

EPD Unaccountable

Council votes against external investigation of sex scandal

After Eugene police officers Roger Magaña and Juan Lara were caught using their badges to coerce sex, Police Chief Robert Lehner and City Manager Dennis Taylor promised to investigate how fellow officers had failed to stop the abuse despite numerous complaints and more than a dozen victims over six years. Just wait until after the criminal trials, they said in 2003, arguing the city should not interfere in the prosecution.

After Magaña was sentenced to 94 years and Lara to two years, Lehner and Taylor again said the city must wait to launch a comprehensive internal disciplinary investigation into how the EPD allowed the abuse to happen. They argued the investigation shouldn't interfere in pending civil lawsuits.

After the city settled the women's lawsuits, paying a total of \$5 million, the city delayed again. Now, Lehner and Taylor say the internal disciplinary investigation will never be done, and the Eugene City Council agreed in a 5 to 3 vote May 29.

"There's been no evidence to warrant further disciplinary action," City Manager Dennis Taylor told the council.

Lehner told the *Philadelphia Inquirer* last year he wouldn't hold other officers accountable for the scandal. "Mistakes were made, Lehner said, but he's not sure that means anyone should be punished: 'Do I go back and end

[someone's] career because of it?'"

The council's vote defeated a motion by Councilor Bonny Bettman to have the new police auditor bring back a proposal for an independent investigation.

If city management won't live up to its promises for a thorough investigation the council should, Bettman argued. "We really have to take our responsibility seriously."

But Councilors Andrea Ortiz, Chris Pryor, George Poling, Jennifer Solomon and Mike Clark voted to not hold EPD accountable for the sex scandal. Councilors Bettman, Alan Zelenka and Betty Taylor supported the motion. Mayor Kitty Piercy was silent on the issue.

Zelenka said the investigation was needed to "clear the air" after the police sex scandal. "There was some serious crimes," he said. "A large segment of the population of Eugene does not have a lot of faith and confidence in the EPD." Zelenka said he'd like the auditor to examine whether anything at EPD has actually changed to prevent similar abuse from happening in the future.

Councilor Taylor agreed that concern was widespread. Many wonder how Magaña could have spent so much time abusing so many women without other officers knowing or stopping him, she said. "We still don't know."

Bettman said EPD complains it lacks

enough officers, but when Magaña spent years abusing women on duty while not doing his job, "nobody noticed," she said. Bettman said for many police departments, such internal disciplinary investigations are "standard operating procedure," even before a case goes to court.

"I know that the council would really not like having to deal with this," Bettman said. She offered that the independent investigation could even give officers disciplinary immunity, if it would help get the truth out.

But other councilors weren't interested. Ortiz said the council shouldn't "pick at the paint of everything that's been done" by EPD after the scandal.

Poling, a retired sheriff's deputy, said EPD "acted appropriately" and an independent investigation "will continue to drag out the process and open wounds."

'A large segment of the population of Eugene does not have a lot of faith and confidence in the EPD.'

— Councilor Alan Zelenka

Solomon said the council should trust the police chief and an independent investigation, "wouldn't lead to any positive results."

City Manager Taylor said the department had already absolved itself of wrongdoing through investigations by itself and through its chosen consultants. Taylor pointed to a March report by former McMinnville Police Chief Rod Brown that Taylor said absolved the EPD.

But lawyers for the sexually abused women called the report a "whitewash." The city's consultant "just repeats all the justifications

and excuses" already made by the EPD, attorney Michelle Burrows wrote.

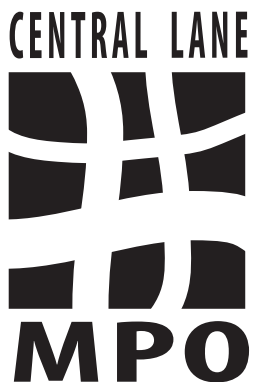
"During the entire five years of Magaña's activities, 23 different officers, one chief of police and the director of human resources had actual knowledge of no less than 15 different complaints involving 15 different women who were being either harassed, raped or sexually abused by Magaña," Burrows wrote. "Even to this day, they see nothing wrong with discounting the complaints as they did."

Attorney Elden Rosenthal warned, "Unless the culture of the Eugene Police Department changes, there will be other incidents of misconduct in the future."

An earlier PERF/ICMA report had faulted the EPD for failing to conduct "a thorough internal investigation" in the wake of the scandal. A *Register-Guard* editorial last year faulted Lehner for failing to deliver on the "promise"

of "a comprehensive public explanation of the departmental failures that led to the sex scandals." In ruling against the city on summary judgement, federal Judge Thomas Coffin noted evidence that despite complaints, the city repeatedly failed to stop the sex abuse.

Now, by failing to act, the City Council is doing exactly what police did in looking the other way when Magaña and Lara were abusing women, Bettman said. The city is "reinforcing what I think was part of the original problem." **EW**



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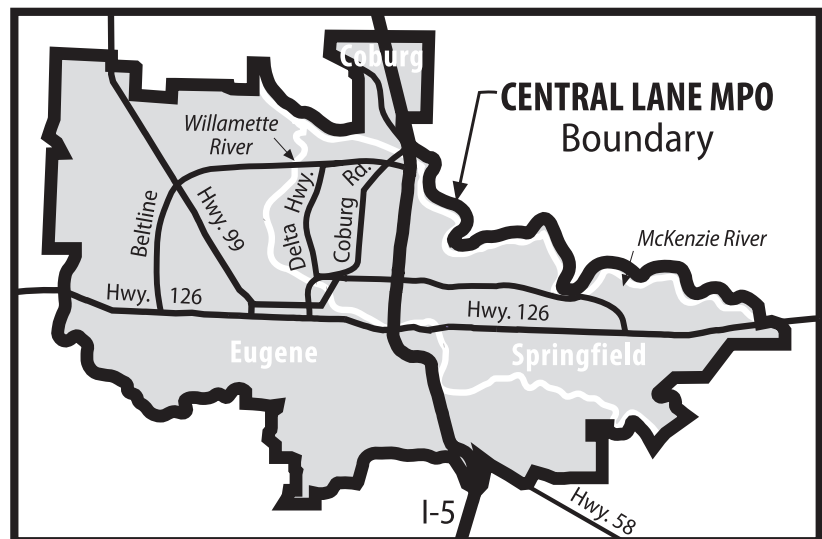
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