

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

1 July 12, 1967, it is the Commission's understanding that
2 you were one of the arresting officers of a cab driver
3 named John Smith on that evening. Would you please in
4 narrative form tell us the events leading up to the
5 arrest and all of the circumstances surrounding it and all
6 of your own observations, what you know?
7
8 Well, on that night of July 12, at approximately
9 nine-thirty we were driving, I was driving, my patrol car
10 west of Fifteenth Avenue when I looked in my rearview
11 mirror and I observed Mr. Smith in a cab approximately I
12 would say about two blocks behind us. He was going at
13 a fairly fast rate of speed. The reason I say that is
14 because I saw his taillight -- excuse me, his headlights
15 bounce and the car would hit the bumps in the street.
16 These were bouncing a little faster than normal. I went
17 approximately a block, and he caught up to us and I was
18 doing about twenty-five. He caught right up to our rear
19 and stood on my rear end for approximately a second, and
20 they shot around us at the intersection of Fifteenth Avenue
21 and South Seventh Street and went approximately one block
22 on the wrong side of the street up to about South Eighth
23 Street and Fifteenth Avenue.
24 We then pulled Mr. Smith over at Fifteenth Avenue
25 and South Ninth Street. My partner asked him for his
license and registration, and he seemed kind of disturbed

1 that we stopped him, used some obscene language, swear
2 words. My partner told him to watch his language, which
3 he repeated again the statement.

4 He had a woman passenger in the car. She started to
5 leave as soon as he used that obscene language as my
6 partner was telling her she better catch another cab because
7 he was trying to place him under arrest. As he told him
8 he was going to place him under arrest, I began to leave
9 my radio car on the driver's side and walk around. Smith
10 opened up his cab door striking my partner in the chest,
11 and came out and punched him in the face, I believe, in
12 the mouth.

13 About this point I was around the rear of the radio
14 car just coming on his side. I grabbed Smith from the
15 rear and tried to hold him in a bear hug. He broke away
16 from this and turned around and struck me in the stomach.
17 Then Patrolman De Simone grabbed him, and we both had an
18 arm, and a struggle ensued for approximately thirty seconds,
19 something like that, just trying to get him to the back
20 of the radio car. Once he was in he calmed down. Then
21 from there we called another radio car to come to tow his
22 cab, and we proceeded to go to the precinct to lock him
23 up. As we were going to the precinct Mr. Smith started
24 getting loud and unruly again, and I believe he struck my
25 partner in the car because before you know it they were

1 arguing and fighting, and the next thing I knew I was
2 struck in the back of the head as I was driving.

3 I was driving south on South Tenth Street at that
4 time. I says, "Holy smokes!". I put my red light on and
5 siren because I figured if it is going to go on like this
6 I better get down to the precinct fast. They were fighting
7 almost all the way down from South Tenth Street down to
8 the precinct. Maybe a few blocks before the precinct.

9 We pulled up in the precinct there and pulled in the
10 Livingston Street side, which is near the alleyway there.
11 There was about four or five people as we pulled up. We
12 both got out of our radio car and told Smith to get out
13 of the radio car. He wouldn't move. He stood down, he
14 was between the seat. He was on the floor between the
15 rear seat and the front seat. We asked him to get out and
16 he wouldn't get out. I pulled him out by his feet. He
17 wouldn't walk either once he got out.

18 So my partner and I grabbed an arm, each grabbed an
19 arm, and we started to walk, dragged him across the street. s
20 About the middle of the street I think it was Patrolman
21 Campbell who is an officer in our precinct, happened to
22 be coming out and saw we were having difficulty with the
23 prisoner. He came over and grabbed him by his feet, so
24 we lifted him entirely off the ground.

25 Meanwhile these four or five people across the street --

1 I really didn't look; I just assumed there were that many
2 out of the corner of my eye -- I heard them saying something
3 about, "Take the handcuffs off him. Stop beating him."
4 He wasn't handcuffed because we had all we could do to get
5 him into the radio car at the scene of the arrest.

6 He laid limp up until the stairs. There are about
7 five or six steps you walk into the rear of the precinct.
8 As we got almost to the top of the stairs he started to
9 act violent. He was throwing himself all around. I slipped
10 in the precinct and fell to one knee and ripped my pants.
11 Smith laid on the floor, kept screaming and kicking and
12 yelling. So our lieutenant there, Lieutenant Price, told
13 us to put him in the cell because he was not going to be
14 cooperative as far as giving us his name, address and age.
15 So we had to get that mostly from his cab license, papers
16 he had in his wallet.

17 Then we were making the arrest sheets out and it
18 seemed like about an hour passed and the lieutenant came
19 up to us and said there was a crowd outside starting to
20 form. He says he thought it was due to Smith's arrest.
21 So my partner went outside about ten-thirty to get the
22 stuff out of the radio car, ticket book, gloves and so
23 forth, because we were quitting in fifteen minutes. He
24 was surrounded out there by a bunch of people, about
25 fifteen people demanding to know what happened to Smith.

1 He told them what happened. The story. Somebody says to
2 him -- I don't know who it was; this is only what he told
3 me when he came into the precinct -- "Okay, let him go."
4 So he walked back into the precinct. From there people
5 just kept growing and growing outside. The crowd got
6 bigger and bigger, and these representatives, Robert Curvin --
7 I recognized him from CORE -- came in and a couple of
8 other people from the UCC. I don't know who they were. I
9 just heard them mentioning names, but you forget the time.
10 They said they were representing the UCC. They were talking
11 with Inspector Melchior. They heard the prisoner was --
12 I don't know if they said he was badly beaten or beaten
13 to death because the rumor had started to go around this
14 prisoner was beaten to death. It was being spread around
15 by these other cab drivers, I would say that about
16 fifteen of them that came in front of the precinct.

17 This was about an hour or so after the initial
18 arrest. So they went into see the prisoner, and they came
19 out and talked to Inspector Melchior in one of the side
20 rooms. I heard them demanding that he get immediate
21 medical attention, which Inspector Melchior replied. He
22 sent Smith to Beth Israel Hospital. Then they had some
23 more discussions. I didn't hear any more after that because
24 they went into the other room.

25 Do you want to hear this? Am I right in telling this?

1 CHAIRMAN LILLEY: Tell the story in your
2 own way.

3 THE WITNESS: I am going beyond the
4 arrest now, what I heard at the precinct.

5 CHAIRMAN LILLEY: Whatever you want to
6 say you say.

7 MR. DRISCOLL: I don't think he should be
8 making a statement based on facts which he did
9 not know first hand. This is obviously hearsay.

10 CHAIRMAN LILLEY: I believe we have asked
11 the witness to tell us a story as he sees it.
12 You just tell it.

13 THE WITNESS: That is why I don't know
14 if you want to hear the rest or beyond that.
15 I will stop with the arrest.

16 CHAIRMAN LILLEY: Does this complete your
17 story concerning the arrest?

18 THE WITNESS: Yes -- well, I just want to
19 say Mr. Smith has stated he gave us his license.
20 We never got his license. I believe he handed
21 us his cab license because the following morning
22 we went down to issue his summonses. We were
23 going to issue summonses that night, but one
24 thing led to another, the assault and battery
25 on us, resisting arrest, and we took him to the

1 precinct and from there the crowd started to
 2 form. The following morning we went down to
 3 issue summonses, and we asked for his license,
 4 and he stated he gave it to us. But we never
 5 received it. He kept insisting.

6 We checked with Trenton, not to find out
 7 if he had a license, just to get his number so
 8 that we could issue the summons. Once we checked
 9 with Trenton they stated that he had been on the
 10 revoked list, so that was another summons we
 11 had given him on top of the two for the violations
 12 that he had committed that night, the previous
 13 night.

14 CHAIRMAN LILLEY: Does that complete the
 15 statement?

16 THE WITNESS: I believe so.

17 CHAIRMAN LILLEY: Thank you very much.

18 (Witness excused.)

19 Whereupon,

20 JOHN L. RENDEE

21 resumed the stand, testified farther as follows:

22 EXAMINATION

23 MR. MEYER: Chief, you mentioned that
 24 you did not have the responsibility of assigning
 25 personnel or duties. Did you at any time, or