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For Immediate Release

Officers Will Not Be Charged in Andrew Jackson Case

The Criminal Case Against Jackson will Proceed

Facts

On January 12, 2015, at approximately 7:40 p.m. in the 18200 block of Evergreen Street, Andrew Jackson, 51, of Detroit, is alleged to have carjacked and robbed Ms. Phyllis Knox at gunpoint .Ms. Knox and her two grandsons, ages 11 and 9, were ordered out of the car prior to Mr. Jackson taking the vehicle. Ms. Knox called 911 and gave a description of Mr. Jackson to dispatch, who relayed the description to the ACTION task force, a multi-jurisdictional auto theft unit. ACTION located the vehicle a few hours later, parked outside a house on Stoepel Avenue in Detroit, set up surveillance, and waited for someone to enter the car. They observed a man matching the description of the suspect enter the vehicle and drive back toward the area of Evergreen and Seven Mile. ACTION officers continued their surveillance. The man was later identified as Andrew Jackson.

When Mr. Jackson exited the vehicle, the ACTION officers attempted to arrest Jackson. He ran from the scene as several officers chased him. At some point, most of the officers returned to their vehicles and tried to position themselves to get ahead of Mr. Jackson, while Highland Park Sgt. Ronald Dupuis continued to give chase on foot. Sgt. Dupuis used his taser in an effort to stop Jackson, but it is unclear if it took effect, although Mr. Jackson fell to the ground. While Jackson was on the ground, Sgt. Dupuis got on top of Mr. Jackson and attempted to handcuff him. At this

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point, Grosse Pointe Park Sgt. James Vogler arrived at the scene. During the course of the handcuffing, Sgts. Dupuis and Vogler used physical force upon Mr. Jackson, which Emma Craig captured on cell phone video and posted on her Facebook page. On January 29, 2015, Jackson was charged with Carjacking, Armed Robbery, Assault with Intent To Rob While Armed, Felonious Assault, Carrying a Concealed Weapon, Felon In Possession of a Firearm, Unlawful Driving Away of an Automobile, Resisting and Obstructing and Felony Firearm. His final conference is scheduled for June 8, 2015 and his trial is scheduled for June 15, 2015 before Judge Michael Hathaway.

Investigation

MSP conducted an investigation into Sgts. Dupuis and Vogler's actions during the arrest of Jackson. On February 12, 2015, the report of the investigation was submitted to the Wayne County Prosecutor's Office which conducted an independent investigation of the matter. WCPO contacted Andrew Jackson through his attorney, however he declined to cooperate with investigation regarding Sgts. Dupuis and Volger. The office reviewed the civilian video footage taken by Emma Craig, the witness statement and interviews of Ms. Craig, other civilian witness statements, police documents, radio and dispatch recordings, photographs of Jackson's injuries, statements made by Jackson and interviews of officers who responded to the scene where Jackson was arrested.

Conclusions

After a thorough and exhaustive review of all of the evidence in this case, we have determined that no charges should issue against Sgt. Dupuis or Sgt. Vogler for their actions on January 12, 2015.

As it pertains to Dupuis, Jackson was not handcuffed when video captured Dupuis striking Jackson. It is clear that Jackson was a felon attempting to flee and, when apprehended was armed with a weapon while he actively resisted Dupuis' arrest and refused to surrender his right hand for cuffing. Furthermore, at no time did Dupuis ever strike Jackson with any foreign object, specifically a gun, as the civilian witness Craig alleges. Sgt. Dupuis does appear to have minor contact with Jackson once the arrest is complete and although the conduct is an improper response, it does not support a criminal charge. The police department should determine an appropriate administrative response to sufficiently address the behavior of Sgt. Dupuis.

The evidence supports that Sgt. Volger acted within the scope of his training when he struck Jackson in the thigh in an effort to gain compliance during a lawful arrest. Jackson was resisting Dupuis prior to Jackson being handcuffed when the conduct took place. It appears that Vogler struck Jackson in the thigh. This area is known as the common peroneal nerve. This is a recognized and accepted technique used by law enforcement officers to place resisting subjects under control because strikes to the common peroneal create little risk of significant injury.

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Accordingly, this conduct of Sgt. Volger does not support criminal charges. Further, Sgt. Vogler's later conduct, where it appears he slapped Jackson's head area after he was arrested and handcuffed, also does not support criminal charges. As with Dupuis, the police department should determine an appropriate administrative response to sufficiently address the behavior of Sgt. Volger.

"We take allegations of police misconduct very seriously and our investigations in these matters are thorough and take time. Our task in this case was made more difficult by the refusal of the alleged victim to cooperate with my office," said Prosecutor Worthy. "Some of actions of the law enforcement in this case, while disturbing and inexplicable, do not rise to the level of criminal charges."

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