

KOMO News

Suit: SPD caused man to suffer brain damage during arrest

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By [Luke Duecy](#) June 8, 2011

SEATTLE -- The family of a man who suffers from mental illness is suing the Seattle Police Department, alleging the man suffered severe brain damage during an arrest last year.

Attorney Ed Budge claims 15 Seattle police officers stepped over the line while trying to arrest his client, Brian Torgerson, on May 29, 2010.

Torgerson's parents are now suing the department and the involved officers, accusing them of violating their son's civil rights.

According to the civil complaint, the officers went to Torgerson's Seattle apartment that night to arrest him on a misdemeanor warrant for theft of \$500. Budge says Torgerson, who is a diagnosed schizophrenic, struggled with the officers, so they forced him to the ground, cuffed him, then went a step further.

"(They) cuffed his hands behind his back, bound his feet together and they placed a great deal of pressure on his back," he said. "They applied or put over his head what's called a spit hood or a spit sock."

Budge said with that hood over his head, Torgerson started to bleed and vomit until the air holes became clogged, causing him to suffocate.

"He passed out; he lost consciousness. And ultimately suffered what's called a hypoxic brain injury from a lack of oxygen," he said.

The lawsuit also claims police knew about Torgerson's mental illness, but failed to call in their crisis intervention team to properly deal with the situation. In addition to the spit sock, the officers also twice used a Taser, struck the man repeatedly "and otherwise applied extreme and unwarranted pressure to his body," the complaint said.

"Defendants used this force despite their recognition that Mr. Torgerson was experiencing a mental health crisis, that his heart rate was extremely elevated, that he was hot and diaphoretic and was otherwise at risk of extreme injury or death as a result of the force used against him," the document said.



Brian Torgerson, photographed prior to the incident

Seattle police refused to comment on the ongoing case.

An entry in the police blotter made on the night of the arrest stated police took a man into custody and called an ambulance. There is no mention of a spit hood.

The man stopped breathing while they were waiting for medics, police said, adding medics soon arrived, resuscitated him then took him to Harborview Medical Center.

"That's not correct, according to the police report," said Budge, who claims Torgerson passed out well before officers say he did, "when he was restrained in the lobby of his apartment building."

In January, Torgerson was declared incapacitated in King County Superior Court, and the court appointed his parents as his legal guardians.

Torgerson is now confined to Western State Hospital.

"And will probably need care for the rest of his life," said Budge. "It's been an absolute nightmare."