

Declaration of Malvin Pérez

I, Malvin Pérez, declare the following based on my personal knowledge.

1. I am over the age of 18.
2. In August 2010, I lived in the West Terrance Apartments on Lorain Road, Cleveland, OH.
3. On August 16, 2010, I was standing on my second floor balcony talking to my mother, Alma Pérez, who was standing in the parking lot below. My brother, Juan Ortiz, was listening to music on his headphones. Juan is a little boy with Down syndrome. He is under five-feet tall and weighs a little over 100 pounds. Juan appears younger than his age.
4. As Juan was walking towards our mother in the parking lot, I heard a police officer yell at Juan. Because of the headphones, I do not believe that Juan could hear the officer. I saw the officer jump the fence of the apartment complex and begin chasing Juan. I did not know why the officer was chasing Juan.
5. I then observed the officer then used force against Juan. The officer tackled Juan and slammed him hard into our mother's truck.
6. Just after the officer tackled Juan, I yelled, "what are you doing? He is Down syndrome." I tried to explain to the officer that he was making a mistake. The officer responded, "Shut up or I will take you to jail." I said, "he doesn't understand you because of his condition." The officer responded, "I don't care! Shut up!"
7. My mother was speaking Spanish to the officer and trying to help Juan, who was very scared. I observed the officer push my mother. I kept repeating that Juan had Down syndrome. The officer continued to tell me to "shut up" and even told me to "shut the fuck up."
8. At the same time, Ramón Ortiz was explaining to the officer that Juan was his son and had Down syndrome. The officer told Ramón to "shut up."

9. At this point, a second police officer arrived, took out his taser gun, and pointed it at me. I was holding my infant child in my arms when the officer pointed the taser gun at me. He told me, "shut up or you're going to jail." All I had done was try to explain that the officer was making a mistake by hurting Juan. I did not understand why I was being threatened for trying to explain to the officers that Juan had Down syndrome.

10. Despite their threats to take me to jail, I continued to explain to the officers that they should leave Juan alone because he had Down syndrome. I told them that Juan could not understand them as he understood only Spanish. At that point, one of the officers said, "if he doesn't speak our language, why is he here, he should go back to where he came from." At this point, my wife insisted that I come inside with the baby and our other children.

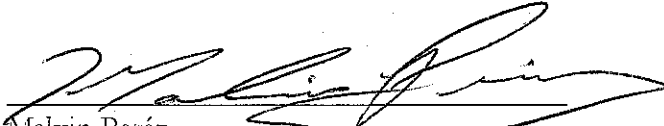
11. After these exchanges, I observed the officer, who was pinning Juan against the truck, pull Juan's hands behind his back, push them up over his head, and handcuff him. At that point, I came back out to the balcony and asked the officer again what he was doing. Again, he told me to "shut up."

12. Eventually the officers let Juan go. To the best of my recollection, the officer pinned Juan against the truck for 5 minutes and had him in handcuffs for 10 minutes.

13. My daughter, who was eight at the time of this incident, is now terrified of police despite our explaining to her that what she witnessed is not how police officers normally act.

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

Dated: 12-5-12


Malvin Pérez