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New Geiger lawsuit filed

Attorney says county failed to protect women from rape

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In October 2005, an inmate at the Geiger Corrections Center reported she had been raped by a guard at the West Plains prison.

The report made its way to at least two officials at the prison, but "nothing was ever done about this serious allegation," according to an internal Geiger e-mail filed this week in U.S. District Court.

By the time the allegation was brought to the attention of investigators, three months had passed and another rape accusation had been raised against the guard, Bernard Baumgardner. He later pleaded guilty to a felony in that case.

A second lawsuit was filed this week against Spokane County and Baumgardner, alleging sexual misconduct on the part of the former guard and negligence on the part of the county.

In the latest lawsuit, a former inmate at Geiger alleges that Baumgardner forced her to perform sexual acts twice in a prison supply room.

The attorney for the plaintiffs in both lawsuits, Patrick Palace, said Friday that the county failed to have a system in place to protect female inmates from male guards, which allowed a "rogue officer" to commit the crimes. And when the first allegation arose, "it is our position that an adequate investigation did not occur," he said.

Jim Emacio, the county's chief civil deputy prosecutor, did not return messages seeking comment Friday, and efforts to locate Baumgardner were unsuccessful.

In June 2006, Baumgardner pleaded guilty to first-degree custodial sexual misconduct with a female inmate. He was sentenced to probation and community service.

He had resigned shortly after the Jan. 25, 2006, encounter with the woman, who said Baumgardner threatened to make her life difficult if she didn't have sex with him in the workout room.

The day after that assault, an investigator sent an e-mail to Leon Long, then the director of Geiger, that referred to Geiger staffer Bev Gardner, who told the investigator about a report filed several months earlier by a different inmate. That report, according to the e-mail message, was relayed to at least two supervisors.

"To Bev's knowledge, nothing was ever done about this serious allegation," the message to Long reads.

Documents filed with the most recent lawsuit indicate Long forwarded the investigator's message to a county detective.

In that case, the inmate alleges that Baumgardner forced her to perform oral sex on him twice. The lawsuit says the woman initially resisted Baumgardner's offer of contraband in exchange for sex, but that she later complied when he threatened her with the loss of her good behavior time, and she feared her sentence could be extended. On another occasion, he physically forced her, the suit says.

The lawsuit alleges that the plaintiff's constitutional rights were violated by the assaults and the county's failure to protect her. It seeks unspecified damages.

The initial lawsuit is still proceeding through depositions, Palace said.