

**OFFICE OF PROFESSIONAL STANDARDS
REVIEW**



NAMR, BADGE NO. OF INVOLVED EMPLOYEE Ballard, Jacob CJ 1121	DIST/DET 0209	DATE/TIME OF INCIDENT Saturday 07/09/2016	OPS NUMBER 2016-0852
SUPERVISOR'S SUMMARY OF INCIDENT(S)			
<p>It is alleged the trooper failed to perform his duties and conform to work standards as a TZT trooper during the months of June and July 2016. It is further alleged the trooper had failed to log into PMDC at the beginning of each shift. Additionally, is alleged the trooper had not uploaded COBAN videos or turn in his COBAN hard drive as required and it is alleged the trooper was not activating his COBAN system as required. EXPANSION: IT IS FURTHER ALLEGED BALLARD DID NOT FILL OUT HIS TARS PROPERLY AND DID NOT COMPLY WITH ESTABLISHED REQUIREMENTS ASSOCIATED WITH OFF-DUTY EMPLOYMENT. EXPANDED DATES: APRIL 2016 TO JULY 2016. EXPANSION 2: IT IS ALLEGED TROOPER DID NO PROPERLY INVESTIGATE OR TAKE APPROPRIATE ENFORCEMENT ACTION DURING TRAFFIC STOPS. IT ALLEGED TROOPER WAS OUTSIDE HIS ASSIGNED PATROL AREA DURING DUTY HOURS WITHOUT APPROVAL. ADDITIONALLY IT IS ALLEGED TROOPER DID NOT NOTIFY COMMUNICATIONS OF HIS TRAFFIC STOPS BEFORE INITIATING THE STOP. IT IS ALLEGED TROOPER DID NOT TRANSMIT ELECTRONIC NOTICE OF INFRACTIONS AND NOTICE OF CRIMINAL CITATIONS AS REQUIRED.</p>			
SUPERVISOR'S INVESTIGATION INVOLVED:			
APPROVAL			
SUPERVISOR	REVIEWER	COMMANDER	
OPS COMMANDER			DATE CLOSED 10/03/2016

WASHINGTON STATE PATROL

INVESTIGATOR'S CASE LOG



OPS CASE NO.: _____ INVESTIGATOR: Noland

DATE	TIME	NOTES
7-6-2016	1550	Reviewed detachment issues with Sgt Sweetman. Sgt Sweetman advised of Continued frustration with Trooper Ballard who has been turning in TARS
		TARS with zero activity and Used 2100 code for 10 hours of work. Sgt Sweetman advised he "No longer Knew what to do with him." I provided supervision information to him Regarding the situation.
7-11-16	0900?	Opened email copy of email Sweetman sent to Ballard, also opened Attachment and observed time card showing log form 7/6-10/16 with no Activity, only status checks.
7-12-16		Pulled TARS for Ballard, July not entered, June TAR shows 5 days worked Coding 2100 for 10 hours with no activity for the day. For the entire month he Only contacted 29 violators and made 3 DUI arrests.
	1347	Received email from the video coordinator Joanna Rogge, she states that he Is unresponsive to her emails and has not uploaded or provided a hard drive Since May 29, 2016. She also states that he is not using his rear camera when He arrests someone and they are in the back seat. These issues inhibit her Ability to fill public disclosure requests.
	1200	Contact Richard Warren regarding PMDC, he advised Ballard has not logged In to PMDC since June 24, 2016. He did have a failed log in attempt on July 6, 2016
	1600	Reviewed situation with Captain Mead, he advised to complete an IIR
7-14-16	1300	IIR completed

Noland, Ken (WSP)

From: Rogge, Joanna (WSP)
Sent: Tuesday, July 12, 2016 1:47 PM
To: Noland, Ken (WSP)
Subject: 1121

Regarding Trp. Ballard...

I always have to ask him (thru email) to upload his videos but he never responds to any of them and then I have to involve you and Sgt. Sweetman so I'm able to fill my video requests.

Currently his last video uploaded is from 5/29/16. Those were uploaded on 6/2 when he turned in a hard drive. They weren't uploaded wirelessly. Looking at his hard drives in COBAN it doesn't look like he uses his wireless upload.

When I'm downloading videos to fill requests I've noticed that he only uses his dash camera and never his rear camera even after he arrests someone.

For Example...only dash cam videos...no backseat cameras for these criminal stops.

5/21/16 – 01:52:27 (23m) – Reckless Driving

5/4/16 – 03:38:03 (20m) – DUI

4/10/16 – 02:18:14 (36m) – DUI

4/7/16 – 01:30:52 (59m) – DUI

Joanna Rogge

D2 Video Coordinator
Washington State Patrol
(425) 401-7762 - Desk
(425) 401-7842 - Fax
videorequests@wsp.wa.gov

Noland, Ken (WSP)

From: Sweetman, Felix (WSP)
Sent: Sunday, July 10, 2016 8:14 PM
To: Noland, Ken (WSP)
Subject: FW: This week
Attachments: 1121 time card.pdf

Email I sent to Ballard. Please let me know if I should have worded it differently.

Thanks
Felix

From: Sweetman, Felix (WSP)
Sent: Sunday, July 10, 2016 3:51 PM
To: Ballard, Jacob (WSP)
Subject: This week

Jake,

You need to explain what you did this week? You need to go through each day and explain to me what you were doing? You weren't doing paper as I sent you several requests for old cases, one being a suspended third, that you have still failed to turn in. I think you can understand my disappointment when a Sergeant, on OT, is answering collisions while your simply answering your hourly status. It's embarrassing and not appreciated. The Captain has made it clear that TZT is a luxury to have especially with these vacancies. We have to support the line crews. Everyone in this detachment has had to assist different areas with coverage, you are NO different.

We can't continue to do this anymore. We are going to meet once a week until there is major improvement. You're going to explain to me what you did during your shift. You're going to turn in your TAR **everyday** like you already should be doing but again have fallen off track (reference the 095 from February). **YOU WILL CODE YOUR OFF DUTY CORRECTLY!!!** I am tired of being called every time they do the off duty audit and you forget to put it on your TAR.

I need you to think deep down if this position is still for you? The flexibility is going away, you are going to be expected to contribute like the other members of this detachment. If this is something you cannot do then it's time to make a change.

You have to be at #2 for that PST testing on Thursday the 7th, no excuse (reference the Email I sent you on July 7th, and requested a response, which I'm still waiting for). I noticed you've been calling in sick and using Holiday Credits through radio. You will call me when you want to use a leave day.

We will meet at #2 on Thursday at 1800 hours and discuss what you've been doing lately. I'm still awaiting your actual tars from last pay period as you had to submit 2100 TARS because you were going to miss closing. The days of me texting you when I'm off duty to remind you to turn in your TARS are over. If you miss closing it will result in counseling.

I'm available for a call anytime if we need to discuss this further.

Felix

Request to Amend/Expand Administrative Investigation
(Commissioned)



Office of Professional Standards (OPS) Case Number: 16-0852

On 08/04/2016 the department received additional information expanding the alleged
(month/day/year)

misconduct in OPS case number 16-0852, regarding Trooper Jacob Ballard #1121
(Employee Rank/Name/Badge #)

The scope of the investigation will be expanded to include the following:

(Complete all sections below that apply)

Expanded date(s): April 2016-July 2016

Expanded location(s): King County

Expanded summary of allegation(s):

It is alleged Trooper Jacob Ballard failed to perform his duties and conform to work standards as a TZT Trooper during the months of April through July 2016 and it is further alleged Ballard had failed to log into PMDC at the beginning of each shift. Additionally, it is alleged Ballard had not uploaded Coban videos or turned in his Coban hard drive as required and it is alleged Ballard was not activating his Coban system as required. It is further alleged Ballard did not fill out his TARs properly and did not comply with established requirements associated with off-duty employment.

It is alleged Ballard did not properly investigate or take appropriate enforcement action during traffic stops. It is alleged Ballard was outside his assigned patrol area during duty hours without approval.

Additionally it is alleged Ballard did not notify communications of his traffic stops before initiating the stop. It is alleged Ballard did not transmit electronic Notice of Infractions and Notice of Criminal Citations as required

Expanded regulation(s)

Regulation Manual Year: 2016

List all appropriate complete regulation(s):

8.00.030 Employee Conduct (J) Neglect of Duty

8.00.110 (A) Unsatisfactory Performance

8.00.280 WSP Officer and Cadet Off-Duty Employment Regulations

15.00.030 Communications Procedures (B) Officer Responsibilities

15.02.040 Mobile Computer Aided Dispatch Operation

18.00.150 Mobile/In-Car Video System

19.02.030 Distribution of Notice of Infraction (NOI) and Notice of Criminal Citation (NOCC)

22.00.010 Reporting and Distribution

[Signature]
Appointing Authority

8/4/16
Date

[Signature]
OPS Commander

8/4/16
Date

EMPLOYEE INITIAL [Signature] DATE 8/5/16

WITNESS INITIAL [Signature] DATE 8/5/16

Category: This complaint will: remain categorized
 be recategorized

as a: Major Moderate Minor

in compliance with the Disciplinary Matrix within the Guidance (copy not enclosed).

Revised Due Date _____
(month/day/year)

NOTE: ANY AND ALL DIRECTIVES CONTAINED IN THE ADVISING PAPERWORK YOU PREVIOUSLY RECEIVED REMAIN IN EFFECT.

EMPLOYEE INITIAL

S

DATE

8/1/16

WITNESS INITIAL _____

DATE _____



**OFFICE OF PROFESSIONAL STANDARDS
INTERNAL INCIDENT REPORT
(COMMISSIONED ONLY)**

OPS CASE NUMBER <u>16-08892</u>	
DUE TO OPS <u>9/7/2016</u>	45/60/80/120 DAYS ENDS (DUE TO EMPLOYEE) <u>11/16/2016</u>

CHECK THOSE THAT APPLY: COMPLAINT PURSUIT LOSS / DAMAGE TO EQUIPMENT
 FLEET COLLISION / INCIDENT USE OF FORCE (Includes Unintentional Discharge)

E-mail this completed form to opsadmin@wsp.wa.gov per AIM Chapter 1, subsection G (Processing the Internal Incident Report)

RECEIVED BY (RANK/TITLE/BADGE NO.) Sergeant Felix Sweetman #220	DATE / TIME RECEIVED 7-11-16 / 1550	LOCATION RECEIVED District 2	BY <input type="checkbox"/> PERSON <input type="checkbox"/> E-MAIL/MAIL <input type="checkbox"/> PHONE
NAME OF COMPLAINANT Sergeant Felix Sweetman #220			
ADDRESS 2803 156 th Ave SE, Bellevue WA 98007			PHONE NUMBER (425) 401-7736
RANK / TITLE / NAME OF ACCUSED EMPLOYEE AND BADGE NO. Trooper Jacob Ballard #1121	DIST / DET 8-DIGIT ORGANIZATIONAL CODE 02 / 09 BB028040	DATE(S) / LOCATION(S) OF INCIDENT(S) <u>4-7-16 through 7-15-16 King County</u>	
SUMMARY OF ALLEGATION(S)			
It is alleged Trooper Jacob Ballard failed to perform his duties and conform to work standards as a T2T Trooper during the months of June and July 2016 and it is further alleged Ballard had failed to log into PMDC at the beginning of each shift. Additionally, it is alleged Ballard had not uploaded Coban videos or turned in his Coban hard drive as required and it is alleged Ballard was not activating his Coban system as required.			
Fleet Collision/Incident Category: \$ CEI estimate (WSPLA only - See AIM Chapter 2, page 4)			
<input type="checkbox"/> Minor (No Injury / Possible Injury) <input type="checkbox"/> Moderate (Minor Injury / Evident Injury) <input type="checkbox"/> Major (Serious Injury / Fatality)			
LIST APPLICABLE REGULATION MANUAL YEAR(S) AND APPROPRIATE REGULATION(S)			
2016 WSP Regulation Manual 8.00.110(A) Unsatisfactory Performance 2016 WSP Regulation Manual 15.02.040 Mobile Computer Aided Dispatch Operation 2016 WSP Regulation Manual 18.00.150 Mobile/In-Car Video System			
WITNESS(ES)			
NAME Sergeant Felix Sweetman	ADDRESS 2803 156 th Ave SE, Bellevue WA 98007	PHONE NUMBER (253) 878-8411	
NAME	ADDRESS	PHONE NUMBER	

X [Signature] COMPLAINANT'S SIGNATURE (if applicable) 7/20/16 DATE

FOR DISTRICT/DIVISION USE ONLY		COMMANDER'S REVIEW	
<input type="checkbox"/> Preliminary Requested	Date _____	Signature _____	_____
<input type="checkbox"/> Complaint Rejected	Date _____	Signature _____	_____
DISTRICT / DIVISION COMMANDER'S COMMENTS			

X /S/Geoffrey M. Jacobson Acting Captain #73 Geoffrey M. Jacobson 7/19/2016
DISTRICT / DIVISION COMMANDER'S SIGNATURE RANK/TITLE/BADGE NO. PRINT NAME DATE

FOR OPS USE ONLY		EMPLOYEE HISTORY: <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> NONE	
<input type="checkbox"/> PRELIMINARY INVESTIGATION; ASSIGNED TO: <input type="checkbox"/> INTERNAL AFFAIRS <input type="checkbox"/> DISTRICT/DIVISION			PRELIMINARY DUE:
<input type="checkbox"/> Criminal Hold	Date _____	Signature _____	_____
<input type="checkbox"/> Administrative Hold	Date _____	Signature _____	_____
COMPLAINT CATEGORY: <input checked="" type="checkbox"/> MAJOR <input type="checkbox"/> MODERATE <input type="checkbox"/> MINOR	OFFENSE NO.: <input checked="" type="checkbox"/> FIRST <input type="checkbox"/> SECOND <input type="checkbox"/> THIRD		
INVESTIGATIVE RESPONSIBILITY: <input checked="" type="checkbox"/> INTERNAL AFFAIRS <input type="checkbox"/> DISTRICT / DIVISION			
OPS COMMANDER'S COMMENTS			

X [Signature] OPS COMMANDER'S SIGNATURE 35 RANK/TITLE/BADGE NO. M.S. Saunders PRINT NAME 7/19/16 DATE
[Initials] EMPLOYEE INITIAL 7/20/16 DATE [Initials] WITNESS INITIAL 7/20/16 DATE

**ADMINISTRATIVE INVESTIGATION ADVANCE NOTICE FORM
(COMMISSIONED ONLY)**



EMPLOYEE FULL NAME, RANK/TITLE, and BADGE NO. (If applicable) Trooper Jacob Ballard, #1121	OPS CASE NO. 2016-08526
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I have read, understand, and have been provided a copy of the Employee Rights (WSP form 3000-371-012 and Regulation 7.00.010) and Regulation 7.00.020, Investigations and Questioning, of the Washington State Patrol

I have been informed of the nature of the investigation and provided with information apprising me of the allegations contained in the complaint.

ALLEGATION(S)
Violation(s) of the following WSP policies and regulations in effect in (appropriate year[s]): 2016 Washington State Patrol Manual: 8.00.110 (A) Unsatisfactory Performance 15.02.040 Mobile Computer Aided Dispatch Operations 18.00.150 Mobile/In-Car Video System

I have been advised of my status as the accused. I am fully aware that if this investigation finds I have violated State Patrol rules or regulations, I may be subject to disciplinary action.

The questions asked during the investigation will be specifically, directly, and narrowly related to the performance of my duties within the scope of my employment. At no time during the course of this investigation will I be directed or required to give up my Fifth Amendment Constitutional right against self-incrimination. Any information gained from me as a result of my answers to the questions cannot be used against me in any criminal proceedings. If I should refuse to answer any questions regarding the above-stated subject matter, I will be in violation of Regulation 8.00.120, Insubordination, (B) Requirement to Obey Orders. A refusal to answer questions could result in termination of employment. You are reminded that during this investigation, you will be expected to comply with Regulation 12.00.020 Complaints; II. Policy (G) Interference with Discipline.

Effective immediately, you are directed by the Chief of the Washington State Patrol to have no communication regarding this matter, either on-duty or off-duty, with any person who is a potential witness or may be materially involved with the administrative investigation.

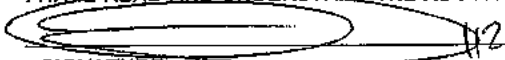
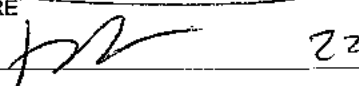
This directive means you are prohibited from communicating to these individuals about this matter by any means to include: fax, telephone, mail, electronic messaging, in-person, person to person relay or any other form of communication.

Failure to comply with this directive shall be considered a violation of regulations 8.00.120 Insubordination and 12.00.020 Complaints; II. Policy (G) Interference with Discipline, and may result in discipline up to and including termination. You are not prohibited from discussing this matter with your union representative and/or legal advisor.


This directive will remain in effect until either the adjudication or conclusion of the administrative investigation. Note: Adjudication or conclusion of the case is when either the employee has been advised in writing by the appointing authority of a non-adverse finding, contemplated proven finding, or a settlement agreement has been reached. If a settlement agreement is reached, the directive will no longer be in effect on the date of the last signature of the settlement agreement.

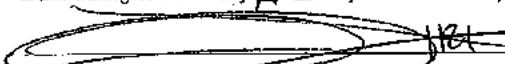
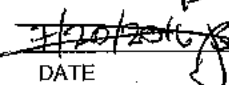
PERSON IN CHARGE OF THIS INVESTIGATION OPS Sergeant Kelly Gregerson	INTERVIEWERS
OTHER PERSONS PRESENT	

I HAVE READ AND UNDERSTAND THE ABOVE AND SIGN THIS FORM FREELY, WITHOUT ANY THREATS OR PROMISES.

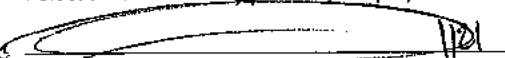
 SIGNATURE	1121	 WITNESS	220	7/20/16 DATE
				7/20/16 DATE

I UNDERSTAND I MAY REQUEST UP TO FIVE DAYS TO CONSULT WITH AN ATTORNEY AND/OR PREPARE TO PARTICIPATE IN THE INVESTIGATION.

I am willing to waive my five days and answer questions at this time. 

 SIGNATURE	1121	 DATE
---	------	---

I elect to exercise the five days to prepare to answer questions.

 SIGNATURE	1121	7/20/16 DATE
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NOTE: THIS FORM MAY BE HANDWRITTEN OR TYPEWRITTEN

**Request to Amend/Expand Administrative Investigation
(Commissioned)**



Office of Professional Standards (OPS) Case Number: 16-0852

On 07/25/2016 the department received additional information expanding the alleged
(month/day/year)
misconduct in OPS case number 16-0852, regarding Trooper Jacob Ballard #1121
(Employee Rank/Name/Badge #)

The scope of the investigation will be expanded to include the following:

(Complete all sections below that apply)

Expanded date(s): April 2016 to July 2016

Expanded location(s): King County

Expanded summary of allegation(s):

It is alleged Trooper Jacob Ballard failed to perform his duties and conform to work standards as a T2T Trooper during the months of April through July 2016 and it is further alleged Ballard had failed to log into PMDC at the beginning of each shift. Additionally, it is alleged Ballard had not uploaded Coban videos or turned in his Coban hard drive as required and it is alleged Ballard was not activating his Coban system as required. It is further alleged Ballard did not fill out his TARs properly and did not comply with established requirements associated with off-duty employment.

Expanded regulation(s)

Regulation Manual Year: 2016

List all appropriate complete regulation(s):

8.00.110 (A) Unsatisfactory Performance

8.00.280 WSP Officer and Cadet Off-Duty Employment Regulations

15.02.040 Mobile Computer Aided Dispatch Operation

18.00.150 Mobile/In-Car Video System

22.00.010 Reporting and Distribution

[Signature]
Appointing Authority

7/25/16
Date

[Signature]
OPS Commander

7/25/16
Date

Category: This complaint will: remain categorized
 be recategorized

as a: Major Moderate Minor

in compliance with the Disciplinary Matrix within the Guidance (copy not enclosed).

EMPLOYEE INITIAL [Signature]

DATE 7/27/16

WITNESS INITIAL [Signature]

DATE 7/27/16

Revised Due Date _____
(month/day/year)

NOTE: ANY AND ALL DIRECTIVES CONTAINED IN THE ADVISING PAPERWORK YOU PREVIOUSLY RECEIVED REMAIN IN EFFECT.

EMPLOYEE INITIAL

[Handwritten Signature]

DATE

7/27/16

WITNESS INITIAL

AS

DATE

7/27/16

Sweetman, Felix (WSP)

From: Sweetman, Felix (WSP)
Sent: Saturday, July 23, 2016 4:38 PM
To: Ballard, Jacob (WSP)
Subject: 16-017369

Hey Jake,

Can you get this one turned in tonight please?

Thanks
Felix

Sweetman, Felix (WSP)

From: Sweetman, Felix (WSP)
Sent: Sunday, July 17, 2016 11:02 PM
To: Ballard, Jacob (WSP)
Subject: FW: Message from "D2HQRICOHMPC4503"
Attachments: 20160120220350146.pdf

Importance: High

STILL HAVEN'T RECEIVED THESE. BEEN LIKE 4 MONTHS JAKE.

-----Original Message-----

From: Sweetman, Felix (WSP)
Sent: Friday, March 11, 2016 7:25 PM
To: Ballard, Jacob (WSP)
Subject: FW: Message from "D2HQRICOHMPC4503"
Importance: High

Review sign return.

-----Original Message-----

From: Sweetman, Felix (WSP)
Sent: Wednesday, January 20, 2016 9:53 PM
To: Ballard, Jacob (WSP)
Subject: FW: Message from "D2HQRICOHMPC4503"
Importance: High

These have been sitting in your box upstairs for a few weeks. Go through them and sign . Scan and return ASAP!

-----Original Message-----

From: DO-NOT-REPLY-D2HQRICOHMPC4503@wsp.wa.gov [mailto:DO-NOT-REPLY-D2HQRICOHMPC4503@wsp.wa.gov]
Sent: Wednesday, January 20, 2016 10:04 PM
To: Sweetman, Felix (WSP)
Subject: Message from "D2HQRICOHMPC4503"

This E-mail was sent from "D2HQRICOHMPC4503" (MP C4503).

Scan Date: 01.20.2016 22:03:50 (-0800)

Queries to: DO-NOT-REPLY-D2HQRICOHMPC4503@wsp.wa.gov

Sweetman, Felix (WSP)

From: Sweetman, Felix (WSP)
Sent: Sunday, July 17, 2016 8:48 PM
To: Ballard, Jacob (WSP)
Subject: Cases

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

Jake,

Need these turned in or give me an update.

16-017951
16-017480
16-017369
16-016638
16-015845

Felix

Sweetman, Felix (WSP)

From: Sweetman, Felix (WSP)
Sent: Saturday, July 16, 2016 12:35 PM
To: Ballard, Jacob (WSP)
Subject: 1st half of 2016
Attachments: tzt 2016 1st half summary report.pdf

Importance: High

Attached is the summary report for the 1st half of 2016. The District goal is 1.5 for TZT, as you can see you are well above that. You need to start making more of an effort towards contributing to this detachment, if you can't do that then we need to have a serious discussion about your future in TZT.

If going back to a line crew has crossed your mind please let me know and we can try to make it happen. You're asked to do one thing here, so do it.

Felix

Sweetman, Felix (WSP)

From: Sweetman, Felix (WSP)
Sent: Sunday, July 10, 2016 3:51 PM
To: Ballard, Jacob (WSP)
Subject: This week
Attachments: 1121 time card.pdf

Jake,

You need to explain what you did this week? You need to go through each day and explain to me what you were doing? You weren't doing paper as I sent you several requests for old cases, one being a suspended third, that you have still failed to turn in. I think you can understand my disappointment when a Sergeant, on OT, is answering collisions while your simply answering your hourly status. It's embarrassing and not appreciated. The Captain has made it clear that TZT is a luxury to have especially with these vacancies. We have to support the line crews. Everyone in this detachment has had to assist different areas with coverage, you are NO different.

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Felix