

Lawsuit charges Capitola policemen with brutality

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CAPITOLA — A lawsuit alleging assault and battery has been filed against three Capitola policemen and the City of Capitola.

The lawsuit, filed last week in Superior Court, stems from the police response to a marital spat between Larry and Terri Van Den Heuvel.

The Van Den Heuvels claim officers Tim Halpin, Brian Martin and Sgt. Sam Murray over-reacted to their "minor argument" and assaulted and battered them.

According to the Van Den Heuvels' lawsuit, the incident stemmed from a fight they had in a parking lot in

Capitola the night of Oct. 16, 1982.

Police said they received several phone calls regarding the fight, so they went to the Van Den Heuvels' Plum Street apartment to investigate.

When they arrived, Van Den Heuvel reportedly told them through a closed door that everything was fine and that his wife was in the shower.

Police insisted on seeing Mrs. Van Den Heuvel to determine if there were any

injuries, police said.

In the lawsuit, Van Den Heuvel said he was in his night clothes and didn't want to let the police in. Eventually the door was opened.

What follows is in dispute. The Van Den Heuvels allege that Larry Van Den Heuvel was verbally assaulted, pushed to the floor and Maced without provocation and with undue force.

Police wrote in their report that they felt the fight was started by Van Den Heuvel.

The lawsuit claims Van Den Heuvel was hospitalized for a week, incurring medical costs in excess of \$2,000.

The lawsuit claims the police department has a "de facto" policy of abusing, unlawfully arresting and detaining persons without necessity.

The Van den Heuvels filed a claim against the city for \$100,000, which was denied. Claims are the first step in bringing a lawsuit.

The lawsuit does not set an amount of money the couple is seeking.