

Deputies cleared in Massey shooting

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FULL TEXT

"These are difficult, real-life situations. This is not TV. The last thing anybody wants to happen is for somebody to get hurt, either an officer or an individual member of our community, but they occur in today's world."

Solicitor Walt Wilkins

Solicitor Walt Wilkins said Thursday that four Greenville County deputies were justified in their actions when they fatally shot a man they said charged at them with a knife.

The announcement came nearly three months after Jermaine Massey was shot behind his home March 19 and accompanied the release of body camera footage from three cameras worn by deputies during the ordeal. The encounter lasted about six minutes and mostly consisted of deputies saying "drop the knife" and Massey not complying.

Deputies went to Massey's home in the Poe Mill community after he first called 911 seeking help during an apparent mental health crisis. He told a dispatcher he had bipolar disorder and had thoughts of harming his family. The SLED investigation found that Massey was never medically diagnosed with bipolar disorder, and that he was intoxicated with alcohol and a benzodiazepine at the time of the shooting.

Interim Sheriff Johnny Mack Brown said the deputies involved followed policy.

"I feel very comfortable with the outcome of this situation," he said. "I wish it never happened. We didn't create the situation, we responded to the situation."

Body cameras reveal new details

The footage shows deputies surrounding Massey as he sits on his back steps holding a knife. At one point, he holds the knife to his chest.

Once he stands up, he does not respond to verbal commands to drop the knife, video shows. Deputies deployed a Taser, followed by several more. None of them seemed to have any effect, Wilkins said.

Deputies in some of the body camera videos are heard saying that some of the Taser barbs never struck him, rendering the shots ineffective. Brown said Massey's loose clothing prevented the Taser barbs from striking him. In the videos, Massey is seen groaning and pacing but never releasing the knife from his grip. His heavy breathing can be heard throughout the encounter.

Deputies can be heard saying things like "Chill out, Jermaine," "Don't do it, buddy," and "Let us help you, man."

Wilkins said the deputies tried to engage him in conversation but he did not respond to their requests.

Later in the video, Massey paces back and forth, waving the knife in the air. He lets out several screams while deputies continue to order him to drop the knife.

At one point, Massey takes a few steps forward and raises the knife in the direction of deputies, video shows, and three of the four deputies open fire. Massey then falls to the ground. He was later pronounced dead at the hospital. Eleven shots were fired, the SLED report states.

As a result of the SLED findings, Wilkins said he found no evidence to suggest any criminal wrongdoing on the part of deputies.

"There is almost no evidence that would support any kind of criminal charge against any of these officers that we could prove beyond a reasonable doubt," Wilkins said.

History of the deputies involved

The deputies involved —Master Deputy Wes Kilgore, Deputy Mark Dulude, Deputy Chris Bell and Deputy Jake Lancaster —were all placed on paid administrative following the shooting. They were put back in service April 3 after an internal investigation was completed, according to personnel files obtained by The Greenville News through a Freedom of Information Act request.

Lancaster did not discharge his weapon but was on scene during the shooting, according to the Sheriff's Office. Dulude fired four rounds, Bell fired four rounds and Kilgore fired three rounds, according to the SLED report. Kilgore, who came to the Sheriff's Office in October 2012, had been involved in a prior deputy-involved shooting while working for another law enforcement agency in Georgia, according to the SLED report. SLED agents were provided a statement from the Georgia Bureau of Investigations in that case that stated "Deputy Kilgore acted appropriately."

Lancaster was also involved in another shooting in 2017. He was among multiple deputies who responded to a reported domestic situation involving a man with a gun chasing a woman on White Horse Road in Berea on July 14.

Ramiro Bravo Ramirez, 34, died after exchanging gunfire with deputies. Investigators determined Ramirez died from a self-inflicted gunshot wound to the head, though he was found with at least a dozen gunshot wounds. Lancaster noticed Ramirez shooting at deputies, and Lancaster fired 10 shots after he arrived on scene, according to documents obtained by The News.

Lancaster and the others involved in that shooting were also cleared of any wrongdoing.

The Sheriff's Office had withheld the names of the deputies involved in the Massey shooting until after Brown took office in mid-April. Multiple requests for the names had been made previously.

Community activists had also urged the Sheriff's Office to release the names of the deputies as a matter of transparency to see whether any of the deputies had a pattern or history of deadly force.

Records obtained by The News showed that while the deputies involved were up-to-date in training from the S.C. Criminal Justice Academy, none of them had gone through Crisis Intervention Team training through the National Alliance on Mental Illness, which is considered the highest level of mental health training available, according to leaders with NAMI.

Brown on Thursday said the Sheriff's Office is in the process of getting more deputies and dispatchers trained in CIT. A class is scheduled for July, and a second is planned for December, which was the next available time, he said.

"Everybody is becoming bipolar today for some reason without justification or medical procedures," Brown said. "We understand there is a lot of mental illness out there and we want to be able to handle that."

Details from investigative files

In Massey's shooting, the small, fenced-in backyard left only about a 15-foot gap between Massey and the deputies, according to the report.

"Massey pulled the knife up in a stabbing position and rushed unexpectedly towards the other deputies, giving them little, if any, time to react," Lancaster wrote in a prepared statement to SLED agents.

Massey had an interaction with another deputy about three to four hours earlier, according to the SLED report. A deputy saw Massey and thought he may have been drinking so she approached him to see if he was OK. He appeared aggravated about being stopped and was allowed to walk back to his home after the deputy completed a field sobriety test, the report states.

Body camera footage from that earlier stop was also released Thursday.

The video shows the deputy questioning Massey about how much he had to drink.

"I stopped you because you were doubled over and I wanted to make sure you were OK," she says to Massey before having him track her fingers with his eyes for a field sobriety test.

Massey then asks if she wants to escort him to his house nearby.

"I'm not going to escort you to your house. Listen to me, I'm staying here with you because I have to ask certain questions in this situation when I get out with someone for a health reason," the deputy tells Massey.

Massey tells the deputy he only had one Bud Light about 20 minutes before he was stopped.

"You're not intoxicated at all?" the deputy asks.

"No ma'am, I'm not. I promise you," Massey says before the deputy replies, "OK, well since you live so close, just walk home, OK?"

Back in the deputy's vehicle, she is heard saying to herself, "I'll make sure he doesn't fall on the road. He's not stumbling, that's good. It's just his knee, I can't arrest him for that. He's definitely drunk."

A toxicology report states Massey had a blood alcohol level of .157. The report also shows he had in his system 9.1 ng/ml of midazolam, a benzodiazepine used as a preoperative medication. Family members have said Massey was dealing with a leg injury that had been causing him pain.

Side effects of midazolam include drowsiness, double vision, slurred speech, shaky movements and intellectual impairments, according to Massey's toxicology report. The drug's warning label states that the medication should not be combined with alcohol.

Tiffany Copeland, who was Massey's longtime girlfriend and on scene when the shooting took place, was on the front porch when deputies arrived March 19.

"He called y'all. He's drunk," she is heard saying in one body camera video, directing the deputies to the back yard. She later told a SLED agent that moments before Massey called 911, he had told her, "You just don't care about me."

She told the agent that she "knew that he was drunk" and he took their two children outside to play. She went to the front porch, and when she overheard Massey telling one child he didn't want to play, she told the child to come to the front yard, according to the report.

In Massey's 911 call, he tells a dispatcher he suffers from bipolar disorder and was "fixing to do something stupid." He made remarks that he might kill his family.

The SLED report states there was "no documentation located to indicate that Massey was ever diagnosed with a mental illness."

Massey felt that he suffered from mental illness because his sister and brother were diagnosed with mental illness, according to the SLED report.

Copeland told a SLED agent that the day of the shooting was the first time she had experienced him "breaking down" the way he did, according to the report.

Wilkins said Massey's family was allowed to view the body camera footage days after the shooting. He said the process of investigating the case has been transparent.

"These are difficult, real-life situations. This is not TV," Wilkins said. "The last thing anybody wants to happen is for somebody to get hurt, either an officer or an individual member of our community, but they occur in today's world."

U.A. Thompson, a community activist and Massey family representative, said he was not surprised by the outcome of the investigation.

"We are still going to fight to change this judicial system. Almost never do cops get convicted when they act in error, which gives them a lot of confidence to keep doing what they're doing," Thompson said.

He said the family still maintains that the deputies used excessive force, were not properly trained and escalated the situation while on scene.

"We still maintain our same course of action," Thompson said. "It simply speaks to the larger issue that we still have a tremendous problem in this country."

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Solicitor Walt Wilkins

CAPTION:

A torn piece of yellow tape is left in front of the home of Jermaine Massey, who was shot and killed by Greenville County Sheriff's Office deputies near Poe Mill in March.

JOSH MORGAN/Staff

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