

# Cops rape Black men, lawsuits seek millions from city

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## ABSTRACT (ABSTRACT)

In the [Elvis Ware] case, ACLU attorneys Melissa El and Mark Pitt said, "[Michael Parish] abruptly stuck his hand down the front of Ware's pants and underneath the front of Ware's boxer shorts. Parish grabbed Ware's penis and testicles with his bare hand and squeezed .... Parish inserted his bare finger into Ware's gluteal cleft and attempted to insert his finger into Ware's anus."

The suit, filed by Gerald Posner of Posner and Posner, says [Michael Osman] "pulled [[Green]'s] pants and underwear away from his body, spread the plaintiff's buttock cheeks . . . inserted a finger into plaintiff's anus . . . and rubbed his hand up and down over plaintiff's genitals a number of times, and then grabbed, squeezed and fondled plaintiff's testicles a number of times."

In the case of Melvin Akins, his attorney Gerald Posner alleges that on Jan. 27, 2006, Osman "with a bare hand, grabbed and pulled plaintiff's genitals /testicles, grabbed plaintiff's buttocks, spread the plaintiffs' buttock cheeks and then inserted a finger into plaintiff's anus."

## FULL TEXT

### Headnote

Osman, Parish allegedly raped Black men

DETROIT - Refusals by the Detroit Police Department, the FBI, and the U.S. Attorney's office to criminally charge officers Michael Osman (#4788) and Michael Parish (#4436) may end up costing the city millions of dollars.

Lawsuits claiming they raped Black men during traffic stops in 2006, performing anal cavity searches, are now on course for trial in county and federal courts.

Eleven men have sued for compensation for the assaults, pain, and humiliation they say they endured. Both the City of Detroit and the officers are defendants in the suits. Other cases have been settled for varying amounts out of court, with others never filing suit.

Terence Allen Hopkins, 28, of Highland Park, will likely be the first to face his alleged tormentors, in a trial set for Sept. 28 in front of Wayne County Circuit Court Judge Michael Sapala. He is represented by the law firm of Marvin Barnett and Associates.

"[Osman] pulled my pants down, underwear and pants together, pulled them down," Hopkins said in a deposition about his May 13, 2006, encounter with the officers. "He had his hand on my butt, fingers on my rectum. Swipe. He pulled my pants back up."

Other victims to testify

Hopkins will not face Osman and Parish alone. Sapala ordered in May that two other men, Marcus Wrack and Elvis Ware, will be able to testify during the Hopkins' case "regarding improper sexual conduct that they allege occurred to them by Officers Parish and Osman during a traffic stop."

Requests to depose all victims have also been filed in several other cases.

Wrack, represented by attorney Kenneth Finewood, alleges Osman and Parish performed forced anal cavity searches on him on two separate occasions in Feb. 2006. His suit asks for damages in excess of \$75,000.

In the Ware case, ACLU attorneys Melissa El and Mark Pitt said, "Parish abruptly stuck his hand down the front of Ware's pants and underneath the front of Ware's boxer shorts. Parish grabbed Ware's penis and testicles with his

bare hand and squeezed .... Parish inserted his bare finger into Ware's gluteal cleft and attempted to insert his finger into Ware's anus."

Ware's case settled for \$20,000 and an agreement that Detroit officers would be told to obtain a warrant for cavity searches and have them performed by medical personnel at Detroit Receiving Hospital, as state law requires.

In published remarks, Osman has denied he ever went inside a suspect's clothing. Parish said in a deposition in a case involving another plaintiff, Marcon Green. "If I feel something that I believe to be a weapon and/or contraband within somebody's pants, I will reach in and recover it."

In the criminal case of Melvin Shields Jr. Parish testified that he felt what "he knew from experience" to be cocaine during an outer pat-down of Shields' rectum, reached in, and pulled it out. Wayne County Circuit Court Judge Deborah Thomas promptly threw Shields' criminal case out.

Worthy appealed victim's criminal case

But Wayne County Prosecutor Kym Worthy appealed, obtaining a decision which the city is citing in the Hopkins case.

"... the gluteal cleft, the area outside the anus, is plainly not the rectal cavity," Appeals Judges Richard Bandstra, Michael Talbot, and Karen Fort Hood ruled. "Further, while the area is not visible by normal observation under certain circumstances, it is visible by normal observation by simply separating the cheeks of the buttocks. Therefore the officer did not conduct a body cavity search when he grasped and pulled out the bag protruding from defendant's gluteal cleft."

Marcon Green and Harold McKinney clearly state in their lawsuit that Green was penetrated and McKinney was fondled by Osman and Parish, as McKinney's 15-year-old daughter Asia was forced to watch, on May 19, 2006. The suit, filed by Gerald Posner of Posner and Posner, says Osman "pulled [Green's] pants and underwear away from his body, spread the plaintiff's buttock cheeks . . . inserted a finger into plaintiff's anus . . . and rubbed his hand up and down over plaintiff's genitals a number of times, and then grabbed, squeezed and fondled plaintiff's testicles a number of times."

It says Parish repeatedly rubbed the area around McKinney's anus and grabbed and fondled his scrotum and penis. The Green/McKinney lawsuit asks for \$1 million for each plaintiff.

In the case of Melvin Akins, his attorney Gerald Posner alleges that on Jan. 27, 2006, Osman "with a bare hand, grabbed and pulled plaintiff's genitals /testicles, grabbed plaintiff's buttocks, spread the plaintiffs' buttock cheeks and then inserted a finger into plaintiff's anus."

Akins, a barber, was walking from his aunt's group home after cutting the hair of a resident, his suit alleges. His suit asks for \$2 million in compensation.

Cops' "racial animus"

"Police officers Michael Parish and Michael Osman are both white and engaged in inappropriate conduct against African Americans because of their personal racial animus," said attorney Lawrence Radden in Hopkins' initial complaint. The suit cites violations of state civil rights law in addition to assault and battery and other counts. Hopkins, a Highland Park resident, was stopped in his car on May 13, 2006, outside a friend's house on Electric street in southwest Detroit. The two cops claimed they saw Hopkins "lean forward and make furtive gestures," then smelled a "strong odor of marijuana" when they made him exit the vehicle before searching him and the car. They found no drugs on his person but said they did find them in the car. It is not clear if Hopkins gave them permission to search his car.

Hopkins later pled guilty to possession of marijuana and ecstasy and received two years probation. He was released from probation four and a half months early.

"It had been the talk in my neighborhood for a while," said Cornell Squires, who also lives on Electric Street, and is legal coordinator for the Original Detroit Coalition Against Police Brutality. "Everybody knew what these officers were doing. I'm glad the victims are finally getting their day in court. I hope they are victorious and that the juries see through the officers' lies. They need to be criminally charged."

Squires said that he has not heard of further complaints against the officers, although the two were transferred

back to the Southwestern District after temporary moves to other districts.

#### Ogletree arrest

According to Hopkins' court records, Detroit police Internal Affairs Sgt. Joseph Tiseo, FBI agent Michael Fitzgerald and Assistant U.S. Attorney Pamela Thompson were involved in a joint investigation of the officers.

Early in 2007, the FBI interviewed Hopkins with no attorney, only his brother present and wrote their own version of his case.

In Wrack's case, attorney Finegood filed a motion on Aug. 5 seeking to bar a statement the FBI attributed to Wrack, claiming it "constitutes hearsay under [Federal Rules of Evidence] 802 for the reason that plaintiff neither authored, signed, nor adopted the writing as his own at anytime. In fact, plaintiff testified at deposition that the statement was factually incorrect."

Daniel Reid, attorney for Byron Ogletree, said that the FBI used Ogletree's statement against him in his criminal case after that case was thrown out of court in Oct. 2007.

It was Ogletree's arrest and assault by the officers on May 31, 2006, which triggered a neighborhood uprising on South Schaefer and brought the cops' actions to public attention. Ogletree and three others, Marcon Green, Devon Windom, and Melvin Shields, Jr. testified in front of city council at Councilwoman JoAnn Watson's request a few days later. The Michigan Citizen broke the story after the hearing and separate interviews with the men.

Watson continued to press for action against the officers at subsequent council meetings.

"Was any discipline sanctioned by the police department, internal affairs division?" she asked. "Was any report filed by Ms. [Sheryi] Robinson relative to the consent decree? This is not a small issue. It has grave impact on the moral and fiscal liability of the city."

Photographer Wyoman Mitchell, who had alerted Watson to the cases, called a neighborhood rally and barbeque at the site of Ogletree's arrest. City attorney Paula Cole cited this rally in Hopkins' case, alleging that the plaintiffs and their attorneys conspired to make up the rape stories at a "picnic." Cole was quoted in the Detroit Free Press saying the officers "are like sons to her."

She has since been removed from that case and replaced by attorneys John A. Schapka and Jerry Ashford.

#### City, county, feds exonerate cops

Thompson eventually told lawyers for the plaintiffs that the U.S. attorney had exonerated the cops in 2007, according to a court filing in one case. Gina Balaya, spokeswoman for the Detroit U.S. Attorney's office, said she could not locate a record of the investigation under the officers' names, and that Thompson was out-of-town until Aug. and could not comment.

Detroit Police Chief Ella Bully-Cummings, through her spokesperson Deputy Chief James Tate, not only exonerated the officers, but promoted Osman to sergeant. Mayor Kwame Kilpatrick ducked the issue by saying through his spokesman Matt Alien that the federal government had taken over the case.

"The allegations were determined to be unfounded, after a thorough investigation by internal affairs, and the information was also forwarded to the prosecutor's office, who then did their own investigation," Tate said at the time.

Tate asked why the alleged victims had not been able to produce police videotapes of the alleged rapes.

However, Wayne County Circuit Court Judge Carole Youngblood threw Ogletree's criminal case out after a police technician testified that he had not been contacted to preserve the videotape of Ogletree's arrest, despite Reid's request for its preservation a day after the event. Officers in charge of the Southwestern District allowed the machine to rewind itself tape over the event five days later.

Sheryl Robinson, now Sheryl Robinson Wood, appointed to oversee two U.S. Justice Department consent decrees citing rampant police brutality in Detroit, reported shortly after Tate's statement that only 15 percent of police car videotapes were working.

Wood has since resigned at the request of U.S. District Court Judge Julian Gook, who oversees the decrees. He cited evidence indicating that Kilpatrick, whose position as Mayor gave him executive power over the police department, and Wood had a "personal relationship."

Wood never intervened in the "Booty Boys" investigation.

### Sidebar

"Everybody knew what these officers were doing. I'm glad the victims are finally getting their day in court."

### AuthorAffiliation

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The Michigan Citizen

## DETAILS

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