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HE SAID THAT SHE SAID...*BUT DID SHE?*

Does the Cambridge PD report truthfully reflect what a witness said?



REPORTER 1: [at 7:10] Did you ever talk to Sergeant Crowley?

WHALEN: As I said the only words I exchanged were "I was the nine-one caller" and he pointed to me and said "stay right there."

REPORTER 1: Nothing more.

WHALEN: Nothing more than that.

REPORTER 2: Did you find any inaccuracies in the police report given that he'd said he'd spoken to you directly and that you had said that they were African American...

WHALEN'S LAWYER: She's not going to answer questions about the police report.

By Julius (Jay) Wachtel. On July 29 the woman whose 911 call precipitated the encounter between Cambridge PD Sgt. James Crowley and Henry Gates met with reporters to counter the "scorn and ridicule because of the things I never said."

Our prior post, "[When Very Hard Heads Collide](#)," analyzed the interaction between the cop and the prof. This time we're interested in what happened when Sgt. Crowley, having just arrived at the scene, contacted Lucia Whalen, the Harvard fundraiser who made the 911 call. Let's start by examining [Sgt. Crowley's report](#), which was released a few days after the July 16 incident:

When I arrived at [17] Ware Street I radioed WCC and asked that they have the caller meet me at the front door to the residence. I was told that the caller was already outside. As I was getting this information, I climbed the porch stairs towards 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, 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 [17] 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.

With the 911 tape under wraps for another week, the public had no reason to suspect that Ms. Whalen might have been incorrectly quoted. Had her purported depiction of “black males with backpacks” proven accurate it wouldn’t have raised an eyebrow. But it was wildly off the mark: while Gates was black, his taxi driver wasn’t, and the backpacks were really suitcases.

Whalen instantly became a target of the blogosphere. [Here’s](#) an extract from one of the loonier postings:

Lucia Whalen goes down in history as the woman who showed the world that racism is alive in America today. Lucia Whalen goes down in history as the woman who almost started a race riot, and international incident. She goes down as the woman who led President Obama to be reminded by bigoted white folks that even though he is President he is still an n-word! Thanks to Lucia Whalen, a stellar police sergeant is now labelled, Sgt. Jim Crow, while Prof. gates is labelled Prof. Uppity! Now there's a new saying, "Being home while black!" Yes, it was her actions that started the tsunami of emotion and polarization.

Even more “respectable” sites couldn’t wait to unleash their poison. Here’s a sliver from John Cook’s piece in [Gawker](#):

Harvard's star African-American studies professor Henry Louis Gates got hauled to jail by the cops for breaking into his own house because the lock was broken. That's racist. So is the lady who called them, who also works for Harvard.

Cambridge police released the [911 tape](#) a week later. That proved the biggest shock of all. In her conversations with the 911 dispatcher, Whalen, who happens to be of Portuguese descent, had actually taken great care to portray her observations as accurately as possible. She said “suitcases,” not “backpacks.” Her only mention of

race was in response to a prompt, and only to suggest that one of the men (as it turns out, the taxi driver) might have been Hispanic:

DISPATCH: Ok what's the problem? Can you tell me exactly what happened?

CALLER: Uhm, I don't know what's happening. I just had a, uh, older woman standing here and she had noticed two gentlemen trying to get in a house at that number 17 Ware Street. And they kind of had to barge in and they broke the screen door and they finally got in and when I (inaudible) and looked, I went closer to the house a little bit after the gentlemen were already in the house **I noticed two suitcases**. So I'm not sure if these are two individuals who actually work there or maybe live there.

DISPATCH: Were they white, black, or Hispanic?

CALLER: **Uhm, well they were two larger men. One looked kind of Hispanic but I'm not really sure. And the other one entered and I didn't see what he looked like at all.** I just saw her from a distance and this older woman was worried thinking someone's breaking into someone's house. They've been barging in and she interrupted me and that's when I had noticed otherwise I probably wouldn't have noticed it at all to be honest with you. So I was just calling because she was a concerned neighbor. I guess.

The 911 operator accurately passed on Ms. Whalen's remarks to the beat officer. Nothing was said about black persons or backpacks. (Sgt. Crowley, an administrative officer who happened to be in the area, soon offered to take the call.)

911: Control to Car 1, 18-4-0.

OFFICER: O-R

911: Respond to 17 Ware Street for a possible B-D in progress, two S-P's barged their way into the home. **They have suitcases.** (inaudible) S-P. Standby. Trying to get further.

OFFICER: 52-0. Ware Street right now, 17?

911: 17 Ware Street, uhm, both S-P's are still in the house, **unknown on the race. Ah, one may be Hispanic I'm not sure.**

Journalists immediately jumped on the clash between what Ms. Whalen said to the dispatcher (one possible Hispanic and suitcases) and what she reportedly told Sgt. Crowley (two blacks with backpacks.) **Contacted by a journalist**, the officer affirmed that the report was correct. "Obviously, I stand behind everything that's in the police report. It wouldn't be in there if it wasn't true."

But his chief didn't seem quite as certain. Interviewed the night before the 911 tapes were released, [Commissioner Robert C. Haas](#) implied that the police report shouldn't be taken too literally:

In an interview last night, Cambridge Police Commissioner Robert C. Haas said it was accurate that Whalen did not mention race in her 911 call. He acknowledged that a police report of the incident did include a race reference. The report says Whalen observed "what appeared to be two black males with backpacks on the front porch" of a Ware Street home on July 16.

That reference is there, said Haas, because the police report is a summary. Its descriptions - like the race of the two men - were collected during the inquiry, not necessarily from the initial 911 call, he said.

Is that what police reports really are? Summaries? While they often condense what witnesses and suspects say (much like the above two paragraphs condense what the Commissioner supposedly told the journalist) police reports are critical documents that form a basis for further inquiries and are frequently referred to in charging documents and in court. Officers know to keep them factual. Of course, how much to include depends on the circumstances; for example, Sgt. Crowley, who was enmeshed in a ticklish situation, depicted his actions in excruciating detail.

No matter how the cops may choose to spin it, it's painfully obvious that "she went on to tell me that she observed what appeared to be two black males with backpacks on the porch..." is intended to convey the thoughts of a single person, not a collective. But for the sake of argument let's assume that Cambridge police operate in a parallel universe where "she" really means "they" and officers are free to summarize accordingly. Where might have Sgt. Crowley "collected" information that there were two black suspects with backpacks? Having ruled out the 911 operator we're left with three possible sources: other officers or civilians who had reason to believe that a pair of black males with backpacks were committing burglaries, the older woman who originally alerted Ms. Whalen to the odd goings-on at 17 Ware Street, and Ms. Whalen herself.

As to the first two we simply don't know (the elderly lady wasn't identified on the police report or in known media accounts of the case.) As for Ms. Whalen; well, it's easy to understand why she might have felt compelled to speak out. Forget the 911 call: if the police report is accurate, she's still morally on the hook for making incorrect, racially-charged statements to Sgt. Crowley.

What's Cambridge PD doing to resolve the dilemma? According to the [Boston Herald](#), very little. A spokesperson for Crowley and the Cambridge police union

refuses to comment any further than to say that both “stand by” the police report. Meanwhile Commissioner Haas appointed a panel to look into the incident and is pressing to put the whole mess behind him.

In the end, either Ms. Whalen told Sgt. Crowley “that she observed what appeared to be two black males with backpacks on the porch of [17] Ware Street” or she didn’t. If the latter’s true -- that’s what Commissioner Haas apparently thinks, and that’s how it seems to this blogger -- then Sgt. Crowley’s report is glaringly incorrect. After all, unless Ms. Whalen saw something new -- and there’s no indication that she did -- it strains credulity to think that her account would have shifted so drastically during the brief interval between her 911 call and Sgt. Crowley’s arrival. Did he make an honest mistake, and if so, how did it come about? Was he pressured to tweak the facts? Did he purposefully lie? Resolving these questions is of great importance. Citizens are entitled to have confidence in the integrity of their police. Sgt. Crowley’s career and effectiveness could also be on the line. Lying on a police report can create criminal liability. Under the [Brady rule](#) it also makes an officer’s testimony perpetually subject to challenge, thus rendering a cop essentially worthless in the field.

On August 10 the blogger e-mailed a set of questions to Frank Pasquarello, Cambridge PD’s public information officer, and Sgt. Silverio Ferreira, its professional standards officer. As of yet there’s been no response.