

To: Sheriff Kristin Graziano
Solicitor Scarlett Wilson
Council Member Herbert Ravenel Sass, III
Council Member Dickie Schweers
Council Member Robert L. Wehrman
Council Member Henry E. Darby
Council Member Teddie E. Pryor, Sr.
Council Member Kylon Jerome Middleton
Council Member C. Brantley Moody
Council Member Anna B. Johnson
Council Member Jenny Costa Honeycutt

From: ACLU of South Carolina
Black Liberation Fund
Charleston Immigrant Coalition
Charleston Activist Network
Charleston BLM
Lowcountry Action Committee
Lowcountry Black Leadership Coalition
Carolina for All
Black Voters Matter
Racial Justice Network
SC4CJR

Date: June 22, 2021

Re: Building a safer and more just Charleston County

Revisioning Public Safety

Jamal Sutherland should still be alive today. Our collective stands in solidarity with the Sutherland family and extends our unconditional support in seeking justice for Jamal's wrongful death.

The killing of Jamal Sutherland on January 5th, 2021 represents an egregious lack of regard for the human rights of mental health patients, and everyone trapped in the criminal justice system. Mr. Sutherland was a mental health patient at Palmetto Lowcountry Behavioral Health, where he was receiving treatment for Schizophrenia and Bipolar Disorder when officers were called to the center. At this time, Mr. Sutherland was in active distress and in an altered mental state, he needed compassionate care by trained professionals. Instead, Mr. Sutherland was arrested by the North Charleston Police Department and taken to the Al Cannon Detention Center. The lack

of empathy, brutalization and murder of Jamal Sutherland speaks to the larger systemic problems inherent in this city's policing and carceral systems.

Mr. Sutherland's death wasn't the result of a few bad apples but of a system that stops, arrests, convicts and incarcerates Black and Brown people at staggering rates compared to white people. Black people are also more likely to be harassed, shot and killed by the police. Black people are also more likely to lack housing, transportation, a living wage, quality public education, comprehensive health care, healthy foods, clean air and water and affordable credit, among many other gaping disparities.

None of this is by accident. These outcomes are the natural result of a system of racist policies and economic exploitation that has governed our society since its inception. If our society truly wants to stop the murder and other forms of violence against Black and Brown people by law enforcement and make our communities safer, then we must take the billions of dollars we pour into our police and criminal justice system each year and reinvest it into our communities. This will not fix all of our injustices, but it will be a major and necessary start.

I. Response to the Killing of Jamal Sutherland

Public officials have chosen to ignore the plight of the poor, the marginalized, the unhoused, those lacking adequate water, food, transportation, or compassionate mental health services, in favor of maintaining systems which disenfranchise and strip personhood from Black, Brown, and disabled people, in particular. Jamal's death was the result of intentional decisions by our political leaders to turn police into a "solution" for those experiencing a mental health crisis, substance use, housing insecurity and a host of other issues they're overly relied upon for. We must wake up to the ineffectiveness of the criminal justice system. Charleston County Council must prioritize funding for mental healthcare and other supportive services over punishment and criminalization.

Specifically, we call on the Charleston County Sheriff, 9th Circuit Solicitor Wilson, Charleston County Council, and other relevant parties to:

1. Arrest and charge all former officers involved in Jamal Sutherland's death, specifically Detention Sergeant Lindsay Fickett and Detention Deputy Brian Houle.
2. Advocate for all local institutions involved in Jamal Sutherland's death, including Charleston Police Department, North Charleston Police Department, Charleston County Sheriff's Office and Palmetto Lowcountry Behavioral Health, to release their policies and procedures around handling those in an active mental health crisis. Furthermore, clarify what situations warrant a mental health institution to call local law enforcement to detain a patient in distress.

3. Conduct an independent after action review of the Sutherland case for all entities involved including Palmetto Lowcountry Behavioral Health, North Charleston Police Department, Charleston County, Sheriff's Office, 9th Circuit Solicitor and SLED.
4. The Charleston County Sheriff's office must commit to protecting the first amendment right and limit interaction between officers and protestors. The increased police presence in downtown Charleston has coincided with the public backlash to Jamal Sutherland's death; to that end, all local policing agencies must commit to recognizing the constitutional right of Charleston area residents to assemble in response to this tragic incident.
5. Create new Departments of Community Safety and Violence Prevention that will oversee the Police/Sheriff's Departments as well as two newly created departments.
 - a. The Community Response Department will consist of trained medical and mental health professionals, social workers, or other expert staff and volunteers independent of local law enforcement and who are responsible for responding to incidents where a city resident is experiencing a medical, mental health, disability-related, or other behavioral or social need.
 - b. The Traffic Enforcement Department will be an unarmed civilian department responsible for enforcing traffic violations.
6. Properly fund mental health services so that they can fully support the needs of community members in need of support/treatment, whether incarcerated or not.
7. The creation of a permanent Public Safety Accountability Council who will review city safety data and make recommendations to the City/County Councils on how to modify and/or initiate programs or policies to improve community safety and prevent police violence.
 - a. This will consist of county residents, including community members impacted by law enforcement; independent of the Mayor and Sheriff's Office; not consisting of current or former law enforcement officers; that has oversight over and the ability to cap law enforcement budgets, the authority to subpoena and review data, inspect detention facilities, make recommendations on enforcement and jail policies, practices, and responses to incidents; and the ability to discipline and fire police and correctional officers in Charleston County for violations.

II. Reduce Law Enforcement Jurisdiction and Invest in Communities and People.

Our political leaders have prioritized policing and incarceration rather than things that will actually improve public safety and health, like ensuring all people have a roof over their head, comprehensive healthcare, a living wage, and quality public education. Our political leaders have turned law enforcement into a "solution" for drug use, misbehaving children at school, homelessness, and mental illness, and other issues where officers lack the tools, training, and resources to handle the situation. It is past time to drastically reduce the size, scope, and role of

law enforcement and drastically increase investments in areas like housing, education, and health care, especially in the Black and Brown communities that have been most targeted by discriminatory practices.

We call on the Charleston County Council and Charleston County Sheriff's Office to:

1. Redistribute the Charleston Sheriff's Office budget request beginning with the 2022 fiscal year of your term aimed at building alternative public safety infrastructures. Advocate for the reinvestment of those funds into services including education and mental health services, especially in communities that have historically been over-policed.
2. Instruct Sheriff's deputies to decline to arrest or cite people for minor offenses including failure to pay fines, low-level (one ounce) marijuana possession, and open container violations.
3. Ban consent-based searches of vehicles and civilians during equipment violations, routine traffic and pedestrian stops.
4. End the practice of stationing deputies in Charleston County public schools.
5. Advocate to stop enforcing eviction judgments during the COVID-19 pandemic, except where there is an imminent and direct threat to the safety of other tenants or the landlord.
6. Support efforts at the municipal body level within Charleston County and at the State Legislature end the deployment of law enforcement to non-violent 9/11 mental health calls.
7. Support efforts before various municipal bodies within Charleston County to end the enforcement of marijuana possession and open containers of alcohol and efforts at the State Legislature to legalize marijuana possession.
8. Agree that any deputy that engages in unlawful behavior (i.e undue uses of force, incorrect use of deadly force, sexual harassment allegations, civil rights violations etc.) be put on unpaid administrative leave pending investigation.
9. Decline partnerships and/or funding to participate in regional or statewide "gang task forces" or "gang units," known to overpolice BIPOC communities.

III. Build Community Trust.

The use of local and state law enforcement agencies to conduct federal immigration enforcement encourages widespread racial profiling, wastes millions of Charleston County taxdollars, and creates a chilling effect that dissuades immigrants from reporting crimes, seeking

protection, or serving as witnesses for fear that the very agencies meant to protect them may instead try to deport them. The Charleston County Sheriff's Office collaborates with ICE by dedicating county jail space for immigrants in detention: Since 2014, hundreds of immigrants have been impacted and detained by ICE every year. They have been held at the county detention center as part of its Intergovernmental Service Agreement (IGSA) agreement.

We call on the Charleston County Sheriff's Office to:

1. Decline ICE detainer requests unless they are accompanied by a judicial criminal warrant.
2. End the practice of housing immigrants in ICE detention and not renew the IGSA agreement.
3. Encourage other law enforcement agencies (Charleston Police Department, North Charleston Police Department, Mount Pleasant Police Department) to commit to not arresting undocumented people for nonviolent offenses.

IV. Limit law enforcement power.

As Charleston County residents witnessed first hand on May 31 when multiple law enforcement departments engaged in police violence against people exercising their First Amendment right to protest, law enforcement have immense power and discretion to harm the very people they are supposed to serve. Charleston County must substantially reduce law enforcement's power to control community actions and make arrests, including the power to unilaterally declare a protest unlawful, search a vehicle or pedestrian, or use no-knock warrants.

We call on the Charleston County Sheriff's Office to:

1. Commit that all new hires reflect the racial and ethnic diversity of the population they serve, and seek to place BIPOC individuals in positions with decision-making power within the sheriff's department with the goal of a 40% + person of color staff.
2. Enact a use of force policy that directs officers to use de-escalation whenever possible, and prohibits them from using more force than necessary to accomplish a legitimate and immediate public safety or jail security objective.
3. End participation in federal programs that provide surplus military equipment or funding to buy military equipment, and return any military equipment currently in the Sheriff's Office's possession in the first year of your term.
4. Ending the use of brutal and/or indiscriminate tools and tactics including:
 - a. Tear gas;
 - b. Chokeholds; and
 - c. No-knock warrants.

5. Support efforts at the municipal body level within Charleston County and at the State Legislature to ensure that dispersal orders by law enforcement are a last resort and that the dispersal order cannot take place unless there is a clear and present danger of riot, disorder, interference with traffic, or other immediate threat to public safety.

V. Ensure Law Enforcement is Transparent and Accountable.

Transparency and accountability are cornerstones of good government, yet law enforcement too often act in secret and with impunity. Charleston County must ensure that law enforcement is transparent and accountable to the people when they abuse their power.

We call on the Charleston County Sheriff's Office to:

1. End the practice of charging fees for FOIA and data requests, responding to requests within 30 days, and implementing a presumption against the use of investigatory exemptions.
2. Encourage the local government to create an independent office that monitors and enforces all policing protocols.
3. Agree to not have encrypted police radio.
4. Establish an independent community advisory board including county residents and impacted community members that meets regularly with the Sheriff's office, has the authority to request and review data, inspect jail facilities, and make recommendations on enforcement and jail policies, practices, and responses to incidents.
5. Use independent investigations outside the chain of command of the sheriff in situations where there is a death or serious injury in which an officer was involved, or involving all deaths of incarcerated persons. Ensure the community advisory board is included in investigation efforts by outside entities.
6. Create a publicly accessible database that:
 - a. Documents complaints about law enforcement misconduct and the outcomes of investigations into potential wrongdoing (redacting individual officer information); and
 - b. Documents law enforcement and corrections personnel found to have misconduct and the results of those investigations.

VI. End policing for profit.

From civil asset forfeiture to fines and fees, South Carolina law incentivizes law enforcement to prioritize revenue collection. Charleston County must ensure that law enforcement is focused on the fair administration of justice, not collecting revenue or meeting quotas.

We call on the Charleston County Sheriff's Office to:

1. End participation in programs that encourage policing for profit (e.g. civil asset forfeiture).
2. Cease the collection and/or spending of revenue that is not specifically granted to the Sheriff's Office through the Charleston County budget process.
3. Support efforts at the State Legislature to replace civil asset forfeiture with criminal forfeiture (without creating a new criminal forfeiture offense), create a minimum threshold of \$500 below which criminal forfeiture cannot occur, and move forfeiture proceeds to the state General Fund.

VII. Protect Incarcerated People.

Those who are held in the AI Cannon Detention Center deserve equal rights and protection. Incarcerated people are at the highest risk of contracting COVID-19 and often lack timely and adequate healthcare.

We call on the Charleston County Sheriff's Office to:

1. Place and classify people by their gender identity and ensure that transgender people have access to medically necessary care, including gender-affirming hormone therapy.
2. Ensure all incarcerated people have access to quality healthcare, including mental healthcare. Specifically, ensure access to prescription medication while incarcerated, as well as providing sufficient supply of medications upon release to ensure covered until a person can reasonably be able to make an appointment with a doctor on the outside.
3. Require that all correctional officers receive mental health and de-escalation training yearly. Ban the use of solitary confinement, restraints to metal chairs, stun guns, pepper spray, tasers, and batons on those who are in a mental health crisis while at AI Cannon Detention Center.
4. Require racial equity training for all staff under the Sheriff's office (training should include but not be limited to Black, Latinx, and LGBTQ+)
5. Create a three violations rule whereby correctional officers who violate the code of conduct are put on unpaid administrative leave, as stated above. Ensure the records of correctional officers, complaints and disciplinary actions, at AI Cannon Detention Center are publicly available on the Sheriff's website.

6. Provide adequate protections, information, and transparency on COVID-19. Proper PPE and sanitizing supplies must be provided to all incarcerated people and staff. Staff must be required to wear PPE without exception.
7. Support the end of policies that subject those of gang-affiliated crime to longer and harsher sentences.

VIII. Ensure Access to the Ballot.

South Carolina's white power structure has engaged in the systematic denial of voting rights to Black citizens in order to maintain its place at the top of the postbellum political and economic hierarchy. These efforts continue to this day, and those who seek the denial of voting rights to Black South Carolina citizens have been extremely successful. Black people comprise 64% of South Carolina's disfranchised population, even though they comprise only 27% of the state's voting age population. And, even those people who are able to register to vote face additional hurdles to the ballot, including extremely long lines and intimidation at the polls and the denial of mail in voting. Charleston County must ensure that all eligible voters are able to cast their ballot without interference.

We call on the Charleston County Sheriff's Office to:

1. Ensure all eligible voters detained in the Al Cannon Detention Center have meaningful access to cast their ballot during every election where they are eligible to vote.
2. By the next election, ensure that a voting booth is inside of the jail. Additionally, distribute voter education material inside the jail and allow volunteers to assist with voter registration and absentee voting.

IX. End wealth-based incarceration.

Bail was designed as a tool to make sure people return to court to face charges against them. Instead, the money bail system has morphed into widespread wealth-based incarceration. Across the country, money bail is set at levels that are far too high for many people or their families to pay. Defendants face an impossible choice: sit in jail as the case moves through the system; pay a nonrefundable fee to a for-profit bail bonds company; or plead guilty and give up the right to defend themselves at trial. Poorer Americans and people of color often can't afford to come up with money for bail, leaving them stuck in jail awaiting trial, sometimes for months or years.

We call on the Charleston County Sheriff's Office to:

- a. Advocate for those who are held at the Al Cannon Detention Center to receive their bond hearing within 24 hours, wherever possible and have access to a speedy trial.
- b. Create further transparency of the bail schedule and what risk assessment tools are used to determine bail.

- c. Support efforts at the State Legislature to eliminate cash bail.

X. Ensure child detention is rare and focused on rehabilitation.

According to the Charleston Area Justice Ministry, children in Charleston County are arrested and incarcerated at higher rates than other counties in South Carolina, and most arrests are for minor offenses. Studies show that communities with juvenile detention centers incarcerate more kids, even when kids are less violent. In addition, incarcerated children are more likely to drop out of school and become trapped in the criminal justice system.

We call on the Charleston County Sheriff's Office to:

- a. Avoid pre-detaining children by releasing them into the custody of their family, whenever possible.
- b. Support efforts within Charleston County and at the State Legislature to decriminalize childhood misbehavior and remove law enforcement from schools unless an immediate and serious threat of bodily injury or death to students or staff exists.
- c. Stop construction on the new juvenile detention facility. If you are legally bound to continue construction because of pre-existing contracts, ensure any new facilities are constructed in ways that address the needs of children in the county and reduce the number of beds for secure child confinement. Ensure the new facility is focused on rehabilitation goals and will serve as a space for alternatives to incarceration. Also, utilize experts in this field during construction to ensure the proper construction of the facility as suited for rehabilitation goals.

Thank you for considering our request.

Sincerely,

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