Incident Report #9005127

Case Title: 1.) DISORDERLY CONDUCT c272 S53

Location: WARE ST

Date/Time Reported: 07/16/2009 12:44:00

Incident Type/Offense: 1.) DISORDERLY CONDUCT c272 S53

Reporting Officer: CROWLEY, JAMES (467)

Approving Officer: WILSON, JOSEPH (213)

Persons

Role: WITNESS
Name: WHALEN, LUCIA
Sex: H
Race: C
DOB: 49
Phone: [redacted]
Address: MA

Offenders

Status: DEFENDANT
Name: GATES, HENRY
Sex: M
Race: BLK
DOB: 89
Phone: [redacted]
Address: WARE ST

Vehicles

Property

Class: [redacted]
Description: [redacted]
Make: [redacted]
Model: [redacted]
Serial #: [redacted]
Value: [redacted]

Narrative

On Thursday July 16, 2009, Henry Gates, Jr., of WARE ST, Cambridge, MA) was placed under arrest at WARE ST, 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 observed an ECC broadcast for a possible break in progress at WARE ST. Due to my proximity, I responded.

When I arrived at WARE ST, 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 WARE ST. 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.

As I turned and faced the door, I could see an older black male standing in the foyer of Ware Street. I made this observation through the glass paneed front door. As I stood in plain view of this man, later identified as Gates, I asked him why he would step out onto the porch and speak with me. He replied "no I will not". 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. 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 yelling 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 Ware Street and 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.

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.

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 "yes, 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 persons by were looking in the direction of Gates, who had followed me outside of the residence.

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 civilians, 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 onto the porch, 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 case. 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 case 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 fell wide open. Gates told me that the door was not secure 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 the Harvard University maintenance person securing his residence. He told me that he was.

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

Incident Supplement #9005127 - 1

Not For Public Release

Date/Time Printed: Mon Jul 20 13:58:11 EDT 2009 By: praterw
Location

Apt/Unit #

Date/Time Occurred to

Approving Officer

WILSON III, JOSEPH (213)

Persons
Role Name        Sex Race Age DOB Phone          Address

WHALEN, LUCIA    40                      MA

Offenders
Status Name Sex Race Age DOB Phone Address

Vehicles

Property
Class Description Make Model Serial # Value

Narrative
On July 16, 2009 at approximately 12:44 PM, Officer Figueroa responded to an ECC broadcast for a possible break at Ware St. When I arrived, I stepped into the residence and Sgt. Crowley had already entered and was speaking to a black male.

As I stepped in, I heard Sgt. Crowley ask for the gentleman's information which he stated "NO I WILL NOT!". The gentleman was shouting out to the Sgt. that the Sgt. was a racist and yelled that "THIS IS WHAT HAPPENS TO BLACK MEN IN AMERICA!" As the Sgt. was trying to calm the gentleman, the gentleman shouted "YOU don't know who your messing with!" I stepped out to gather the information from the reporting person, WHALEN, LUCIA. Mr. Whalen stated to me that she saw a man wedging his shoulder into the front door as to pry the door open. As I returned to the residence, a group of onlookers were now on scene. The Sgt., along with the gentleman, were now on the porch of Ware St. and again he was shouting, now to the onlookers (about seven) "THIS IS WHAT HAPPENS TO BLACK MEN IN AMERICA!" The gentleman refused to listen to as to why the Cambridge Police were there.

While on the porch, the gentleman refused to be cooperative and continued shouting that the Sgt. is racist police officer.

Basic Information

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