



County of Charleston, South Carolina

Sheriff Kristin R. Graziano

Memorandum:

To: Chief Deputy A. Sad *MS*
Though: Lieutenant M. Sharpe and Captain S. Eubanks *SW*
From: Sergeant A. Brooks *TB*
Date: August 1, 2022
Subject: 22L-260 (Racial Profiling)

On July 25, 2022, the Charleston County Sheriff's Office, Office of Professional Standards initiated an investigation into allegations of racial profiling during a traffic stop by Deputy Leonard Vella on behalf of Mr. Jerome Heyward. Each employee interviewed was provided Garrity and Truthfulness Advisement, which they stated they understood and signed. The investigation has concluded. The following is a summary of the findings.

On July 25, 2022, Mr. Jerome Heyward came to the Charleston County Sheriff's Office to file a citizen's complaint against Deputy Vella. The statement is as follows:

"On Sunday, July 24, 2022, as I was headed to my mother's home for Sunday dinner, I experienced one of the most frightening traffic stops in my life as an African American male. While driving a 2020 Mercedes, with Georgia tag CMF8905, I was making a right turn onto the merging lane [at the intersection of Sam Rittenberg and Savannah Hwy]. And while in the right lane, I put on my signal light on in order to merge into the left lane. At which time, I observed a sheriff deputy in my rearview mirror and in following, noticed blue lights. At this time, I proceeded to stop my vehicle at the corner of Savage Rd and Savannah Hwy. As Deputy Vella approached my vehicle, he stated that I failed to put on my signal light changing lanes. I demonstrated that my signal lights worked properly. At this time, Officer Vella acknowledged that my signal light was on and functioning correctly (see body cam). Officer Vella, with his hand on his taser gun, ordered that I step out and threatened to "extract" me from the vehicle. Out of concern and fear, I called my sister, Councilwoman Michelle Heyward-Dunmeyer, via Bluetooth from my car. Listening to the conversation between Officer Vella and I, she advised me to step out of the vehicle, also out of fear after noticing his tone of aggression towards me. Finally stepping out of the vehicle, in a very inhumane act, Officer Vella had me stand in front of his running engine, as he continuously questioned me. Very cooperative, for a duration of time, I answered questions about my destination and the rental vehicle, including the question of whether I was "trying to make it back to Georgia?", as stated by Officer Vella in an arrogant manner. Experiencing dizziness and dehydration, I made a complaint about my health condition in the approximately 89-degree weather.

At which point, an unidentified deputy called EMS. Waiting for the arrival of EMS, the unidentified deputy, offered me an opened bottle of water and stated that I would drink it "if I was really that thirsty". I refused this bottle of water, as I had not known who had previously opened or came in contact with the bottle. Upon the arrival of the EMS, after identifying myself as the individual in need of assistance, EMT Llewellyn Powell stated that "he had to check on the deputy officers first". Still experiencing dizziness and now an increase in blood pressure due to the circumstances, I entered a state of confusion as I was failed to be acknowledged as a victim and made a second priority by the individuals, I expected to provide with me with healthcare. After approximately 30-45, I was given a warning for an improper lane use in a failure to signal left. I am under the opinion that this traffic stop is a clear case of racial profiling at its highest level. I believe that I was targeted solely because of my race, considering the fact that I was driving a 2020 Mercedes with a Georgia tag. With high concerns, I hope to bring this situation to the attention of Sheriff Graziano, Charleston County Sheriff's Office, and the Department of Public Safety. In doing this, I am also requesting copies of the bodycam footage, dashcam footage and radio transmission of all deputies involved."

I reviewed in-car camera and body-worn camera footage from the traffic stop. The in-car camera, which features a thirty-second backup delay prior to the official activation of the device, showed Mr. Heyward's black Mercedes sedan traveling northbound on Savannah Highway in lane number three. The vehicle then merges onto lane number two without utilizing a turn signal. At approximately 12:34 hours, Deputy Vella activated his emergency lights and initiated a traffic stop. The vehicle then merges back into lane number three without utilizing a turn signal, then turns into a shopping center without utilizing a turn signal. Deputy Vella made contact with Mr. Heyward and advised him of why he conducted the traffic stop. Deputy Vella did not make any statements indicating the stop was based on the race of Mr. Heyward. Due to the vehicle being a rental, Deputy Vella requested Mr. Heyward's rental agreement. Mr. Heyward could not provide the rental agreement. At approximately 12:42 hours, Deputy Vella advised Mr. Heyward to exit the vehicle. Mr. Heyward became argumentative and refused to exit the vehicle. Deputy Vella called for a backup unit and continued to order Mr. Heyward to exit the vehicle. Mr. Heyward can be seen speaking on his phone as he ignores Deputy Vella's commands to exit the vehicle. Approximately two minutes after the initial request to exit the vehicle, Mr. Heyward complies. Deputy Vella explained to Mr. Heyward his reasoning for having him exit the vehicle. Mr. Heyward continues to be confrontational and uncooperative. At 12:47 hours, Mr. Heyward requested to move to a shaded area stating he was not feeling well. Deputy Vella advised him he could not move until his backup arrived. Deputy Vella offered to call Emergency Medical Services (EMS). Mr. Heyward ignores the request. At approximately 12:51 hours, Deputy Timothy Hickman arrived on scene. Deputy Vella briefed Deputy Hickman on the incident. At 12:52 hours, Deputies advised Mr. Heyward he could now move to a shaded area. Mr. Heyward became argumentative and stated the Supreme Court would not allow him to move to the shade. Mr. Heyward did not move to the shaded area. Deputy Hickman stood by with Mr. Heyward while Deputy Vella returned to his vehicle and contacted the rental company. From 12:54 hours to 13:05 hours, Deputy Vella is on the phone with the rental company. After confirming the rental agreement was valid, Deputy Vella issued Mr. Heyward a written warning and explained the details of the rental agreement. At approximately 13:06 hours, EMS arrived on scene to check on Mr. Heyward. Deputy Vella advised Mr. Heyward he was free to leave. At approximately 13:07 hours, Sergeant Steven Meade arrived on scene. Sergeant Meade attempted to speak to Mr. Heyward. Mr. Heyward stated he already spoke to his attorney. Mr. Heyward then alleged Deputy Vella racially profiled him and did not adhere to his medical needs.

At 13:14 hours EMS returned to Mr. Heyward and asked if he needed any further assistance. Mr. Heyward continued to be argumentative and stated, "You didn't want to help me, you were more concerned about the police." EMS asked Mr. Heyward to sign a refusal. Mr. Heyward ignored the request and phoned Public Safety Director Eric Watson. At 13:15, Mr. Heyward's sister Michelle Dunmeyer, arrived on scene and spoke to Sergeant Meade. Ms. Dunmeyer advised Sergeant Meade, "You cannot speak to him when he is like this." While Mr. Heyward was on the phone with Mr. Watson, Mr. Heyward shouted at EMS personnel and alleged they did not take care of his medical needs.

On July 28, 2022, Sergeant Miller and I conducted interviews with Deputies Vella, Hickman, Timothy Whitaker, and Sergeant Meade. Deputy Vella's recollection of events were consistent with all video footage. Deputy Vella added: He was on patrol on Sam Rittenberg in his marked patrol vehicle directly behind a black Mercedes sedan. The vehicle was in the right lane turning onto Savannah Highway. He observed the vehicle failing to signal and initiated a traffic stop. The vehicle pulled into the parking lot of 2274 Savannah Highway. Due to the dark rear windshield, he could not identify the number of occupants inside nor see any physical characteristics, including gender, age, and race. Deputy Vella did not have any prior knowledge of Mr. Heyward. As Deputy Vella explained the reason for the traffic stop, Mr. Heyward demonstrated the turn signal was operational. However, the violation was not related to defective equipment. Mr. Heyward stated he rented the vehicle from Enterprise under his name but could not provide a rental agreement. Deputy Vella questioned Mr. Heyward about the rental agreement. Mr. Heyward stated he was not answering any further questions. Due to Mr. Heyward's refusal to answer further questions regarding the vehicle and becoming increasingly agitated, Deputy Vella made the decision to have Mr. Heyward exit the vehicle. After Mr. Heyward exited the vehicle, Deputy Vella explained his intention was to obtain the rental agreement and determine whether he was lawfully in possession of the vehicle. Deputy Vella advised Mr. Heyward his behavior was inconsistent with that of an innocent person. Mr. Heyward advised Deputy Vella he was not feeling well and was on medication. Deputy Vella offered to call EMS on three occasions. Each time Mr. Heyward ignored the question and did not provide a response. Mr. Heyward continued to question the traffic stop and remained uncooperative. After Deputy Hickman arrived on scene, deputies offered Mr. Heyward the opportunity to stand in the shade, which he refused. Deputy Vella returned to his vehicle to contact Enterprise and brief Sergeant Meade on the traffic stop. Deputy Hickman stood by with Mr. Heyward. Based on Deputy Vella's reasonable suspicion of criminal activity, gathered from his years of training and experience, he asked dispatch for a K-9 unit. Dispatch advised there were no K-9 units available. Deputy Vella confirmed the vehicle was rented by Mr. Heyward on July 17, 2022, with a return date of August 16, 2022. Deputy Vella returned to Mr. Heyward, issued him a written warning, and explained the rental agreement. Mr. Heyward remained argumentative.

Deputy Hickman's recollection of events were consistent with all video footage and the statement of Deputy Vella. Deputy Hickman added: When he arrived on scene, he was briefed by Deputy Vella. Mr. Heyward asked Deputy Hickman if he could go into Charlie's Grocery store to purchase a bottle of water. He advised Mr. Heyward, he was currently on a traffic stop and could not go into the store. Mr. Heyward advised Deputy Hickman; they did not care about his wellbeing. He asked Mr. Heyward if he would like EMS to respond. Mr. Heyward did not provide a definite answer. Deputy Hickman advised dispatch to have EMS respond. Deputy Whitaker, who arrived on scene shortly after Deputy Hickman, offered Mr. Heyward a bottle of Dasani water. Mr. Heyward declined the bottle of water.

Mr. Heyward advised Deputy Hickman he believed the traffic stop was based on racial profiling due to his Georgia license plate. Deputy Hickman asked Mr. Heyward if he could elaborate as to why he believed racial profiling played a part in the traffic stop. Mr. Heyward did not provide an answer. Mr. Heyward requested a supervisor. Deputy Hickman requested Sergeant Meade respond. Once EMS arrived on scene, Deputy Hickman briefed them regarding Mr. Heyward's health concerns.

Deputy Whitaker's recollection of events were consistent with all video footage and the statement of Deputy Hickman. Deputy Whitaker added: He arrived on scene at 12:45 hours. He was not requested but responded to provide additional support, which is usual for deputies working in the same district. Deputy Vella briefed him on the traffic stop. While standing by, Deputy Whitaker overheard Mr. Heyward state he needed water. Deputy Whitaker returned to his vehicle and grabbed a sealed and chilled water bottle. Deputy Whitaker took the uncontaminated water bottle to Mr. Heyward. Mr. Heyward refused the bottle of water. Deputy Whitaker stated he had minimal interaction with Mr. Heyward.

Sergeant Meade's recollection of events were consistent with all video footage and the statements of the deputies. Sergeant Meade added: He was advised by Deputy Hickman, Mr. Heyward wanted to speak to a supervisor. Upon arrival, he advised all deputies they could leave the scene. Sergeant Meade attempted to speak to Mr. Heyward, but he remained uncooperative and argumentative. Mr. Heyward accused Deputy Vella of racially profiling him. Mr. Heyward's sister, Michelle Dunmeyer arrived on scene. She advised Sergeant Meade; it would not be productive to attempt to speak with Mr. Heyward. Mr. Heyward also accused EMS personnel of not helping him because he was a black male. Sergeant Meade further added Mr. Heyward was hostile and belligerent with EMS. Sergeant Meade added all personnel acted appropriately.

During the investigation, I reviewed videos of Deputy Vella making traffic stops and answering calls for service. The traffic stops were made for numerous different violations, and the subjects involved were of different races and gender. Deputy Vella's behavior and law enforcement action in each incident were consistent. During the incident in question, Mr. Heyward was argumentative and hostile towards deputies and EMS personnel. All personnel remained professional at all times. Additionally, due to Mr. Heyward's tinted windows, it would be impossible to identify Mr. Heyward's race. Mr. Heyward stated Deputy Vella threaten to extract him from the vehicle. Deputy Vella's decision to have Mr. Heyward exit the vehicle was based on Mr. Heyward's uncooperative behavior. Mr. Heyward stated Deputy Whitaker handed him an opened bottle of water; Mr. Heyward's position prohibited him from knowing if the bottle of water was open. Furthermore, Mr. Heyward advised he was mistreated because he was a black male. Mr. Heyward's lack of documentations for his rental vehicle along with his argumentative behavior towards personnel prohibited a smooth and swift traffic stop. Lastly, Mr. Heyward claimed EMS checked on the deputies first. Deputy Hickman's body-cam footage revealed EMS did not check on Deputy Hickman's wellbeing; they were briefed on Mr. Heyward's health concerns prior to making contact with him.

After a careful review of the facts and circumstances surrounding this investigation, the Office of Professional Standards concluded, Mr. Heyward's recollection of events are inconsistent and not factual. Deputy Vella's actions were justified and within Sheriff's Office Policy and Procedure. Additionally, Deputy Vella had probable cause to conduct the traffic stop as outlined in the South Carolina Code of Laws. Therefore, Deputy Vella is **exonerated**.