

STATE OF WASHINGTON

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AND CONTRACTOR

CASE TOPIC: STAFF MISCONDUCT RE: CO BUSTER/41/M

CASE #: 09-047-03-F01

DATE OPENED: 9/22/03

DATE CLOSED: 9/24/03

sign and date at time of review or receipt

CASE OUT REVIEW	COPY AUTHORIZATION
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### CONFIDENTIAL

# Washington State Correction Center for Women



Intelligence & Investigations Case File 09-047-03-F01

CONFIDENTIAL

### Washington Corrections Center for Women Intelligence & Investigations Investigative Case #09-047-03-F01

#### September 24, 2003

TO:

Belinda D. Stewart Superintendent, WCCW

FROM:

Steven B. Baxter

SUBJECT: POSSIBLE STAFF MISCONDUCT RE: CO ROBERT BUSTER

SYNOPSIS: On Monday 9/22/03 WCCW I&I received an Incident Report (IR) dated 9/21/03 (see attachment 1) alleging Staff Misconduct by Intermittent Correctional Officer (CO) Robert Buster. According to the IR CO Buster had taken Inmate (I/M) DOC# into J-Unit property room on 9/20/03 where he took off his radio, embraced I/M and began to kiss her. CO Buster is then alleged to have caressed I/M right breast, her butt and then began to caress her vagina. On 9/21/03 I/M saw CO Buster talking with in the J-Unit Office and after another Inmate I/M DOC talking with her found out that CO Buster had said the same things to I/M as he had to her the day prior. I/M then stated that she had talked to her to find out what to do. CO Buster was roommate I/M DOC interviewed and placed on no-call status pending completion of this investigation.

#### **INVESTIGATIVE INTERVIEWS:**

Inmate DOC wrote a statement dated9/21/03 (see attachment 2) and was interviewed 9/23/03, in this statement and interview I/M related that on 9/20/03 around 0850 hrs. she had been locked out of her room after her shower. I/M approached CO Buster to open her room. While they walked to room CO Buster made comments like "MMM you sure smell good, if there's anything you need come talk to me, anything" CO buster was smiling as he said this. About five minutes later he walked by I/M door and saw her in the corner pulling on her pants. Co Buster walked on then returned and asked I/M if there was anything that she needed or that he could help with. CO Buster said all this with a big goofy grin replied that she was fine. Later that morning if I/M bassed on his face: I/M Miss UMMM UMMM Miss CO Buster in the hall he would say "Miss Between 1000 and 1015 hrs. I/M for the Avon book. CO Buster asked her to take a seat for a minute and began to tell her that she was a very beautiful woman " off the record" then began to ask her questions like

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when she was getting out, what she like to do when she got out, was she married? At first stated she was flattered but then began to feel real uncomfortable. CO I/M Buster then told I/M that he had some property for her and took her to the unit thought it might be the PJs she had ordered was not. CO property room. I/M Buster instructed I/M to enter the room he then stepped in and closed the door. CO Buster then removed his radio and placed it on the shelve and approached I/M CO Buster then began to kiss I/Manual and touched her on her right breast and lower area. I/M stated that she was shocked and didn't know what to do. I/M stated that she resisted then he told her that nothing happened but first asked if she was all right. I/M wrote that she told CO Buster that she was very uncomfortable and he stated that he would deny everything.

I/M states saw I/M states in the CO's office with CO Buster on 9/21/03 and later approached her in the MSC yard. While talking they discovered that both had been told the same type of remarks by CO Buster. During her interview on 9/23/03 I/M states stated that CO Buster had told her that he had to be careful because another officer had lost his job when he got an inmate pregnant here. I/M states stated that she would take a polygraph to prove her statements.

was interviewed and gave a written statement (see Inmate DOC states that on 9/21/03 CO Buster called her to the attachment 3) on 9/22/03. I/M CO's office. CO Buster asked I/M to change her job from laundry to help with Linen exchange. After returning from the laundry exchange CO Buster again called her to the office and this time began to ask her questions like "where do you live, how much time do you have left?" Then CO Buster asked I/M to take out his trash as I/M bent over to get the trash she heard CO Buster say "oooh that's a fine body, you have everything all in the right places, I could work with that." I/M states that she turned around and looked at him with uncomfortable confusion. CO Buster then asked I/M to have a seat and handed her two clothing request slips and tells her "I think you need some blue jeans for that fine ass." At the Time I/M. The states that she was flattered and kind of giggled. I/M then filled out the slips and handed hem to him, he made a comment about the size of the jeans and then handed the slips back to I/M

I/Metabolic stated that she really needed the jeans and CO Buster stated, "I just gave you those slips to you because there are ears and eyes around here and I want you to look like you came in here for a reason." CO Buster then proceeded to tell I/M. The state is a quiet voice how fine she was and was sure all the inmates and guards had noticed her. CO Buster then said in a quiet voice "It can be done, it has been done before, but it's very dangerous." I/Metabolic asked CO Buster if he didn't have a wife and re replied "Fuck her, I'm not worried about her, I am worried because another officer got a girl pregnant

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here before and I don't want to go to jail or lose my job, you know what I'm saying, but believe me it can be done" and he smiled and winked.

CO Buster then asked I/M to retrieve some passes that had fallen down the side of the desk, as he couldn't reach them. As I/M bent over to reach for them CO Buster is alleged to have said, "you aren't wearing any underwear are you?" I/M states that she did not respond but hurried up and finished as she walked past him he brushed up against I/M chest and said, "damn that is nice." CO Buster then is alleged to have told I/M to keep quiet and he would see her before he left work. I/M states that she left in shock and went out to the yard until he was off approached I/M and said, "Did he say off the record duty. Later I/M stated that she hesitated and then replied yes at that time I/M things to you?" I/M stated that CO Buster had said the same things to her as he had to me on Saturday. I/M also stated that CO Buster had taken her to the staff bathroom and kissed her.

Inmate and DOC# was interviewed on 9/22/03 and related that she had been told by her roommate that CO Buster had taken her into the property room and had kissed and groped her. I/Manual stated that at first I/Manual had been flattered by the remarks made by CO Buster but that the incident in the property room had scared her. I/Manual related that she had called her mother to ask for advise on what to do and had her mother call I/Manual sister to relate what had occurred.

**CO Robert Buster:** was interviewed on 9/22/03 and denied all accusations. I/M Buster states that only one inmate was taken to the property room on the day in question and that she had blonde hair and wanted shelves for her locker. CO Buster stated that he would never mess with an inmate because he had heard about the CO that had gotten an inmate pregnant and had lost his job.

#### Investigation Facts:

- The stories of both inmates are close but not exact in phrases allegedly used by CO Buster
  - I/M. The results of this test showed that I/M. Was NOT being deceptive when she answered YES to the following questions: 1.) Did CO Buster kiss you and 2.) Did CO Buster caress your breast?

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- A review of I/Manual clothing requests did show a request for PJs on her last clothing request and issue form dated 8/24/03 (see attachment 4)
- A review of I/M provide phone usage did in fact show a call to her mother on 9/21/03, when monitored the call did include the information of the CO Buster and I/M provide incident. I/M provide did request that her mother call I/M provide sister and relate the information of the incident.
- When interviewed CO Buster stated, I wouldn't mess with an inmate because I've heard about the CO who had gotten an inmate pregnant and lost his job. Both inmates had stated that he told them variations of this same statement.

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#### 4 Attachments

- 1. IR Dated 9/21/03
- 2. I/Metal Written statement dated 9/21/03
- 3. I/Mented written statement dated 9/22/03
- 4. Clothing request and issue form dated 8/24/03

#### STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS

### **INCIDENT REPORT**

Attachment

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PLACE / AREA OCCURRED J UNIT	OFFENDERS INVOLVED DOC NUMBER	LIVING UNIT
DATE / TIME OF INCIDENT 09-21-03		
WITNESSES		

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 IINMATE AND ASKED TO TALK WITH ME IN PRIVATE. I WALKED OUTSIDE WITH HERE WHERE SHE TOLD ME THAT C/O BUSTER HAD TAKEN HER INTO THE PROPERTY ROOM. WHERE HE TOOK HIS RADIO OFF AND PUT IT ON THE SHELF AND SAID HE DIDN'T WANT TO BUMP THE BUTTONS. AND CARESSED HER RIGHT BREAST, HE FELT MY BUTT. AND THEN HE STARTED TO CARESS MY VAGINA. ADDITIONAL SAID TODAY SHE SAW HIM TALKING WITH SAID SHE TALKED WITH HERE OUTSIDE AND HE WAS TELLING HER THE SAME THINGS HE HAD TOLD HER. SAID SHE TALKED WITH HER SISTER ON THE PHONE TO FIND OUT WHAT TO DO. ALSO TALKED WITH HER ROOMMATE

#### IMMEDIATE ACTION TAKEN: Notified MSC Sgt. Belfour

REPORTING STAFF SIGNATURE	TITLE C/O	· · · · · · · · · · · · · · · · · · ·	DATE 09-21-03
PATRICIA K. TIMBROOK			
ORIGINAL REPORT	TO ASSOCIA	TE SUPERINTENDENTIS OFFI	CE
DATE / TIME RECEIVED		<u> </u>	
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INVESTIGATION ASSIGNED TO	BY	······································	DATE
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#### GSR POLYGRAPH SERVICES

William D. Tufts 1409 18<sup>th</sup> Ave CT. SW Puyallup, WA 98371

#### **POLYGRAPH EXAMINATION REPORT**

TO: Investigator Steve Baxter Department of Corrections Washington Corrections Center for Women PO Box 17 Gig Harbor, WA 98335

Subject:		Examination Date:	09/23/03
DOB:	1973	Offense:	Statement Verification
Requested by:	Investigator Steve Baxter		•
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**Purpose of Examination**: To verify or refute the subject's allegations that Officer Buster kissed her and fondled her breast.

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 four (4) polygraph charts, in the opinion of this examiner, **she was not** attempting deception when she answered "**yes**" to the following relevant questions:

- 1. Has Officer Buster ever kissed you?
- 2. Has Officer Buster ever fondled your breast?

A second examiner, Eric Killian, has reviewed this examination and concurs with the numerical evaluation and conclusions.

Examiner: William D. Tufts

September 23, 2003 Date of Report

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# CONFIDENTIAL

1. Around 8:50 m movement roomates locked me out of the room I just got out of shower had to get officer to Open door these were the remarks made mmm mmm you sure Smell good, if there's anything that you need come talk to me anything and he uses all smites im speaking of CO Mr. Buster Morning shift offices 2. About \$ 5 min later he walks by looking in my door and caught me in the corner pulling my pants on then keeps moving, then takes a couple steps back and asked me if there was anything that I needed or he could help me with, with a big apopy grin on his face I replied that I was fine and asked 3. I would get rymarks, when passing him in the half miss miss with um um. miss 4. Detween 10:00 Am \$ 10:15 mm I was told he had some property in the room for me and to come ged it he tills me to step in the steps in closes the door takes off his radio places it on the shelf and approachad me Kissing me fulling on my right preast and my lower area, I twas shocked apol clidn't know what to do I resist he then tells me nothing happend but first he asked me if I was alright I told him I was very uncomfortable and he says he will deny everything. dirty and Violated

Attachment (2)



9-21-03

On the day of 9-20-03 which usas sterday I was in the office between yesterday and 10:15pm usking 10 00pm 10 Caderon on duty Bobuter but the Aush LOOK have for a minute a seat nue to tells This officer then tellina starts I'm a very veaestifiel we me tha women Office Record In mining where do il get get? where Dask he says " austions I live? am il martied VER de I was plattered after En birst and it would not Vuncomlike to be appicers presence ever again he then tell? me Fe by the way per you in the have something DILLOUTU henest if thought maybe it was "tobe neauested HOLDER CARADO bollesied him he tells of come on aling DO in clubs conres the deer he Starts NA Danen Ancueder clip placed it and comes right up on me te kiss me and rule m even my & lover area e NOV and starts rule my brast and il didn't know what to de he asked me after he was through beging around if it was alright and it tills his

CGNFIDENTIAL the starts to tell me nothing happen and he will denig it to the feel if it were to say anothing. I get Using dirty and visitated." Africa Buster upuld take a lie detector I have to to prove my scense and that this man in fact violate my personne 218

Sept 21, 2003

On Sunday September 21, 2003 I was Called to the office, by the officer (officer Buster) I had already Signed up for my Unapigned job for that morning & was trash run. Officer Buster Called me in to Change my job to Laundry to help With Linen Exchange. After returning from lainchy exchange I was called in to the Office again by officer Buster. I had a talk Uth him for a minute, he was asking me Duestions such as, "where do you live?", "How much ime do you have left here" etc... Then officer Buster willed me to take take out his trash, I of Course Said yes and he proceeded to move his backpack from penind the desk So I Coald do the trash. As - was bending over getting the trash out, He Says, ' oook that's a fine body you have there everything all in "he right places, I could work with that." I turned and looked at him with a look of uncomfortable On Anosion. By this time it was about 12:45pm I rad arrived in his office @ 12'30pm. He told me 5 Sit down in the Chair and, walked over to the door Where the Kites are he hands me two Clothing request slips and tells me," I think you need some in the time I will The Ass." At the time I will

admit that I was flattered, So I Kind of jiggled. Then I g filled out the regarst Sheets nd handed them to him, He made a comment about he size of my Jeans, then he handed the Slips back " me. " I Said," officer Buster I really do need those eans.", He Said "I just gave those Slips to you because here are ears and eyes around here and I want you blook like you came in here for a reason. He then o proceed to tell me in a quiet voice how fine I was nd that he is sure that all the guards and inmates lave noticed me. He then Sayp, under his breath, "It an be done, it has been done before, but its very danguous. I was a little confussed @ that time and uncomfortable. "I then asked him, " "dont you have a wife?" He Said, "Fuck her I'm not worried about her, I am worried Ecanse another officer got a girl pregnant here before and - dont want to go to jail or lose my job you know what I'm Saying, but believe me, it can be done." and he Smiled End winked @ me. He then had dropped 50 passes our the Side of the desk and told me he could Not reach them if I could reach them because of my Small arms." I Said Sure " By this time I Sas feeling uncomfortable and Vulnerable. I proceeded 5 get the passes for him bending over of course and re Said, "You aren't wearing any underware are you?" I digt not respond, I wasn't Sure what to Say of rurried and finished and stood up to wark around his light and he was walking right next to me and

-2-

Is nice." He t'in told me to keep Quiet and he 3 would See me later before he left work. I Left he office in Shock and went out to the yard until often e was off duty. I tarked to NO ONE UNTIL Came up to me and Said, "Did he say off the ecord things to you?" I hesitated and Said "yes, and 'ou and She proceeded to tell me things that he rad also Said to me, he said to her the day Drior which was Saturday the 20th of September-The had told me that Oficer Buster had taken ren into Staff Ocethroom and Cornered her and Kissed her. That was all She Said being there were people all over, She Scild we'd Fack tonight monday 22 de 2003. after She Etomed Shom work.

This is my Statement to the best of my Knowledge.

Signed ...

September 28, 2003.

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		RECEIVED	<u></u>		
<b>()</b>	STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS	SEP 0 3 2003	CL	OTHING RI	EQUEST AND ISSUE
OF			UN	V.	DATE: 8-24-03
ITEM	ARTICLEAND GOLD	275	QUANTITY	SIZE	DATE RECEIVED / INITIAL
N	Suscationts	Bray	$\square$	XL	
D-	Swat shirt	Gray	$\left( \widehat{\mathbf{D}} \right)$	XLEN	ereci
N	TShirts 1	Shife	(2)	XL	SEP 0 8 2003
N	Pantics und	cruare	3	Le By	
	Paiama Set	2pc. 0	Zpc.	XL	
N	Socks		3)		FILLED
					SEP 0 8 2003
VERIFIED BY:	MO		APPROVED BY	Kob	
DOC 21-931 (3/2	001) WCCW	· · · · · · · · · · · · · · · · · · ·		V	

Attach

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