

Village of Cottage Grove
POLICE DEPARTMENT

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Daniel L. Layber
Chief of Police

2016 Village of Cottage Grove Police Department Annual Report on Use of Force

As required by the Village of Cottage Grove Police Department's "Use of Force" policy, Chief Layber is required to prepare an annual report and analysis of the department's use of force incidents. The report will note any areas needing improvement, and any patterns or trends that could indicate training needs and/or policy modifications.

In 2016 the Cottage Grove Police Department had three documented use of force incidents. (5 in 2015)

The first incident involved a 12 year old female with mental health issues that was causing a disturbance and attempting to harm herself. Upon arrival at the residence the officer observed the parents of the juvenile physically struggling with her. The officer immediately attempted to stop the juvenile female from opening kitchen drawers because she was attempting to arm herself with a weapon to harm herself. She was ordered to stop the attempt to arm herself and to comply with the officer's commands to put her arms behind her back to be handcuffed. She did not comply with commands and therefore the officer forced her arms behind her back with the eventual assistance of a Dane County Deputy Sheriff. She was subsequently taken to Meriter Hospital for mental health evaluation. No weapons were used by the officer during this arrest action and the girl did not sustain any injuries. After a review of this incident, the officer's actions were deemed to be necessary to bring the juvenile under control and within the police department's use of force policy.

The second incident involved a subject that was fleeing from an officer in a stolen vehicle which he subsequently crashed into a tree in a village park. The adult male subject exited the vehicle and fled into the woods located in the park. The officer gave chase and caught up with the subject. The subject refused verbal commands to surrender and forcefully resisted the officer's attempts to gain control and handcuff the subject. The subject actively resisted by squeezing the officer's thigh and dug his nails into the officer's skin which caused an injury to the officer. The subject also attempted to push the officer to the ground and attempted to disarm the officer of his Taser. The officer punched the subject in his rib cage twice during the initial portion of the struggle. The officer also physically forced the subject to the ground at one point, although the subject returned to his feet and continued to assault the officer. The officer eventually fired the Taser at the subject, however, it did not disable the subject. The struggle for the Taser lasted for several minutes and this resulted in the officer kicking the subject in his left rib cage. The subject pushed the officer to the ground and was still attempting to disarm the officer. Shortly thereafter another officer arrived on scene and the subject was physically restrained and taken into custody. The officer had scrapes and contusions. The subject was eventually charged with Resisting and Obstructing an Officer; Failure to Comply with an Officer; Fleeing and Eluding an Officer. The subject received cuts and bruises, however most, if not all, were caused by his unrestrained crash of the vehicle into the tree. A review of this incident by the department revealed that the officer used great restraint in not resorting to deadly force and that his use of force was justified. The officer also used force according to department policy.

The third incident involved the use of force by an officer against an 18 year old female subject that was being placed under arrest for Domestic Disorderly Conduct. The subject was contacted at a local restaurant and was seated at a table. The officer ordered the subject to stand up after telling her that she was going to be arrested. She failed to comply even though she was told several times to do so. She eventually moved away from the

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officer in the booth and put her arm up to deter the officer from placing her under arrest. She was eventually physically grabbed by the officer (now joined by another officer) and placed on the ground where she was handcuffed. She was led to a squad car and along the way struggled with the officer and attempted to scratch the officer's hand. The officer placed pressure on the subject's wrist and again asked for compliance. After applying the pressure on the wrist the subject complied and was placed in the squad car and subsequently charged with the Domestic charge. The subject was not injured and neither were the officers. A review of this use of force revealed that the officers were justified in their actions and it complied with department use of force policy.

In Chief Layber's review of the incidents, the officer's actions were deemed appropriate for the situations they were faced with. They used the minimum amount of force necessary to control the subjects and only one subject was injured. In one incident the officer used great restraint in a situation that could have moved into a deadly force situation. These incidents could have escalated if the officers didn't act appropriately and used their training and experience to bring the encounters to a safe resolution.

Due to the minimal number of police use of force incidents, it is difficult to note any patterns or trends that could indicate training needs and/or policy modifications. It appears that the police officers involved were well trained and applied their training and experience appropriately during these encounters. No follow-up complaints were made to the police department by the subjects or their representatives alleging excessive force was used.

Sincerely,

Daniel Layber
Police Chief