



# City of Cambridge

MASSACHUSETTS

## OFFICE OF CHIEF OF POLICE

JAMES F. REAGAN

CHIEF OF POLICE

Mr. John H. Corcoran, City Manager  
City of Cambridge  
City Hall  
Cambridge, Massachusetts 02139

November 19, 1973

Dear Manager:

I would like to take this opportunity to respond to a communication of Ms. Diana Baker, which you forwarded to me, dated October 10, 1973 regarding an alleged incident which occurred on October 1, 1973 on Garden Street in Cambridge. I was quite concerned with the allegations made by Ms. Baker and ordered a thorough investigation be conducted to determine the validity of her charges.

The alleged behavior, as indicated in Ms. Baker's letter, of Officers Francis Burns and Robert Kenneally appears to deviate from the long established and maintained performance of these officers, which has been both professional and superior. Please note that Officer Burns was recently commended by the Cambridge City Council for heroism when he dove into the Charles River to save a human life.

I believe that the negative actions, described by Ms. Baker in her letter, are inconsistent with the historical professional and superior performance of the two officers. Further, statements from the officers who investigated this complaint substantiates my belief as to the professional integrity of these officers, Burns and Kenneally.

Relative to Court action, the charges in Court were dismissed against Ms. Baker and Court costs of \$20.00 imposed, as appears on docket No. 5121 with notation by the Justice that the "evidence warrants a finding of guilty".

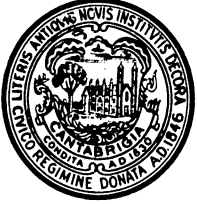
I strongly feel that, based on the results of the Departmental investigation and the positive reputation of the officers involved, there are insufficient grounds to warrant disciplinary action against Officers Burns and Kenneally.

Respectfully submitted,

*James F. Reagan*

James F. Reagan  
Chief of Police

JFR/gp



CITY OF CAMBRIDGE  
MASSACHUSETTS  

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**POLICE DEPARTMENT**

BUREAU OF  
INSPECTIONAL SERVICES

November 2, 1973

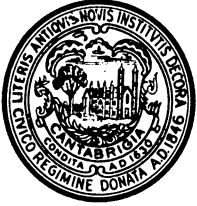
To: Chief James F. Reagan  
From: Captain Joseph P. Cusack  
Subject: Diana J. Baker

Sir:

Attached hereto is complete file on  
Diana J. Baker and recommendations made  
by Captains Lawrence Brutti and Joseph  
Cusack.

Respectfully submitted,

Joseph P. Cusack, Captain  
Bureau of Inspectional Services



CITY OF CAMBRIDGE  
MASSACHUSETTS  

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**POLICE DEPARTMENT**

BUREAU OF  
INSPECTIONAL SERVICES

November 2, 1973

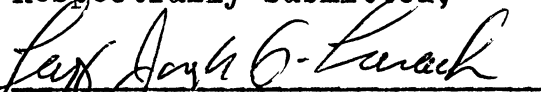
To: Chief James F. Reagan  
From: Captain Joseph P. Cusack  
Subject: Diana J. Baker

Sir:

A meeting was held on Thursday, November 1 at 10:00 PM with Officer F. Burns, Captain Brutti and Captain Cusack regarding said complaint.

As a result of my investigation, I hereby recommend that the complaint made by Diana J. Baker be cleared and marked "not sustained". The complaints were heard before Judge Lack of the Third District Court. Cases were dismissed and Court Costs of \$20.00 imposed as shown on copy of Docket No. 5121 attached herewith, with the notation made by Judge Lack that the evidence warrants a finding of "Guilty".

Respectfully submitted,



Captain

Bureau of Inspectional Services



CITY OF CAMBRIDGE  
INTEROFFICE CORRESPONDENCE

Captain Joseph Cusack  
To Bureau of Inspectional Services

Date 10-29-73

From Captain Lawrence Brutti

Reference

Subject Letter from Diana J. Baker- received 10-17-73

Enclosed are reports from Officer Burns and Kenneally.

Investigation and recommendation made by Lieut. O'Leary.

I believe that the officers were objective in this incident  
and are guiltless of any wrongdoing.

Recommendation: File be cleared and marked "Not Sustained"

*Lawrence J. Brutti*  
*Captain*

October 10, 1973

Captain James F. Reagan  
Cambridge Police Headquarters  
5 Western Avenue  
Cambridge, Mass 02139

Dear Captain Reagan:

I have recently had an experience that I think you should know about, particularly in view of the current concern with the "image" the police project in Cambridge.

On Monday, October 1, while returning from a trip to Vermont, I was coming into Cambridge to go to the opening of a friends painting exhibit. While I was driving down Garden Street at approximately 5:20 p.m. in a steady stream of rush-hour traffic, a police car pulled out from my left from Linnean Street, ignoring the fact that he was on a stop street, and pulled in front of me, narrowly missing hitting my car. I was upset that anyone should be violating the traffic laws, thereby endangering my car and my person, but that it should be a police car was maddening. It seemed that the Cambridge police feel they have the authority to flout the laws they so stridently insist other citizens must obey.

As a further provocation, the officer beside the driver turned around and gave me a rude look, as if to reinforce the fact that as it was a police car, I should be intimidated. At this point, out of sheer frustration, I made the rudest gesture I could think of.

The police car stopped; the officer who had been sitting next to the driver, Francis Burns, jumped out of the car, came over to me, and, in a state approaching apoplexy, demanded in the most intimidating, bullying manner possible, "your license and registration." I asked him on what grounds he had stopped me. He merely repeated in exactly the same manner, "your license and registration." I asked again what basis he had for demanding my license and registration, at the same time putting my hand in my pocketbook to get out my wallet. At that point Mr. Burns said, "you're under arrest, get out of the car." It was so bizarre, I couldn't really believe he meant it.

By this time as there were only two lanes of traffic, and we were blocking one, traffic was becoming very congested. I asked if I couldn't pull my car over. His reply was "get in the police car." The officer then stopped two Radcliffe students to ask them to be witnesses that I was not being molested. They in turn asked me why I was being arrested, to which I could only

October 10, 1973

answer, "I don't know." They then asked Mr. Burns the same question, who said for failure to show my license and registration. This was the first time he had informed me (even indirectly) of the charge, and as I had been in the process of getting my license and registration from my pocketbook at the time I was arrested, and showed it to him in the presence of these two witnesses, the charge was patently absurd.

Nevertheless, I was indeed arrested; grabbed roughly by the arm by Officer Kennealy(?), the officer driving the car, who insisted on calling me "dear" in the most familiar and sarcastic way, put into a paddy wagon, driven to the station where I was booked, allowed one telephone call (from a pay phone while 3 policemen stood around listening) and put in a dirty jail cell for the duration of approximately an hour and a half until the bail commissioner arrived.

The next morning in court I was treated fairly and the case was continued and dismissed. However, no reprimand was extended to either the driver of the police car nor the arresting officer. They are in no way constrained from continuing this kind of harassment and intimidation of private citizens at their whim. As a matter of fact, when coming out of the courthouse, with a baseball bat in hand (honestly!) Francis Burns turned to me, and in front of my lawyer, taunted me in a threatening way.

In the meantime, I have not only been considerably inconvenienced, I have had to pay \$14 tow charges for my car (which had just been aligned), \$15 to the bail commissioner, \$20 court fees, and my lawyer's fee. In addition, I now have an arrest record and a very disturbing insight into the calibre of the Cambridge police department and the effect this kind of arbitrary action has on ordinary citizens.

On the other hand, Officer Burns was occupied with this matter for at least two hours Monday evening, preventing him from attending to the more serious business of coping with Cambridge's escalating crime rate, had his personal pique vindicated at my considerable expense, and, I assume, was awarded a pay bonus for appearing in court. Is this really how "law and order" are interpreted in Cambridge?

While I can well appreciate the humor implicit in this particular case of over-reaction on the part of the police, I'm afraid the wider implications are serious indeed. I have been urged by several parties to sue for false arrest; however, my real concern is that this kind of vindictive, even vicious, behavior on the part of a Cambridge police officer is precisely what leads to the situation in Cambridge at present where confidence in, and respect for the police force becomes impossible, and "law and order" are held in derision.

Captain Reagan

3.

October 10, 1973

I sincerely hope with your attention and concern this situation can be remedied.

Yours truly,

*Diana J. Baker*  
Diana J. Baker

Copies:

Mayor Barbara Ackerman

City Councillors: S. Graham

F. Duehay

R. Moncrief

David Wylie, Cambridge School Committee

Thomas Neal, Cambridge Civic Association

Judge Sherman, 3rd District Court, Cambridge



City of Cambridge  
POLICE DEPARTMENT

Station No. Central

Cambridge, Mass., 17 October 1973

Lawrence J. Brutti

Captain of Police

Sir,

reference is made to a letter  
dated 10 Oct 73 and signed by one Diana J. Baker.

Our recollection of the event is as follows:

At about 5:20 PM on 1 Oct 73 while on Patrol on  
Garden St. we observed a motor vehicle behind us and  
the operator was giving us the finger. We stopped the  
cruiser and asked her several times for her license  
and registration and she refused to produce both.

She was then arrested for refusing to produce the  
License and Registration upon the demand of a uniformed  
Police Officer and was then removed from the scene  
to the Police Station where she was booked. A Citation  
# 40225-E was issued in hand.

Francis J. Burns  
Francis J. Burns  
Patrolman# 232

Respectfully submitted,  
Robert W. Kenneally  
Robert W. Kenneally  
Patrolman#

1973

No. 5122

COMMONWEALTH

vs.

Diana J. Baker

**VIOLATION OF MOTOR VEHICLE LAW**

(Refusing to produce Certificate of Registration on demand of Police Officer ~~on demand of Motor Vehicle~~)

(G. L. Ch. 90, Sec. 25)

Rel. \$100 pers. 10-2-73

Sum. OCT - 2 1973

War.

Plea.

*Not guilty*  
*Oct 3/73* *100 pers.*

SHERMAN, J.

*Court Cost \$10 paid*  
*Dismissed*

LACK SE 3

1973

No. 5121

COMMONWEALTH

vs.

Diana J. Baker

**VIOLATION OF MOTOR VEHICLE LAW**

(Refusing to produce License on demand of Police Officer ~~on demand of Motor Vehicle~~)

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Plea.

*Not guilty*  
*Oct 3/73* *100 pers.*

SHERMAN, J.

*Court Cost \$10 paid*  
*Dismissed*

LACK SE 4

*Court cost for ding of H*

Received  
10/29/73



CITY OF CAMBRIDGE  
INTEROFFICE CORRESPONDENCE

To Chief James F. Reagan  
Police Department

From John H. Corcoran  
City Manager

Subject

Date October 25, 1973

Reference

Dear Chief Reagan:

I am in receipt of a communication which was forwarded to you under date of October 10, 1973 from Ms. Diana J. Baker, copy of which is attached.

Please let me have all the details in connection with this case, at the earliest practicable time.

Very truly yours,

*John H. Corcoran*  
John H. Corcoran<sup>3</sup>  
City Manager

JHC/b

Copy sent to  
Capt. Bruttie  
10/29/73

10/30/73  
Received

MARTIN, MORSE & WYLIE

ATTORNEYS AT LAW

31 MILK STREET

BOSTON, MASSACHUSETTS 02109

October 25, 1973

AREA CODE 617  
423-1233

GORDON A. MARTIN  
STEPHEN R. MORSE  
DAVID A. WYLIE

EDWARD A. GOTTLIEB

James F. Reagan  
Chief of Police  
Cambridge Police Department  
5 Western Avenue  
Cambridge, Massachusetts

Dear Chief Reagan:

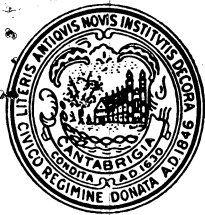
I have recently received a copy of a letter sent to you by Diana J. Baker, dated October 10, 1973. If convenient, I should greatly appreciate knowing the results of whatever investigation you may have made of her complaint.

Very truly yours,



DAVID A. WYLIE

pk



# CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139  
Tel. 876-6800

EXECUTIVE DEPARTMENT

JOHN H. CORCORAN  
City Manager

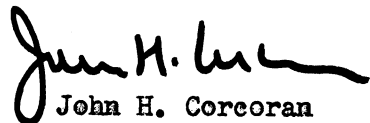
JAMES L. FARRELL  
Assistant City Manager

November 26, 1973

To the Honorable, the City Council,

With reference to awaiting report item relative to an incident which occurred on October 1, 1973 on Garden Street, I transmit herewith self-explanatory communication from the Chief of Police, James F. Reagan.

Very truly yours,

  
John H. Corcoran  
City Manager

JHC/mg

450

Agenda # 1

Relative to an incident on Gardent Street  
on October 1, 1973

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In City Council,

November 26, 1973

10/26/73

Further Report  
Requested from the City  
Manager -