

\$6 MILLION PAID TO FAMILY OF OFFICER KILLED ON DETAIL



Attorney Steven Ballin

A contractor parks two large utility trucks back to back while setting up for an ongoing project on Main Street at an intersection with Booth Street. There is heavy traffic in this area with vehicles approaching the work site from multiple directions. Many of the vehicles pass alongside the two trucks and crew, while others come out of Booth Street entering the intersection from the north and south on either side of Main Street. The contractor hires Officer Jeffrey to work this detail. No other detail officers were hired.

Later that morning, two drivers approach the southbound lane of travel on Booth Street from different directions: Mr. Green approaches from the west (green car) on Main Street and Mr. Reach approaches from the north (red car) on Booth Street. Facing west alongside the first truck, Officer Jeffrey directs vehicles past the trucks on Main Street. Mr. Reach then crashes into Mr. Green's vehicle as it passes by Officer Jeffrey. Reach's car then veers into Officer Jeffrey. Officer Jeffrey is pinned against the contractor's truck and killed. Officer Jeffrey never saw Reach's car approaching across the intersection from Booth Street.



A contractor's poorly planned work site cost a police officer his life. After years of blaming everyone else, lies were exposed and the contractor paid.

The State Police investigation focused on Mr. Reach. He was charged with and pled guilty to vehicular homicide. There was, however, no investigation made regarding the contractor's traffic control plan. Nevertheless, I believed that the contractor blocked the southbound lane on Booth Street without planning for or warning traffic. Therefore, I filed a lawsuit not only against Mr. Reach, but also against the contractor.

Photographs released after Mr. Reach's criminal case was over confirmed that one of the contractor's trucks blocked the entire southbound lane on Booth Street. And after dozens of depositions, I discovered that besides Officer Jeffrey, the sole officer hired for the detail, the only traffic control devices utilized by the contractor were two 'work ahead' signs on either side of the work site on Main Street and a few cones alongside the two trucks. As often happens to officers hired on details, Officer Jeffrey was left to cope with the confusion, congestion, and traffic as best he could in this busy, four-way intersection.

The contractor's crew leader testified he filled out a job brief form before occupying the work site, which detailed the traffic control plan. Suspiciously, the contractor lost that document. I also discovered two of the contractor's supervisors were at the work site long before the crash. Each was responsible to train the crew on setting up traffic plans for work sites. Conveniently, neither supervisor could recall what the set up was for this work site.

The four crew members and two supervisors then testified the truck did not block the southbound lane of travel on Booth Street. Fortunately, the responding officers took hundreds of photographs of the scene, two of which clearly depicted the truck blocking the entire southbound lane on Booth Street. I used these photographs to impeach each of the contractor's employees. I also confronted them with the contractor's own manual for setting up its work sites. All four crew members, including the two supervisors, were unaware their own manual had a specific diagram detailing how to set up a work site with a blocked lane of travel on one side of a four-way intersection. Finally, I got each of the contractor's employees to admit no warning signs were put out on either side of Booth Street. Warning signs about a change in the traffic pattern would have prepared drivers like Mr. Reach before he ever got to the intersection.



One of the contractor's trucks blocked the entire southbound lane on Booth Street.

From the outset, the contractor refused to accept any responsibility for the crash which killed Officer Jeffrey. Instead, the contractor put all the blame on Mr. Reach. However, the law recognizes that both the contractor and Mr. Reach are responsible if a jury concludes both their negligent acts contributed to cause Officer Jeffrey's death. After taking numerous depositions, chasing down documents and the retention of expert witnesses, I was able to prove the contractor's negligently deficient traffic plan contributed to the crash. Following mediation and just months before trial, the contractor and Officer Jeffrey's estate agreed to settle this case for \$6 million. While I am deeply saddened for Officer Jeffrey's

family, I am grateful they now have the financial resources to support themselves for the rest of their lives.

To protect the privacy of the deceased officer's family and witnesses, all names have been changed. Any resemblance to names of real persons, past or present, is merely coincidental and not intended. The deceased officer's estate agreed to have this article published so police officers around the Commonwealth can be better educated about work zones and their legal rights to compensation when injured.

The author, Steven Ballin, is an attorney and founder of the law firm, Ballin & Associates, LLC, which specializes in representing injured officers and their families. Attorney Ballin has practiced in the field of personal injury law for over 30 years and along with other attorneys in his firm, has successfully represented injured police officers in over 200 departments throughout Massachusetts. Attorney Ballin lectures for the Massachusetts Police Association and sponsors www.PoliceInjury.com, a website devoted to Massachusetts public safety

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