

CONFIDENTIAL

**State of Washington
Department of Corrections
Office of Correctional Operations**



**Special Investigations Unit
Case File
HQ 01-06-06-F01**

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STATE OF WASHINGTON
 DEPARTMENT OF CORRECTIONS
 WASHINGTON CORRECTIONS CENTER FOR WOMEN
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CASE TOPIC: Alleged staff misconduct by Correctional Industries Supervisor Robert Markel.

CASE #: WCCW 01-002-06

DATE OPENED: 01-03-06

DATE CLOSED: 01-20-06

Sign and date at time of review or receipt

IN OFFICE REVIEW	CASE-OUT REVIEW	COPY AUTHORIZATION
<p><i>W. J. Straight 2/8/06</i></p>	<p><i>Case Karnell - 2-7-06</i></p>	

Working for HR info

Sexual Assault Case Initiation Form – DATA COLLECTION

Special Investigation Unit (SIU) Case Number: HQ 10-65-05-FO1		
DATA COLLECTION		
DO NOT INCLUDE NAME OR OTHER IDENTIFYING INFORMATION		
Complainant:	<input checked="" type="checkbox"/> Offender Victim <input type="checkbox"/> Family / Friend	<input type="checkbox"/> Other Offender <input type="checkbox"/> Anonymous
		<input type="checkbox"/> Staff member <input type="checkbox"/> Other (specify):
Type of Allegation:	<input type="checkbox"/> Offender-on-Offender Sexual Assault <input type="checkbox"/> Offender-on-Offender Abusive Sexual Contact <input checked="" type="checkbox"/> Staff Sexual Misconduct <input type="checkbox"/> Offender-on-Staff Sexual Assault	
	<input type="checkbox"/> Staff Sexual Harassment <input type="checkbox"/> Staff-on-Staff Sexual Assault	
CRIME INFORMATION		
Time / Date:	10/23/05	
Facility (if applicable):	WCCW	
Specific location for Prisons and/or Work Releases:	<input type="checkbox"/> Cell <input type="checkbox"/> Dorm / other multiple housing area <input type="checkbox"/> Correctional Industries <input type="checkbox"/> Outside the Facility: <input type="checkbox"/> in transit <input type="checkbox"/> Hospital <input type="checkbox"/> Court / Jail <input type="checkbox"/> Program Area: <input type="checkbox"/> Gym <input type="checkbox"/> Yard <input type="checkbox"/> School <input type="checkbox"/> Restroom: <input type="checkbox"/> In housing unit <input type="checkbox"/> In program / work area <input type="checkbox"/> Shower <input type="checkbox"/> Temporary holding cell <input type="checkbox"/> Unknown <input type="checkbox"/> Other (specify):	
	<input type="checkbox"/> Common area / Day room <input type="checkbox"/> Food Services <input type="checkbox"/> Medical / Health Services <input checked="" type="checkbox"/> Staff only area <input type="checkbox"/> Work area (other than CI) <input type="checkbox"/> Multiple locations (indicate all)	
Specific location for Community Custody and/or Work Releases:	<input type="checkbox"/> Field Office <input type="checkbox"/> Home of Offender Family / Friend <input type="checkbox"/> Motel <input type="checkbox"/> Other (specify):	
	<input type="checkbox"/> Offender home <input type="checkbox"/> Offender work location <input type="checkbox"/> Multiple locations (indicate all)	
Treatment of Injuries:	<input type="checkbox"/> Internal /facility health services <input type="checkbox"/> Hospital <input type="checkbox"/> Other (specify): _____ <input checked="" type="checkbox"/> None (include reason): _ No Injuries noted at exam <input type="checkbox"/> Injuries confirmed by: _____	
DEMOGRAPHICS – OFFENDER #1		
<input checked="" type="checkbox"/> Victim <input type="checkbox"/> Suspect / Perpetrator <input type="checkbox"/> No offender involved	Gender: Female	Age: 48
Race: White	Height: 4'10"	Weight: 139
Documented Intelligence Level:	NA	
Documented Mental Health Issues:	Violence RMA	
DEMOGRAPHICS – STAFF / VOLUNTEER / CONTRACTOR #1		
<input type="checkbox"/> Victim <input checked="" type="checkbox"/> Suspect / Perpetrator <input type="checkbox"/> No staff involved	<input checked="" type="checkbox"/> Probationary Employee <input type="checkbox"/> Volunteer <input type="checkbox"/> Intern <input type="checkbox"/> Other (specify): INT	<input type="checkbox"/> Permanent Employee <input type="checkbox"/> Contractor <input type="checkbox"/> Other State Agency
Gender: Male	Age: 38	Race: White
Height: 6'9"	Weight: 250	# of months of unbroken service: 11

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Special Investigation Unit (SIU) Case Number: HQ 10-65-05-FO1			
DATA COLLECTION			
DO NOT INCLUDE NAME OR OTHER IDENTIFYING INFORMATION			
Documented completion of Staff Sexual Misconduct Training:	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes Date of most recent: 09/2005	
Related Disciplinary / Counseling Contacts in Past 5 Years:	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes Number: _____	
Marital Status:	<input type="checkbox"/> Single	<input checked="" type="checkbox"/> Married	
	<input type="checkbox"/> Divorced	<input type="checkbox"/> Widowed	
Recent Major Life Event (e.g., divorce, bankruptcy, financial issues, death of significant individual, etc.):	<input type="checkbox"/> No		
	<input type="checkbox"/> Yes (specify): _____		
	<input checked="" type="checkbox"/> Unknown / information not available		
INITIAL RESPONSE			
Rape kit completed:	<input type="checkbox"/> No	Why: _____	
	<input checked="" type="checkbox"/> Yes	Hospital: Harrison Hospital	
Separation of Parties Involved:	Officer placed on home assignment		
Victim Services Offered	<input type="checkbox"/> None	Why: _____	
	<input checked="" type="checkbox"/> Yes (indicate all)	<input type="checkbox"/> Community service provider <input checked="" type="checkbox"/> Facility mental health services <input type="checkbox"/> Other (specify): _____	
INVESTIGATION INFORMATION			
Case Assigned To:	<input type="checkbox"/> HQ Special Investigations Unit	<input checked="" type="checkbox"/> Facility I & I	
	<input type="checkbox"/> Facility Staff	<input type="checkbox"/> Community Corrections Staff	
	<input type="checkbox"/> Other (specify position only): _____		
Date Assigned: 10/23/05	Date Report Submitted: 12-20-2005	# of Victims: 1	# of Perpetrators: 1
INVESTIGATION CONCLUSION:			
<input type="checkbox"/> Substantiated	<input checked="" type="checkbox"/> Unsubstantiated (Evidence was insufficient to make a final determination that the event occurred)	<input type="checkbox"/> Unfounded (The event was determined NOT to have occurred)	
ASSIGNMENTS on COMPLETION of INVESTIGATION (complete for all cases)			
Offender #1 Assignment (include for each offender involved)	<input checked="" type="checkbox"/> Victim <input type="checkbox"/> Suspect / Perpetrator <input type="checkbox"/> No offenders involved	Community Corrections / Work Release Offender: <input type="checkbox"/> No change <input type="checkbox"/> Assigned to new CCO within same office <input type="checkbox"/> Assigned to new field office <input type="checkbox"/> Prison / Jail	
		Prison / Work Release / Pre-Release Offender: <input checked="" type="checkbox"/> No change <input type="checkbox"/> Facility transfer <input type="checkbox"/> Segregation <input type="checkbox"/> Intensive Management Unit <input type="checkbox"/> Protective Custody	

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Special Investigation Unit (SIU) Case Number: HQ 10-65-05-FO1

DATA COLLECTION

DO NOT INCLUDE NAME OR OTHER IDENTIFYING INFORMATION

Staff #1 Assignment (include for each staff, volunteer, contractor, intern involved)

- Victim
- Suspect / Perpetrator
- No staff involved

- DOC Staff Member:
- No change
 - Assigned to home
 - Assigned to new position within same facility / office
 - Assigned to new facility / field office
 - No longer with DOC

- Volunteer, Contractor, Intern:
- No change
 - Assigned to new position within same facility / office
 - Assigned to new facility / field office
 - No longer with DOC or permitted in DOC facility / office

OUTCOMES FOR SUBSTANTIATED CASES ONLY – TO BE COMPLETED BY PRISON ADMINISTRATOR ONLY

Offender Discipline (include section for each offender involved) – Insert additional lines if needed

- Not Applicable
 - No Why: _____
 - Yes Rule Violation: _____
- Sanction: _____

Staff Discipline (include section for each staff member involved) – Insert additional lines if needed

- Not Applicable
- No Why: _____
- Yes (indicate all)
 - Counseling
 - Suspension
 - Termination
 - Resignation prior to discipline
- Reprimand
- Demotion

Case Referred for Prosecution

- No Why: Case was unsubstantiated.
- Yes Outcome of Prosecution: _____

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STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF CORRECTIONAL OPERATIONS
WASHINGTON CORRECTIONS CENTER FOR WOMEN
P.O. Box 17, MS WP-04 · 9601 Bujacich Rd. N.W. · Gig Harbor, WA 98335-0017

January 20, 2006

TO: Jane Parnell
Associate Superintendent

FROM: Andrew Cozzolino
Correctional Investigator

SUBJECT: Alleged staff misconduct by Correctional Industries Supervisor
Robert Markel. Case WCCW-01-002-06

Synopsis:

On January 3, 2006 I was reviewing offender mail. There was a letter from Offender [REDACTED] addressed to Ms. Linda Farmer. The letter in part said "As always's Inmate [REDACTED] who is having a fling w/our floor boss Mr. Markel."
(See attachment 1)

Investigative Actions:

On January 3, 2006 I met with and briefed Ms. Kathryn Straight, General Manager of Correctional Industries. She stated she had not seen any behavior she considered inappropriate by Mr. Robert Markel. She provided a written statement.
(See attachment 2)

On January 3, 2006 at approximately 1520, I met with and interviewed Offender [REDACTED] in the Main Institution (MI) Visit Room. Offender [REDACTED] admitted writing the letter, and said it was her opinion that Offender [REDACTED] and Mr. Robert Markel were displaying inappropriate behaviors. When asked, Offender [REDACTED] said Mr. Markel's office used to be located in the back office of the Correctional Industries (CI) Drafting room. While it was there Offender [REDACTED] used to go in and sit with him, she would sit side-by-side with the side of her body against his. She added that sometimes they would have the lights off and no one knew what they were doing in the office. On numerous occasions she notice Offender [REDACTED] licking her lips while staring at Mr. Markel and acting provocatively.

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Offender [REDACTED] stated she told Offender [REDACTED] to stop, but was told "I can't help it, I like him." She noted that there have been times when Offender [REDACTED] will use an excuse to rub against or touch Mr. Markel.

Offender [REDACTED] stated Mr. Markel's office had been moved to the front, along the windows facing "A" building. She added that Offender [REDACTED] desk had been moved from the windows to the front area. Offender [REDACTED] stated this did not change the amount of time Offender [REDACTED] spent with Mr. Markel, but due to the configuration of the desks they could no longer sit side-by-side. She said they sit and talk for anywhere up to three hours, depending on who is in the office area. She said she has heard them discuss personal topics, including family, children, spouses and marital issues.

On January 9, 2006 at 1410 I met with and interviewed Offender [REDACTED] at the MI Visit Room. Offender [REDACTED] stated she has worked at the CI Drafting program for approximately one and a half years. She described her workstation as situated between Mr. Santo's and Mr. Markel's. She said she has not seen any offender spend long amount of time with Mr. Markel, she added that when Mr. Markel was in the office any offenders were allowed to talk to him concerning work issues. She said that the door was always left open when an offender went in the office. She said Mr. Markel has talked about his family in front of the CAD program offenders, she specifically said "He talked about how pretty his daughter was because she got dressed up for a dance." She also said that Mr. Markel spends long amount of time at Offender [REDACTED] workstation, but she thinks its work related. She added that she can only see Offender [REDACTED] workstation, but can not hear any conversations.

On January 11, 2006 at 0945 I met with and interviewed Offender [REDACTED] in the MI Visit Room. Offender [REDACTED] stated she has worked in the CI Drafting program since 1996 and her current supervisor is Mr. Robert Markel. She denied ever seeing any inappropriate contact between Mr. Markel and offenders. She did admit that Mr. Markel would share details of his personal life with the offenders in the CAD program, but she stated it was just minor details. As an example she said he talked about using his computer at home.

On January 11, 2006 at 1017 I met with and interviewed Offender [REDACTED] in the MI Visit Room. She stated she has been in the CI Drafting Program since 2003, and her supervisor is Mr. Robert Markel. She said she has seen Mr. Markel behave inappropriately with Offender [REDACTED]. She stated that Offender [REDACTED] would lean over Mr. Markel to show him things on the computer. That Mr. Markel had eaten lunch at Offender [REDACTED] desk and he would share personal information about his home life. Offender [REDACTED] described his behavior as "stepping over professional boundaries."

On January 11, 2006 at 1050 I met with and interviewed Offender [REDACTED] in the MI Visit Room. She stated she started the CI Drafting program in January 2005, and that her supervisor is Mr. Robert Markel. She denied every seeing any inappropriate behavior and denied every hearing any staff member talking about their personal information.

On January 11, 2006 at 1103 I met with and interviewed Offender [REDACTED] in the MI Visit Room. She stated she had been in the CI Drafting program since July 2005 but since transferred to the Prison Pet Partnership Program. She said she has never seen any inappropriate behavior by Mr. Robert Markel. She admitted he did talk about his family life, but added it was only small things. As examples she said he talked about how his family "celebrates Halloween by having a pajama night," and that his "wife was flying to New York and there was a transit strike in New York."

On January 11, 2006 at 1123 I met with and interviewed Offender [REDACTED] in the MI Visit Room. She stated she worked in the CI Drafting program since May 2000 and her supervisor was Mr. Robert Markel. She denied every seeing any inappropriate contact by Mr. Markel, but admitted she tries to stay isolated from everyone else. She did admit to overhearing Mr. Markel have personal conversations. As an example she stated he talked about "fixing cars" and small stuff like that.

On January 11, 2006 at 1307 I met with and interviewed Offender [REDACTED] in the MI Visit Room. She stated she worked in the CI Drafting program since January 2005 and her supervisor was Mr. Robert Markel. She denied ever seeing any inappropriate conduct by any staff, and denied ever hearing personal conversations by staff.

On January 11, 2006 at 1515 I met with and interviewed Industry Specialist Joseph Santos in the Intelligence and Investigation Unit Office. Mr. Santos stated he is Mr. Robert Markel's supervisor in the CI Drafting program. He stated he counseled Mr. Markel on approximately December 29, 2005 for not having appropriate boundaries with offenders. He stated Mr. Markel was not being inappropriate, but would get too close to offenders while showing them how to operate the computers. He also said Mr. Markel has shared personal information, like "buying a new car" and "small stuff."

On January 12, 2006 at 1226 I met with and interviewed [REDACTED] at the MI Visit Room. Offender [REDACTED] stated she has worked since April 2002 in the CI Drafting program and her supervisor is Mr. Robert Markel. She admitted she has had one on one conversations with Mr. Markel, but said they were all work related. Offender [REDACTED] also said she has eaten lunch with Mr. Markel a few times, but that it was in the open. She admitted there was some physical contact between her and Mr. Markel while they were working on the computer. She claimed the contact was unintentional and not sexual in nature, she described the contact as brushing against his arm. She also admitted to hearing Mr. Markel have personal conversations saying he would talk about his "car" and "taking the kid to the dentist."

On January 12, 2006 at 1310 I met with and interviewed Correctional Industries Supervisor Robert Markel in the Intelligence and Investigations Unit. Mr. Markel stated the longest he was ever alone with an offender was approximately 30 minutes, and it was for a counseling session. He said it took place in the hardwalled office with the door closed, but he always made sure Mr. Santos could see him through the windows. He could not recall if he had ever turned the lights off while an offender was in the office with him. He also admitted he was counseled and given a letter in his file for not having appropriate boundaries with offenders. He admitted he would reach and lean over offenders while they were on the computers, and that he would also allow them to reach over him. Mr. Markel said that since he has been counseled he has paid more attention to his boundaries. When asked, Mr. Markel said he has had personal conversations with offenders but that the conversations were about general items like "relatives, cars, sports." He admitted that he should not have personal conversations with offenders and can correct the behavior. Mr. Markel provided a voluntary written statement.

Conclusion:

Mr. Robert Markel admitted his supervisor (Mr. Joseph Santos) has reprimanded him for not setting proper boundaries with offenders.

Mr. Robert Markel admitted he would lean or reach over offenders while they are working on the computer to show them how to complete something.

Mr. Robert Markel admitted he would allow offenders to lean or reach over him while he was working on a computer.

Mr. Robert Markel admitted to having personal conversations with offenders; both as individuals and in a group.

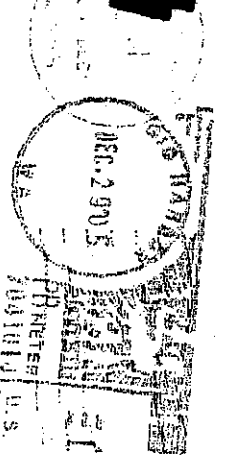
Attachments:

1. Photocopy of a letter written by Offender [REDACTED] dated 12-23-05.
2. Letter from General Manager Kathryn Straight dated 01-04-06.
3. Written statement by Mr. Robert Markel dated 01-12-06.



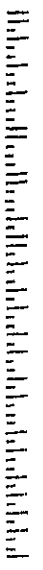
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LINDA FARM
MAYELLE
PORT ANG
COA, 98

54332/3333



HAROLD CLARKE
Secretary



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
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Phone (253) 858-4200, Ext. 1365 ♦ Fax (253) 858-4642

January 4, 2006

TO: Kelly Kelly
Andrew Cozzolino

FR: Kathryn Straight, General Manager

RE: Ms. [REDACTED] statement about Mr. Robert Markel

During the month of October 2005, Ms. [REDACTED] was asked to train Ms. [REDACTED] as [REDACTED] replacement in her clerk position within Correctional Industries' ProCAD operation. It was difficult for [REDACTED] to "let go" of her functions, train Ms. [REDACTED] and allow Ms. [REDACTED] to gradually take over [REDACTED] tasks. Mr. Joe Santos, CI's Industries Supervisor 2 over ProCAD, discussed with me the difficulty [REDACTED] was having in letting Ms. [REDACTED] into her "kingdom". This position is crucial, in that all work goes through this position for project recording, assigning and billing.

During the week after [REDACTED] release, Cathy Carlson (CI staff assisting [REDACTED] in transition and getting her connected with her new position as [REDACTED] working for CI's Fast Fulfillment Center at [REDACTED]) called me to relay a comment [REDACTED] made to her. She mentioned that [REDACTED] stated that Mr. Markel was getting too close to Ms. [REDACTED] and she [REDACTED] wanted me to know so I could be aware of it and help Mr. Markel to "not get into trouble".

I spoke confidentially with Mr. Joe Santos, supervisor of ProCAD, regarding the comments from [REDACTED] asked him if he observed any behavior that could be perceived as "too close" between Robert and Ms. [REDACTED]. Joe stated that Robert spent additional time with Ms. [REDACTED] during the training period ... especially when [REDACTED] resisted sharing her wealth of information. I left it to Joe regarding discussing the matter with Robert and instructed him to be aware of the interactions between Robert and Ms. [REDACTED]. and to make sure to immediately correct any behavior which could appear to be inappropriate.

I have spent extended time since that time observing ProCAD's operation. Additionally, I have spent substantial time with Ms. [REDACTED] to understand her role in the operation. I found her to be outgoing, friendly and willing to assist with any request.

I have not, to date, observed any behavior that I felt could be construed as inappropriate. I saw no appearances of favoritism, no inappropriate physical closeness or touching on the part of any staff or offenders.

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1/12/06

IT WAS BROUGHT TO MY ATTENTION THAT
PRECEIVED CONCLUSIONS CAN BE MADE BY
OTHER INDIVIDUALS OBSERVING MY ACTIONS.

I GREE, THAT NOT HAVING THE APPROPRIATE
BOUNDARIES CAN DO SUCH. I HAVE HAD
PERSONAL CONVERSATIONS WITH OFFENDERS AS A
GROUP OR AS INDIVIDUALS, I WAS WRONG IN DOING SO.
SUBJECTS DISCUSSED GENERALLY: ~~FAMILY~~ ~~FAMILY~~ RELATIVES,
CARS, SPORTS,

I HAVE BEEN TALKED TO BY MY MANAGER AND
IMMEDIATE SUPERVISOR THEN A LETTER PUT IN MY
PERSONNEL FILE. I ~~AM~~ LIKE THE FACT THAT YOUR
STAFF CO-WORKERS ARE ^{THERE} TO HELP.

I WILL DO WHAT IS NEEDED TO MAKE MY ACTION
RIGHT.



ROBERT C. MARKEL