

# Allentown officer: “Go back to where the f— you came from”

The Bethlehem Gadfly Jacob Blake September 5, 2020

 *Latest in a series of posts responding to the Jacob Blake shooting* 

*“The Allentown Police Department and the city of Allentown . . . have institutionalized a policy to cover-up police wrongdoing, or at the very least turn a blind eye toward the wrongdoing.”*

*Thinking (hoping) that we will be having some in-depth discussion at some point in the not too distant future, the Gadfly blog has been almost totally devoted to police matters lately. Gadfly posted on this Allentown case a **few days ago**. Now he calls attention to the language in this suit that shows the allegation of a connection between a “bad apple” and what might be called a systemic problem in the wider department. Allentown is considering some sort of citizen review of discipline cases. Gadfly’s not totally conversant with the pros and cons of such bodies and is not promoting the idea, but he does think such a practice should be among the many ideas on the table.*

*from Peter Hall, “Allentown police covered up assault of man later acquitted of resisting officers, lawsuit alleges.” Morning Call, September 4, 2020.*

A federal lawsuit against Allentown police alleges the department has a practice of covering up misconduct that shielded officers involved in the 2018 beating of a man **who was later acquitted of resisting arrest**. The suit, filed Thursday in U.S. District Court on behalf of John Perez, alleges Allentown police internal affairs officers conducted a sham investigation after four officers violently arrested Perez, **despite a viral video** that helped Perez beat charges of resisting arrest in a February trial in Lehigh County Court.

Perez’s criminal case drew attention in February when then-Lehigh County **Judge Maria Dantos delivered blistering criticism** from the bench of police and prosecutors for bringing the case, telling officers who smirked while on the witness stand and high-fived in the hallway outside

her courtroom they had nothing to be proud of. The suit alleges that defects in Allentown's policies on investigating excessive force complaints and lack of discipline for officers who are the subjects of complaints are proof of deliberate indifference of residents' rights. "In effect, the Allentown Police Department and the city of Allentown . . . have institutionalized a policy to cover-up police wrongdoing, or at the very least turn a blind eye toward the wrongdoing, sending a message . . . that constitutional violations will not only go unpunished but will be tolerated, if not encouraged by the city and the police administration," the suit says.

The suit claims evidence of the city's indifference to residents' rights is the lack of any reform after a federal jury last year [awarded \\$270,000 to an Allentown woman](#) who claimed police used excessive force when they arrested her in 2016 for refusing to allow officers to search her home without a warrant. Further supporting that claim is the lack of discipline, with one exception, for officers who have been the subject of complaints and civil rights lawsuits. Officer Jose Lebron, who is a defendant, was previously accused of using excessive force [in a 2014 lawsuit that settled for \\$25,000](#). Attorney Robert Goldman, who defended Perez in his criminal case and represents him in the civil lawsuit, called the suit a blueprint for city officials to discover what's inherently wrong in the department and what reforms are needed. "Ignoring the problems will certainly result in future constitutional violations by officers and more lawsuits by those aggrieved," Goldman said. Since 2015, the city has paid nearly \$1.7 million to settle excessive force lawsuits against the police department.

Lebron told Perez to mind his own business and, "Get the f— out of here. Go back to where the f— you came from," in an apparent reference to Perez's Dominican heritage, although he is a U.S. citizen. Perez did not respond physically, but continued challenging Lebron's use of foul language. Lebron responded with "explosive force" pushing Perez to the ground and punching him when Perez regained his footing. Three other officers joined the assault, with officer Neil Battoni striking Perez at least five times in the face. Officers Christopher Matthews and Jonathan Smith restrained Perez, preventing him from shielding himself from the blows, the suit alleges. At least five other officers at the scene had an opportunity to intervene but failed to do so. Some, the suit alleges, were

complicit in using flashlights to prevent residents from taking videos. The suit alleges the officers prepared false police reports and a false affidavit supporting charges against Perez, not knowing that there was video of the arrest.

The suit claims the department's official policies function to under-report and exclude complaints of excessive force from police records. The department's general order regarding investigations of complaints leaves to the investigator's discretion whether to interview those complaining, according to the lawsuit. This leaves "abusive officers free to unabashedly manufacture any details which exonerate them, without fear of contradiction," the suit alleges.