

Excessive force complaint filed against Chico Police Department

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CHICO -- A Danville man is suing the city of Chico in federal court with claims of unreasonable arrest and excessive force by Chico police.

The Oakland law firm Haddad & Sherwin, which specializes in civil rights cases, filed the complaint Friday in the U.S. Court for the Eastern District of California in Sacramento.

It alleges that without cause and driven by racial motivations, members of the police department detained 21-year-old Arash Akbarieh in February in an incident that resulted in physical and emotional distress, knee surgery, ongoing medical care, income loss and significant medical bills.

The city of Chico, Police Chief Kirk Trostle, officer Mike Caldwell and other unidentified officers are named as defendants. Akbarieh is seeking unspecified compensatory damages from Trostle, Caldwell and other unspecified officers, and punitive damages from all but the city.

- [READ the lawsuit](#)

As of Tuesday afternoon, City Attorney Lori Barker said the city had not yet been served but she could not comment further on potential litigation.

The alleged incident began around 11:45 p.m. Feb. 9, when Chico police told a large group of house partyers at 345 Oak St. to disperse or go inside, the complaint states.

Akbarieh, who had come to Chico to celebrate his 21st birthday the previous day, tucked his bottle of alcohol inside his jacket and began walking toward the front door, attorney Michael Haddad told the Enterprise-Record.

"He hadn't even drank from the bottle yet," Haddad said. "He was waiting to get inside the house party with his friends."

The complaint states that without warning, Caldwell approached Akbarieh, grabbed his arm and pinned it forcefully behind his back. He ordered Akbarieh to drop the alcohol, but the man could not because the bottle was wedged between his arm and body.

Two more officers then allegedly helped Caldwell force Akbarieh to the ground and pinned him there by placing their knees on his jaw, neck and back.

As he was restrained and defenseless, a third officer jumped on him, landed on his knee and caused it to dislocate, the complaint states. The officers walked Akbarieh toward the patrol car, ignoring his requests for medical assistance, and allegedly threw him face-first onto the trunk, injuring his face.

"This is a really nice young man without a criminal history who was at a house party with his friends," Haddad said. "He wasn't doing anything illegal and an officer just came up and started manhandling him."

One officer then allegedly asked what kind of accent Akbarieh had, and said, "You don't sound American," the complaint states.

Akbarieh is easily recognizable as a man of Middle Eastern decent but was raised mostly in the United States, Haddad said. He is Persian and speaks English with a Farsi accent.

He was taken to Butte County Jail and administered a breathalyzer test that showed he was not intoxicated. He was released after a few hours and no criminal charges have been filed, Haddad said.

The complaint states that the force used was "unjustified and objectively unreasonable," and that Akbarieh's arrest was "done without probable cause, reasonable suspicion, or other legal right, lasted an excessive amount of time and was conducted unreasonably."

It alleges the arrest and force was done in part because of Akbarieh's race and/or national origin and because he speaks with an accent.

The complaint also states Akbarieh believes Chico's policy makers have been made aware of the incident, approved the conduct and chose to endorse decisions of the officers.

He is requesting a trial by jury. A hearing for initial settlement discussions is scheduled for Jan. 9.

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[AkbariehComplaint](#)