

From: [Saunders, Mike \(WSP\)](#)
To: [Gufler, Rachael \(WSP\)](#)
Cc: [Maier, Bruce \(WSP\)](#); [Sharp, Dan \(WSP\)](#)
Subject: FW: Trooper Ballard
Date: Tuesday, August 23, 2016 4:36:32 PM

All: See the response from CID below.

Rachael - Please add this to the case file.

Thanks/35

From: Saunders, Mike (WSP)
Sent: Tuesday, August 23, 2016 4:35 PM
To: Drake, Randy (WSP)
Cc: Nicpon, Dory (WSP); 'Hull, Charlynn (ATG)'; Mead, Ron (WSP)
Subject: FW: Trooper Ballard

AC Drake,

Based upon the consultation with the Thurston County Prosecutor, CID does not recommend pursuit of criminal charges in the Ballard case. OPS will continue the administrative investigation and enter discussions with Captain Mead regarding the best course of action relating to supervisory actions/inactions.

Thank you,

*Captain Michael S. Saunders
Office of Professional Standards
Office 360-704-2333
Cell Phone 360-628-6912
VOIP 11333*

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From: Hullinger, Randy (WSP)
Sent: Tuesday, August 23, 2016 4:06 PM
To: Saunders, Mike (WSP)
Cc: Cabezuela, Jay (WSP); Noahr, Jason (WSP)
Subject: RE: Trooper Ballard

Captain Saunders,

CID has conducted a thorough review of the available facts and circumstances surrounding the improper coding of hours on Trooper Ballard's TARS. Based upon this review and the subsequent roundtable discussion involving CID command and Detective Noahr, we conclude there is no viable criminal investigation at this time.

This is not a case of traditional theft. A prosecutable case would be one where the employee has access to a valuable item (cash, other attractive item, etc.) and clearly takes that property, separating it from the possession of, with the intent to deprive the owner of its use or possession. For example, the employee removes money from an office petty cash fund or facilitates the issuance of payments to the employee that is more than they are legally entitled to receive. In this case, the employee is using a computer system to track his time, which he could argue was simply a miscoding, a misunderstanding of previously acceptable behavior or legitimate activity. Further, the employee could argue that whatever he was doing at his residence when he should have been in the APA was a legitimate business activity (however loosely interpreted) and it would be problematic or impossible to disprove his claims.

Detective Noahr and I had a conversation with Scott Jackson, the team leader for the felony investigation team at the Thurston County Prosecuting Attorney's Office. We stated the facts of the case, and he indicated that a prosecution would not be taken at this time for the reasons discussed above.

Should additional information come to light during the administrative investigation that would lead to admissible criminal evidence, we would be willing to conduct a criminal investigation to a conclusion.

Respectfully,

Randy

Lieutenant Randy L. Hullinger
Criminal Investigation Division
360-704-2953 – Office
360-921-3010 – Cell

From: Saunders, Mike (WSP)
Sent: Friday, August 19, 2016 3:18 PM
To: Cabezuela, Jay (WSP)
Cc: Drake, Randy (WSP); Mead, Ron (WSP)
Subject: FW: Trooper Ballard

Captain Cabezuela,

Per our conversation this morning, please see the comments below regarding hours not properly coded on the TARS of Trooper Ballard. Please let me know if anything additional is needed.

Thank you,

*Captain Michael S. Saunders
Office of Professional Standards
Office 360-704-2333
Cell Phone 360-628-6912
VOIP 11333*

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From: Gregerson, Kelly (WSP)
Sent: Friday, August 19, 2016 1:51 PM
To: Saunders, Mike (WSP)
Cc: Sharp, Dan (WSP)
Subject: Trooper Ballard

Captain Saunders,

For the period of April 1, 2016 to July 25, 2016, Trooper Ballard was scheduled to work 50 shifts, generally Thursday through Sunday, with each shift being 10 hours in length. This does not include properly coded vacation or sick leave shifts.

During 31 of the 50 shifts Ballard spent a total of 54.18 hours (3251 minutes) out of his APA. A large majority of this time he was parked at his residence in Bonney Lake, Pierce County, at the beginning or end of his shift. I verified Ballard was not on a call or responding to a call for any of this time. Ballard did not have any notes on his TAR indicating a reason for leaving his assigned patrol area.

In 9 of those 31 days Ballard signed out of service on a form of leave for a total of 19.33 hours (1160 minutes), but coded that portion of his shift as duty hours worked.

This information was obtained using GPS data from his in car computer and confirmed using a different source of GPS data through Verizon. Although there appear to be numerous additional violations during this time period, any times that I was not able to confirm using GPS data were not included in the totals above.

Using the salary with benefits information from BFS for April, I determined Ballard made \$47.77/hr. Based on that hourly rate 19.33 hours of leave not taken is \$923.39 and the time not in his APA is \$2588.18. The total of both is \$3511.57. This number is an estimate based on the average lowest monthly rate and does not include the July 1 pay raise.

I am available for any further question or clarification.

Thank you

Detective Sergeant Kelly Gregerson
Office of Professional Standards

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