

## USE OF FORCE SUMMARY

### Analysis Information

DR	15-128868	# of Deputies Using Force	3	Division	Investigations
Date	6/24/2015	# of Subjects	1	Sergeant	Brent Benson
Facility/Bureau	GET (Gang Enforcement Team)	# of Witnesses	0	Lieutenant	William Baker
				Captain	Stuart Greenberg
Off Duty?	No				
Type of Force	General				

### Location

Address / Cross Streets	Maureen and Gilbert	
City	Garden Grove	
Initial Call/Event	Ped Stop	
Supervisor Present?	Yes	
		Converted? No

### Involved Employees

Employee Name	Injury / Details	Emergency Room?	Hospitalized	Blood borne pathogen/Needle Stick
Monte Huotari	Minor (bumps, cuts, scrapes) Minor abrasions to the left knuckles on his hand and minor abrasion to both knees.	No	No	No
VICTOR VALDEZ	Minor (bumps, cuts, scrapes) Valdez sustained a minor abrasion to his left lower lip and swelling to the area.	No	No	No
Timothy Critz	None	No	No	No

### Subjects



Subject Name Height Weight Gender Race DOB	Force Encountered Charges ID Type/#	Subject Injured? Admitted to Hospital Details of Injury & Treatment	Alcohol	Drugs	Mental	ADA	AB109	ICE	Parole	Pro Per	Probation
Scheerlink, Peter 5'10" 200 Male White [REDACTED]	CPC 69, CPC 241, CPC 243 CDL [REDACTED]	Major No Subject sustained a spiral fracture to his left lower leg. Subject also sustained numerous abrasions.	Yes	No	No	No	No	No	Yes	No	No

#### Force Used

Employee Reason for Force	Subject Force Used	Head/Face/Neck	Chest/Torso	Groin	Back/Buttocks	L Arm/Hand	L Leg/Foot	R Arm/Hand	R Leg/Foot
Monte Huotari Prevent Escape	Scheerlink, Peter Takedown	-	Yes	-	-	-	-	-	-
Monte Huotari Prevent Escape	Scheerlink, Peter Push / Pull	-	Yes	-	-	-	-	-	-
Timothy Critz Prevent Escape	Scheerlink, Peter Body Weight	-	-	-	-	-	Yes	-	Yes
VICTOR VALDEZ Prevent Escape	Scheerlink, Peter Push / Pull	-	-	-	-	Yes	-	Yes	-
Monte Huotari Overcome Resistance	Scheerlink, Peter Punch / Kick	-	Yes	-	-	-	-	-	-



## Witnesses

Witness Name	Contact Information (if available)

## Supervisor's Review

On June 24, 2015 members of the North Gang Enforcement Team were conducting gang suppression in the city of Garden Grove. At approximately 2035 hours, Deputies T. Critz and B. Garcia conducted a pedestrian check on a group of males standing in front of [REDACTED] because they were standing near a large image of fresh graffiti. As the deputies approached, two males ran from the location. Deputy Critz saw that one male was white and wearing shorts. Neither deputy chased the two males as they ran. A short time later, Sergeant M. Huotari arrived on scene and was provided a description of the male that ran from the location and the direction he ran too by Deputy V. Valdez.

Sergeant M. Huotari drove into the alley located behind [REDACTED] when he saw a male, later identified as Peter Scheerlinck [REDACTED], crouched down next to a wall. It appeared to Sgt. Huotari that Scheerlinck was hiding from something. Scheerlinck was wearing shorts. Sgt. Huotari stopped his unmarked vehicle about 50 feet from Scheerlinck with his headlights illuminating Scheerlinck's position. During this time, Sgt. Huotari saw actions leading him to believe Scheerlinck was drinking or using drugs.

Sgt. Huotari called Dep. Valdez to come to his location to determine if Scheerlinck was the subject who had run. Sgt. Huotari remained near his vehicle and did not make contact with Scheerlinck. Scheerlinck stood up and began to walk towards Sgt. Huotari. Sgt. Huotari stepped away from his vehicle into the open wearing his green tactical vest marked with badges and insignias of the Orange County Sheriff's Department. Sgt. Huotari said, "Sheriff's Department what's going on?" Sgt. Huotari asked Scheerlinck if he lived in the area and asked what he was drinking. Scheerlinck said he did not live in the area and said he was drinking vodka. Sgt. Huotari asked Scheerlinck if he was on probation/parole and if he had ever been arrested. Scheerlinck said no to both. Sgt. Huotari asked Scheerlinck to place his hands on the hood of his vehicle. Scheerlinck complied and Sgt. Huotari saw numerous tattoos in dark prison style ink. Sgt. Houtari than asked Scheerlinck to sit on the ground so he could get his name. Scheerlinck sat on the ground and provided a name if "Peter Mutt" pausing for several moments while saying his first and last name.

A moment later, Deputies Valdez and Critz arrived at Sgt. Huotari's location. As they exited their vehicle, Scheerlinck jumped to his feet and fled. Sgt. Huotari chased him and caught him approximately 30 feet later. Sgt. Huotari grabbed Scheerlinck's shirt which caused Scheerlinck to spin in Sgt. Huotari's direction. Sgt. Huotari pushed him into a closed garage door. Both bounced off the garage door just as Dep. Valdez arrived to assist. Scheerlinck began throwing elbows to escape. Valdez was hit in the mouth which caused a small laceration and swelling to his lower lip. All three eventually fell to the ground. Scheerlinck continued to resist by twisting his body, moving his legs and putting his hands underneath his body near his waistband. Dep. Critz had arrived to assist and gained control of his legs by crossing them and placing his weight on them. Sgt. Huotari punched Scheerlinck in the sides which caused him to stop thrashing but he continued to refuse to remove his hands from underneath his body. After approximately one minute they were able to remove his hands and place him in handcuffs.

Under Miranda, Scheerlinck admitted to knowing Sgt. Huotari was a member of law enforcement. He stated he had lied about his name and parole status because he did not want to go back to jail. A records check revealed an active Parole Warrant.

Prior to being transported to jail, Scheerlinck was transported to West Anaheim Memorial Hospital for medical treatment where he was treated for his injuries which consisted of a broken left fibula and contusions/scratches on his body. Scheerlinck was then booked into the Orange County Jail for CPC 148.9- False Identification to a peace officer, CPC 241-243- Assault and Battery on a peace officer and CPC 69- Resist a peace officer with injury.

#### **Audio / Video Review**

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I reviewed my digital recording of the subject's interview. No video or audio of the use of force exists.

#### **Materials Collected**

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I collected photographs of the suspect and a digital audio recording of the my use of force interview with the subject.

#### **Subject Interview**

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I interviewed Peter Scheerlinck at the hospital where he was being treated for his injuries. The interview was recorded and this is a summary of the interview. During the interview, it appeared to me Scheerlinck was intoxicated due to alcohol consumption. Scheerlinck initially stated he believed was being "ran up on" or "drove up on" leading him to believe he was being attacked. Scheerlinck did say he then saw the green Sheriff's vest but did not know if it was real. Scheerlinck also told me he had not run from the location. I asked Scheerlinck if he had a parole violation. Scheerlinck said, "I think I do." Scheerlinck later said if he knew Sgt. Huotari was with the police in the beginning, "I would have been gone". He then said he would not have run because he wasn't doing anything wrong. Scheerlinck complained he had been treated unfairly but I found no evidence of this. Scheerlinck offered numerous statement conflicting his own previous statements.

#### **Scene Documentation**

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The area the use of force occurred was in an alley with an asphalt surface.

#### **Witness (es) Statement and Summary**

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No witnesses were located.

#### **Supervisor Questions**

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- What were the actions that led to this Use of Force?

Sergeant M. Huotari contacted subject Peter Scheerlinck in an alley due to him being similar in description to a subject that had run from deputies assigned to the North Gang Enforcement Team during a pedestrian stop. Sgt. Huotari observed Scheerlinck in the area where the subject had run from and also saw that Scheerlinck appeared to be watching the deputies as they conducted the pedestrian stop. Sgt. Huotari conducted a consensual encounter of Scheerlinck and the consensual encounter turned into a detention when Scheerlinck stated he was drinking vodka. During the detention, Scheerlinck ran away from Sgt. Huotari as additional deputies arrived to assist. Sgt. Huotari chased him on foot, caught him and knocked him to the ground.

- Were the force options or weapons in this incident effective? **Yes**



- Were the force options or weapons utilized in this incident reasonable under Policy 300? **Yes**
- Was relevant/necessary medical attention provided to department member(s) and the use of force subject(s)? **Yes**
- Was a supervisor notified of the use of force as required by department policy? **Yes**
- Was proper use of video and/or audio recording technology used in this force incident? **N/A**
- Were any training issues identified? (Examples include: officer safety, tactical communication, or de-escalation techniques) **No**
- Were any other policy violations identified (examples: professionalism, violation of pursuit policy, standard of contact, use of profanity, pvs)? **No**

### Departmental Reviews

#### Involved Employees

Employee Name	Sgt. Recommendation	Lt. Recommendation	Cpt. Determination
Monte Huotari	In Policy, No further action required	In Policy, No further action required	Pending
VICTOR VALDEZ	In Policy, No further action required	In Policy, No further action required	Pending
Timothy Critz	In Policy, No further action required	In Policy, No further action required	Pending

### Sergeant's Conclusions

Scheerlinck was lawfully detained and based on his initial compliance I believe he knew Sgt. Huotari was a member of the Orange County Sheriff's Department. Despite several contradicting statements offered by Scheerlinck, I believe he ran from Sgt. Huotari because he knew or believed he was wanted by parole. This use of force complies with the policies and procedures of the Orange County Sheriff's Department.

### Sergeant's Recommendation

I recommend no further action being taken regarding this use of force.

### Managerial Review

Were all witness statements memorialized in the Supervisory Analysis of this use of force incident? **Yes**

Was the use of force subject interviewed and the statements memorialized in the Supervisory Analysis of this use of force incident? **Yes**

Are there any areas of training to be addressed? If yes, what are they? Corrected Actions taken? **No**

Are the any areas of liability or risk management concerns associated with this use of force event? If yes, what are they? **No**

**This use of force was subject to automatic review due to one or more of the following reasons:**

- Use of Force required admission to a hospital for medical treatment No
- Arrests for PC 148, with no additional charges No
- Use of carotid restraint No
- Ineffective use of ECD where additional force is necessary No
- Multiple deployments (drive stun, multiple cycles, more than one cartridge used) of the ECD No
- Use of less lethal munitions (40mm, 12 gauge super sock "bean bag") with no response from Homicide No
- Use of Force on subjects not involved in the original investigation (witnesses, passengers, etc.) No
- Use of Force on subjects released at the scene (includes cite and releases) No

**Lt. Conclusions / Recommendations**

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None.

