

On 10 April 2012, I was assigned the internal investigation regarding an accident report (#5002613) completed by Sergeant (then officer) Harry Miller on 02 February 2005.

The investigation will focus on whether or not Officer Miller thoroughly and properly investigated this motor vehicle accident involving an off duty Massachusetts State Trooper (Paul Regan), or if the same operator should have been charged with Leaving the Scene of an Accident after causing Property Damage, and whether or not he received "special consideration" due to his position as a Massachusetts State Trooper. The investigation will also look at whether or not Officer Miller was in violation of any rules or policies of the Haverhill Police Department.

On 10 April 2012, at approximately 1700 hours, I spoke to a [REDACTED] by phone. [REDACTED] name and phone number were provided to me by [REDACTED] (operator of vehicle #1) during a phone conversation earlier on the same day. [REDACTED] thought that [REDACTED] may be helpful in my investigation, as [REDACTED] witnessed the accident, followed the vehicle that fled the scene and obtained a license plate number (Note: [REDACTED] was not listed as a witness on officer Miller's accident report).

During our phone conversation [REDACTED] stated that [REDACTED] did in fact witness the accident on 02 February 2005 and followed the vehicle to Walgreen's parking lot on River Street, at which time he obtained a license plate number and returned to the scene of the accident and provided it to [REDACTED]. It was not until he returned to the scene that he realized that he knew the operator, [REDACTED]. [REDACTED] stated that [REDACTED] gave [REDACTED] the license plate number, but cannot recall whether or not he had a conversation with the police, or if he left prior to their arrival. (After a request for a follow-up interview, [REDACTED] declined stating that [REDACTED] really did not want to be involved in the investigation).

On 11 April 2012, at approximately 1040 hours, I conducted a phone interview (recorded) with [REDACTED], the listed witness on the motor vehicle accident report. Initially, [REDACTED] had difficulty recalling the accident until I provided [REDACTED] with the location and the date, at which time [REDACTED] stated that [REDACTED] did recall the accident. During our interview [REDACTED] was able to provide an approximate time frame of the accident, and stated that [REDACTED] remembered how "stunned" [REDACTED] was at the person leaving the accident scene. I asked [REDACTED] if [REDACTED] recalled speaking to an officer at the scene, and [REDACTED] stated that [REDACTED] recalled giving [REDACTED] name and number to the [REDACTED] ([REDACTED]), but believes [REDACTED] left prior to police arriving on scene. I then asked [REDACTED] if [REDACTED] ever received a phone call from an officer to follow up on the accident and [REDACTED] stated that [REDACTED] never received a

call from the police, or anyone as far as [REDACTED] could recall. [REDACTED] stated that [REDACTED] could not remember much more due to the amount of time that had passed since the accident.

On 11 April 2012, at approximately 1305 hours, I conducted a video-taped interview with [REDACTED], the operator of vehicle #1 in the reported motor vehicle accident. [REDACTED] described the accident, stating that [REDACTED] was on Route 110, stopped (River Street) waiting to turn left onto Forrest Street, when [REDACTED] was struck from behind by Mr. Regan's vehicle and pushed across River Street onto Forrest Street. [REDACTED] stated Mr. Regan's vehicle then went to the right towards the guard-rail, into a snow bank and "took off". I asked [REDACTED] if the police arrived at the accident scene and [REDACTED] recalled at least one officer on scene. I asked [REDACTED] if there were any witnesses to the accident and [REDACTED] thought there were two or three; a [REDACTED] who came out of [REDACTED] house, another who stopped at the accident scene ([REDACTED]), and [REDACTED] who followed the fleeing vehicle and obtained a license plate number. I asked [REDACTED] if an officer talked to any of the witnesses and [REDACTED] was not sure. I asked if an officer spoke with [REDACTED], and [REDACTED] stated that [REDACTED] could not remember. [REDACTED] went on to say that [REDACTED] only "assumed" that the officer knew that [REDACTED] was a witness because [REDACTED] thought that [REDACTED] provided the license plate to the officer, however [REDACTED] could not remember.

I asked [REDACTED] if [REDACTED] was ever given an explanation as to why the other operator never stopped. [REDACTED] stated that two officers came to [REDACTED] house later that evening, but [REDACTED] did not recall what the reason was for why he (Mr. Regan) did not stop. [REDACTED] went on to say, (while this is only hearsay, as [REDACTED] is relaying information that was told to [REDACTED] by someone else) that when [REDACTED] spoke with Mr. Regan's insurance company, they were told by Mr. Regan that he was taking cough syrup at the time of the accident. That concluded the interview with [REDACTED].

On 07 May 2012, at approximately 1130 hours, I conducted a video-taped interview with Sergeant Harry Miller. (Also present for the interview was union representative Lieutenant Robert Pistone and Attorney Regina Ryan). Sergeant Miller recalled responding to the accident scene on 02 February 2005 at the intersection of River Street and Forrest Street. He recalled that it was dispatched out as a hit and run accident and that a BOLO had been broadcast for a white Mercury belonging to a Paul Regan. I asked Sergeant Miller if he recalled speaking to any witnesses and he stated that he did not recall it, but saw in his report that [REDACTED] was a witness. I asked Sergeant Miller if that was the witness who gave him the license plate of the vehicle that fled and he stated he could not recall, but perhaps [REDACTED] was as [REDACTED] was the only listed witness. I asked Sergeant Miller if he knew of any other witnesses, and he stated that he believed that [REDACTED] was the only one. I asked Sergeant Miller if he had ever been given the name [REDACTED] as a witness to the accident or if the name "rang a bell" and Sergeant Miller that he did not recall that name.

I then asked Sergeant Miller a series of questions in regards to whether or not he knew Paul Regan was a Massachusetts State Trooper and why he was not cited for leaving the scene of an accident, and why the original call of a hit and run accident was changed to a motor vehicle accident. Sergeant Miller went on to say that shortly after the accident (a recording of calls to the station for that evening shows the time to be

approximately 2107 hours) he was dispatched to meet a trooper at Westgate Plaza regarding the accident he was investigating. At the plaza, Sergeant Miller stated that he met with a sergeant from the state police who wanted to relay that one of his troopers (Paul Regan) called the barracks to report that he was involved in an accident in Haverhill; to call Haverhill (police) and let them know his information, and he did not stop because he was feeling ill. According to Sergeant Miller that is when he learned that Paul Regan was a state trooper and at that time the state police sergeant confirmed all of Paul Regan's information.

I asked Sergeant Miller if he made any effort to contact Paul Regan even after the information was relayed to him by the sergeant. Sergeant Miller could not recall whether or not he contacted Mr. Regan. I then asked Sergeant Miller why Paul Regan was not issued a citation for leaving the scene of an accident. Sergeant Miller stated that because Mr. Regan contacted the state police barracks to, in turn contact the Haverhill Police department on his behalf, and because a sergeant from the state police contacted him, making him (Paul Regan) known to us, coupled with finding the troopers and the information to be credible at the time, "I used my discretion not to charge Mr. Regan with leaving the scene, I thought it was a reasonable explanation".

I then asked Sergeant Miller why his report contained the sentence "Both operators stated (implying that he spoke with Mr. Regan) they were not injured" if he did not recall speaking with Paul Regan. Sergeant Miller responded by saying that he was not positive about whether or not he contacted Paul Regan, or perhaps the trooper he met with told him that Mr. Regan was not injured so he put it into his report like that. I again asked Sergeant Miller if he remembered talking to Mr. Regan by phone, and again he could not recall. I asked Sergeant Miller if he could have talked to Mr. Regan in person and he said "I definitely did not talk to him in person".

I went on to ask Sergeant Miller about the final sentence in his report and the significance of, "Operator of vehicle #2 (Mr. Regan) first reported crash to Mass State police at Newbury barracks." I asked he felt this statement somehow "absolved" Mr. Regan from being involved in a hit and run accident. Sergeant Miller stated that he made himself known, but it did not "absolve" him from the element of "stopping" but "you have to use your discretion on the whole ball of wax". I then asked Sergeant Miller if he knew why the original call of a hit and run accident was changed to a motor vehicle accident and Sergeant Miller stated that after the investigation, he felt there was a reasonable explanation and a credible person giving him that explanation (the sergeant), so he used his discretion not to charge him (Mr. Regan) and switched the call over to a regular accident.

Finally I asked Sergeant Miller if the fact the Paul Regan was a state trooper in any way influenced his preparation of this report or his decision not issue a citation or conduct a more thorough investigation. Sergeant Miller stated that because he was a trooper, and he (Mr. Regan) notified another trooper (his sergeant), and the sergeant actually took the time to meet him and explain what had happened, that information did have a bearing on whether he was going to charge him or not. Sergeant Miller went on to say that a sworn police officer (Mr. Regan) called where he works and asked the desk sergeant to contact Haverhill and "tell them he was in an accident", so he felt that was very credible. "I had no reason to doubt what two troopers are saying, so that played into my discretion not to charge him". Sergeant Miller went on to clarify his answer by

saying that Mr. Regan being a state trooper had no bearing on whether to charge him or not. It was the information he received from the sergeant, which he felt was credible information, which was what he based his decision on whether to charge or not to charge Mr. Regan with leaving the scene of an accident. "Because the sergeant came to me face to face and gave me an explanation, that's why I did not charge him (Mr. Regan). It had nothing to do with what Mr. Regan did for a living". That concluded the interview with Sergeant Miller.

After reviewing recorded phone calls and radio transmissions, the following should be noted. At approximately 2044 hours on the evening of 02 February 2005, a call was received at the station by ~~XXXXXX~~ requesting Officer Miller's voice mail. ~~XXXXXX~~ left a message for Officer Miller with the name and contact information of ~~XXXXXXXXXX~~ as a witness who obtained the license plate of the vehicle that fled. After reviewing the call, it appears that ~~XXXXXX~~ was transferred to Officer William Miller's voicemail and not Officer Harry Miller's voicemail, as it is William Miller's voice on the greeting.

In conclusion, while officers are granted a great deal of latitude by statute in exercising discretion in the daily performance of their duties, Officer Harry Miller's report gives absolutely no justification for the use of such discretion for not to issuing Mr. Paul Regan a citation for leaving the scene of an accident because it is so poorly written. Officer Miller's scant report leaves more questions than answers, and contains little or no pertinent information with regards to operators' statements, any information received from the sergeant of the state police with whom he met or even the sergeant's name for that matter. While it is unclear as to whether or not Mr. Regan received special consideration for being a state trooper, it is clear however, that the reasons given during Sergeant Miller's interview for not citing Mr. Regan, never ended up in his report. Furthermore, while Officer Miller cannot recall speaking to Mr. Regan, it is apparent that no follow up was conducted by Officer Miller to confirm that Paul Regan was in fact the actual operator of the vehicle involved in the accident or why Mr. Regan contacted an agency he was no longer employed by, as Paul Regan retired from the Massachusetts State Police in 2003.

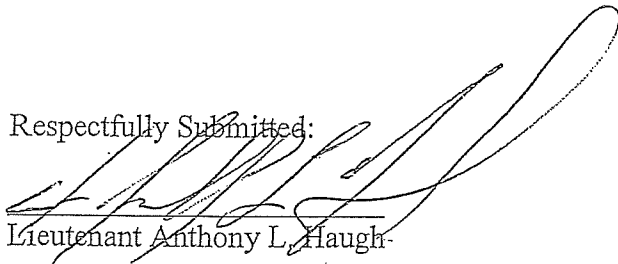
Upon review of interviews and the report submitted, Sergeant (then Officer Harry Miller) appears to have violated the following rules of the Haverhill Police Department:

Rule 111 – Unsatisfactory Performance – Sworn Officers: Unsatisfactory performance may be demonstrated by an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the officer's rank.

Rule 130 – Departmental Reports: Members shall investigate the scene of any crime, accident or other police incident, or function, in accordance with current departmental directives and sound police practices.

Article III. – Duty to be familiar with the Law and with Responsibilities of Self and Other Public Officials: They shall make certain of their responsibilities in the particulars of their enforcement, seeking aid from their superiors in matters of technicality or principle when these are not clear to them; they will make special effort to fully understand their relationship to other public officials, including other law enforcement agencies, particularly on matters of jurisdiction, both geographically and substantively.

Respectfully Submitted:



Lieutenant Anthony L. Haugh