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CIRCUIT COURT OF OREGON  
COUNTY OF MULTNOMAH

TRISTAN ROMINE-MANN, an individual,	)	Case No.
	)	
Plaintiff,	)	<b>COMPLAINT</b>
	)	
v.	)	<b>CLAIM SUBJECT TO MANDATORY</b>
	)	<b>ARBITRATION</b>
CITY OF PORTLAND, a municipal	)	
corporation,	)	<b>PRAYER AMOUNT: \$10,000</b>
	)	
Defendant.	)	<b>FEE AUTHORITY: ORS 21.160(1)(a)</b>

For his Complaint against Defendant City of Portland (“City”), Plaintiff  
Tristan Romine-Mann (“Romine-Mann”) alleges as follows:

**INTRODUCTION**

1.

On February 20, 2017, Romine-Mann participated in a peaceful protest in front of the Edith Green-Wendell Wyatt Federal Building in downtown Portland. During the protest, Portland Police Bureau Officers (“PPB Officers”) intentionally used excessive force in arresting Romine-Mann. They knocked Romine-Mann to the ground with a bicycle, and then when he was already restrained, sprayed his face with pepper-spray. Under the Oregon Tort Claims Act, the City of Portland is liable for the Portland Police Officers’ tortious battery.

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**THE PARTIES**

2.

Romine-Mann is a citizen and resident of Portland, Oregon.

3.

Defendant City of Portland is a municipal corporation and public body within the State of Oregon located in Multnomah County.

4.

The Portland Police Bureau is an agency of the City. The acts that give rise to Romine-Mann’s claims were committed by Portland Police Bureau Officers in the course and scope of their duties on the public body’s behalf. Under ORS 30.285(1), the City must indemnify its officers and is therefore liable for the Portland Police Officers’ torts against Romine-Mann.

5.

Notice of this claim was properly given to the City within 180 days of the incident.

**FACTUAL BACKGROUND**

6.

The City of Portland, Oregon, has a long history of an engaged citizenry and is a hub for First Amendment activity, with numerous public marches and large public gatherings each year. Public assemblies enrich the fabric of Portland by providing a means of expression when people feel unheard through other methods, a beacon of solidarity and connection for people impacted by the issues subject to protest, a vehicle to spark conversations and debate about important issues, and an opportunity to form community and connections, leading to constructive engagement, organizing, and action.

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1 7.

2 Portland also has a history of its law enforcement agency—the Portland Police  
3 Bureau (“PPB”)—clashing, often violently, with protesters. The PPB has become  
4 increasingly militarized in its tactics, deploying droves of officers wearing tactical dress,  
5 including helmets, carrying batons, and full-body riot shields (“riot gear”), and using  
6 chemical agents as crowd-control weapons. These crowd-control weapons include tear gas,  
7 pepper-spray bullets, and flash-bangs (which create a loud explosion and a very bright flash  
8 of light). On multiple occasions, PPB Officers have, without warning, deployed chemical  
9 agents against protesters, as well as non-protesting bystanders, members of the press, and  
10 patrons of nearby businesses.

11 8.

12 On February 9, 2017, PPB Officers shot and killed Quanice Hayes, a 17-year-  
13 old, unarmed black man. A local organization called Don’t Shoot Portland organized a  
14 protest on February 20, 2017, in front of the Edith Green-Wendell Wyatt Federal Building  
15 (“Federal Building”) in downtown Portland to bring awareness to the Portland Police  
16 Bureau’s actions and Hayes death.

17 9.

18 Romine-Mann attended the protests to voice his concerns regarding the  
19 Portland Police’s treatment and killing of young black men. At the time of the protest,  
20 Romine-Mann was 27 years old, and is himself a black man.

21 10.

22 The Don’t Shoot Portland protest was scheduled to start at 11:00 a.m. on  
23 February 20, 2017. Another protest, called Not My President’s Day, was scheduled to start  
24 later that afternoon.

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11.

Romine-Mann arrived at the Federal Building at or around 11:30 a.m. He rode his bicycle to the protest. At or around 12:15 p.m. protesters began moving into the street and blocking traffic. Romine-Mann remained near the side walk, just off the curb with his bicycle in front of him.

12.

Shortly after protesters entered the street at Southwest Third Avenue, a swarm of PPB Officers on bicycles (“Bicycle Officers”) arrived on the scene. The Bicycle Officers used their own bicycles to try and push protesters out of the street. The protesters did not fight back, but instead passively resisted the Bicycle Officers’ efforts. A PPB Officer then directly addressed Romine-Mann, telling him that “he was making a big mistake.”

13.

About ten minutes after the Bicycle Officers arrived, a large group of Portland Police Officers arrived in full riot gear (“Riot Officers”). Without warning, the Riot Officers began grabbing protesters, shoving them on the ground, and arresting them. During this time Romine-Mann remained near the sidewalk.

14.

After the Riot Officers arrested a handful of protesters, there was a stalemate between the PPB Officers and the protesters for about 20 minutes. During this time Romine-Mann was standing near the sidewalk with his bicycle in front of him.

15.

Then all of a sudden, and without any warning or announcement, a Bicycle Officer took the officer’s bicycle, and knocked Romine-Mann to the ground. Romine-Mann fell to the ground, with his own bicycle on top of him. The Bicycle Officer then continued to hit Romine-Mann with his bicycle 5-6 times.

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16.

Then PPB Officers took Romine-Mann’s bicycle from him and pulled him up to his knees. Romine-Mann was then kneeling on the ground, with his hands behind his back, restrained by PPB Officers. He was not resisting arrest or fighting back in any way.

17.

Romine-Mann then heard a protester warn him that the police were about to spray him with pepper spray. Romine-Mann quickly closed his eyes, and felt a huge spray of pepper spray hit is head. Despite his efforts to keep his eyes closed, the pepper spray got into his eyes and stung and caused a burning sensation.

18.

Romine-Mann was then arrested. All criminal charges against him were later dropped.

**FIRST CLAIM FOR RELIEF**  
**BATTERY**

19.

Romine-Mann incorporates by reference the allegations above.

20.

When PPB Officers arrested Romine-Mann, they intentionally used excessive force. As such, the City is liable for battery. Because the officers’ use of force was excessive, their actions were not privileged under ORS 161.235.

21.

The PPB Officers’ use of excessive force, including but not limited to pepper spraying Romine-Mann while he was already restrained, caused him pain and suffering. As a result of these injuries, Romine-Mann has suffered damages in an amount to be determined by a jury not to exceed \$10,000.

1 **SECOND CLAIM FOR RELIEF**

2 **ATTORNEY FEES**

3 22.

4 Romine-Mann incorporates by reference the allegations above.

5 23.

6 More than thirty (30) days before filing this complaint, Romine-Mann made a  
7 demand upon the City for payment of \$10,000 in damages. Because Romine-Mann did not  
8 seek medical treatment for his injuries, there were no medical records to send pursuant to  
9 ORS 20.080(3)(a). The City has failed and refused to pay the amount demanded. Romine-  
10 Mann is entitled to his reasonable attorney fees in the prosecution of this claim under  
11 ORS 20.080.

12 WHEREFORE, Plaintiff Romine-Mann prays for judgment from this Court on  
13 his claims as follows:

14 1. For Plaintiff’s first claim for relief, a judgment against the City in a  
15 sum not more than \$10,000;

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2. For Plaintiff's second claim for relief, a judgment against the City for Plaintiff's reasonable attorney fees, costs, and disbursements; and

3. For such other and further relief as the Court deems just and equitable.

DATED this 8th day of March, 2018.

TONKON TORP LLP

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