

Sgt. James Crowley's "Incident Report"



CAMBRIDGE POLICE DEPARTMENT
CAMBRIDGE, MA

Incident Report #9005127

Report Entered: 07/16/2009 13:21:34

Case Title _____ Location **WARE ST** Apt/Unit # _____
Date/Time Reported **07/16/2009 12:44:00** Date/Time Occurred _____
Incident Type/Offense **1.) DISORDERLY CONDUCT c272 S53 —**
Reporting Officer **CROWLEY, JAMES (467)** Approving Officer **WILSON III, JOSEPH (213)**

Persons

Role	Name	Sex	Race	Age	DOB	Phone	Address
WITNESS	WHALEN, LUCIA	40				H C	WARE ST CAMBRIDGE, MA

Offenders

Status	Name	Sex	Race	Age	DOB	Phone	Address
DEFENDANT	GATES, HENRY	MALE	BLACK	58		H C	WARE ST CAMBRIDGE, MA

Vehicles

Property

Class	Description	Make	Model	Serial #	Value
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Narrative

On Thursday July 16, 2009, Henry Gates, Jr. ([REDACTED] of [REDACTED] Ware Street, Cambridge, MA) was placed under arrest at [REDACTED] Ware Street, after being observed exhibiting loud and tumultuous behavior, in a public place, directed at a uniformed police officer who was present investigating a report of a crime in progress. These actions on the behalf of Gates served no legitimate purpose and caused citizens passing by this location to stop and take notice while appearing surprised and alarmed.

On the above time and date, I was on uniformed duty in an unmarked police cruiser assigned to the Administration Section, working from 7:00 AM-3:30 PM. At approximately 12:44 PM, I was operating my cruiser on Harvard Street near Ware Street. At that time, I overheard an ECC broadcast for a possible break in progress at [REDACTED] Ware Street. Due to my proximity, I responded.

When I arrived at [REDACTED] Ware Street I radioed ECC and asked that they have the caller meet me at the front door to this residence. I was told that the caller was already outside. As I was getting this information, I climbed the porch stairs toward the front door. As I reached the door, a female voice called out to me. I turned and looked in the direction of the voice and observed a white female, later identified as Lucia Whalen. Whalen, who was standing on the sidewalk in front of the residence, held a wireless telephone in her hand and told me that it was she who called. She went on to tell me that she observed what appeared to be two black males with backpacks on the porch of [REDACTED] Ware Street. She told me that her suspicions were aroused when she observed one of the men wedging his shoulder into the door as if he was trying to force entry. Since I was the only police officer on location and had my back to the front door as I spoke with her, I asked that she wait for other responding officers while I investigated further.

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As I turned and faced the door, I could see an older black male standing in the foyer of [REDACTED] Ware Street. I made this observation through the glass paned front door. As I stood in plain view of this man, later identified as Gates, I asked if he would step out onto the porch and speak with me. He replied "no I will not". He then demanded to know who I was. I told him that I was "Sgt. Crowley from the Cambridge Police" and that I was "investigating a report of a break in progress" at the residence. While I was making this statement, Gates opened the front door and exclaimed "why, because I'm a black man in America?". I then asked Gates if there was anyone else in the residence. While yelling, he told me that it was none of my business and accused me of being a racist police officer. I assured Gates that I was responding to a citizen's call to the Cambridge Police and that the caller was outside as we spoke. Gates seemed to ignore me and picked up a cordless telephone and dialed an unknown telephone number. As he did so, I radioed on channel 1 that I was off in the residence with someone who appeared to be a resident but very uncooperative. I then overheard Gates asking the person on the other end of his telephone call to "get the chief" and "what's the chief's name?". Gates was telling the person on the other end of the call that he was dealing with a racist police officer in his home. Gates then turned to me and told me that I had no idea who I was "messing" with and that I had not heard the last of it. While I was led to believe that Gates was lawfully in the residence, I was quite surprised and confused with the behavior he exhibited toward me. I asked Gates to provide me with photo identification so that I could verify that he resided at [REDACTED] Ware Street and so that I could radio my findings to ECC. Gates initially refused, demanding that I show him identification but then did supply me with a Harvard University identification card. Upon learning that Gates was affiliated with Harvard, I radioed and requested the presence of the Harvard University Police.

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With the Harvard University identification in hand, I radioed my findings to ECC on channel two and prepared to leave. Gates again asked for my name which I began to provide. Gates began to yell over my spoken words by accusing me of being a racist police officer and leveling threats that he wasn't someone to mess with. At some point during this exchange, I became aware that Off. Carlos Figueroa was standing behind me. When Gates asked a third time for my name, I explained to him that I had provided it at his request two separate times. Gates continued to yell at me. I told Gates that I was leaving his residence and that if he had any other questions regarding the matter, I would speak with him outside of the residence.

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As I began walking through the foyer toward the front door, I could hear Gates again demanding my name. I again told Gates that I would speak with him outside. My reason for wanting to leave the residence was that Gates was yelling very loud and the acoustics of the kitchen and foyer were making it difficult for me to transmit pertinent information to ECC or other responding units. His reply was "ya, I'll speak with your mama outside". When I left the residence, I noted that there were several Cambridge and Harvard University police officers assembled on the sidewalk in front of the residence. Additionally, the caller, Ms. Walen and at least seven unidentified passers-by were looking in the direction of Gates, who had followed me outside of the residence.

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As I descended the stairs to the sidewalk, Gates continued to yell at me, accusing me of racial bias and continued to tell me that I had not heard the last of him. Due to the tumultuous manner Gates had exhibited in his residence as well as his continued tumultuous behavior outside the residence, in view of the public, I warned Gates that he was becoming disorderly. Gates ignored my warning and continued to yell, which drew the attention of both the police officers and citizens, who appeared surprised and alarmed by Gates's outburst. For a second time I warned Gates to calm down while I withdrew my department issued handcuffs from their carrying case. Gates again ignored my warning and continued to yell at me. It was at this time that I informed Gates that he was under arrest. I then stepped up the stairs, onto the porch and attempted to place handcuffs on Gates. Gates initially resisted my attempt to handcuff him, yelling that he was "disabled" and would fall without his cane. After the handcuffs were properly applied, Gates complained that they were too tight. I ordered Off. Ivey, who was among the responding officers, to handcuff Gates with his arms in front of him for his comfort while I secured a cane for Gates from within the residence. I then asked Gates if he would like an officer to take possession of his house key and secure his front door, which he left wide open. Gates told me that the door was unsecurable due to a previous break attempt at the residence. Shortly thereafter, a Harvard University maintenance person arrived on scene and appeared familiar with Gates. I asked Gates if he was comfortable with this Harvard University maintenance person securing his residence. He told me that he was.

After a brief consultation with Sgt. Lashley and upon Gates's request, he was transported to 125 6th. Street in a police cruiser (Car 1, Off's Graham and Ivey) where he was booked and processed by Off. J. P. Crowley.