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Weekly Updates
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For Immediate Release

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NEWS UPDATES

Tuesday, August 25, 2015

No Charges to Issue in Death of Wayne County Jail Inmate

Today Prosecutor Worthy has declined to issue charges related to the death of inmate Abdul Akbar, 59, of Detroit, on November 1, 2014, finding that his death was not related to any criminal activity by Wayne County deputies.

The death of this inmate in the Wayne County Jail was initially investigated by the Wayne County Sheriff's Department Internal Affairs Department. It was turned over to the Detroit Police Department Homicide Section, who found no criminal activity took place.

After the homicide investigation concluded, the matter was turned over to the Wayne County Prosecutor's Office for an independent investigation which began on May 1, 2015 and concluded on August 17, 2015. The investigation involved the review of 70 interviews of inmates and Wayne County Jail staff, video footage of the jail, medical and autopsy records.

Facts

On September 11, 2014, a jury found Abdul Akbar guilty of Entry without Breaking with the Intent to Commit Larceny. The case involved illegal scrapping activities inside a building. This crime carries a penalty of up to five years in prison, but was enhanced to a potential life sentence based on Mr. Akbar's status as a Habitual Fourth Offender; his prior record included convictions for Breaking and Entering, Controlled Substances, and Aggravated Assault. On September 30, 2014, Judge Megan Maher Brennan sentenced him to three years probation with nine months in jail, with credit for 133 days already served.

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Mr. Akbar was placed in the Wayne County Jail in Division Three Pod F-1, which houses inmates in the general population, but he was identified as a "Red 6" due to past and current treatment history for mental illness. He has a documented history of Schizoaffective Disorder and was being administered psychotropic medication in the jail. During the course of his trial and incarceration, his affect and his interactions with deputies and other jail staff were described as normal until October 23, 2014.

October 23, 2014 Incident

On October 23, 2014, Pod F-1 was occupied by 64 prisoners including Inmate Akbar. On the midnight shift, the Pod was staffed by two officers: a female duty station officer and a female utility officer. Pod F-1 is on the first floor of the jail. On that day at 5:30 a.m., Mr. Akbar approached the Duty Station officer complaining that he missed breakfast because he overslept due to new medication. She ordered him to return to his cell and advised him that she would contact the jail trustee to see if food was available.

Other inmates and jail staff were interviewed and it is incontrovertible that Mr. Akbar then exhibited violent and uncontrollable behavior; he apparently perceived that the Duty Station officer did not respond in a way he anticipated to get his food.

Mr. Akbar picked up the computer monitor off the duty station desk, walked backward with it, and threw it on the floor. Next, he picked up the computer hard drive / CPU off the desk, walked backward, held it in the air, twirled it overhead, and threw it to the floor. He jumped onto the meal tables that were pushed together at the rear of the inmate day area. As this happened, both the duty station officer and the utility officer called a Code 10 in the jail. This alert is called when there is an assault on jail staff in progress.

Standing on the tables, Mr. Akbar motioned as if he was going to jump off near some railings that served a handicap ramp. The utility officer grabbed his pants and attempted to pull him down. Mr. Akbar was then lying on his back on the meal table and gripping the railing and table to hold himself down.

Sixteen deputies from various locations in Division III responded to the Code 10 and entered Pod F-1. The first two responding officers arrived as the utility officer held Mr. Akbar down on the table. It is undisputed that he was repeatedly ordered by the deputies to get off the table, loosen his grip, and stop resisting. He was taken down to the floor with force, but continued to resist; as a result, there were at least six to eight officers who assisted in eventually handcuffing Mr. Akbar. Once handcuffed behind his back, Akbar was seated upright on the floor; he was repeatedly ordered to stand up but refused.

A sergeant ordered that Mr. Akbar be taken to a segregated area of the jail. Footage from video equipment in the hallway shows that the sergeant and a corporal each grabbed him under an armpit and dragged him from the Pod. At some point, the sergeant and the corporal change their

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hold on Mr. Akbar from the right and left armpits to gripping his forearm and his wrist causing his arms to be extended over his shoulders. His head and torso are off the floor with his feet dragging behind him. He was dragged from a vestibule door 107 feet down a hall to an elevator; this lasts approximately 25 seconds. When the elevator arrives, there are 56 seconds of footage showing the sergeant and corporal pulling him on to it the elevator by his wrists and forearm and placing him on the floor. The sergeant, the corporal and six other officers were in the elevator. Once he was taken off of the elevator, Inmate Akbar curled his legs toward his stomach.

During entire incident, it is uncontroverted that Mr. Akbar was conscious. The investigation has shown that he spoke and made verbal sounds. It is probable that while resisting the handcuffs, he received a fracture to the left mandibular joint and to the front of his chin.

Policy and protocol within the jail requires that a Code 10 inmate causing an assault on staff must be taken to segregated housing located on the second floor of the jail to await disciplinary action and later, a disciplinary hearing. The Wayne County Sheriff's Department would review the Code 10 incident regarding Mr. Akbar. While in the segregated ward, he complained of a sore jaw and pain upon opening his mouth. A nurse examined him and found that he had no other complaints of injury. The nurse did pass on his complaint that the medication made him sleepy. He was evaluated by other medical personnel at the jail who referred him for medical treatment at Detroit Receiving Hospital (DRH) for his jaw injury. He was observed to be walking upright at this time without impaired motor skills.

On October 23, 2015 at 1:27 p.m., he was admitted to DRH and examination showed no lacerations, contusions or abrasions to his face or scalp. He complained that he was unable to move his mouth or speak well due to the injury to his face and jaw. The examination noted an edema on the left side of his face. Mr. Akbar also admitted to falling on his knees sustaining some abrasions.

An x-ray showed fractures of the left jaw joint and mid-chin. A CT scan was performed and no other head or brain injuries were found. His jaw was treated surgically, and he was discharged and returned to WCJ on October 27, 2014.

November 1, 2015 Death in the Wayne County Jail

On November 1, 2015 at approximately 10:08 a.m., Mr. Akbar spoke to a nurse giving inmates their morning dosage of medication. Shortly thereafter, at 10:09 a.m., he went to his cell for water and collapsed on the floor. At 10:11 a.m., he received immediate medical attention in the jail and was transported to DRH by a medic where he received further medical treatment. A doctor at DRH pronounced him dead at 11:06 a.m. on the same day. The doctor found no signs of trauma or foul play.

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Autopsy Report of Wayne County Medical Examiner Carl Schmidt

On November 2, 2014, an autopsy was performed by Dr. Carl Schmidt at the Wayne County Medical Examiner's Office on Abdul Akbar who, at the time of his death, was 59-year-old, 6 feet 3 inches tall and weighed 187 pounds. Dr. Schmidt reviewed medical records relating to Inmate Akbar's jaw injury and the hospital CT scan, which found no brain injury. As part of the autopsy examination Dr. Schmidt also took sections of Mr. Akbar's brain and found there was no brain injury.

He ruled that death was caused by hypertensive heart disease. He found that Mr. Akbar's heart was enlarged with thickening of the wall of the left ventricle which had been present for some time. He noted that because his heart was enlarged, it was a risk factor for sudden death.

Dr. Schmidt also reviewed the 25 seconds of video showing Inmate Akbar in handcuffs being dragged down the hallway, as well as 56 seconds of video that shows the elevator arriving and how he was placed on the floor. In his opinion, Mr. Akbar's movements showed that he was conscious.

Dr. Schmidt concluded: "It is unlikely that, given the time elapsed after surgery and the absence of any other pathologic finding the initial traumatic event or complications from its treatment had any role in causing death."

Conclusion

The independent investigation by the Wayne County Prosecutor's Office has shown that there was no criminal intent to harm the inmate on October 23, 2014 when he had to be restrained during the Code 10 incident. The findings of the Wayne County Medical Examiner indicate that the jaw injury had no role in causing the inmate's death.

For these reasons, no criminal charges will issue against any members of the Wayne County Sheriff's Department in the death of Abdul Akbar.

Prosecutor Worthy said, "Our investigation shows that restraint and segregation of Mr. Akbar by officers at the Wayne County Jail was certainly warranted because he was acting out in a very dangerous and violent manner. Although he sustained an injury on October 23, 2015, scientific evidence shows there was no medical connection between the injury and Mr. Akbar's death eight days later on November 1, 2015. As a result, no criminal charges will issue in this case." *

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*The personal representative for Mr. Akbar's estate currently has a pending civil lawsuit regarding his death in the Wayne County Jail. It is currently in the Wayne County Circuit Court before Judge Kathleen McDonald, Case Number 15-001034.

Wednesday, August 26, 2015

Detroit Man Charged in Greenview Fatal Car Crash

On August 25, 2015, Prosecutor Kym L. Worthy charged Jimmie Lee Jackson IV, 28 (DOB: 8/6/87) of Detroit, in connection with the August 17, 2015 fatal car crash that occurred at 10:56 p.m. in the 7600 block of Greenview in Detroit. Lee is alleged to have been driving a friend's car northbound on Greenview at a high rate of speed prior to striking a Detroit woman standing on the street near the driver's door of her car. The impact caused her to be thrown over 30 feet from her car. Lee fled from the scene of the car crash. Medics took the victim to a local hospital where she died from multiple injuries related to the crash.

After an investigation by the Detroit Police Department, on August 24, 2015, Lee was placed under arrest in the case. He has been charged with one count each of: Reckless Driving Causing Death; Failure to Stop at an At Fault Accident Causing Death, Operating with License Suspended; Revoked or Denied Causing Death and Operating with License Suspended, Revoked or Denied.

Jackson is expected to be arraigned today at 10:30 a.m. in 36th District Court in Detroit.

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Elijah Lately – Detroit police officer currently suspended from the force indicted on two counts of Lying to a Police Officer in a Violent Crime Investigation. Today Judge Timothy M. Kenny reduced the defendant's bond to \$100,000.00 cash or surety with GPS tether. Lately must remain in his home except for attending court, meeting with his attorney, and may attend church on Sunday from 9 a.m. until 1p.m. The Final Conference is scheduled for October 10, 2015 and the Trial Date is scheduled for November 30, 2015.

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Arrestment Held in Greenview Fatal Car Crash

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The Arraignment on the Warrant was held and the Probable Cause Conference is scheduled for September 2, 2015 at 8:30 a.m.; The Preliminary Examination is scheduled for September 9, 2015 at 9:00 a.m. before Judge Shannon Holmes. The defendant received a \$100,000/10% bond.

Wednesday, August 27, 2015

Defendants Clifford Daniel Thomas and Jasmine Gordon – Charged and convicted by a jury in connection with the fatal beating of Defendant Gordon's three-year-old daughter. Both defendants were sentenced today as follows:

Defendant Clifford Thomas was sentenced to 57 months to 15 years on Involuntary Manslaughter and one-two years on Resisting and Obstructing a Police officer.

Defendant Jasmine Thomas was sentenced to 14-25 years for Child Abuse First Degree (as an aider and abettor) and 7-15 years for Involuntary Manslaughter, concurrent.

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