

POLICING POLICE

EXTERNAL REVIEW AND OPENNESS STILL STRUGGLING AFTER COP SEX SCANDALS. BY ALAN PITTMAN



Roger Magaña used his police power to harass, sexually abuse, sodomize, kidnap, coerce and/or rape a dozen women for nearly a decade without the Eugene Police Department stopping him.

Magaña was sentenced July 13 to 94 years in prison. Juan Lara plead guilty to a smaller sex crime spree while he was a cop and got five years.

The police say they'll do a better job of catching bad cops. But even Police Chief Robert Lehner acknowledges that the public may not believe the police can police itself internally. "It is right that it cuts to the core of the trust in this community," he says of the abuse of power by the two officers.

The lack of trust in police has led to calls for external police oversight and a less secretive disciplinary process, but resistance to reform is deeply entrenched.

INTERNAL EXTERNAL

"There will be some outside involvement" in the department's review of what it did wrong with the hiring, training and supervision of the two convicted officers and whether any other officers were involved, Lehner says. Lehner hasn't decided exactly how that external component of his internal investigation will work, he says.

Tim Laue chairs the Eugene Police Commission, a citizen body appointed by the mayor to advise the EPD on policy. "I don't think it could be credible" to just do the investigation internally, he says. "There should be external components to it."

Laue notes that in the past the police have hired consultants from the Police Executive Research Forum (PERF) and International Association of Chiefs of Police (IACP) to conduct reviews. The state police were also called in to examine the June 1, 1997 incident when

police used clouds of pepper spray and tear gas against tree sitters and protesters.

But Lauren Regan, a local attorney with seven years experience handling police complaints, says the external reviews of the June 1 incident by hired consultants or fellow law enforcement officers showed no real independence and were "a total whitewash."

The IACP, for example, found that police pepper spraying tree sitters, including one in the groin, was "reasonable." The consultant did not talk to any spray victims or view videotapes of the incident before it reached that conclusion.

Oregon ACLU Director Dave Fidanque says police should make sure they give any outside consultant a charge to investigate with full independence. "People are justifiably concerned."

EXTERNAL REVIEW BOARD

After the June 1 pepper spray incident, citizens pressed for an external review board to provide independent oversight of police power. The council referred a charter amendment to the November 1998 ballot that would

have created an external review board with some investigative capability to review complaints and give the EPD advice on officer discipline. The measure failed by less than 1 percent.

After the Magaña and Lara cases, Fidanque says the city should consider an external review board again. "There clearly needs to be more of a role for civilian oversight."

Mayor elect Kitty Piercy agrees that the city needs to create an external citizen review board "so people can feel safe and that their

complaints will be heard."

Lehner says he won't stand in the way of creating a citizen oversight board. "I could not imagine that the city of Eugene would come up with a [citizen oversight] model that I could not wholeheartedly support."

But while there appears to be broad support for some kind of external review board, the real fight may be over how much actual teeth and independence to give external review.

Asked about his position on external review, Lehner says he agrees with an article opposing external review boards that have the power to overrule internal police disciplinary decisions.

Lehner says he wouldn't oppose the review board model that passed in 1998. That model was purely advisory with the police free to ignore its recommendations and much of the disciplinary information held secret from the public.

Lehner says a review board with much independent investigator power would be "really, really expensive."

A decade ago, Lehner was an assistant police chief in Tucson, Ariz., when he joined his chief and police union in opposing the creation

of a stronger citizen review board to replace an advisory committee criticized as "cheerleaders" for police, the *Tucson Citizen* reported.

'FAN CLUB'

Eugene already has a weak civilian oversight system. In 1998, the city council passed an ordinance creating a citizen Police Commission. The commission advises EPD on policy matters, but does not review police complaints.

Lehner praises the commission as a "very dedicated group," but the Police Commission has disappointed reform advocates.

"They pretty soon became groupies," says Councilor Betty Taylor of the Police Commission. Members of the group are appointed by Mayor Jim Torrey, who has a history of strongly siding with police against citizen complaints. Torrey's appointments have made the group a police "fan club," Taylor says.

"They are quite sympathetic to law enforcement," Regan agrees, adding that the commission hasn't done much by way of reform that she can see.

Although supposedly independent, the commission has never disagreed with the EPD by recommending a policy change that the police oppose. Often the commission recommends policy changes only after the police have already made them or agreed to them.

Six years after its creation, the Police Commission is only now taking up the long burning issue of reforming internal police review of complaints and then only at the urging of Chief Lehner in the wake of the officer sex scandals. The commission plans to begin its review more than a year after the Magaña and Lara abuse first came to light and take more than a year more to complete its report.

Commissioner Laue defends his group. "We've done a pretty credible job," Laue says. "It's a diverse group."

Commission member and City Councilor Bonny Bettman says the commission is an "effective body." The group successfully recommended that EPD ban hooding suspects, for example, she says. But Bettman acknowledges, "there have been small incremental changes that have improved the police department, but they've been small."

It's not clear whether the police commission will come back with a report next September recommending a stronger or a