

Declaration of Eliezer Manzano

I, Eliezer Manzano, declare the following based on my personal knowledge

1. I am over the age of 18.
2. In 2010, I lived in the West Terrance Apartments at 14435 Lorain Road, Cleveland, OH.
3. Juan Ortiz is a little boy with Down syndrome. I have known Juan his entire life. He is under five-feet tall and weighs a little over 100 pounds. In August of 2010, he appeared to be approximately 12-13 years of age. Anyone could tell from looking at Juan that he was a child, not an adult. And anyone can see in his face that he has Down syndrome. Even from a distance, it would be obvious to any person who cared to look that Juan has Down syndrome.
4. Although I am older than Juan, he is my uncle. His mother, Alma Pérez, is my grandmother. She is a small woman with gray hair. She is even shorter than Juan and appears to be in her mid-70s.
5. On August 16, 2010, I walked out of my apartment and saw Juan approximately 30 yards away from me listening to music on his headphones. A short time later, Juan ran past me on the path outside my apartment. I saw an officer following behind Juan. The officer was at least a foot taller than Juan. The officer appeared to be chasing Juan. I did not know why the officer was chasing Juan. Nor could I imagine why a police officer would be chasing a little boy with Down syndrome.
6. As the officer jogged toward me, I stepped into the narrow path, which caused the officer to slow down because there was not room for him to continue at the pace he was travelling and stay on the path with me in it. As he approached, I asked him, in English, if there was a problem. I told him that Juan was my uncle, had Down syndrome, and could not understand what the officer was saying. I told the officer that I could help him. The officer had slowed down and was looking right at me when I told him that Juan had Down syndrome, so there is no way the officer did not hear me. The officer responded, "Shut up, get out of my way." There was no one else standing by me, so the officer had to be talking to me. When he told me to get out of the way, I stepped out of his way.

7. After the officer passed me, I followed him at a reasonable distance. I continued to call out to him about Juan's disability, who I was to Juan, and offering to help. He ignored me.

8. Juan's parents were standing in the parking lot by his mother's vehicle. Juan ran to his parents and stopped. He began hugging his mother. He was hugging his mother when the officer grabbed Juan from behind, forcefully pulled him from his mother's arms, and slammed him very hard into her vehicle like a football player making a tackle. There was no reason to forcefully grab Juan from his mother's arms or slam him into anything. The force the officer used against this child seemed very excessive because Juan was standing still and hugging his elderly mother at the time the officer grabbed him from behind. The radio Juan had been carrying flew quite a distance away when the officer pulled him from his mother and slammed him into the vehicle.

9. When the officer slammed Juan against the vehicle, the officer turned him around and could see Juan's face. The officer should have known by this time that Juan had Down syndrome because (1) I had told him so, (2) he should have seen that Juan had Down syndrome looking at him from a distance, and (3) the officer certainly should have seen that Juan had Down syndrome from looking at him up close, which he did at that time.

10. After the officer turned Juan around and saw his face, the officer used his body weight to pin Juan against the hot vehicle. This force seemed excessive because Juan was not making any effort to resist and was not even moving. It was clear that the officer was hurting Juan. Juan was terrified and crying out in pain.

11. After the officer slammed Juan into the car, I again said to the officer, "he's got Down syndrome. He doesn't know what you're saying. He doesn't understand."

12. At the same time, Juan's mother tried to help him, speaking to the officer in Spanish. But the officer pushed her away and she stumbled back. At that point, she had a panic attack. She was breaking down mentally, she was shaking, and her asthma started to flare up. She was in no

condition to go through the trauma of seeing her Down syndrome child being brutalized by a police officer.

13. Juan's father, Ramón Ortiz, also spoke to the officer. Ramón told the officer, in English, that he was Juan's father, that Juan had Down syndrome, and that the officer was making a mistake.

14. My uncle, Malvin Perez, was also speaking to the officer in English, saying Juan had Down syndrome and didn't understand what the officer was saying.

15. As Juan's father and my uncle continued to tell the police that Juan had Down syndrome and did not understand the officer, Alma was begging me in Spanish to tell the officer to let Juan go. I continued to tell the officer in English, "I can help you, that's my uncle. He's Down syndrome and he's scared."

16. In response to all of us trying to tell the officer about Juan and his condition, the officer said, "shut up," "get away," and "I don't care."

17. As the officer was using his body weight to pin Juan's body to the hot vehicle, I observed the officer pull Juan's hands behind his back and push them up over his shoulders towards his head. The officer then handcuffed Juan. This force also seemed excessive and it was clear that he was hurting Juan. There was no need to push Juan's arms over his head to handcuff him. Juan was not moving or making any effort to resist. The officer manipulating Juan's arms in this way seemed to be a result of the officer's failure to control his anger rather than any sort of reasonable need to use that kind of force.

18. After the first officer handcuffed Juan, a second officer appeared. I heard the second officer tell Ramón, "You're lucky we didn't shoot him" and to "shut up the fuck up" and "be quiet."

19. At that point, another officer (not the one who attacked Juan) pulled out his taser gun and pointed it at Malvin, who had continued to try to explain to the officers about Juan. Other police

officers arrived on the scene and also pulled out taser guns and pointed them at Juan's family members

20. The second officer also said, "You don't know English, shut up, you shouldn't live in the United States if you don't know English." I found this comment to be extremely racist. Ramón, Malvin, and I all speak English very well. Only my grandmother was speaking Spanish. After the officer made the racist comment about not speaking English, I told the officer I was speaking English and asked him if he didn't understand me. He ignored me and kept running his mouth, saying "shut up" and telling us that we "should be speaking English in this country" as he walked away.

21. The first officer kept Juan pinned against the vehicle for approximately five minutes before taking him over to squad car. There was no reason to pin Juan against the car because Juan was not struggling or moving at all.

22. Juan was in handcuffs for approximately another 15-20 minutes after the officer stopped pinning him against the car. There was no reason to keep Juan in handcuffs because it should have been apparent from his appearance and what the family was saying that Juan was just a little boy with Down syndrome.

23. Shortly after the officer who slammed Juan into the car left the scene, another officer removed the handcuffs from Juan. This officer had arrived on the scene after Juan was tackled and pinned against the car.

24. In my opinion, the officer who chased Juan, pulled him from his mother's arms, slammed him into her vehicle, pinned him against the hot vehicle, and pushed his arms over his head to handcuff him used extremely excessive force. This was a grown man using force against a child. And this officer knew before he got to Juan and his parents that Juan had Down syndrome because I told the officer Juan had Down syndrome. There was no way he did not hear me. Anyone should know


not to attack a child with Down syndrome. All of this could have been avoided if the officer had just listened to me when I told him about Juan's condition. But the officer seemed upset that he had to run and was sweaty.

25. After the police released Juan, we took pictures of his wrists, which were visibly injured from the tight handcuffs. Juan then went to the hospital. He was later treated for an injury to his lower abdomen from the officer pinning Juan to the hot car.

26. Before this incident, Juan was not scared of police officers. Now, he is terrified of police officers.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 11/28/12



Eliezer Manzano