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## **Lawsuit filed against former corrections officer, Spokane County for inmate rape**

TACOMA, Wash. – Jan. 25, 2008 – A civil lawsuit was filed in United States District Court in Spokane this week to demand justice for an inmate raped by a corrections officer at a Spokane County corrections facility.

On January 25, 2006, Billie Ray Dupree was raped and assaulted by Bernard Baumgardner III, a corrections officer at Geiger Corrections Center in Spokane, Wash. Dupree was a federal inmate in Geiger Corrections Center at the time.

"No one should be treated in this manner, even if they are an inmate," said attorney Patrick Palace, who represents Dupree. "Justice needs to be served in this case, and will hopefully prevent this terrible crime from happening to anyone else."

Baumgardner repeatedly made unwanted advances toward Dupree in the month prior to the incident, according to court documents. Dupree told Baumgardner that she was not interested in him but Baumgardner threatened that if she reported his behavior, he would make her life very difficult and may even have her transferred. As Dupree only had several months remaining on her sentence, she did not want to get herself into trouble or jeopardize her chance of being released. Several days later, Baumgardner forcibly raped Dupree. Baumgardner pleaded guilty to sexually assaulting a female inmate while on duty in June 2006.

"The power Mr. Baumgardner held over Ms. Dupree as a correctional officer makes this crime even more appalling," Palace said. "Spokane County had a duty to protect Ms. Dupree's rights, even if she was a prisoner, and they failed to do so."

Federal law protects prisoners from deprivation of their rights and protections while in prison. Dupree's lawsuit seeks accountability from Baumgardner and Spokane County for allowing sexually predatory conduct a corrections officer. Dupree is seeking \$1 million in damages plus attorney's fees.

"We have requested a jury trial, and trust that a jury will determine a just and fair sum that reflects the nature of this case," Palace said.

Dupree had been in Geiger Correction Facility since September 2005 for a drug-related offense.

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**Spokesman-Review: Ex-officer pleads guilty to sex with inmate**  
*Incident at Geiger triggered misconduct charge*

By Jody Lawrence-Turner, Staff writer  
June 13, 2006

A former Geiger Corrections officer pleaded guilty Monday to sexually assaulting a female inmate while on duty.

Bernard R. Baumgardner, 60, contends the sex was consensual but acknowledged that he still broke the law by engaging in prohibited contact with the prisoner. In a deal reached with prosecutors, Baumgardner pleaded guilty in Spokane County Superior Court to first-degree custodial sexual misconduct in connection with the Jan. 25 encounter.

Baumgardner, who had no previous criminal record, faces six to 12 months in jail.

"He was a good officer until this happened," said Geiger director Leon Long, adding that Baumgardner had worked at Geiger since 1988 without a blemish on his employment record.

Sentencing is scheduled for July 27.

It was unknown where the former corrections officer would serve his jail time, which is a concern, said Chris A. Bugbee, Baumgardner's attorney. Baumgardner's previous role in law enforcement could make his life behind bars dangerous.

According to a court document, starting a month or so prior to the sex act, Baumgardner had told the inmate that she was "sexy" and that he "wanted" her.

The woman was a federal inmate who had been housed at Geiger since October 2005.

On Jan. 25, Baumgardner isolated the woman in a recreation building, then had sex with her on a table, the court documents said. She was able to accurately describe for detectives a distinguishing mark on Baumgardner's body.

The incident was reported to a Geiger counselor and the Spokane County Sheriff's Office investigated. Baumgardner resigned the next day, Long said.

Before accepting Baumgardner's guilty plea Monday, the judge reminded Baumgardner he was giving up his rights to own a gun and vote. The former corrections officer also will have to submit a DNA sample and register as a sex offender.

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