

# Policing Police

Magaña verdict leaves many unanswered questions about police policing themselves.

**R**oger Magaña was convicted Wednesday on 42 out of 45 charges that he sexually abused women while a Eugene police officer.

The jury has answered the question of Magaña's guilt or innocence. But the massive trial involving alleged crimes including rape, sex abuse, kidnapping, sodomy, coercion, harassment and official misconduct has raised a host of unanswered questions about the need to reform how the Eugene Police Department polices itself.

Prosecutor Robert Lane told the jury in closing arguments last week, "There's nothing you can do that's going to restore any shine to the badge. There's nothing you can do to make women feel safer in Eugene or elsewhere. The cops have to do that for themselves."

Exactly how they will do that remains unclear. But it is clear that the public trial has left EPD's secretive police discipline system much to answer for. What follows is a rundown of some of the bigger police accountability questions raised by the trial this past week.

## Officers Dismissed Complaints

Last summer police Detective Scott McKee first contacted one woman who Magaña allegedly forced oral sex from on multiple occasions by threatening to arrest or shoot her.

In a taped conversation of McKee's call, the woman said she had told officer Jerry Webber and police Lt. Pete Kerns and was "99 percent sure" she'd also told officer Roberto Rios of the abuse when it was happening, but the officers did nothing.

"Why the hell didn't they listen to me? That's gravely offensive," the woman told McKee.

"It's disturbing to me," McKee admitted. "It's absolutely horrendous," the woman said. She compared it to police failing to investigate the Green River serial murders because they involved prostitutes.

Other officers also heard allegations against Magaña and also apparently failed to act. Police Officer Larry Crompton said he was doing a bar check at Diablos one night with Magaña. A man came up and angrily confronted Magaña and "there was some pretty pointed allegations made."

The judge in the Magaña trial did not allow Crompton to specify the exact nature of the allegations because of a defense objection that they were hearsay. Crompton said he thought the confrontation was "pretty unusual," but he apparently did not report the man's allegations to superiors for investigation.

In his opening statement in the trial, defense attorney Russell Barnett said it was hard to believe that a competent police department would have let Magaña's alleged crimes continue for so long against so many victims without detection. "He's either the slickest guy working with the dumbest people, or perhaps the accusations don't add up."

Prosecutor Lane said police did not see what Magaña did and did not believe the complaints from drug users against their fellow officer. "This bunch of cops are not stupid."

But Lane himself pointed out to the jury that most of Magaña's victims were not drug users and that even drug users are often held up by police as reliable informants in cases against criminals.

## Policing Themselves

Eugene police have trouble policing themselves, according to testimony.

The alleged victim in the taped phone conversation asked how McKee felt investigating a fellow officer.

"Initially it was very uncomfortable and you can't help but feel some loyalty" to an officer with 10 years on the job, McKee said.

Lane told the jury that McKee investigating a fellow officer at first "chose to, let's face it, adopt a strategy of trying to clear this guy" by using police records to place him somewhere else. "He failed."

Police officer Jeff Glemser said officers often discredit complaints against police officers from drug users. He said he would tell superiors of a complaint involving coerced oral sex, "but on the other hand, you take that kind of thing with a grain of salt."

police did not apparently follow through, according to testimony.

Police had another opportunity to stop Magaña's alleged sex crime spree three years ago when a woman filed a complaint that Magaña had sexually harassed her, according to testimony.

Sgt. Willy Harris said the complaint "caused me some concern." Stopping the woman late at night appeared lawful, but Magaña inexplicably did not report on information gathered from the woman nor did he run a computer check on her for warrants, according to Harris. But Harris said he could not "make a definitive determination" that Magaña acted unlawfully and the department dismissed the complaint.

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Police Officer Mel Thompson testified that he has often heard charges from drug users that "so and so is dating a cop" but has brushed them off.

Magaña isn't the only EPD cop to be accused of sex on the job. Members of the EPD Rapid Deployment Unit were accused about five years ago of drug use, money theft and consorting with prostitutes, according to testimony from Officer Thompson. Thompson said the allegations weren't true, but it's unclear what the police did to investigate.

One thing the police didn't do was conduct a sting operation. Police regularly use stings to catch people using prostitutes. Det. McKee testified that Officer Webber proposed that the police check the allegations against the police unit by doing a sting with fake prostitutes, but EPD Lt. Jim Fields refused to authorize the sting.

Two of the alleged Magaña victims also offered to help with a sting against Magaña, but

Lane asked Police Chief Robert Lehner if he was aware that a 2001 audit of police complaints found that the department should have found Magaña guilty of wrongdoing at that time. Lehner said he was not aware of that.

The woman stopped by Magaña while looking for her cat testified that Magaña asked if she was pregnant and asked if she had a boyfriend. The on-duty officer asked her to call him on his day off. "I felt very afraid when I was speaking with him," she said.

## Lax Supervision

Magaña lacked effective supervision and had apparent free reign to allegedly victimize women while on duty, according to testimony.

Magaña's most recent supervisor, Sgt. Harris, was apparently clueless about Magaña's alleged criminal activity. "I never

**James von Boeckmann**  
attorney at law

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