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PRESS RELEASE

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COUNTY OF RIVERSIDE SETTLES FOR \$500,000.00 FOR TASING FORMER RIVERSIDE COUNTY DEPUTY SHERIFF WHO WAS HAVING A HEMORRHAGIC STROKE.

Riverside, California:

Daniel Torres was a police officer since he was 20 years old. He is also a former Riverside County Sheriff's Department Deputy Sheriff, who had left the department approximately 18 years ago. He worked for various politicians in the Inland Empire area, and is a well known and well liked man; in political and in law enforcement circles. On January 4, 2007, Mr. Torres' political connections didn't help him. He was tased in a bus turn-out in his car while he was right-side paralyzed from a hemorrhagic stroke.

Just past midnight on January 4, 2007, Daniel Martin Torres was driving to a hospital from his cousin's house in Indio, California, because he felt tingling in his right extremities, and desired to obtain medical attention. As he approached the intersection of Washington and 42 Avenue in Bermuda Dunes, California, Mr. Torres' condition deteriorated; resulting in extremely limited feeling and movement in his right arm and leg¹. Mr. Torres, a rather large man who was seat belted into his car, attempted to reach over to his cell phone that was laying on the passenger seat, to call for help. He was able to reach the phone but when he touched the same, it fell onto the floor of the passenger seat, putting it out of his reach. He was actually having a stroke, and he could not move the right side of his body and had difficulty speaking.

A short time later, a Riverside County Sheriff's Department Patrol car occupied by a rookie Riverside County Sheriff's Department deputy sheriff, drove by Mr. Torres' parked

¹ He was able to use his left arm and left leg to pull his car, a 1984 Ford Thunderbird, into a bus turn-out at that intersection, as he could no longer drive, and needed to get out of the way of traffic.

car, and Mr. Torres waived to the young deputy, to flag him down for assistance. However, the deputy drove on by².

Approximately one-half of one hour later, a Riverside County Sheriff's Department Sergeant also saw and drove-by Mr. Torres' car in the bus turn-out. Again Mr. Torres attempted to flag-down the Sergeant with his left hand and arm, but as the case with the rookie deputy, the Sergeant just drove on by.

Approximately fifteen to twenty minutes later, the rookie deputy returned to the scene, pulled-up and parked behind Mr. Torres's vehicle with its red and blue lights on. The young deputy approached Mr. Torres, saw him sitting seat-belted into the passenger side, and heard Mr. Torres talking to him. Mr. Torres was fully conscious at that time, and knows that he talked to the young deputy. However, because the right side of Mr. Torres' mouth was paralyzed, he's not sure how clearly his words were spoken to the rookie deputy.

The rookie deputy was standing right next to plaintiff's open driver's side window, with his pistol pointing directly at and within a foot or two of Mr. Torres' chest; yelling at Mr. Torres (who at that time had his left arm out of the driver's side window of the car, and up in the surrender position), to raise his right hand up and off of the console between the front bucket seats of the car. Mr. Torres was telling the rookie deputy: "It's hard, I don't have the use of my right leg or right arm." Mr. Torres would move his head back and forth (the "no" gesture) while the young deputy was literally screaming at Mr. Torres with his gun pointed at Mr. Torres, and screaming that if he didn't lift-up his right hand, that he would be shot. Finally, the rookie deputy called for back-up on his radio, and hid behind the door of his patrol car.

The first back-up deputy sheriff arrived at the scene, and hid behind the other door of the rookie deputy's patrol car. As the other deputies arrived, including various supervisors, they blocked-off the intersection with their cars, and formulated some sort of plan to approach Mr. Torres' car from the rear, to see if they could see plaintiff's right hand, and determine whether he had some sort of weapon in it. They all seemed to agree that if they could see that Mr. Torres' right hand didn't have a weapon, that there would have been no need to have tased or to have used any force upon him. However, when they approached, notwithstanding the deputies' seeing Mr. Torres' right hand, weaponless, they still tased him, removed him from his car, dragged him on the street, and arrested him while he was unconscious.

Recently, the law regarding taser use has been in a state of flux. On December 28, 2009, the Ninth Circuit Court of Appeals decided the case of *Bryan v. McPherson*, that held that police officers can only use tasers on persons when the person poses an immediate threat of danger to the officers. Fifteen days later, on January 12, 2010, in *Mattos v. Aragano*, a different panel of the Ninth Circuit changed course, and held that a taser could be used to

² Mr. Torres waved to the officer (who had his car's high beams on) to signal him for help. The deputy apparently took the waiving as a sign from Mr. Torres that he would leave the bus turn out, and the deputy left the scene.

get a suspected domestic violence victim out of the way of her husband, because the husband might possibly pose a threat to the officers if he got angry. Thereafter, on March 26, 2010, in *Brooks v. City of Seattle*, the Ninth Circuit held that police officers could tase a pregnant woman in her neck and otherwise about her body to get her to exit a car; notwithstanding her not posing any threat of harm to anyone. Then, adding insult to injury, the same panel of the Ninth Circuit that decided *Bryan v. McPherson*, changed their decision, and held that even though the tasing of Mr. Bryan constituted a violation of his fourth amendment rights, that the tasing police officers were entitled to qualified immunity from suit, because of the panel's claim that the law on taser use was not clearly established.

Moreover, because Mr. Torres was already paralyzed when the police arrived, Mr. Torres faced a difficult fight in proving what part of his damages, his ongoing paralysis, was caused by the police.

In light of the legal landscape in the taser world, and in light of the proof of damages problem, Mr. Torres feels lucky to have obtained his \$500,000.00 settlement at this time in the history of civil rights litigation.

Mr. Torres' lawyer, Newport Beach Civil Rights / Police Misconduct Attorney Jerry L. Steering, can be reached at (949) 474-1849. The attorney for the County of Riverside, John Porter, can be reached at (909) 387-1130.

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