

1 with the police director, Director Spina, and
 2 with Prosecutor Brendan Byrne regarding the
 3 appearance of the two patrolmen, De Simone and
 4 Fontrelli, who are the arresting officers of the
 5 cab driver, John Smith. Police Director Spina
 6 indicated his willingness to have the officers
 7 testify before this Commission, and the prose-
 8 cutor of the county, Brendan Byrne, affirmed
 9 that willingness to testify before the Commission
 10 with the caveat that a copy of their testimony
 11 be furnished to him after they have testified.
 12 The Commission agreed to meeting Mr. Byrne's
 13 request, and a copy will be furnished after they
 14 testify.

15 JUDGE WACHENFELD: Off the record.
 16 (Discussion off the record.)

17 Whereupon, I observed his name as of the introduction
 18 of South Seventh Street. **JOHN DE SIMONE**
 19 called as a witness, first duly sworn, testified as follows:

20 **EXAMINATION**

21 By Mr. Jaffe:

22 Q I am only going to ask you two questions. One
 23 question is: Would you tell us how long you have been
 24 with the Newark Police Department, where you live, what
 25 duties you are assigned to, and your full name.

1 A I am employed three and one-half years in the
2 Radio Division out of the Fourth Precinct. I reside at
3 305 Walnut Street, City.

4 Q Your age, please?

5 A Thirty.

6 Q Patrolman, directing your attention to the
7 evening of July 12, 1967, it is the Commission's under-
8 standing that you were one of the arresting officers of
9 the cab driver by the name of John Smith. Would you
10 please relate to the Commission in narrative form the
11 circumstances of that arrest based upon your observations
12 and what you did?

13 A Well, we were on routine patrol on Fifteenth
14 Avenue at approximately 9:30 p.m. I observed Mr. Smith
15 myself -- I say myself because my partner had observed
16 him prior. He was the driver and I was a passenger in
17 the radio car. I observed him pass us at the intersection
18 of South Seventh Street and Fifteenth Avenue. He was
19 going west in the eastbound lane. We proceeded to
20 apprehend him. We apprehended him about two and a half
21 blocks.

22 My partner pulled alongside. Mr. Smith pulled over;
23 he parked the car. I requested his driver's license and
24 registration. With that Mr. Smith became loud and
25 abusive and used profane language. I was still sitting

1 in the radio car, and I ordered Mr. Smith to tone down,
2 to watch his language. He continued four letter words
3 proceeded with the word "mother." I got out of the
4 radio car. I pointed my finger -- I am sorry.

5 He had a woman passenger in the cab. I told the
6 woman myself, "You better leave because I am placing
7 this man under arrest." Prior to that I had ordered him
8 under arrest. I went to the cab door and he swung it
9 open and struck me in the chest. I went to apprehend him,
10 and he was just swinging wildly, and he struck me in the
11 face. With that my partner, Officer Fontrelli, came to
12 my aid and Mr. Smith was hollering, screaming, swinging.
13 He came to my aid and he apprehended him with me, and we
14 forced him into the radio car. Once we got him in the
15 car he toned down, he calmed down.

16 I got in the front and my partner got in the back --
17 my partner got in the driver's side rather. We proceeded
18 to go to the precinct. We proceeded west on Fifteenth
19 Avenue, made a left on Tenth Street going south. Mr.
20 Smith started up, just began acting violent, and he swung.
21 He swung at me. He just was swinging and kicking and I
22 leaned over the back and I subdued Mr. Smith. I was
23 leaning over the front seat holding him down. By this
24 time Mr. Smith was down on the back, the floor boards of
25 the car, back of the seat.

1 When we got to the precinct my partner and myself got
2 out. We ordered Mr. Smith out. He didn't come, he
3 didn't move, he just stayed there. We ordered him out
4 again. He still didn't come. My partner grabbed his
5 two legs and we yanked him out. Apparently he was holding
6 onto the seat belt. I grabbed one arm and my partner
7 grabbed the other arm. We started to carry him. We got
8 halfway around and I called for a fellow officer to help
9 us carry him in. I had one arm. My partner had the other.
10 The other officer, Patrolman Campbell, he picked him up,
11 and we had a three-man lift.

12
13 As we were going up the back of the precinct he
14 began kicking again. My partner fell with Mr. Smith. We
15 all went down. Mr. Smith fell, my partner fell, and he
16 even ripped his pants. He was cursing, using four-letter words and racial
17 slurs. We couldn't get any information out of him once
18 we were in the precinct. We had to put him right in the
19 cell.

20 That is the story, gentlemen.

21
22 CHAIRMAN LILLEY: Have you said everything
23 you want to say Officer?

24 THE WITNESS: I would like to say one
25 thing off the record. If it is all right.

CHAIRMAN LILLEY: Hold it. I am afraid

we can't take anything off the record.

THE WITNESS: Then I will say it, gentlemen.

There has been a lot of inference here of police brutality and discrimination from different groups, and I just want to say that I am not biased. That's it, gentlemen.

CHAIRMAN LILLY: Thank you very much, Officer.

(Witness excused.)

Whereupon,

VITO M. PONTRELLI

called as a witness, first duly sworn, testified as follows:

EXAMINATION

By Mr. Jaffe:

Q Patrolman, I have two questions for you. The first one is: Could you give us your age, address, years on the Newark Police Force, assignment and general duties?

A I am twenty-seven years old. I live at 188 Grafton Avenue, Newark. It will be four years I have been on the Police Department this January 6. My general duties are in the Patrol Division in a radio car.

Q Where are you assigned?

A Veilsburg area.

Q Directing your attention to the evening of