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## **Solicitor Wilson's Statement Regarding Calls for Criminal Charges in Jamal Sutherland's Death**

*Charleston, S.C.*-- I am grateful for the community's interest and concern over Jamal Sutherland's death and I know that the Sutherland family is, too. I praise those who have engaged in peaceful activism. Your resolve is admirable, and your voices are heard!

Aside from the Sutherland family, there is no one more disappointed and frustrated than I over the length of time it took to obtain an autopsy report and a completed SLED investigation. Please recall that while I have been continually briefed on this matter, I only received SLED's completed report at the close of business on Friday, April 30. I am following the protocol for officer involved critical incidents in the Ninth Circuit. While SLED did not meet their initial deadline, I intend to meet mine. SLED's report prompted more questions, and my team and I are seeking answers to those questions, and many more. Additionally, the report prompted the need for "follow-up" on several issues.

The video in this case is disturbing. I have lived with its sights and sounds for months. In addition, the exposure of mental health care failures is maddening. For those working in the justice system, it is not shocking. If there were to be criminal charges and a trial, however, the trial would be in a court of law, not a court of public opinion or human emotion. The pathologist who performed the autopsy stated that Jamal 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. SLED did not opine on the first issue and it is imperative that a well-qualified expert witness weigh-in. I have sought renowned expert advice and opinion regarding force in a detention setting. Similarly, the pathologist's findings raised many questions for me, and I have sought a second opinion.

All well-meaning people want justice in this case. I intend to bring justice to the Sutherland family, *and* to any suspects in this investigation. To preserve the integrity of the continuing investigation and to honor the rules of ethics for prosecutors, I simply cannot outline all the evidence in this matter.

It is my responsibility to analyze the evidence collected and to decide whether the State can prove a criminal offense beyond a reasonable doubt. No well-meaning person wants any prosecution to proceed without a thorough and complete investigation and analysis. It would be unprofessional, unethical, and irresponsible to advance a prosecution without *all* the pertinent evidence. If I were to determine we have a prosecutable case, we will pursue criminal charges. On the other hand, if after analyzing and investigating all the evidence, I were to determine the State cannot prove a criminal charge beyond a reasonable doubt, I will owe the Sutherland family and the community a thorough explanation of the obstacles. Regardless of which conclusion I reach, I must perform due diligence and I am doing just that.

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