

Chico Enterprise-Record (<http://www.chicoer.com>)

## City of Chico settles excessive force lawsuit stemming from 2013 house party

*By Andre Byik, Chico Enterprise-Record*

Thursday, June 16, 2016

Sacramento >> The city of Chico has agreed to settle a federal lawsuit brought by a Danville man that claimed excessive force and false arrest by Chico police.

Arash Akbarieh, 24, [filed the civil rights lawsuit](#) against the city in 2013 in the U.S. District Court for the Eastern District of California in Sacramento.

Michael Haddad, an Oakland-based civil rights attorney who represented Akbarieh, said Thursday that the settlement amount totaled \$400,000. City officials did not confirm the amount of the settlement.

The lawsuit alleged that Chico police officers forcefully detained Akbarieh without cause outside a house party in February 2013, resulting in a severe knee injury, ongoing medical expenses, violations of his constitutional rights and other damages. The suit also alleged that Akbarieh — who is of Iranian descent — was racially profiled.

The city of Chico, former Police Chief Kirk Trostle and two police officers were named as defendants.

The case had been scheduled to go to trial Aug. 1, according to online court records. Attorneys for the city notified the court of a settlement May 31. The case was dismissed Thursday.

“The settlement results in no finding of wrongdoing by any member of the Chico Police Department, and the City maintains that at all times its officers acted properly,” according to a statement provided to this newspaper by City Manager Mark Orme.

Haddad said in a telephone interview that his client is glad for the case to be over, adding that Akbarieh would have preferred for the alleged incident to have never happened.

Haddad said a significant portion of the settlement amount will go toward his client’s attorney fees.

The case, he said, raised questions regarding how some Chico police officers treat young adults at college parties and how arrests are made at such parties.

The civil rights attorney said it was unfortunate “that a young man just turning 21 ends up being violently tackled and injured without justification by Chico police.”

### **The incident**

The lawsuit stemmed from an episode that began the night of Feb. 9, 2013, outside a house at 345 Oak St.

Court documents alleged that Chico police officers were sent to the home to break up a house party, ordering partygoers to either go inside the house or leave the premises.

Akbarieh, who was 21 at the time, was in the front yard of the home and began to comply by walking toward the front door of the house, tucking a bottle of Johnnie Walker whisky into his jacket, according to court documents. Akbarieh was said to have had permission to be at the home.

It's then alleged that an officer approached Akbarieh and, without warning, grabbed Akbarieh's arm, twisted it behind his back and ordered that he drop the bottle of alcohol.

Akbarieh was not resisting the officer but could not drop the bottle because it was wedged between his twisted arm, according to court documents. Akbarieh then told the officer he was 21 years old and not intoxicated.

Moments later officers allegedly slammed Akbarieh to the ground and pinned him there, according to court documents. During the encounter an officer is said to have jumped onto Akbarieh, dislocating his knee. Akbarieh had previous surgeries on the same knee.

Court documents state Akbarieh was arrested at 12:10 a.m. Feb. 10, 2013, for public intoxication, booked at the Chico Police Department and placed into a holding cell. He was released a little more than an hour later, at 1:37 a.m., and was never cited or charged with a crime.

Haddad said Akbarieh was released from custody after a Breathalyzer-type test showed his client had not been drinking. The test result, he said, came up as "zero."

Akbarieh has required two knee surgeries following the incident, Haddad said. The attorney added that Akbarieh's injury has taken a lot of time out of his client's life and studies.

#### **Events disputed**

In its statement Thursday, the city said Chico police officers responded to a house party following "complaints of noise and disorderly conduct, including property damage and urinating off of the roof of the house."

Officers attempted to shut the party down and clear the premises, according to the statement. Akbarieh was arrested after he allegedly disobeyed orders to leave the area. The statement goes on to say Akbarieh "exhibited objective signs of intoxication prior to his arrest and that no excessive force was used."

The settlement, according to the city's statement, includes attorney fees to be paid to Akbarieh's attorneys. Should Akbarieh have prevailed at trial, his attorneys would have been entitled to seek payment from the city.

"Attorney fees sought in these types of cases are often over a million dollars, even when the Plaintiff is awarded a very small sum; therefore, this settlement results in greatly reducing the amount the City may have potentially paid," according to the city's statement.

*Contact reporter Andre Byik at 896-7760.*

---

URL: <http://www.chicoer.com/general-news/20160616/city-of-chico-settles-excessive-force-lawsuit-stemming-from-2013-house-party>

© 2016 Chico Enterprise-Record (<http://www.chicoer.com>)