

COMPLAIN AND GET ARRESTED

Another factor, Regan says, is fear that the police will retaliate against complainers. Magaña himself raised that specter at his sentencing. He warned one victim that fellow officers will treat her worse after she testified against him. "Every Eugene police officer knows what she is capable of."

Regan says the police policy of checking people who complain for outstanding warrants to see if the police victims should first be arrested "eliminates probably the majority of victims." People with criminal charges have the most police contact, she notes.

'WHY THE HELL DIDN'T THEY LISTEN TO ME?' — VICTIM WHO COMPLAINED TO POLICE

Continuing the policy of checking complainants for warrants amounts to declaring open season to abuse those people, according to Regan.

In the Magaña case, the prosecutor's investigator EPD Det. Scott McKee coaxed women to come forward, saying he would not investigate them for outstanding warrants. Several of the victims had drug and prostitution records. McKee said having a criminal record appeared to be a criteria Magaña often used to choose victims.

But Lehner says that the department won't change its policy of first seeing if it can arrest people who complain. He says there's some flexibility with misdemeanors but not with felonies, such as heroin or marijuana possession of more than an ounce.

Lehner says he also won't "spy" on on-duty officers not suspected of wrongdoing by using random undercover checks. Lehner also says he has no plans to audit police complaints by actually calling complainants and seeing if they're satisfied.

ACLU's Fidanque says more structural reform may be needed. He says the police prioritization of futile drug enforcement is "wrong headed" and "is an invitation to corruption." He says the police routinely use the threat of arrest to coerce drug users to hand over dealers. Magaña took that coercion model and used it for his own sexual gratification.

REFORM RESISTANCE

In past internal investigations, the EPD has been criticized for dismissing complaints. In 2000, police absolved themselves

of accusations that they violated First Amendment rights and used excessive force when they deployed up to 90 officers wielding clubs, pepper spray and pain holds to arrest 80 anarchist protesters. After police showered tree sitters and demonstrators downtown with pepper spray and tear gas in June 1997, police praised the response as "humane." Amnesty International condemned the spraying, including of one tree sitter's genitals, as "torture."

Two months ago, an auditor hired by the city manager issued a very critical review of police handling of complaints. The auditor

faulted the department for frequently ignoring and failing to adequately investigate allegations, taking up to five months to investigate complaints and failing in supervisor review of complaint handling. The auditor noted that the supervisory failure had continued for the last three years. "I cannot see how the department's IA [Internal Affairs] process can be depended on — by the department or by the community — without more active and detailed internal review."

Before he was hired this year, Lehner's police department in Tucson, Ariz., where he served as assistant chief, also was criticized for lax internal investigation and supervision amid scandals. "It's pretty hard to have a police department be effective when no one believes in them," Tucson Mayor George Miller, told the *Daily Star* in 1996.

Lehner says his experience handling police complaints in Tucson will serve him well in Eugene. He says he was "surprised" at how Eugene police handle complaints when he arrived. That isn't the first time. Leonard Cooke, the last EPD chief hired from outside the department, testified in a contract dispute case that when he arrived in 1992, the lax disciplinary system left him "stunned."

Lehner says he doesn't want an "artificial deadline" for his internal investigation in Eugene. He variously estimated it could take "a year or two" or "six to 12 months."

But with the current crisis in trust in the community, Councilor Taylor says, "that's way too long."

EW

Police Reform continues next week with a look at external police review.

MAGAÑA TRIAL REVEALS EPD FAILURES BY ALAN PITTMAN

The Magaña trial provided a rare look into the secretive world of how Eugene Police handle officer misconduct. It wasn't pretty. The trial revealed the department blew numerous chances to stop Magaña and failed to effectively supervise the officer who sexually preyed on a dozen women. "This stuff has been happening for years and people have been telling people about it for years," Prosecutor Robert Lane told the jury.

Here's some examples from testimony and court and EPD documents:

- Magaña received glowing performance appraisals even while he was coercing oral sex from numerous women by threatening to shoot or arrest them. Sgt. Willy Harris wrote in 2001 that Magaña is an "excellent officer" who is "pleasant" to citizens and a "role model for young officers." Harris wrote, "Officer Magaña represents the department in a positive way." Court documents also include positive evaluations from other supervisors from three other years.

- One victim testified that Magaña forced her to write a letter of commendation to restore his reputation after she complained to police that he was coercing sex. The woman said none of the glowing praise for Magaña in the 2000 letter was true and was only written because Magaña threatened "to hurt me, kill me, hurt my daughter, take my daughter away."

Police supervisors were easily fooled by the coerced letter. Police Captain Becky Hanson wrote a note at the bottom: "Roger, this is a tremendous testimonial to your work and efforts with this young woman. What a positive impact you made. You are a credit to all police officers."

- EPD hired Magaña as an officer even though he had a criminal arrest record. Magaña was 19 when he was arrested and jailed in 1982 for allegedly burglarizing an apartment with some friends and making a mess and stealing some beer and food from a refrigerator, according to a police report. The victim, a former girlfriend of one of those arrested, declined to press charges and there was no conviction.

- Magaña's supervisor, Sgt. Katherine Flynn, testified that she investigated a sex abuse allegation by simply asking Magaña and taking his word for it over the woman's. Flynn did not send an officer to investigate or take fingerprints.

- A young sex abuse victim testified that Magaña would frequently report false locations on his radio and would talk to her with other officers present. Magaña told her "it was none of their business," she said.

- Magaña frequently came to a retail shop to talk to a victim with other officers present. At one time Magaña and another uniformed officer "were basically having a party there," the shop boss testified.

- A victim said she told officers Jerry Webber, Roberto Rios and police Lt. Pete Kerns that Magaña was coercing sex from her but they did nothing. The woman said Magaña quickly found out about the complaints and threatened to shoot her if she complained again.

- When Magaña went to sexually assault one woman, he told dispatch he was on "special assignment" and unavailable for other calls. No one apparently asked him what his "special assignment" was.

- The city apparently paid Magaña for time spent abusing women. In one month, Magaña ran up a \$700 personal cell phone bill in often harassing calls to women victims while on duty. In 2003 Magaña was paid a salary of \$53,000 plus \$5,270 for overtime.

- Police Officer Larry Crompton said he saw a man confront Magaña with "some pretty pointed allegations." Crompton apparently did not report the man's allegations to superiors for investigation.

- Three years ago a woman filed a complaint that Magaña stopped her and sexually harassed and scared her. Police dismissed the complaint, a conclusion disputed by a later external audit.

- Fellow officers Greg Reeves, Jeff Glemser and Mel Thompson testified that they had concerns about where Magaña was while on duty, but apparently did not report their concerns.

- A woman screamed out to Eugene Municipal Court Judge Wayne Allen that Magaña had made her perform oral sex, Allen testified. But Allen and his clerk did not report or pursue the incident.

- A female Police Officer, Dallas Hall, testified that Magaña once called on her to arrest a naked "bitch" in a bathtub at a hotel. She thought the incident "very strange" and "unprofessional," but she did not report Magaña to her superiors. The woman in the bathtub was one of Magaña's most frequent victims.

- A Hispanic woman testified that she complained to Officer Jennifer Bills that Magaña had sexually harassed her when she was 17 and a police cadet in 1997. Bills talked to Magaña but did not file a written report or tell supervisors. After Magaña retaliated for the complaint with further harassment, the woman left the cadet program.

RESOURCES FOR SURVIVORS

Media attention surrounding the Roger Magaña and Juan Lara sexual abuse cases not only sheds light on the pervasiveness of violence against women in our culture, but can also serve as an emotional trigger to some women who've been victims of such abuse.

Fortunately, there are resources that offer safe places for women to talk about their experiences, to report abuses, and to empower themselves so their fear is lessened.

A rumor has been going around town that one such resource, Sexual Assault Support Services, is closing due to budget cuts, but that rumor is unfounded, says SASS Community Education Program Coordinator Michelle Edwards. "We're always challenged in terms of working with a tight budget," Edwards says, "but nothing's changed in the services we offer."

The non-profit advocacy group lost a \$19,000 grant it had previously received through funding for the Violence Against Women Act, which supports programs that offer services to women suffering from sexual and domestic abuse. But other state and federal funding sources, as well as monies received from the United Way, university groups and individuals have maintained the \$350,000 annual budget.

While that budget is down from the nearly \$500,000 the agency had to operate on just two years ago, a full range of services is still being offered, says Edwards, including the formation of a bilingual program that will expand services to the Latina population, starting in the fall.

Other services SASS offers include self-defense and assertiveness training, in conjunction with Breaking Free, an organization that offers "Self-Defense From the Inside Out" — martial arts as well as non-physical programs in understanding gender roles, where fear comes from and assertiveness training skills. Classes there are offered for teenage girls to adult women.

Voices is a non-profit that offers support groups for adult survivors of childhood sexual abuse, and the Lane County District Attorney's Office offers support through its Crime Victim and Survivor Services Program.

Women reporting crimes to the DA's office are "walked through the process," says Director Sharon Gorham. "We make sure they know their rights and understand the criminal justice system."

The DA's office offers crime victim compensation that pays for counseling and medical expenses. Applications for that compensation are available at the DA's office.

The ASUO women's program offers support services to UO students and the Women's Center at LCC offers similar services.

Womenspace offers complete support services to victims of domestic violence and their families.

"The Magaña case shows you that women are capable of successfully reporting sexual assaults," says Gorham.

"A lot of times people don't get to see accountability happening through the criminal justice system and in some instances I think it's working," says Edwards. "Hopefully for the several women affected by the Magaña case, [the outcome] will bring them some peace."

Contacts:

SASS: 24-hour crisis hotline: 343-7277 (SASS) and (800) 788-4727. Drop-in support at 591 W. 19th Ave.

Womenspace: 24-hour crisis line: 485-6513 and 1-800-281-2800.

Breaking Free: 343-5513.

Lane County DA's Crime Victim and Survivor Services Program: 682-4523.

LCC Women's Center: 463-5353.

UO ASUO Women's Center: 346-3724.

Voices: 683-8700. 3575 Donald St.

— Aria Seligmann