

Father's lawsuit blames Seattle police for son's injuries

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By [Mike Carter](#)
Seattle Times staff reporter



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The lawsuit names 15 individual officers, and alleges Brian Scott Torgerson, 45 — who has schizophrenia and was suffering a mental-health crisis when police arrived — stopped breathing after he was beaten, tazed, restrained hand and foot, while his head was wrapped in a "spit hood," even though he was bleeding and vomiting.

According to court documents, Torgerson spent nearly three months at Harborview Medical Center recovering from his injuries, and in January was declared incapacitated by a King County Superior Court judge. He's no longer able to live on his own, work or drive and will remain in that condition for the rest of his life, according to guardianship documents and his attorney, Edwin Budge.

"According to his treating physicians at Harborview, Brian is unable to process information and has impaired memory, concentration and focus," according to the guardianship petition his father, Darryl Torgerson, filed in King County Superior Court.

Those injuries, the lawsuit alleges, were suffered when Torgerson sustained a brain injury because of lack of oxygen.

The senior Torgerson filed a civil-rights lawsuit in U.S. District Court in Seattle two weeks ago, alleging the first officers at the scene the evening of May 29, 2010, "had reliable information" that his son was suffering from a mental illness. Both officers, according to the complaint, noticed Brian Torgerson was "disoriented and otherwise exhibiting signs and symptoms consistent with mental illness."

Budge said it was Torgerson's parents who had called the police, hoping to get some help for their son despite knowing he was wanted on a warrant for a misdemeanor theft. Torgerson has a history of arrests for offenses that include drunken driving and possession of stolen property.

"Although the situation called for the presence of a crisis-intervention team officer," nobody called for one, according to the lawsuit.

Brian Torgerson, who was unarmed, identified himself to officers and initially complied with their orders, the complaint says. At some point, however, a struggle ensued and a call for help from the officers was met with a response of more than a dozen of their colleagues.

According to a brief description of the incident posted on the Seattle Police Department's website the following day, the struggle resulted in a large police response, and the officers were able to take the suspect into custody ... the officers escorted the man down to the street where they were waiting for transportation to the hospital. While waiting, the man stopped breathing."

A police report on the incident was not immediately available.

Budge said the police description lacks important details and is misleading. He alleges in the lawsuit that officers used "excessive and unreasonable force" throughout the arrest.

"Among other things, they took [Torgerson] to the ground, pinned his body against the floor and wall, twice deployed a Taser device against him, struck him repeatedly and otherwise applied extreme and unwarranted pressure to his body," the lawsuit alleges.

It claims Torgerson's hands were cuffed behind his back, his ankles bound together and he was put in a "spit hood" — a baglike device that prevents someone from biting or spitting — even though he was bleeding and vomiting.

The charges against him, including a count of assault on a police officer stemming from the arrest, were dismissed because Torgerson was too incapacitated to stand trial, according to court records.

Kimberly Mills, a spokeswoman for Seattle City Attorney Pete Holmes, said she could not comment on pending litigation.

The Seattle Police Department promised to beef up training of crisis intervention team (CIT) officers after the August 2010 shooting death of First Nations woodcarver John T. Williams by Officer Ian Birk. Sgt. Sean Whitcomb said the department now has 420 CIT-trained officers among its roughly 1,350 sworn officers.

The Williams shooting was one of several incidents that led the U.S. Department of Justice to open a civil-rights investigation into allegations that the Police Department engages in biased policing and the use of excessive force.

Mike Carter: 206-464-3706 or mcarter@seattletimes.com