

INV 1

OFFICE OF THE POLICE DIRECTOR

NEWARK, NEW JERSEY

MEMORANDUM

August 5, 1965.

TO: HON. HUGH J. ADDONIZIO, MAYOR

FROM: POLICE DIRECTOR

SUBJECT: PATROLMAN HENRY MARTINEZ

Attached herewith is a copy of a report submitted by Deputy Chief Floyd E. Harle of the Inspection Division. This report relates to an investigation of alleged misinformation given to Mr. Hy Kuperstein, a Newark News reporter, which resulted in so many problems as a result of the shooting of Lester Long by Patrolman Henry Martinez.

You will note that this investigation indicates that there is a difference of opinion between Patrolman Martinez and Mr. Kuperstein as to the exact language used at the time Martinez was interviewed by Kuperstein. Kuperstein states that Martinez at the time was highly emotional and appeared to be confused and distraught.

Immediately after the story broke in the newspapers, Mr. Kuperstein personally told me that Patrolman Martinez appeared to be in a state of shock immediately after the shooting. Martinez does not recall telling Kuperstein that he slipped.

The original report submitted the same night of the shooting by Patrolman Martinez merely states that "He then opened his rear door and ran across Broadway towards the North East corner of Broadway and Oriental Street, where the undersigned got out of the car hollering halt several times. He did not heed to my warning and I fired from my service revolver NPD 2831 at the fleeing prisoner."

There is no indication whatsoever in his original report that he stumbled and fell. Captain Kossup reported that Martinez appeared to be nervous and in a state of shock. I have further ascertained that Patrolman Martinez did go to psychiatrist several times after the shooting. In all good conscience, it is my personal opinion and I coincide with the recommendation made by Deputy Chief Harle that no charges can be upheld and substantiated against Patrolman Martinez.

August 5, 1965.

Also, find attached to this report a new General Order which was published July 21, 1965 which makes it impossible for errors of this type to be made in the future. This General Order Number 65-14 controls the release of information to any news personnel to have only Supervisory and Command Officers responsible for releasing pertinent news.

Respectfully submitted,

Dominick A. Spina
Police Director

DAS:tg
Encl.

1. VICTIMS OR COMPLAINANTS NAME Officers		2. TELEPHONE NO. 2nd Pct		17. STATUTE OR ORDINANCE <input type="checkbox"/> R.S. <input checked="" type="checkbox"/> N.J.S. 2A:90-7 REV. ORD.		18. DIST. 259		19. PCT. NO. 2-5731		20. CENT. COMPLT. NO. 31623	
3. RESIDENCE NUMBER (STREET) 2nd Pct				21. REPORTING OFFICER (NAME) RANK: Ptlm Henry Martinez		22. INCIDENT AA&B with a Deadly Weapon (knife)		23. LOCATION Broadway & Oriental 4195-4759		24. TIME OF OCCURRENCE (ON OR BET.) 27 33 35 37 1965	
4. SEX		5. RACE		6. AGE		7. OCCUPATION Police Officer		8. INJURY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		25. WAS FORCE USED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT KNOWN	
9. SOBRIETY OF VICTIM <input checked="" type="checkbox"/> SOBER <input type="checkbox"/> HAD BEEN DRINKING <input type="checkbox"/> INTOXICATED		10. CAN VICT. IDENT. OFF. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		11. PERSON REPORTING CRIME Officers		12. TELEPHONE NO. 2nd Pct		13. RESIDENCE OF PERSON REPORTING CRIME 2nd Pct.		26. WAS A WEAPON USED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NOT KNOWN	
14. TIME REP'T 1:55AM		15. MONTH June		DAY 12		YEAR 1965		16. OCCURRED ON VIEW <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		27. TYPE OF PREMISES OR PROPERTY ATTACKED Patrol Car	
28. HOW ATTACKED Cutting Physical Force				29. MEANS OF ATTACK Knife				30. OBJECT OF ATTACK Escape from arrest			
31. MODUS OPERANDI I'll Kill both you mother fuckers		32. VEHICLE INVOLVED IN CRIME <input type="checkbox"/> STOLEN <input type="checkbox"/> USED BY OFFENDER		YEAR		MAKE		LIC. NUMBER		COLOR	
33. NAME OF SUSPECT		(ALIAS)		(RESIDENCE)		BODY TYPE		OTHER IDENTIFYING MARKS			

SEX	RACE	AGE	HEIGHT	WEIGHT	COLOR OF HAIR	COLOR OF EYES	DESCRIBE CLOTHING WORN AND PECULIARITIES

34. ADDITIONAL INFORMATION. (DO NOT REPEAT INFORMATION LISTED IN NUMBERED BLOCKS)

At 1:10 A.M. this date, the undersigned & Ptlm W. Provost of CPU#160, were on routing motor patrol, in the 2nd Pct area, when we observed a 1955 Blk Chevy Reg. JFJ 987 N.J. driving South on Broadway from Chester Av, at a high rate of speed, weaving in and out of traffic, with a noisy muffler and only one functioning headlight.

We started to pursue the vehicle at this location and finally apprehended same at the corner of Broadway and Oriental where it was brought to a halt by its operator. Also in the auto was an unknown C/M who left the scene with our permission as we were only going to issue M.V. violations to the operator. The operator of the above vehicle was asked for his credentials and he produced a N.J. Drivers License with the name of Lonnie Johnson C/M 21 yrs. res. 381 Fairmount av. He also gave us a Social Security # of 249-78-2742.

We then asked the above to get into the patrol car as we were going to issue him Summons for M.V. violations and make a record check on him by telephone and he complied. We then drove from Broadway & Oriental to Broadway & 2nd Av to the telephone booth. There the undersigned issued the above operator Summons #N71125 for Careless Driving and took the above obtained

continued

35. ESTIMATED VALUE BY TYPE OF PROPERTY		A. CURRENCY 41		B. JEWELRY 45		C. FURS 49		D. CLOTHING 53		E. LOCAL AUTOS 57		F. MISCELLANEOUS 61		G. TOTAL 65	
36. OTHER OFFICERS AT SCENE (NAME)				VEH. NO.		COMMAND		BADGE NO.		37. OTHER REPORTS SUBMITTED					
RANK: Ptlm William Provost				160		2nd		954		<input type="checkbox"/> DP1:795 CONT.					
Sgt. Abood				28				62		<input type="checkbox"/> DP1:800 ARREST					
Capt. Kossup				84		Hdqtrs.				<input type="checkbox"/> DP1:152 PROPERTY					
										<input type="checkbox"/> DP1:152-1 AUTO					
										<input type="checkbox"/> DP1:225A STATEMENT					
38. PERSONS ARRESTED (NAME)				CENT. ARR. NO.		39. WITNESSES (NAME AND RESIDENCE)				(TELEPHONE NO.)					
40. TELETYPE ALARM NUMBER				41. NAME OF DETECTIVE NOTIFIED				42. SIGNATURE OF REPORTING OFFICER <i>Henry Martinez</i>							
43. STATUS OF OFFENSE <input type="checkbox"/> UNFOUNDED <input checked="" type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> NOT CLEARED				44. CLEARED BY ARREST OF: (CHECK APPROPRIATE BOX OR BOXES) <input type="checkbox"/> ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/> ADULT AND JUVENILE <input type="checkbox"/> NARCOTIC OFFENDER				72							
45. STATUS OF CASE <input type="checkbox"/> PENDING ACTIVE <input checked="" type="checkbox"/> PENDING INACTIVE <input type="checkbox"/> CLOSED				46. CLASS 4-B73				47. RE-CLASS 042 73				48. KEY-PUNCHED BY:			
49. VERIFIED BY:				50. SUPERVISOR APPROVING & CLASSIFYING: (DATE) <i>Det Lt. A.D. Block 6/12/65</i>				51. INDEXED BY				52. TALLIED BY:			
												53. NUMBER OF PAGES			

NEWARK, N. J. POLICE DEPARTMENT

Page 2 CONTINUATION REPORT

PRECINCT NUMBER.

2-5421

CENTRAL COMPLAINT NO.

31623

SPECIFIC OFFENSE. (knife)
AA&B with Ddly Weapon

STATUTE OR ORDINANCE
 R.S. N.J.S. 2A:90-1 REV. ORD.

LOCATION OF OFFENSE
Broadway & Oriental

DATE OF OCCURRENCE
June 12, 1965

information and called the Record Bureau from the Phone booth while my partner issued Sum # W32673-4-5 for M.V. violations. The undersigned spoke to I.D. officer Duchek and received a reply by same that the above SS# was for a Lester Long and that he was wanted on various traffic violations for Contempt of Court.

At this time my partner called to me that he observed the above drop two other driving permits containing the names of Dewey Long Jr. and Dewey Junior Long. We then interrogated the above further and found other identification on his possession containing Draft cards with the name Lester Junior Long with a description that matched the above. He also had other misc. papers on his possession containing the names of Lester Long. All Above mentioned papers and identification cards submitted with a property voucher.

We then drove back to Oriental & Broadway where we called for Dewey's at 1:48 A.M., and the undersigned told the above prisoner that he was now under arrest and that he was going to be searched.

The undersigned who was driving the above Police Vehicle with the prisoner behind me turned and attempted to pat the prisoners trousers. The prisoner stated "you Motherfuckers aint searching me", gesturing with his hand and pushing mine away from him. I then stated to him once more that he was now under arrest and that he must be searched. I attempted once more to search him and he stated " you Motherfuckers aint going to search me and you aint going to get me to that fucking precinct". I then stated to him that he was going to be handcuffed in order to be searched and I turned towards the front of the auto and reached for my handcuffs when I heard the prisoner state " I'll kill both you Motherfuckers before you take me to the Pct". I then heard my partner yell "Look out Hank he has a knife", turning to see my partner reach out to prevent me from being stabbed. We scuffled in the car attempting to disarm him and place him under arrest, causing a laceration on the right forearm of Ptlm. Provost.

He then opened the rear door and ran across Broadway towards the North East corner of Broadway & Oriental St., where the undersigned got out of the car hollering halt several times. He did not heed to my warning and I fired 1 shot from my revolver NPD#2831, at the fleeing prisoner.

The prisoner fell to the sidewalk on the North East corner of Broadway & Oriental. Ptlm. Provost and my self ran to the prisoner and observed the open knife on the sidewalk near the prisoner wounded in the head.

Ptlm. Provost went to the Police Car and called for an ambulance and assistance while I picked up the open knife and examined the prisoner who was still alive at this time.

Responding to our call for assistance at the scene was Capt. Kossup Car #84, Sgt. Abood R.C. #28 and the Emergency Bureau who administered First Aid.

My partner and I were then ordered back to the 2nd Pct as it was felt that our presence would only antagonize the crowd, that had gathered at the scene.

We were later informed that Capt. Kossup had ordered Squad Roll #20 to take the Prisoner to City Hospital and that he was pronounce D.O.A. at 2:25 A.M. by Dr. Evke.

(Continued)

AMENDED PROPERTY VALUATION	A. CURRENCY	B. JEWELRY	C. FURS	D. CLOTHING	E. LOCAL AUTO	F. MISCELLANEOUS	G. TOTALS
RANK Ptlm <i>Henry Maitland</i>				SIGNATURE OF OFFICER SUBMITTING REPORT		COMMAND 2nd	
STATUS OF OFFENSE: <input type="checkbox"/> UNFOUNDED <input checked="" type="checkbox"/> CLEARED BY ARREST <input checked="" type="checkbox"/> NOT CLEARED <input type="checkbox"/> EXCEPTIONALLY CLEARED				STATUS OF CASE: <input type="checkbox"/> PENDING ACTIVE <input checked="" type="checkbox"/> PENDING INACTIVE <input type="checkbox"/> CLOSED			
CLEARED BY ARREST OF: <input type="checkbox"/> JUV. <input type="checkbox"/> ADULT <input type="checkbox"/> JUV. & ADULT <input type="checkbox"/> NARCOTIC OFFENDER				CLASSIFICATION 4-13		RECLASSIFICATION	
READ, CLASSIFIED AND APPROVED BY: <i>Act AD Bloch</i> LIEUT.			DATE 6/12/65		TALLIED BY:		
			INDEXED BY:		PAGE NUMBER:		
			FILED BY:		NO. OF PAGES:		

Page 3 CONTINUATION REPORT

PRECINCT NUMBER.

CENTRAL COMPLAINT NO.

2-5721

31623

SPECIFIC OFFENSE. (Knife) AA&B with Ddly Weapon	STATUTE OR ORDINANCE. <input type="checkbox"/> R.S. <input checked="" type="checkbox"/> N.J.S. 90-1 <input type="checkbox"/> REV. ORD.	LOCATION OF OFFENSE Broadway & Oriental	DATE OF OCCURRENCE June 12, 1965
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Responding to the 2nd Pct for further investigation were Dets. Conlan & Flanagan D.B. #109 and Dets. Alford & Miano of the Homicide Squad. Squad Roll #20 later took Ptlm. Provost to City Hospital where he was treated for a laceration of the right forearm and released by Dr. F. Oh.

At the 2nd Pct upon Sgt. Abood's orders I gave him my Service Revolver NPD#2831 and 5 live shells and 1 expended shell. He also ordered me to go to the D.B. for another Service Revolver this AM.

The above mentioned auto was towed to Dewey's by same. The knife was initialed M on the handle of same. Property voucher executed.

AMENDED PROPERTY VALUATION	A. CURRENCY	B. JEWELRY	C. FURS	D. CLOTHING	E. LOCAL AUTO	F. MISCELLANEOUS	G. TOTALS
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RANK Ptlm	SIGNATURE OF OFFICER SUBMITTING REPORT <i>Henry Mact...</i>	COMMAND 2nd	BADGE NUMBER 1154
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STATUS OF OFFENSE:				STATUS OF CASE:		
<input type="checkbox"/> UNFOUNDED	<input type="checkbox"/> CLEARED BY ARREST	<input checked="" type="checkbox"/> NOT CLEARED	<input type="checkbox"/> EXCEPTIONALLY CLEARED	<input type="checkbox"/> PENDING ACTIVE	<input checked="" type="checkbox"/> PENDING INACTIVE	<input type="checkbox"/> CLOSED

CLEARED BY ARREST OF:		CLASSIFICATION.		RECLASSIFICATION.	
<input type="checkbox"/> JUV.	<input type="checkbox"/> ADULT	<input type="checkbox"/> JUV. & ADULT	<input type="checkbox"/> NARCOTIC OFFENDER	H-B	

READ, CLASSIFIED AND APPROVED BY: Act 98 Bloch LIEUT.	DATE 6/12/65	TALLIED BY:	INDEXED BY: <i>[Signature]</i>
		FILED BY:	PAGE NUMBER: NO. OF PAGES:



To: Walter A. Bailey, Captain 2nd Pct.

Date: June 12, 1965

From: Ptlr Henry Martinez, 2nd Pct CPU

File Ref.:

Subject: AA&B with a Deadly Weapon (Knife) on Police Officers

At 1:10 A.M. this date, the undersigned & Ptlr W. Provost of CPU#160, were on routine motor patrol, in the 2nd Pct area, when we observed a 1955 Blk Chevy Reg. JFJ 987 N.J., driving South on Broadway from Chester Av, at a high rate of speed weaving in and out of Traffic, with a noisy muffler and only one functioning headlight.

We started to pursue the vehicle at this location and finally apprehended same at the corner of Broadway and Oriental where it was brought to a halt by its operator. Also in the auto was an unknown C/M who left the scene with our permission as we were only going to issue M.V. violations to the operator. The operator of the above vehicle was asked for his credentials and he produced a N.J. Drivers License with the name of Lonnie Johnson C/M 21 yrs. res. 381 Fairmount av. He also gave us a Social Security # of 249-78-2742.

We then asked the above to get into the patrol car as we were going to issue him Summons for M.V. violations and make a record check on him by telephone and he complied. We then drove from Broadway & Oriental to Broadway & 2nd Av to the telephone booth. There the undersigned Issued the above operator Summons #771125 for Careless Driving and took the above obtained information and called the Record Bureau from the phone booth while my partner issued Summons #702673-4-5 for M.V. violations. The undersigned spoke to I.D. officer Duchek and received a reply by same that the above SS # was for a Lester Long and that he was wanted on various traffic violations for Contempt of Court.

At this time my partner called to me that he observed the above drop two other Driving permits containing the names of Deway Long Jr. and Deway Junior Long. We then interrogated the above further and found other identification on his possession containing I Cards with the name Lester Junior Long with a description that matched the above. He also had other misc. papers on his possession containing the names of Lester Long. All above mentioned papers and identification cards submitted with a property voucher.

We then drove back to Oriental & Broadway where we called for Dwey's at 1:40 and the undersigned told the above prisoner that he was now under arrest and that he was going to be searched.

The undersigned who was driving the above Police Vehicle with the prisoner behind me turned and attempted to pat the prisoners trousers. The prisoner stated "Your Motherfuckers aint searching me", gesturing with his hand and pushing mine away from him. I then stated to him once more that he was now under arrest and that he must be searched. I attempted once more to search him and he stated "You Motherfuckers aint going to search me and you aint going to get me to that fucking precinct". I then stated to him that he was going to be handcuffed in order to be searched and I turned towards the front of the auto and reached for my handcuffs when I heard the prisoner stated "I'll kill both you Motherfucker before you take me to the Pct". I then heard my partner yell "Look out Hank he has a knife" turning to see my partner reach out to prevent me from being stabbed causing a laceration on the right forearm in doing so. We scuffled in the car attempting to disarm him and place him under arrest.

Continued

SIGNATURE:.....

J. J. Wood
Superior Receiving Report

SIGNATURE:.....

Henry Martinez
Henry Martinez

Patrolman #1154

RANK:.....

To: Walter A. Bailey, Captain 2nd Pct

Date: June 12, 1965

From: Ptlm Henry Martinez, 2nd Pct CPU

File Ref.:

Subject: Continuation (Page 2)

He then opened the rear door and ran across Broadway towards the North East corner of Broadway & Oriental St., where the undersigned got out of the car hollering hal several times. He did not heed to my warning and I fired 1 shot from my Service Revolver NPD#2831, at the fleeing prisoner.

The prisoner fell to the sidewalk on the North East corner of Broadway & Oriental. Patrolman Provost and myself ran to the prisoner and observed the open knife on the sidewalk near the prisoner and the prisoner wounded in the head.

Patrolman Provost went to the Police Car and called for an ambulance and assistance, while I picked up the open knife and examined the prisoner who was still alive at this time.

Responding to our call for assistance at the scene was Capt. Kossup Car #34, Sgt. Abood R.C. #28 and the Emergency Bureau who administered First Aid.

My partner and I were then ordered back to the 2nd Pct as it was felt that our presence would only antagonize the crowd, that had gathered at the scene.

We were later informed that Capt. Kossup had ordered Squad Roll #20 to take prisoner to City Hospital and that he was pronounced D.O.A. at 2:25 A.M., by Dr. Evke.

Responding to the 2nd Pct for further investigation were Dets. Conlan & Flannery D.B. #109 and Dets. Alford & Miano of the Homicide Squad. Squad Roll #20 later took Ptlm. Provost to City Hospital where he was treated for a laceration of the right forearm and released by Dr. F. OH.

At the 2nd Pct upon Sgt. Abood's orders I gave him my Service Revolver NPD#2831. He also ordered me to go to the D.B. for another Service Revolver this AM.

The above mentioned auto was towed to Dewey's by same. The knife was initialed M on the handle of same. Property voucher executed.

Ref. CC 31623 Pct # ~~5-727~~

5-721

Respectfully submitted

SIGNATURE.....

Sgt. Joseph Abood
Superior Receiving Report

SIGNATURE.....

Henry Martinez
Henry Martinez

Patrolman #1154

RANK:.....

Subject: AACB with Deadly Weapon (knife) on Police Officers

At approx. 1:10 A.M. this date, the undersigned and Ptlm. H. Martinez of CPU#160 while on routing patrol observed a 1955 Chev. NJ reg. JFJ 987 driving south on Broadway from Chester Av. at a high rate of speed and weaving in & out of traffic. The auto had only one headlight and a noisy muffler.

We started to pursue the auto at the above location and finally apprehended it at Broadway and Oriental St. where it was brought to a halt by the driver. Ptlm Martinez requested his license and reg. The driver gave us a license containing the name of Lonnie Johnson C/M 21 yrs. res. 381 Fairmont Av, City also in the auto was an unidentified C/M who left the scene.

We then asked the above to get in the car as we were going to issue him summons for the M.V. violations and take a record check on him from the phone at Broadway & 2nd Av. We drove to the phone and as I was getting the information for the record check, Ptlm. Martinez issued him a Summons for Careless Driving #W71125.

Ptlm Martinez then went to the phone to get the record check as I was issuing three Summons #W82673-4-5 for M.V. violations. Ptlm Martinez asked me to see if Johnson had another drivers license on him. Johnson was sitting in the back seat and had a billfold in his hand. I asked him if he had another license. At this time some papers fell on the seat and I saw two driving permits. I then took all the papers he had and found several names. I told my partner the names I found (Dewey Junior Long, Dewey Long J and Lester Junior Long) and he was told by the record room that he was wanted on several traffic warrants.

We then drove back to Oriental & Broadway and called for Dewey's car. I then went over and made out a tow sheet for the above auto and returned to the car. My partner then turned to pat the prisoner down. The prisoner then said "you Motherfuckers aint searching me" pushing Ptlm Martinez's hands away from him. Ptlm Martinez again told him that he was under arrest and had to be searched and Martinez attempted to search him and he stated "you Motherfuckers aint going to search me and get me in the fucking pot" Martinez then stated that he was going to be handcuffed and searched and turned to get his cuffs. At this point the prisoner said "I'll kill both you Motherfuckers" and pulled a knife from his right hand pants pocket and attempted to stab Martinez. I yelled for him to look out and reached out and attempted to stop him. We scuffled in the car in an attempt to disarm and arrest him. He then opened the rear door and ran. As I was getting out of the car I heard my partner yell halt several times and then heard a shot. I then saw the fleeing prisoner fall to the sidewalk.

We ran over to the prisoner, saw he was wounded. My partner told me to call for the ambulance and assistance.

Capt. Kossup responded Car #84 also Sgt. Abood R.C. #28 and the Emergency Bureau who administered first aid.

We were then ordered to the 2nd Pct. While at the 2nd Pct a fellow officer observed blood on my right forearm. I examined my arm and found a laceration on same, apparently during the excitement I failed to notice that I had been cut. I was taken to City Hospital in Squad Roll #20 and treated by Dr. F. Oh and released. Upon return to 2nd Pct, was ordered to see Dr. Grifinger June 14, 1965 in the A.M. 30 31st Pct # 5121

SIGNATURE: *Joseph Abood*

Superior Receiving Report

SIGNATURE: *William Brovost*RANK: *Ptlm 954*

To: Deputy Chief Floyd E. Harle, Inspection Div. Date: August 2, 1965

From: Ptlm Henry Martinez, 2nd Pct

File Ref.:

Subject: Additional Information:

The following information is relative to an incident which occurred on Broadway & Oriental on June 12, 1965 at 1:55 A.M. (CC31623)

Following the above mentioned incident my Partner William Provost #954 and the undersigned were ordered back to the 2nd Pct by Sgt Abood. We arrived at approx. 2:25 A.M. and the following are the events which took place to the best of my recollection.

We were in the 2nd Pct., approx. 10 minutes or so when I was approached by a newspaper reporter known to me as Hy Kuperstein and an newspaper photographer whom I did not recognize. Mr. Kuperstein started asking me questions while we were in the report room of the 2nd Pct., relative to the above mentioned incident. I had various papers laying about the desk in the report room which were taken from the deceased in the above incident. Some of these papers were driver's licenses containing several names and Social Security cards containing various names.

The undersigned who was very emotionally upset at the time began explaining the relationship between the above papers and the incident which followed. I told him how we first came upon Lester Long and he had given us a drivers license which was crossed in the height column and how he had given us a Social Security number from memory without looking at a card and then the Record bureau calling back that the Social Security number given to the above patrolman belonged to a Lester Long and not a Lonnie Johnson who we were seeking information on for the record check. I then told him that we had placed the subject under arrest and were attempting to search him when he stated "you Motherfuckers aint searching me" and the events which followed I also remember telling him that the prisoner pulled a knife and stating "I'll kill both you Motherfuckers" with Ptlm Provost lunging at the attacker. I explained how we scuffled in the auto and how the attacker ran from the auto with his knife still in his hand. I then stated "I kept hollering halt and then pulled my gun and shot at him. I didn't mean to kill him, it was an accident."

The above information is to the best of my recollection as to what took place at the 2nd Pct., following the above incident.

Respectfully submitted

SIGNATURE: *W/E F. E. Harle 8-2-65*

Superior Receiving Report

SIGNATURE: *Henry Martinez*

Henry Martinez

Patrolman #1154

To: Director of Police Dominick A. Spina

Date: August 3, 1965

From: Deputy Chief Floyd E. Harle, Inspection Off. File Ref.: INV 1

Subject: Relative to Investigation of Alleged Mis-information given to Hy Kuperstein, a Reporter for the Newark Evening News, on Saturday, June 12, 1965, Regarding the Justifiable Killing of Lester Long by Patrolman Martinez.

Sir:

In a conversation with Kuperstein, August 2, 1965, he stated that the information that he reported on June 12th he received from Ptlm. Martinez at the Second Precinct, shortly after the shooting. Find copy of news report attached.

Kuperstein also stated that Ptlm. Martinez at the time was highly emotional, and appeared to be confused and distraught. When interviewed by Kuperstein, Martinez told the story out of context and digressed. Kuperstein had to continually bring him back to the point.

Kuperstein also stated that he testified to the above before the Essex County Grand Jury.

August 2, 1965 at 2:30 p.m. I had Ptlm. Martinez, who has been sick, at my office and he denies that he told Kuperstein the story that was printed in the Newark Evening on June 12, 1965 relative to the manner of killing.

He stated that he told Kuperstein that he was going to kill him, and then pulled my gun and shot at him. I told him that to kill him, it was an accident." See copy of report attached.

Also find attached hereto report submitted by Captain Anthony J. Kossup, who was in charge of Command Post on June 12, 1965, and who had conversations with Ptlm. Martinez and Kuperstein at the scene of the shooting at Broadway and Oriental Sts. The report is self explanatory.

It is well noted that Kuperstein stated that Martinez was highly emotional. Captain Kossup reports that Martinez appeared to be nervous and in the state of shock. Martinez reports that he was very emotionally upset. I can understand why he should be emotionally upset.

It is very possible that Ptlm. Martinez being in the state of mind that he was in at the time did tell Kuperstein that he (Martinez) did slip, and maybe he did slip while leaving the patrol car, or while he was chasing Long. However, the killing was justified.

It is also possible that Kuperstein misunderstood what Ptlm. Martinez did say. It is my opinion that Kuperstein used poor judgement in depending on what Martinez said when he knew what condition Martinez was in.

(continued)

SIGNATURE:.....

SIGNATURE:.....

Superior Receiving Report

RANK:.....

To:
From:
Subject: Patrolman Martinez

Date: August 3, 1965

File Ref.:

Page 2

In my opinion it is the case of who is telling the truth, Martinez or Kuperstein. I do know that an Incident Report #31623, and a Administration Report was submitted immediately relative to the shooting by Ptlm. Martinez and nothing is mentioned relative to slipping or being accidently in any manner.

Ptlm. Martinez states in his report of June 12, 1965 as follows: "I fired one (1) shot from my service revolver NPD-2831, at the fleeing prisoner."

I respectfully recommend that the investigation be closed and filed due to the fact that the alleged mis-information was given by Ptlm. Martinez to Kuperstein cannot be substantiated.

Effective July 21, 1965, General Order 65-14 now covers Department Policy On The Release of Information to the News Media. See copy attached.

Respectfully submitted,

SIGNATURE:.....
Superior Receiving Report

SIGNATURE: *Floyd E. Hare*

RANK: Deputy Chief of Police

NEWARK POLICE DEPARTMENT
GENERAL ORDER

SUBJECT		G. O. NO.
DEPARTMENT POLICY ON THE RELEASE OF INFORMATION TO THE NEWS MEDIA		65-14 (New)
		EFFECTIVE DATE
		July 21, 196
SUPERSEDES	ORDER	DATED
		SECTION CODE
		S-2

The purpose of this Order is to establish policy for the Newark Police Department regarding the release of information to the news media.

This Order consists of the following numbered sections:

- I. GENERAL POLICY
- II. RELEASE INFORMATION WITHOUT PARTIALITY
- III. EXCEPTION TO GENERAL POLICY
 - A. Release Could Jeopardize Investigation
 - B. Decision of Officer In Charge of Investigation
 - C. Member Assaulted, Or Discharge of Revolver by Member
 - D. Crime Scenes Shall Be Protected
- IV. NEWS REPRESENTATIVE SHOW CREDENTIALS
- V. AUTHORITY FOR ORDER
- VI. RESPONSIBILITY FOR COMPLIANCE
- VII. EFFECT OF THIS ORDER

I. GENERAL POLICY

It shall be the policy of the Newark Police Department to be cooperative and assist the news media in its efforts to gather information in reference to Newark Police activities.

II. RELEASE INFORMATION WITHOUT PARTIALITY

Every reasonable effort shall be made to release information as it happens and without partiality for any segment or representative of the news media in keeping with the general policy set forth above.

III. EXCEPTIONS TO GENERAL POLICY

A. Release Could Jeopardize Investigation

Information shall be withheld from the news media when the release of such information could jeopardize the successful conclusion of an investigation.

B. Decision Of Officer In Charge Of Investigation

The Officer in charge of an investigation may impose restrictions and control the release of information by subordinates when, in his judgment, he considers it necessary for a successful investigation.

C. Member Assaulted; Or Discharge Of Revolver by Member

No Member, other than those designated below, shall release information to the news media when any Member has been assaulted or; when any Member discharges his revolver thereby causing injury to a person or damage to property. On these singular occasions all inquiries shall be referred to the Divisional Commander, if he is on duty, or the Officer in charge of the Command post who could, in answer to such inquiries, issue a preliminary release therein stating:

1. the type of incident,
2. the location,
3. the time,
4. the name or names of personnel involved,
5. the name or names of civilians involved
(if this would not prejudice the investigation)
and,
6. that a more complete release, containing details (the how and the why), would be available after further investigation when the Divisional Commander has a sufficient history of all facts involved in the incident.

D. Crime Scenes Shall Be Protected

Crime scenes shall be protected against intrusion by all unauthorized persons including representatives of the news media until the area has been adequately searched for clues by the investigating personnel

IV. NEWS REPRESENTATIVE SHOW CREDENTIALS

Representatives of the news media seeking information shall be required to identify themselves by showing their pass cards.

V. AUTHORITY FOR ORDER


Authority for this Order is found in the Administrative Code "Section 2.135.4."

VI. RESPONSIBILITY FOR COMPLIANCE

Supervisory and Command Officers are responsible for understanding and complying with this Order. Inadequacies on the part of operating personnel reflect directly on the Supervisory and Command Officers.

VII. EFFECT OF THIS ORDER

All previous Orders and sections of "Rules and Regulations," and "Manual of Procedure," which are inconsistent with this Order are repealed.



DOMINICK A. SPINA
POLICE DIRECTOR

DAS:WK:md

Distribution: All functional and geographic units

Index as: News Media, Release of Information
Policy on Release of Information to News Media