



Lawsuits Threaten to Eat EPD's Lunch

City seeks to keep 'embarrassing' documents out of public eye. **BY ALAN PITTMAN**

The city of Eugene may just want to forget about Roger Magaña, the Eugene police officer convicted last summer of sexually abusing a dozen women over a period of six years while on duty.

"We're getting things done and not just looking in the rearview mirror," City Manager Dennis Taylor told the Eugene City Council last week at a meeting on police reform.

But moving on may be easier said than done. Seven of Magaña's sex abuse victims are suing the city of Eugene for a total of \$41 million plus millions more in legal fees for federal civil rights violations. The city is insured for only \$4.5 million of liability a year.

While Eugene police have described Magaña as an isolated bad egg in an otherwise excellent department, the lawsuits allege that the EPD's widespread problem of rotten self-policing was to blame for the abuse.

The EPD had a pattern and practice of reckless indifference in failing to supervise officers, and allowed a culture "permitting defendant Magaña and other police officers with like inclination, to assault female residents of Eugene with impunity," one woman, sexually abused six times by Magaña, alleged in her lawsuit.

The lawsuits also hint that other EPD officers may have been involved in sexual abuse beyond Magaña and Juan Lara, another officer convicted last year of sex abuse.

Evidence of faulty complaint handling and supervision gathered from Magaña's criminal trial and from consultant reports could help the women's claims stick in court. Eugene city attorney Jeff Matthews and the victims' various attorneys, Michelle Burrows, Elden Rosenthal and Greg Veralrud, did not return calls requesting comment for this article.

The city has responded in court by trying to hide documents in the lawsuit from the public to avoid "embarrassment" and hurt police "morale." It has denied liability, sought to dismiss lawsuits on technicalities and, in some cases, tried to blame the sex abuse victims themselves for what happened.

But the lawsuits have so far resisted the city's efforts to have them thrown out and are moving forward with depositions and document discovery. Unless there's a settlement, the lawsuits appear headed for trial, perhaps as early as this winter.

'Reckless Indifference'

The women victims demanded documents from the city regarding other Eugene police officers besides Magaña and Lara involved in sex abuse during the last decade. Court documents filed by the city refer to documents handed over to the plaintiffs during discovery "consisting of additional records of a sex-related complaint involving a Eugene police officer which complaint was sustained."

The documents do not name the officer or provide details, but they do appear to confirm that Magaña and Lara were not the first Eugene police officers involved in sex abuse.

The lawsuits faulted the city for failing to supervise Magaña.

EPD "purposefully and knowingly" instituted policies and processes that failed to "properly account for police while on duty," one woman alleged.

Another woman alleged that due to the lack of supervision, officers were "not accountable for their time, or for their whereabouts during their patrol duties." The woman, who alleged Officer Magaña sexually abused her at least 17 times, said the city had a "policy, custom or practice of permitting Eugene police officers to use their position as police officers to extort sexual favors from citizens." The woman also faulted the city for failing to investigate prior misconduct by Magaña before he was hired.

A third woman alleged the city "had an unofficial policy or practice which permitted, allowed or facilitated patrol officers to use coercion threats and sexual assault against female informants." The woman, alleging 156 separate sexual assaults, alleged that "female informants, particularly women with mental illness, homeless women, those with drug and alcohol addictions or those with criminal histories were victimized."

The lawsuits also alleged the city had a pattern of failing to investigate complaints and discipline officers.

"It was the policy or practice for police officers to ignore, fail to report or cover up sexual misconduct, coercion, threats and harassment of witnesses, informants or victims," the suit alleged. "Defendants were permitted the freedom and license to subject numerous women including plaintiff to years of threats, abuse, coercion, sexual assaults, kidnapping and false arrest without fear of punishment or accountability."

"The conduct continued against her will despite her complaints to the Lane County DA's office, the Eugene Mayor's Office and the Eugene Police Department Internal Affairs Division," the lawsuit alleged. The abuse was "well known to other members of the Eugene Police Department, including shift sergeants and management staff," the woman alleged.

Instead of stopping the abuse, the department would illegally tamper with evidence, threaten witnesses and maintain "a culture of secrecy" that was "all designed to create an unofficial policy within the police department to keep out-

side inquiry and investigation from occurring and to maintain an office which is allowed to carry on unlawful and illegal actions in secret."

Another woman alleged city supervisors had a "dismissive attitude" towards complaints and that the city was "fostering an environment where police officers were afraid to report complaints against fellow" Eugene officers.

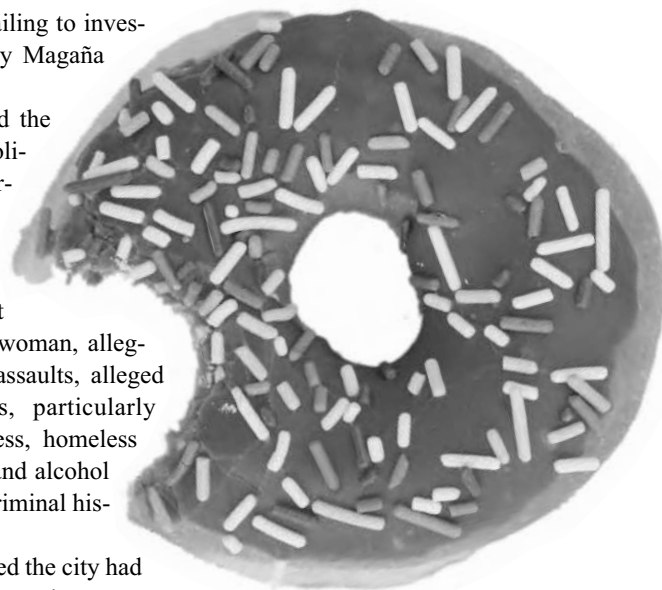
A third lawsuit alleged that by maintaining a dismissive attitude toward complaints, the city was "conveying to the police force its tacit approval" of the abusive conduct.

Sticky Allegations

To back up their allegations, the lawsuits can draw from evidence at Magaña's trial and consultant reports on EPD failings.

Magaña was convicted of 42 criminal counts involving 13 women including one rape, 10 charges of sexual abuse, five charges of forced sodomy, four kidnappings, seven charges of coercion, three harassment charges, one burglary and 10 charges of official misconduct.

At least six fellow officers heard sexual complaints against Magaña, but did nothing to stop him, according to trial testimony.



At the trial one frequent victim testified that she complained to two EPD officers and an EPD lieutenant years ago, but they did nothing to stop the abuse.

The EPD also dismissed one complaint of sexual harassment by a woman stopped by Magaña. A female police cadet complained to another officer that Magaña was sexually harassing her in 1997, but Magaña was not investigated or disciplined. Another officer who later heard sexual harassment complaints against Magaña also did nothing.

Three officers testified that they were concerned that they didn't know where Magaña was while he was on patrol, but did nothing about it, according to trial testimony. Testimony revealed Magaña was apparently largely unsupervised, able to put himself on "special" assignment and able to run up \$700 cell phone bill in one month while sexually harassing women over the phone while on duty.

While he was raping, groping and coercing oral sex from women, Magaña received rave reviews from supervisors, according to trial exhibits. A sergeant