

**Washington Corrections Center for Women
Intelligence & Investigations
Investigative Case
#02-0009-05-F01**

February 3, 2005

TO: Belinda D. Stewart
Superintendent, WCCW

FROM: Steven B. Baxter
Investigator, WCCW

SUBJECT: POSSIBLE STAFF MISCONDUCT RE: CO JULIANA HARVELL

SYNOPSIS: On 1/25/05 at 1930 hrs. Inmate [REDACTED] was meeting with CC2 Sonja Alley about programming issues at the conclusion of the conversation CC2 Alley asked if there was anything going on in the unit and I/M [REDACTED] stated "yes" and made a gesture towards B-Pod where CO Harvell was working. I/M [REDACTED] disclosed at this point that CO Harvell had discussed several inappropriate personal issues with her. Upon further discussion I/M [REDACTED] stated that CO Harvell had disclosed the following information (see IR dated 1/25/05 attachment 1) to her in conversations since December 2004:

- Revealed detailed information regarding her sexual relationship with her husband
- Stated that her husband had hit her several times
- Her marriage was just about sex
- She is going through a divorce
- Would talk about how cute CO Frank Borja is
- She has been out with CO Borja for dinner and dancing and had gone back to her new apartment and had sex
- Revealed that she is Bi-sexual but prefers men
- That CO Borja leaves dove chocolate for her
- CO Harvell told her that Sgt. Smith had addressed the relationship with CO Borja and told them to watch their actions

Inmate [REDACTED] stated that she doesn't know why CO Harvell has said these things but that it made her uncomfortable.

Inmate [REDACTED] entered CC2 Alley's office on 1/26/05 and stated that while talking to CO Harvell the night before that CO Harvell had said "CO Borja is mine, don't touch him". I/M [REDACTED] also stated that later that evening CO Harvell had knocked on her door and stated "I have already had him and it was good." This information was referred WCCW I&I and a case was opened after approval by WCCW Superintendent Belinda D. Stewart.

Investigative Interviews:

Inmate [REDACTED] was interviewed on 31 Jan 2005 in H-Bldg WCCW. I/M [REDACTED] stated that the conversations began the last weeks of November 2004 and continued up till the end of January. Like her previous statement made to CC2 Alley I/M [REDACTED] stated that CO Harvell had been very open about her personnel life. I/M [REDACTED] related that CO Harvell was very candid about her feelings towards CO Frank Borja, that they had been dancing, and that he had come to her new house in the local area and had sex. I/M [REDACTED] stated that CO Harvell was upset a lot not knowing what to do about her husband and CO Borja. CO Harvell made the statement that CO Borja is better than her husband, more romantic, with tears in her eyes and then related that she just wished that CO Borja would call her more he just shows up at my place. I/M [REDACTED] stated that she told CO Harvell that she needed to get some counseling. I/M [REDACTED] felt that there had been between 5 and 6 conversations lasting about 10 to 15 minutes each. When questioned about what CO Harvell had told her about her conversation with Sgt. Smith I/M [REDACTED] related that CO Harvell had come out after the meeting and said that Sgt. Smith stated there were rumors that she and CO Borja were an item and that he doesn't care what goes on outside but don't let it effect what goes on while working, to keep it professional.

Inmate [REDACTED] was interviewed by phone [REDACTED] after her release on 1/27/05. I/M [REDACTED] stated that she had been in the dayroom talking to CO Harvell and noticed that she would get really upset if she mentioned CO Borja and at one point on 1/25/05 had CO Harvell tell her "he's mine, don't touch him." Inmate [REDACTED] remembered telling CO Harvell that she should go for it if she likes him that much. Later that evening during count CO Harvell came to her room and told her "I've already had him and it was good." I/M [REDACTED] also stated that CO Harvell had mentioned other information in passing such as:

- She's left her husband
- She has a Condo in the local area
- If you watch me and CO Borja our legs are always touching if we sit close

Correctional Officer Frank Borja: Was interviewed in the I&I office on 1/28/05 and stated that all allegations of a relationship between him and CO Harvell were false. CO Borja related that he has left chocolate for CO Harvell but that all the officers share food in the unit. CO Borja said that he has been out with a group from the institution that included CO Harvell but had never been on a "date" with her. When questioned if he had ever been to her apartment CO Borja stated no, he had driven by it with her and another officer on the way to a bar and CO Harvell had pointed it out but had never been inside. CO Borja stated that he had not mentioned the conversation that Sgt. Smith had with him and CO Harvell to anyone. CO Borja had no further information he felt was relevant to the investigation.

Correctional Officer Juliana Harvell: was interviewed on 1/31/05 in the WCCW I&I office with Union representative CO Kelly Peterson present. During this interview CO Harvell denied allegation made by Inmates [REDACTED] and [REDACTED] CO Harvell denied ever talking about her private life with any inmate at any time. CO Harvell stated that she is going through a divorce and has moved to a new home in Gig Harbor. CO Harvell does admit to going out with CO Borja and others in a group but never on a "date" and he has never been to her home and that he doesn't know where she lives. When asked if they had ever even driven by it CO Harvell stated no. CO Harvell gave a negative answer to all allegations listed in the synopsis of this report as reported by I/M [REDACTED] CO Harvell stated that she had not talked to anyone about the conversation that Sgt. Smith had with her and CO Borja. CO Harvell had no idea why an inmate would make these allegations or have information about her private life.

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Correctional Sergeant Richard Smith: was interviewed on 1/27/05 about his conversation with CO Borja and CO Harvell. Sgt. Smith stated that he had told them as best he could remember that there were rumors that they were having a relationship and that he didn't care what they did on the outside but they should be keeping it professional in the workplace. Sgt. Smith stated that he had not discussed this matter with anyone else.

Supplemental Information:

On 2/1/05 Inmate [REDACTED] related to CC2 Alley (see IR Dated 2/1/05 attachment 2) that she had contact twice that day with CO Harvell in the scope of her duties as a maintenance worker. I/M [REDACTED] related that early in the day CO Harvell had walked by and had said "Hi girls" to her and I/M [REDACTED] Later that day while waiting entry to Z-Bldg. CO Harvell came out the door looked at he and said "Why?" in a threatening manner. I/M [REDACTED] stated that she made no return comment but felt very uncomfortable with the contact. Other people present were I/M [REDACTED] and her crew boss Joe Herwick.

Inmate [REDACTED] Was interviewed on 2/2/05 but stated that she had seen CO Harvell at Z-bldg. But had not seen her say anything to Inmate [REDACTED]

Crew Supervisor Joe Herwick: Was interviewed on 2/2/04 and stated (see written statement attachment 3) that as he was entering Z-bldg with his two inmates [REDACTED] and [REDACTED] when CO Harvell passed in front of him and was facing Inmate [REDACTED] Words were exchanged between the two and Mr. Herwick observed I/M [REDACTED] frown and say "Why, What?" Co Harvell walked away and Mr. Herwick asked I/M [REDACTED] what had happened. Inmate [REDACTED] frowned again and said something like "Why?" "What the hell was that all about?"

Polygraph Results: A Polygraph was administered to Inmate [REDACTED] on 1/3/05 in H-Bldg. WCCW. The questions asked to I/M [REDACTED] were:

1. Did CO Harvell tell you she had sex with CO Borja?
2. Did CO Harvell tell you she was Bi-Sexual?

The results of the Polygraph showed that I/M Anderson was not attempting deception when she answered yes to both questions.

Concluding Synopsis: Both inmate's information when interviewed agreed with their original statements, neither inmate has a grievance or obvious grudge with CO Harvell, nor did CO Harvell name these or any other inmates as ones she thought might make statements against her. CO Harvell had no idea why any inmate would make allegations like these about her not how they would have information about her. Inmate [REDACTED] agreed to a Polygraph and then passed the examination without any indications of deception. Allegations have been made that CO Harvell approached I/M [REDACTED] and asked her "why" in a manner that the inmate thought was threatening. I/M [REDACTED]'s Supervisor Mr. Herwick saw CO Harvell talking to Inmate [REDACTED] but could not hear what was said. But could see that I/M [REDACTED] was upset by the conversation. Final analysis shows that inmates do have private/personal information about CO Harvell and that CO Harvell approached the inmate (I/M [REDACTED]) that claimed CO Harvell shared personal information with. CO Harvell while working in the property should have had no official business with I/M [REDACTED] on that day thus any reason for conversation. No source can be found for I/M [REDACTED] having information on the meeting between Sgt. Smith and Officers Borja and Harvell except for her statement that CO Harvell told her.

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02/03/04**

3 Attachments

1. IR dated 1/26/05
2. IR dated 02/02/05
3. Written Statement by Joe Herwick



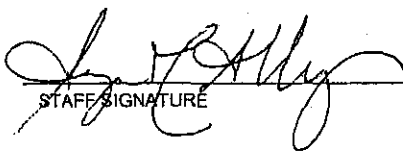
STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

INCIDENT REPORT

☐ Confidential

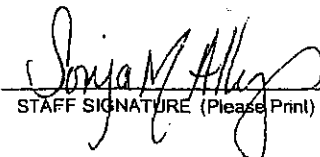
DATE/TIME OF INCIDENT 02/01/05	OFFENDERS INVOLVED [REDACTED]	DOC NUMBER [REDACTED]	LIVING UNIT [REDACTED]
LOCATION Z-Building/ Reception, Seg, TEC	WITNESSES [REDACTED]		
USE OF FORCE INCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<p>DETAILS: Who was involved, what took place, how did it happen, description of any injuries, damage, use of force, etc. Attach additional sheet, if necessary.</p> <p>Offender [REDACTED] came to my office during open door on the evening of 02/01/05 at approx 1830 hours. Offender [REDACTED] stated that she had contact with CO Harvell twice that day during the scope of her duties as a maintenance worker as she is on a crew responsible for maintenance duties on the MI campus. Offender [REDACTED] stated that early the morning of 02/01/05 Officer Harvell had walked by both herself and Offender [REDACTED] (who is also on the crew) and stated "Hi girls". Offender states she did not respond however later that day at approx 1400h ours she was waiting entry to Z- Building at the door to enter as CO HARvell was at the other side of the door coming out and when the door was opened CO Harvell walked out and looked at Offender [REDACTED] and stated "Why?" in a threatening manner. Offender [REDACTED] states she did not respond to that comment either however stated that she felt very uncomfortable with the contact. Offender [REDACTED] stated that the only other witnesses to this event were Offender [REDACTED] and the maintenance supervisor who where involved in a conversation and Offender [REDACTED] does not believe that they heard the comment because they would have asked her about it because of the manner in which CO Harvell had stated "Why?".</p>			

IMMEDIATE ACTION TAKEN:


STAFF SIGNATURE

02/02/05
DATE

CC2
TITLE


STAFF SIGNATURE (Please Print)

TO BE COMPLETED BY CHIEF INVESTIGATOR

DATE/TIME RECEIVED		INCIDENT NUMBER
INVESTIGATION ASSIGNED TO	BY	DATE

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.

ATTACHMENT (2) Page 1 of 1

2 Feb 05

TO: WHOM IT MAY CONCERN
FROM: JOE E HERVEY

ON 2 FEB 05 IN THE AFTERNOON, I WAS ENTERING
2 BLDG FRONT DOOR, ACCOMPANIED BY INMATE
[REDACTED] ASSIGNED TO MSU-
APOD.

I HELD OPEN THE FRONT DOOR FOR CO HARVEY,
WHO WAS EXITING THE BUILDING. AS C/O HARVEY
PASSED IN FRONT OF ME, HER BACK WAS TOWARDS
ME AND SHE WAS FACING INMATE [REDACTED].

AN EXCHANGE OF WORDS WAS APPARENTLY MADE
BETWEEN THE TWO, THAT I DID NOT OVER HEAR.

I OBSERVED INMATE [REDACTED] TO APPEAR TO
FROWN AND SHE UTTERED WORDS TO THE EFFECT
"Why - What."

C/O HARVEY WALKED AWAY AT THIS TIME.
I ASKED INMATE [REDACTED] WHAT HAD
TRANSPIRED.

INMATE [REDACTED] REPLY WAS ANOTHER
FROWN LOOK IN HER FACE, AND SHE REPEATED
Why - What the Hell WAS THAT ALL ABOUT, OR
WORDS THE THAT EFFECT.

THE CONVERSATION BETWEEN MYSELF AND
INMATE [REDACTED] WAS THEN DROPPED.

I HAVE NOTHING FURTHER TO ADD AT THIS TIME.

Joe Hervey

**GSR
POLYGRAPH SERVICES**

William D. Tufts
1409 18th Ave CT. SW
Puyallup, WA 98371

POLYGRAPH EXAMINATION REPORT

TO: Investigator Steve Baxter
Department of Corrections
Washington Corrections Center for Women
9601 Bujacich Road NW
Gig Harbor, WA 98335

Subject:	[REDACTED]	Examination Date:	2/03/05
DOB:	[REDACTED] 1964	Offense:	Statement Verification
Requested by:	Investigator Steve Baxter		

Purpose of Examination: To verify or refute the subject's allegation that Officer Harvell told her about her sexual relationships.


Prior to the polygraph examination, the subject was advised of her Polygraph Rights and waived these rights by signing the attached form.

CONCLUSIONS

A polygraph examination was administered to the subject on the above issues.

Based on the physiological responses produced by the subject on three (3) polygraph charts, in the opinion of this examiner, **she was not** attempting deception when she answered "yes" to the following relevant questions:

1. Did Officer Harvell tell you she had sex with Officer Borja?
2. Did Officer Harvell tell you she was bi-sexual?


Examiner: William D. Tufts

February 3, 2005
Date of Report

POLYGRAPH EXAMINATION STATEMENT OF CONSENT

Date 2-3-05 Time 1547 Place WCCW

Examination of [REDACTED]

I, [REDACTED], understand a polygraph examination administered by **GSR** polygraph services for the WCCW is being conducted concerning Statement Verification. I also understand that I cannot be required to submit to a polygraph examination without my consent. Additionally, that if the answers during the examination show deception, I may be asked to explain.

I hold **GSR** polygraph services and William Tufts harmless and free from any liability for any acts or omission by any other parties or agencies and release and hold harmless any persons or agencies from any and all claims or liabilities alleged to result from or arise out of this examination.

Understanding that I have the unqualified right to refuse, [REDACTED] do hereby, this date, voluntarily and without duress, coercion, unlawful inducement, or promise of reward, agree to submit to a polygraph examination. I further understand that the information obtained during this process will not be released to me.

Witness [Signature]

Signature [Signature]

Date 2-3-05

Kelly, Kelly M.

From: O'Dell, Jacquelyn E. (Johnnie)
Sent: Friday, May 20, 2005 12:35 PM
To: Kelly, Kelly M.; Reagan, Brenda L.
Subject: Public Disclosure Request - Juliana Harvell

Importance: High

Follow Up Flag: Follow up
Due By: Tuesday, May 31, 2005 5:00 PM
Flag Status: Flagged

I have received a Public Disclosure Request from Juliana Harvell as follows:

"I, C/O J. Harvell am requesting a copy of the full investigative report done on my ECR dated/initiated on 2-9-05."

Please provide me with a copy of all documents responsive to this request no later than May 31, 2005.

Thanks, Johnnie

*Turned information
to J. O'Dell
5/23/05
KK*