

against the city on summary judgement.

Brown argued that the "crux" of the issue was that the seriousness of the complaints against Magaña made it more "reasonable" to ignore them. "When a complaint is regarding an offense or action by an officer that is so egregious as to be outrageous and inconceivable, the receiving officer looks upon the allegation with incredulity and skepticism."

"It's absurd," said Rosenthal of the argument by Brown and the city.

Greg Veralrud, a Eugene attorney for several victims of Magaña and Lara, said he hadn't had a chance to read the report. He said in some cases, he could understand why officers didn't believe the women when they complained, although "the pattern should have been recognized by someone."

But Veralrud said officers clearly failed in other complaints. He cited an early incident where Magaña sexually abused an underage police cadet who complained to two other officers who believed her but did not report the incident to superiors. "I thought that was egregious," he said. "That should have sent some shivers up the ranks."

Brown laid out his arguments absolving the police in a 33-page report after reviewing depositions, personnel files and documents provided by the city and interviewing a few police officials but not talking to victims.

Burrows, who conducted many of the 40 depositions and read 12,000 pages of discovery documents in the case, said Brown's report is refuted by a heavily footnoted, 133-page motion for summary judgement she filed last year before the city paid to settle the case.

In the document, Burrows alleges Magaña had "nearly 45 victims in over 100 documented acts of sexual abuse." She alleges that officers and police repeatedly failed to respond to complaints. "During the entire five years of Magaña's activities, 23 different officers, one chief of police and the director of human resources had actual knowledge of no less than 15 different complaints involving 15 different women who were being either harassed, raped or sexually abused by Magaña."

'The RDU officers, seeing nothing wrong in removing their clothing, were complying with the women's request to undress to "prove" they were not cops.'

— ATTORNEY MICHELLE BURROWS

Here's a list of some of the key allegations that Burrows makes, citing sworn depositions from Eugene police officers, city officials and city documents:

- City police and human resource officials "knowingly covered up officer Magaña's pre-employment criminal history in order to fulfill minority quotas," Burrows alleged. Det. Scott McKee said that when Magaña was 17 or 18, Magaña was "accused and ... convicted of an offense that involved forcible or compelled sexual acts with a young girl." The next year he was arrested for burglary but not convicted. Documents relating to the criminal history were "lost" but later "mysteriously resurfaced" during the criminal investigation.

The police background investigator recommended against hiring Magaña, but he was "hired anyway at the insistence of Chief [Leonard] Cooke, Captain Roy Brown, [officer] Frank Bone and Helen Towle." Burrows cited police Human Resources Director Towle's deposition in writing that Towle "does not believe that criminal arrests disqualify an applicant for an officer position."

By hiring Magaña, the city was "giving that violent sex offender the means to rape and sexually abuse as many as 45 known victims," Burrows wrote.

- "Officer [Gerald] Webber testified in trial and deposition that a woman told him Magaña was asking for 'blow jobs,' but he thought that she was making it up despite the fact that he knew the woman never lied to him." Webber

repeatedly testified under oath that he told acting Lt. Jim Fields about the accusation and Fields told him to drop it. But Fields called that claim a "damn lie."

- After a woman's sexual complaint, "Magaña apparently sent [officer Mel] Thompson and another officer back to the woman to tell her to stop 'making up' information about Magaña. ... The woman apparently believed she had been threatened."

- A woman told officer [William] Reimers that Magaña was fondling another woman. Reimers had sworn under oath in court documents that the woman was an honest or reliable source for criminal investigations, but decided that she "was not credible in a complaint about another officer," Burrows wrote.

- Lax discipline was prevalent in the department, Burrows alleged. Drunk driving "officers were stopped by patrol, taken in to the department for booking, but a lieutenant intervened, turned off the videotaping equipment and arranged for the officer to be taken home with no charges."

- There were unconfirmed "accusations by the wives of some of the RDU [Rapid Deployment Unit] officers that some officers were frequenting prostitutes on duty and as part of the job."

- RDU officers showed their genitalia to prostitutes during sting operations, Burrows alleged. "The RDU officers, seeing nothing wrong in removing their clothing, were complying with the women's request to undress to 'prove'



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