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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

ANTHONY ALLEN,
Plaintiff,
vs.
CITY OF PORTLAND,
Defendant

CASE NO.:
COMPLAINT
(Assault, Battery, False Arrest, Negligence)
Damages: \$500,000
ORS 21.160(1)(c)
(Claims not subject to mandatory arbitration)
Jury Trial Demanded

Plaintiff demands a jury trial and alleges:

FOR A FIRST CLAIM FOR RELIEF FOR ASSAULT AND BATTERY AGAINST
DEFENDANT CITY OF PORTLAND, Plaintiff alleges:

1.

Plaintiff, Anthony Allen (hereinafter “Allen” or “plaintiff”), is, and at all material times hereto was, a resident of Multnomah County, State of Oregon. Allen is an African American man.

2.

Defendant City of Portland (“City” or “defendant”) is and at all material times hereto has been a municipal corporation in the State of Oregon.

COMPLAINT - 1

1 3.

2 The Portland Police Bureau (“PPB”), a bureau of the City, collects data on officer stops.
3 The PPB’s own statistics consistently demonstrate that Portland Police stop and search Black
4 people, particularly Black men, at a rate disproportionate to their representation in the
5 community.
6

7 4.

8 On or about May 18, 2015, at approximately 11:30 pm, Allen was biking home from his
9 job at New Seasons Market to his home near NE 25th Ave and Sumner, where he lived with his
10 mother.
11

12 5.

13 Nearing home, Allen saw police lights and a police line perimeter. Several PPB members
14 informed him there was a shooting in the area, that it was not safe, and that he should get right
15 home. Allen attempted to do just that, meeting up with his cousin a few blocks from his home.
16

17 6.

18 Once on his street, Allen approached his home on bike with grocery bags in hand. PPB
19 Officer Colby Marrs appeared suddenly out of the shadows and yelled at Allen and his cousin to
20 stop. By this time, the police perimeter set up for the shooting had been dismantled.
21

22 7.

23 Allen told Marrs that he had just gotten off work and was going home, and pointed to his
24 house about two or three doors down. Marrs said “not if I have questions for you.” Allen
25 explained that he had just spoken to two other officers who told him to go home. Marrs then told
26 Allen that he was not going home, and that when “an officer tells you to stop, you fucking stop.”
27 Allen, put off by this disrespectful behavior he did not deserve, said that he did not have
28 anything to say to Marrs, and continued on his way home.
29

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32 COMPLAINT - 2

1 8.

2 Instead of letting Allen go home, Marrs yelled at Allen and grabbed his shoulder. Marrs
3 put his hand on his gun and called for backup, ordering Allen to the side of the street.
4

5 9.

6 As Allen attempted to comply with Marrs' order by bringing his bike over to the curb and
7 telling Marrs he was doing so, Marrs attacked Allen. Marrs grabbed Allen, threw him off his
8 bike on to the ground, and forcefully leaned his knee into Allen's neck and shoulders,
9 handcuffing him. Allen's groceries spilled out on the ground, and his bike hit his shins, causing
10 pain and bleeding.
11

12 10.

13 Marrs refused to tell Allen why he was arrested. Allen, terrified, yelled to his cousin to
14 get his mother. Several other officers showed up, and at this point Allen's mother had come out
15 of her house, panicked and fearful to find her son surrounded by officers. The officers refused to
16 tell his mother anything.
17

18 11.

19 PPB officers emptied out Allen' backpack without this consent, dumping out his personal
20 belongings, and flipping through the pages of his Bible.
21

22 12.

23 PPB members arrested Allen and took him to the downtown police station, where Allen
24 was held until 4 am and charged with Interference with a Police Officer.
25

26 13.

27 Allen refused to plead guilty to these charges, took his case to trial, and was acquitted by
28 a jury of his peers in Multnomah County Circuit Court on August 28, 2015.
29

30 14.

31 PPB's actions caused Allen harm to his face, shoulder, and neck, for which he had to
32 seek medical treatment.

COMPLAINT - 3

1 15.

2 After this incident, several PPB members, including those who were involved in arresting
3 Allen, came to his place of work and treated him in an intimidating manner.
4

5 16.

6 Notice of this claim was properly given to the City of Portland within 180 days of the
7 date of the events that give rise to this lawsuit.

8 17.

9 As a result of the above-described conduct, defendant caused plaintiff to suffer emotional
10 distress, discomfort, fear, frustration, and humiliation, and may suffer further damages in an
11 amount to be determined by a jury not to exceed \$475,000.
12

13 18.

14 As a further result of the above-described conduct, plaintiff suffered lost income and
15 benefits in an amount to be determined at trial.
16

17 FOR A SECOND CLAIM FOR RELIEF FOR FALSE ARREST AGAINST
18 DEFENDANT CITY OF PORTLAND, Plaintiff alleges:

19 19.

20 Plaintiff realleges and incorporates by reference paragraphs 1-18 above.
21

22 20.

23 As described above, defendant City intentionally and unlawfully restrained Allen's
24 freedom of movement, causing his arrest and subsequent harm.

25 21.

26 As a result of the above-described conduct, defendant caused plaintiff to suffer emotional
27 distress, discomfort, fear, frustration, and humiliation, and may suffer further damages in an
28 amount to be determined by a jury not to exceed \$475,000.
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32 COMPLAINT - 4

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22.

As a further result of the above-described conduct, plaintiff suffered lost income and benefits in an amount to be determined at trial.

FOR A THIRD CLAIM FOR RELIEF FOR NEGLIGENCE AGAINST DEFENDANT CITY OF PORTLAND, Plaintiff alleges:

23.

Plaintiff realleges and incorporates by reference paragraphs 1-18 above.

24.

At all times material hereto, the City, by and through the PPB, knew or had reason to know that the involved officers were likely to stop Black men without reasonable suspicion or probable cause, and were likely to use unreasonable force or threats of force. The City further knew that in prior instances the officers' misuse of force, the City had failed to adequately discipline such officers, despite knowing that appropriate discipline was likely to make them less likely to use unreasonable force or threat thereof in the future. The City also knew that these officers were inadequately trained to deescalate in similar situations, and deliberately or negligently failed to provide appropriate training and/or accountability measures to ensure incidents such as this would not occur. The City further knew that because of its pattern and practice of failing to discipline these and other PPB members who used unreasonable and/or unjustified force, that these officers were likely to engage in unreasonable and/or unjustified force. The City additionally knew that its officers engage in racially biased stops, searches, and seizures of African Americans.

25.

PPB promulgates policies, or "directives," for its officers to follow, and gives notice to the public of these directives on their website. These directives define when and how officers can use force. Officers are to "place[] a high value on resolving confrontations, when practical, with

COMPLAINT - 5

1 less force than the maximum that may be allowed by law.” PPB Directive 1010.00 Policy 8. The
2 Directives further demand that their officers “recognize that their approach to confrontations may
3 influence whether force becomes necessary and the extent to which force must be used.” *Id.* at
4 1010.00.2.2.1.
5

6 26.

7 PPB’s directives also prohibit officers from engaging in “biased-based policing.” *See*
8 PPB Directive 0344.05. Particularly, an officer is “prohibited from taking or not taking any
9 police-action motivated by bias or profiling.” *Id.* at Policy 4.
10

11 27.

12 When an officer stops or seizes a person, he or she enters into a special relationship with
13 the citizen being stopped. The officer then owes a duty to the citizen whose liberty has been
14 restrained. This duty is defined by the above PPB directives, which not only signal to the public
15 that their officers will act in accordance with such directives, but also ensure their compliance.
16

17 28.

18 The City breached its duty owed to Allen as defined by their directives.

19 29.

20 The City was further negligent in not applying effective accountability measures
21 designed and implemented to reduce the likelihood that PPB officers would not engage in
22 unreasonable or unjustified use of force against community members.
23

24 30.

25 The City was also negligent in failing to discipline, adequately train, and address officers
26 who used unreasonable and unjustified force, and as a result of these failures, caused the damage
27 to Allen described herein.
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32 COMPLAINT - 6

