

Magaña Ruling

Failure to stop cop sex abuse was pervasive.

A ruling by U.S. District Court Judge Thomas Coffin has revealed the pervasive failure of Eugene police officers and top city officials to stop Officer Roger Magaña's years of sex abuse despite numerous complaints.

In allowing six civil lawsuits to go forward against the city, Judge Coffin noted that in 2002 then-Police Chief Thad Buchanan knew of a 2001 complaint about Magaña stopping and harassing a woman while on patrol. Police supervisors dismissed the complaint, even though they found strong evidence that Magaña lied to Internal Affairs about important details of the incident. A later outside audit caught the discrepancy and brought it to Chief Buchanan.

Under deposition Buchanan admitted that "there was reason to doubt his [Magaña's] side of the story" in the harassment complaint. But Buchanan said the city's union contract does not allow re-investigating dismissed complaints. Buchanan admitted the city perhaps could have launched a new investigation into the new charge of lying about the incident but, "it didn't occur to me."

Buchanan also said he couldn't recall whether anyone made any effort to more closely supervise Magaña after the questionable incident.

Coffin wrote that the deposition "amply demonstrates" that Buchanan knew about the allegation and that Magaña "lied about it," but nothing was done to Magaña. "He did nothing to change that fact," either by supervising Magaña more closely or by changing the way Internal Affairs handled such cases.

"One can reasonably infer" what Buchanan would have found out if he had investigated or supervised Magaña more closely, Coffin wrote. The judge then listed 13 separate incidents where 12 women and one man allegedly had reported Magaña's sex abuse, ranging from harassment to rape. The reports went to at least 14 different police officers and a municipal judge without the city stopping Magaña's abuse:

- A woman "reporting to Officers Wolgamott, Bankhardt, Thompson, and Sgt. Fellman that Magaña raped her."
- A woman "reporting to Officer Reimers that Magaña grabbed her friend's buttocks."
- A woman "reporting to Officer Poppy that she had been forced into having oral sex with Magaña."
- A woman "reporting to Sgt. Flynn that Magaña had raped/sodomized her."
- A woman "reporting to Officer Webber and Lt. Fields that [another woman] was having sex with Magaña to 'get out of warrants and stuff.'"
- A woman, "a police cadet and a minor, reporting to Officer Bremer, Sgt. Bills, and Lt. Seals that Magaña was showing inappropriate romantic interest in her."

• A woman's "mother reporting to the EPD that Magaña was pressuring [her daughter] into a sexual relationship."

• "An unknown woman believed to be a prostitute reporting to Officer Crompton that Magaña was having a personal relationship with her and had sent other officers to quiet her about it."

• A female police officer "reporting to Officers Glemser and Curry that Magaña came on to her while she was his [training] recruit."

• A woman "reporting to Officer Reimer that 'an officer' visited [one of Magaña's victim's] apartment frequently."

• A woman "reporting to medical transport officers that she was raped by Magaña."

• "A Diablos nightclub bouncer yelling, in front of Officer Crompton, to Magaña to stay away from his wife."

• A woman "asking Municipal Judge Wayne Allen in court, 'How would you like it if a Eugene cop forced you to [give oral sex]?'"

Judge Coffin wrote that the 2001 harassment complaint was a "red flag and presented an opportunity to discover the pattern." The judge continued, "the need for more or different action was obvious, as the existent policy of dealing with the supervision of officers and the handling of reports of sexual misconduct was clearly likely to result in the violation of someone's constitutional rights.... A police officer who 'hits' on women he encounters while on duty and lies about his conduct is a flagrant and transparent concern."

The union contract "is not a justification for what can only be described as a deliberate choice of inaction. Constitutional responsibilities trump bargaining agreements."
—Judge Thomas Coffin

Judge Coffin wrote, the union contract "is not a justification for what can only be described as a deliberate choice of inaction. Constitutional responsibilities trump bargaining agreements."

Coffin did not accept allegations that the city's efforts to hire more Hispanic officers were "the moving force" to blame for the later abuse. Plaintiff's alleged that the city covered up Magaña's history of a juvenile burglary and an uncharged burglary arrest before he was hired.

Magaña was sent to jail for 94 years but neither the police chief nor any of the 16 other sworn police officers who heard sex complaints about Magaña but failed to act to stop him have faced any apparent reprimand or other disciplinary action. The several city managers who supposedly supervised the police chief and/or who also saw the auditor report on the questionable Magaña investigation but failed to act have also not been held accountable.

Chief Buchanan got a plaque, a generous pension and high praise when he left the city, as did former City Manager Jim Johnson. Former Acting City Manager Jim Carlson still holds power as assistant city manager. Many of the 16 officers listed by Judge Coffin still police the city and several have even been promoted, one to police lieutenant and another to head Internal Affairs investigations. **EW**



James von Boeckmann
Attorney at Law
Offering free initial consultations,
thoughtful, affordable legal representation

All aspects of IMMIGRATION LAW
FAMILY LAW, CRIMINAL DEFENSE, SMALL BUSINESS
The Granary, 259 E. 5th Ave., Suite 200 Eugene 968.0781



WANT TO ADVERTISE IN THE NEXT
CHOW!
COMING APRIL 27TH?
GET A HEAD START!
Contact Mark Frisbee 484-0519 ext. 12



WELLNESS CENTERED DENTISTRY, PC

By taking a holistic approach and arranging for health rather than merely treating disease, we offer an opportunity to restore your oral health to its optimum.

We look at the whole picture, consider health and underlying factors, and take steps to perfect your smile while preventing problems before they occur.

DR. DARIN J. WARD, DDS F.A.C.D.
Fellow of the Academy of General Dentistry
Wellness Centered Dentistry, PC
300 COUNTRY CLUB RD., STE. 290
EUGENE, OR 97401 • (541) 868-2008



Socially Responsive
FINANCIAL ADVISORS

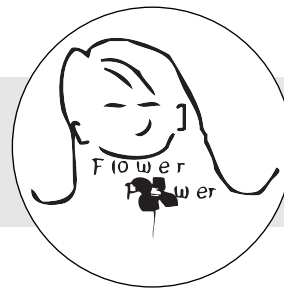
Investment advice and financial planning



Laurie McClain and Patricia Hathaway
ACCREDITED INVESTMENT FIDUCIARIES

Member, First Affirmative Financial Network
Securities and investment advisory services
offered through KMS Financial Services, Inc.
Member NASD and SIPC

132 E. Broadway, Suite 747, Eugene
(541) 686-1908 • 1-800-386-1908
www.ResponsiveFinancial.com



FLOWER POWER
Self Defense
for Girls Aged 3-12

INSTRUCTOR: TONYA VALADEZ

Grand Opening
Saturday April 22nd

15th and Pearl (New Womenspace Building) 12 to 3 pm
Free! Please join us!!!
Gather information, register for classes, ask questions. If unable to attend leave a message at 541-343-6451 or girldefense@hotmail.com

Tonya Valadez has been teaching self defense for 9 years and working with children for 13. Valadez holds a Masters in Special Education and has also trained as a youth therapist. She is a warm and supportive presence. As a violence intervention/prevention educator Valadez is considered an expert in her field.