**). The cameras were mounted throughout the jail and provided no audio. The cameras recorded from various angles, but provided no footage inside Sutherland’s cell, only of the area outside Sutherland’s cell. The footage provided no additional information.

On January 7, 2021, Sgt. Mathewes provided SS/A Albayalde a compact disc that contained a recording of the incident, which was recorded by CO Christi Escamilla utilizing her SACDC iPhone (**Attachment 19**). The disc was reviewed by S/A Lundell, and the footage did not capture the incident inside Sutherland’s cell, but began once Sutherland was removed from the ERC and placed on the floor. CO Escamilla provided an email to S/A Lundell on January 27, 2021, stating she utilized the department issued phone to record the incident knowing the BWCs used by staff did not always produce a clear video (see Attachments 11 and 14).

On January 18, 2021, S/A Ian Lundell interviewed Kelly Anne Lee, Wellpath Administrator and Registered Nurse, which was documented in a MOI (**Attachment 20**). The interview was held at the SACDC and was audio-recorded. At the request of Lee, Stefan Cange, General Counsel for Wellpath, joined the interview remotely. *Agent's Note: Prior to the interviews of the Wellpath staff, each person discussed the attendance of Attorney Cange and wished for him to remain during the interview.* Lee arrived at the interview with a prepared written statement, which she read aloud (see Attachment 14). Lee provided the following information and answered additional questions during the interview: On January 5, 2021, at approximately 9:50 a.m., “Burch” entered her office and notified her there was a medical emergency. She entered the BMU and saw additional nursing staff, officers, and a patient lying on the floor. Nurses Latasha Foggie, Sharon Kubischke, and Nancy Hinkle were already performing CPR and rendering medical aid. Dr. Parag Dalsania was also present. An AED was on and attached to the patient. EMS arrived at approximately 10:02 a.m., and medical treatment was then transferred to EMS. Lee had no prior knowledge of inmate Sutherland and only knew his identity after working the medical emergency. Lee felt the nurses and doctor all acted and performed in accordance with best practices and felt they did a great job in attempting to save Sutherland’s life. Lee clarified how an inmate’s medical requirements are met by the jail and Wellpath. Lee explained that upon arrival of an arrested individual, the arresting officer advises the jail staff of any medical needs, who in turn relays that information to the medical staff. She was not aware of any procedure in which medical facilities notify Wellpath directly. The general process for Wellpath is that if an intake screening was conducted, the file is added to the inmate’s JMS record, and Wellpath begins the process of ordering medications, etc. If an inmate is not screened or unable to be screened due to the inmate’s behavior, then nothing is added to the JMS record at that time. Lee stated that upon review of inmate Sutherland’s record, she noted she saw the intake nurse attempted to conduct an intake screening at 10:15 p.m., but it was not completed due to Sutherland being moved to this cell before its initiation. *Agent's Note: The incomplete intake form was obtained during the investigation (**Attachment 21**).* Lee indicated after the recording concluded that PLBH did not send any medical history of Sutherland to the jail, which is not uncommon; however, in “an ideal world,” the medical facilities in which an inmate comes from would send over the person’s medical history

immediately. *Agent's Note: Both facility cameras and BWCs showed medical aid being rendered by Wellpath employees to Sutherland shortly after the extraction.*

The following Wellpath staff were identified as being on scene during the incident and were interviewed. Each statement was audio recorded and documented in MOIs. The interviews produced no new information, only repetitive information.

- Amanda Washington (see Attachment 40)
- Nancy Hinkle (see Attachment 41)
- Dr. Parag Dalsania (see Attachment 42)
- Sharon Kubischke (see Attachment 43)

Nurses Deanne Miles and Latasha Foggie were also identified as being present but declined to speak with SLED Agents or provide a statement.

On April 16, 2021, CCSO provided the Wellpath medical records of Sutherland, including post incident notes (**Attachment 22**). The post incident notes were consistent with the statements provided by the medical staff.

On April 16, 2021, S/A Lundell obtained a copy of the recorded 911 call between PLBH and Charleston County Consolidated Dispatch (CCCD). S/A Lundell reviewed the recording, which was documented in a MTF (**Attachment 23**). The call took place the night of January 4, 2021, and involved two patients at the facility attacking one another and staff. During the recording, the caller, identified only as “Alyssa” requested police to respond for a patient who was highly irate, attacking staff, patients, and damaging property. A male yelling loudly, loud crashes, and Alyssa stating another patient has joined in the fighting and “we need help!” is heard on the recording. Additionally, Alyssa is heard stating to the 911 operator, “help Philip” and “they just beat the shit out of Philip.” *Agent's Note: The recording is approximately 13 minutes in length and never identifies Sutherland by name or which of the patient(s) were the primary aggressor.* As the incident continues, Alyssa can be heard becoming increasingly frantic stating, “Where the fuck are the police?” The recording concludes upon the arrival of NCPD.

On January 27, 2021, S/A Lundell conducted an audio/video recorded interview with PFC Abril Washington-Saunders, NCPD, which was documented in a MOI (**Attachment 24**). PFC Washington-Saunders was one of the two primary officers who responded to PLBH for the complaint involving Sutherland and was the arresting officer of Sutherland. The interview was conducted at the NCPD located at 2500 City Hall Lane, North Charleston, SC. PFC Washington-Saunders provided the following information and answered additional questions during the interview: On January 4, 2021, at approximately 6:51 p.m., she and Corporal (Cpl.) Scott Thomes responded to PLBH regarding a complaint that patients were engaged in a physical altercation with each other and staff. Upon arrival, the staff refused to allow entrance of the police officers due to them carrying their issued firearms. Several minutes later, NCPD was allowed to enter the facility. She saw Sutherland separated, sitting alone. Based on information provided by PLBH staff, Sutherland damaged property and assaulted other patients and staff members. *Agent's Note: The victims assaulted were identified via the NCPD Report #20210003331 as [REDACTED] (Attachment 25).*

Based on that information, Sutherland was placed under arrest by PFC Washington-Saunders. Once in custody, Sutherland admitted to officers that he did fight with the staff at the defense of other patients. Sutherland was charged with Assault and Battery Third degree. Staff members of PLBH stated to officers that they wished to press charges and felt strongly about having Sutherland arrested and removed from the facility. PFC Washington-Saunders stated to the staff that the mental health facility was most likely the best facility for Sutherland to remain in, based on his medical needs; however, they were adamant they wanted Sutherland charged and removed. To the best of PFC Washington-Saunders' knowledge, once an arrest is made, the defendant is transported to jail. There is no alternative to jail at that point, and transporting an arrestee to another medical facility has never been an option, nor is it in any policy. PFC Washington-Saunders then continued the arrest of Sutherland and transported him to the SACDC. While in route to the jail, Sutherland drifted in and out of lucidity. He was transported without incident until his arrival at the jail. Once inside the jail's booking area, Sutherland became agitated and belligerent, yelling, and not following commands. PFC Washington-Saunders stated the jail notified the SOG to respond. Upon arrival at the booking area, SOG transported Sutherland from the booking area directly to his cell. PFC Washington-Saunders stated she completed the jail's intake forms but check marked the box "no" regarding

if the arrestee was suffering from any mental illnesses. She said she did so having “over-read” that portion, but verbally notified jail staff of Sutherland’s mental health issues. PFC Washington-Saunders was equipped with a BWC, which was activated and recorded the arrest of Sutherland but was turned off and remained off during the transportation and booking of Sutherland at SACDC. *Agent’s Note: The intake form dated January 4, 2021, was completed by PFC Washington-Saunders. Line item 10 “Has the arrestee demonstrated behaviors that suggest mental illness” is check marked “no” (see Attachment 21). She stated she verbally told jail staff Sutherland was suffering from mental illness; however, that comment is not captured on any of the video recordings, as the only BWC activated during the intake process was that of Cpl. Thomes, several feet away (see Attachment 27).*

On January 27, 2021, S/A Lundell conducted an audio/video recorded interview with Cpl. Scott Thomes, NCPD, which was documented in a MOI (**Attachment 26**). The interview was conducted at the NCPD located at 2500 City Hall Lane, North Charleston, SC. Cpl. Thomes was an assisting officer on scene during the altercation at PLBH. Cpl. Thomes provided the following information and answered additional questions during the interview: Cpl. Thomes spoke with the majority of both victims and suspects at PLBH. *Agent’s Note: Cpl. Thomes statement reiterated that of PFC Washington-Saunders in regards to the arrest of Sutherland, and was consistent to what was discovered over the course of the investigation.* During the interview, Cpl. Thomes confirmed PFC Washington-Saunders’ statement that once an arrest is made, no alternative to jail is available. Cpl. Thomes was equipped with a BWC, which was activated and recorded the arrest of Sutherland.

On April 19, 2021, Lt. Cory Holt, NCPD Internal Affairs, provided S/A Lundell with copies of all NCPD videos (**Attachment 27**). S/A Lundell reviewed the videos, which was documented in a MTF. All provided videos were reviewed and are consistent with the NCPD statements and arrest report (see Attachment 27), with the exception as notated in PFC Washington-Saunders’ statement regarding the inability to hear an advisement to medical staff regarding Sutherland’s mental health status (see Attachment 24).

On March 10, 2021, Axon Enterprise, formerly TASER INTERNATIONAL, provided an executive summary detailing the multiple TASER deployments by Sgt. Fickett and CO Houle

(Attachment 28). The X26P energy weapon X1200AN5K, assigned to Sgt. Fickett was activated seven times, each time for five seconds. The activations occurred between 9:38 and 9:40 a.m. The internal clock and date relating to the device were deemed inaccurate by Axon and were subject to “clock drift compensation.” The activations were listed in sequential order, with the first activation discharging at a high impedance load, typical of discharge into flesh for two seconds. The load then changed to a “very high impedance, typical of a partial or poor connection or discharging through skin and fat for the last 3 seconds.” The additional activations all yielded that of a “high impedance load typical of a partial or poor connection, or discharging through skin and fat.” The cumulative seconds of discharging at a “partial or poor connection level were 30.4 seconds...lost connection, and could not discharge for 4.6 seconds.” CO Houle’s TASER was designated as X1200AN5D. He deployed his TASER three times for five seconds each activation. Each activation stated the weapon discharged into a “medium-high impedance load, typical of discharge into flesh for 15 seconds cumulative.” Below are definitions as provided by Axon:

- **High Impedance Load:** “The load impedance can be high when the cartridge probes partially connect and arc through skin, drive-stun applications, or with probes contacting a subject with high adipose fat tissue content.”
- **Low Impedance Load:** “The load impedance can be low when arcing across the front of the cartridge or cartridge bay, arcing in water, shorted across metal, or with probes contacting a subject with low adipose fat tissue content.”

The SLED Crime Scene Investigative Summary, completed by S/A Gabriel Denizard, with accompanying photographs was completed on March 22, 2021, and reviewed by S/A Lundell **(Attachment 29).** The summary includes the following items collected from the scene on January 4, 2021: (1) TASER X26P, S/N: X1200AN5D, said to belong to CO Houle, with expended TASER cartridge S/N: C3106453W. (1) TASER X26P S/N: X1200AN5K said to belong to Sgt. Fickett (1) expended TASER cartridge S/N: C31051915. (1) Container of OC spray “The Guardian” (vapor) and (1) container of OC “The Guardian” (stream). Additional items of note collected were clothing, fingerprint cards, digital media of the scene and a blood standard collected from Sutherland at his autopsy. The clothing collected from the Sgt. Fickett

and CO Houle did not reveal any damage, nor did any photographs taken show injury to either officer. The pictures taken of both correctional officers showed them clothed in their SOG uniform. *Agent's Note: The recorded videos of the incident show both Sgt. Fickett and CO Houle wearing tactical gear, protective, and less than lethal equipment on top of their operational uniform; however, those items had been removed at time of CS photographs being taken.*

On February 2, 2021, S/A Lundell was provided the SLED DNA Analysis Report (**Attachment 30**). The blood spot profile of Sutherland provided the standard. A swab taken from the ERC resulted in the “DNA profile is approximately 6.8 nonillion (6.8E30) times more likely if Jamal Sutherland contributed the profile than if an unidentified individual contributed the profile.”

On January 6, 2021, an autopsy was conducted at the Charleston County Coroner’s Office (CCCO) located at 4000 Salt Pointe Parkway, North Charleston, SC, by Pathologist J.C. Upshaw Downs, Medical Doctor (MD). On, March 17, 2021, a copy of the Forensic Pathology Report Summary from the Charleston County Coroner’s Office (**Attachment 31**) was provided to SS/A Albayalde. The report was certified by Dr. Downs. The case summary detailed that Sutherland’s death was “multifactorial in that the lethal event began with bizarre behavior, which escalated following a voluntary admission to a behavioral care facility. This culminated in an extended effort by law enforcement personnel to extricate Sutherland from his cell.” “Several of the multiple prescribed medications for the subject had a risk of significant, potentially lethal cardiac dysrhythmia...including: Chlorpromazine, Diphenhydramine, Olanzapine, Haldol, and Risperidone.” “Diagnosis included multifactorial death listing excited state, adverse pharmacotherapeutic effect, subdual process including conductive electric weapons, superficial injuries, sudden unexpected death and nonspecific gross anatomic findings of acute cerebral edema, pulmonary edema and pulmonary congestion. The report concluded that Sutherland’s Cause of Death was “Excited state with adverse pharmacotherapeutic effect during subdual process.” “The Manner of Death was listed as undetermined.”

On April 16, 2021, the full Toxicology Report for Sutherland was received by S/A Lundell through the CCCO (**Attachment 32**). The Toxicology Report documented the following

positive findings: Valporic Acid, Olanzapine, Chlorpromazine, Diphenhydramine, Creatinine, Sodium, Potassium, Chloride, Glucose, and Urea Nitrogen.

On February 23, 2021, S/A Lundell obtained, through a search warrant, the PLBH records for Sutherland (**Attachment 33**). These records provided that Sutherland was diagnosed with chronic paranoid schizophrenia, bipolar type. Provisional diagnosis included major depressive disorder, recurrent, severe. History of bipolar disorder, diabetes, GERD and vitamin C deficiency.

SLED personnel conducted a social media search of both CO Houle and Sgt. Fickett on March 30, 2021. The search found no posts or active accounts for either party.

At the time of this report, Charleston County Coroner Bobby Jo O'Neal informed S/A Lundell that her Coroner's Report was not yet complete.

On April 15, 2021, S/A Lundell obtained an email from Senior Sgt. Dana Herron, CCSO. The email included the following attachments: History of incidents from RMS, Guardian Tracker, and Use of Force Flag Responses. *Agent's Note: These records and systems are used to document use of force situations inside SACDC.* Sgt. Fickett's records (**Attachment 34**) indicated (4) TASER deployments in total and did not list any excessive use of force disciplinary records. On April 19, 2021, Senior Sgt. Herron provided the same RMS, Guardian Tracker, and Use of Force Flag Responses for CO Houle (**Attachment 35**). CO Houle's records indicated two complaints, (1) was unfounded, and he was exonerated on the other.

On April 19, 2021, a SLED Mapper Database search was conducted for Sgt. Fickett, CO Houle, and Sutherland. *Agent's Note: Mapper is a case management database created for the SLED used to track the entries of Investigations to include limited case information, victims, and subjects.* The only record for Sgt. Fickett, CO Houle, or Sutherland is related to this incident.

The following documents were obtained pursuant to this investigation:

- MTF - Meeting with the Sutherland Family (**Attachment 36**)
- SACDC Training Records – Sgt. Fickett and CO Houle (**Attachment 37**)

- SACDC Use of Force policy (**Attachment 38**)
- Sutherland 10 Year Driver Record, SCDMV (**Attachment 39**)
- MOI with Wellpath employee Amanda Washington (**Attachment 40**)
- MOI with Wellpath employee Nancy Hinkle (**Attachment 41**)
- MOI with Wellpath employee Parag Dalsania (**Attachment 42**)
- MOI with Wellpath employee Sharon Kubischke (**Attachment 43**)
- South Carolina Criminal Justice Academy Records for Sgt. Fickett and CO Houle (**Attachment 44**)
- Sgt. Fickett Deposition (partial) provided by Attorney Mark Peper (**Attachment 45**)
- Charleston County EMS Report (**Attachment 46**)
- SLED Property Receipt (**Attachment 47**)
- TASER Certification History for Sgt. Fickett and CO Houle (**Attachment 48**)
- MOI with Judge Amanda Haselden and Written Statement (**Attachment 49**)
- Autopsy Photographs (**Attachment 50**)
- MOI with Tamisha James and Audio Recording (**Attachment 51**)
- Enhanced DVD (**Attachment 52**)
- Additional Training Documentation (**Attachment 53**)

Conclusion

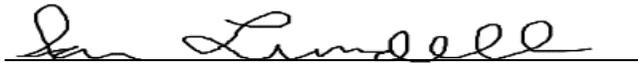
The following statements are based upon facts obtained during the investigation:

- On January 5, 2021, SLED received a verbal request from Sheriff Kristin Graziano of the Charleston County Sheriff's Office (CCSO) to investigate the death of inmate, Jamal Sutherland, which occurred at the Sheriff Al Cannon Detention Center (SACDC) located at 3841 Leeds Avenue, North Charleston, South Carolina (SC).
- Sutherland was arrested at Palmetto Lowcountry Behavioral Health (PLBH) by North Charleston Police Department (NCPD) Officers Abril Washington-Saunders and Scott Thomes for Assault and Battery Third Degree and transported to SACDC (see Attachments 21, 24, 25, 26, and 27).
- Prior to Sutherland's arrest by the NCPD, PLBH administered multiple medications to Sutherland (see Attachments 32 and 33).

- PLBH records provided that Sutherland was diagnosed with chronic paranoid schizophrenia, bipolar type (see Attachment 33).
- While being booked into the SACDC, Sutherland became further agitated and was taken immediately to his cell without being administered a medical assessment by nursing staff. Arresting officer, Washington-Saunders, stated she did not complete the booking paperwork showing Sutherland's medical requirements or history but stated she notified the jail staff verbally (see Attachments 21 and 26).
- According to Capt. Kerrilyn Greathouse, when an arrestee is turned over to the jail from a medical facility, the jail contacts the medical facility directly receives the arrestees medical history. This did not occur in this incident (see Attachments 15, 21, and 22).
- The following morning after his arrest, jail supervisors ordered Sutherland to attend his bond hearing; however, Sutherland refused to leave this cell. Sutherland was yelling and making incoherent statements and refusing jail staff commands. Due to those actions, the decision was made by jail supervisors to have a cell extraction performed on Sutherland by SOG operators. After verbal compliance failed, OC spray, followed by TASER deployments and control techniques were utilized on Sutherland (see Attachments 2, 3, 4, 5, 7, 11, 12, and 14).
- Sutherland was never ordered to attend a bond hearing by a judge. This decision was based on previous SACDC directives (see Attachments 2, 15, and 17).
- During the cell extraction, Sutherland became limp and after attempts by on scene medical professionals to save his life, Sutherland was pronounced deceased (see Attachments 4, 5, 6, 7, 11, 12, 14, 40, 41, 43, and 46).
- An analysis of the TASERs utilized during the incident was conducted by Axon. The report listed 10 activations by jail correctional officers during the extraction. Of those activations seven of which were from the weapon utilized by Sgt. Fickett. The detailed Axon report indicated those activations were of poor or partial connection. CO Houle energized his TASER three times, each with connections indicating medium to high impedance load, totaling fifteen seconds (see Attachments 8 and 28).

- The Forensic Pathology Report Summary listed Sutherland’s Cause of Death as “Excited state with adverse pharmacotherapeutic effect during subdual process.” Sutherland’s manner of death was listed as “undetermined” (see Attachment 31).
- Medications found in Sutherland’s Toxicology Report included Valporic Acid, Olanzapine, Chlorpromazine, and Diphenhydramine (see Attachment 32).

This report will be submitted to the proper prosecutorial authority for review.

A handwritten signature in black ink, appearing to read "Ian Lundell", is written over a horizontal line.

S/A Ian Lundell

Attachments

1. Charleston County Sheriff's Office Incident Report
2. MOI with Lt. Brian Duvall and DVD of recorded interview
3. MOI with Lt. Brian Duvall
4. MOI with Chris Fennell and DVD of recorded interview
5. MOI with Jean Claude Berry and DVD of recorded interview
6. MOI with India Burch and DVD of recorded interview
7. MOI with Sgt. Lindsey Fickett and DVD of recorded first interview
8. Initial TASER report provided to SLED Training Division
9. MOI with Sgt. Lindsey Fickett and DVD of recorded second interview
10. MOI with Sgt. Lindsey Fickett and DVD of recorded third interview
11. MTF of Sgt. Lindsey Fickett BWC and DVD recording
12. MOI with CO Brian Houle and DVD of recorded first interview
13. MOI with CO Brian Houle and DVD of recorded second interview
14. MTF of CO Brian Houle BWC and DVD recording
15. MOI with Capt. Kerrilyn Greathouse and audio recording of interview
16. Bond Court Policy Documentation
17. MOI with Capt. Emma Salters, CD of Recorded interview, and Bond Hearing Directive email
18. Jail Video Recordings
19. iPhone Recording and Corresponding Email
20. MOI with Kelly Anne Lee and DVD of Wellpath audio recordings
21. Intake Documents
22. Wellpath Medical Records
23. MTF of 911 Recording with Recording
24. MOI with PFC Abril Washington-Saunders and DVD of recorded interview
25. NCPD Incident Report
26. MOI with Cpl. Scott Thomes and DVD of recorded interview
27. Videos of responding NCPD Officers
28. Axon Report

29. SLED Crime Scene Report
30. SLED DNA Analysis Report
31. Forensic Pathology Report Summary
32. Toxicology Report
33. Palmetto Lowcountry Behavioral Medical Records with Warrant
34. Disciplinary records for Sgt. Lindsey Fickett
35. Disciplinary records for CO Brian Houle
36. MTF of meeting with Sutherland Family
37. SACDC Training Records
38. SACDC Use of Force Policy
39. Sutherland 10 Year Driver Record, SCDMV
40. MOI with Wellpath employee Amanda Washington
41. MOI with Wellpath employee Nancy Hinkle
42. MOI with Wellpath employee Parag Dalsania
43. MOI with Wellpath employee Sharon Kubischke
44. South Carolina Criminal Justice Academy Records for CO Brian Houle and Sgt. Lindsey Fickett
45. Deposition of Sgt. Lindsey Fickett for prior federal case
46. Charleston County EMS Log
47. SLED Property Receipt
48. TASER Certification History for Sgt. Fickett and CO Houle

*The Agent's Case Management History is maintained in the case file.