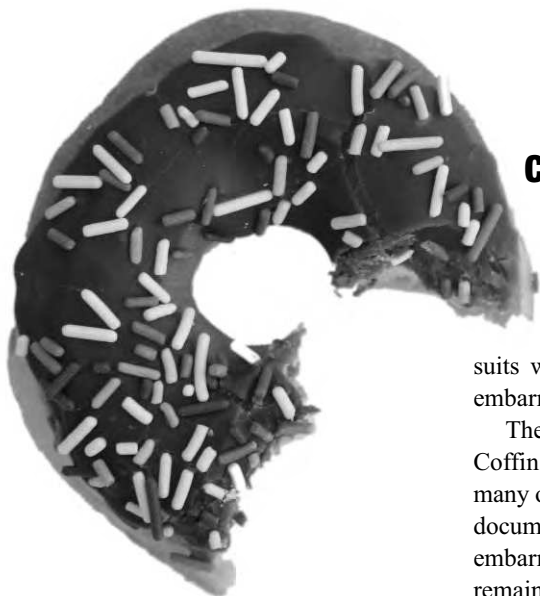


The EPD allowed a culture 'permitting defendant Magaña and other police officers with like inclination, to assault female residents of Eugene with impunity,' one woman alleged in her lawsuit.



City Response

The city has responded to the lawsuits in court filings by denying any liability.

A big concern of the city appears to be that the civil lawsuits will reveal yet more damaging and embarrassing wrongdoing by the EPD.

The city had federal judge Thomas Coffin sign six-page protective orders in many of the cases. The orders required that documents that the city decides are too embarrassing for the public to see must remain confidential.

The documents "if available to the public, would likely cause annoyance or embarrassment," the city attorney wrote. "Disclosure of such documents to the public would likely have an adverse impact on the morale of the Eugene Police Department officers which would adversely affect Eugene Police Department operations."

An addendum to the secrecy order covers "some of Mr. Lankford's confidential evaluations and opinions concerning the quality of some of the investigations he reviewed," but that he and the city did not make public. Disclosing the negative information from the audits would hurt officer "morale" and "would inhibit the city from requesting an outside auditor from providing complete and uninhibited opinions to the city concerning the operations reviewed," the city argued.

The city's arguments for throwing out the lawsuits revolve around legal techni-

cally described him as an "excellent officer" and "role model for young officers." A captain wrote that Magaña was "a credit to all police officers."

A March consultant report by the Police Executive Research Forum and the International City Management Association (PERF/ICMA) said the police had faulty supervision, leadership, and internal affairs investigations. "Lack of Eugene Police Department leadership and supervision combined with flawed selection and IA processes created an environment where Magaña and Lara could thrive and go undetected," the consultants reported.

PERF/ICMA noted that Magaña was hired despite a previous burglary arrest that should have disqualified him. The consultants found it "hard to imagine" that Magaña and Lara "were able to engage in such serious misconduct for so long and go undetected ... There clearly was a failure of supervision."

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.'

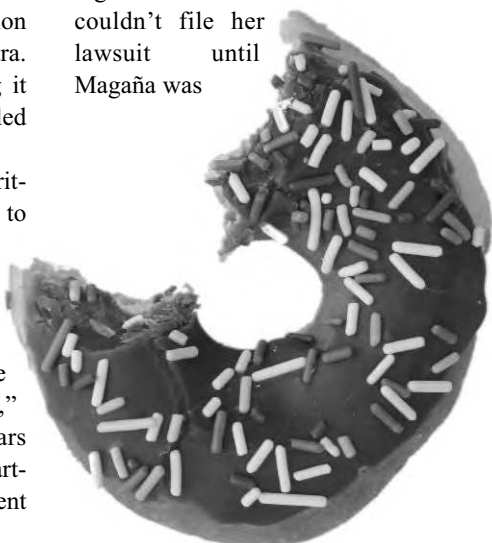
The consultants reported that "problems with incomplete and timely investigations, illogical findings and conclusions, and inadequate managerial review have resulted in a lack of confidence in the police department's ability to properly administer the complaint process."

ICMA/PERF also faulted the city for failing to conduct an internal investigation of how EPD failed with Magaña and Lara. The city refused to investigate, saying it would instead see if the lawsuits revealed any additional information.

The ICMA/PERF criticism echoed criticism last year by a consultant hired to audit EPD's handling of complaints. "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," Howell Lankford reported. Two years before, Lankford had criticized the department's dismissal of a sexual harassment complaint against Magaña.

calities, especially that the women failed to meet a statutory deadline of a maximum of 270 days for notifying the city of their lawsuits.

But in one case Coffin rejected the city's motion to dismiss on those grounds. The judge noted that the woman had argued that she couldn't file her lawsuit until Magaña was



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