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mayor and council unanimously voted for police oversight anyway.

Lehner was hired by former Eugene City Manager Dennis Taylor, who, along with the Eugene police association, opposed independent police oversight. In Tucson Lehner once served as president of the police union.

Beamud said she also has other issues with how the police have handled complaints.

Beamud has said the police chief has decided that investigations of police misconduct shall be suspended until criminal proceedings are complete. Beamud notes that other cities have concurrent criminal and internal investigations. She cites a leading police oversight expert that such concurrent investigations are preferable.

Police oversight supporters recently criticized local District Attorney Doug Harclerod for inserting a county criminal investigation into a controversial Eugene police Taser of a protester. Critics said Harclerod, who has a record of quickly dismissing complaints against police, was retaliating and trying to intimidate those who complained of police brutality and trying to delay the police auditor's work.

Asked about allegations of retaliation in the Taser case, Beamud said, "I am sympathetic to those people who might say that the complaint has resulted in more scrutiny."

Lehner also involved the DA in the mysterious secret complaint, but it's unclear why, since the complaint did not appear to be a criminal matter, according to Beamud's statement. The Eugene police chief is supposedly under the supervision of the city manager, not the DA.

The police chief also drew criticism for assigning the same internal affairs officer who was investigating the Taser complaints by protesters to investigate the protesters for additional charges.

"Clearly it created some problems," said Beamud of the IA investigator's dual role. Beamud said it would be better to have separate officers conduct the criminal and complaint investigations.

A similar issue had come up earlier with another complaint. A person had alleged that an officer used excessive force against a woman involved in a naked bike ride protest. According to Beamud, the police internal affairs officer apparently took a list of witnesses from the complainant and then used the list to charge other people involved in the protest with crimes.

Beamud said regardless of police motive, "There may be a chilling effect on the complaint process if what they disclose in the complaint process results in further criminal charges."

In other cities, Beamud said, police chiefs exercise more discretion in pursuing minor cases against people complaining of police misconduct.

In the Magaña case, police apparently did not pursue charges against the heroin user and prostitute victims of the EPD officer while the criminal investigation and trial was in progress.

With so many unresolved issues, the future of the independent police auditor and review board function in Eugene appears uncertain.

"Although they say they're in favor of independent complaint review, the devil is in the details," said Councilor Bettman of the chief and city manager. "So far the administration's posture appears to be to resist any oversight."

The manager and chief have said they will propose changes to the city's police

oversight law to address their concerns. But Bettman said, "There is not a problem with the ordinance; there is not a problem with the auditor. There is a problem with resistance." She said the chief and manager's proposed changes to the ordinance are "a ruse to reduce the very minimal amount of power that the auditor's office and the external review of complaints has to begin with."

The city managers "are very secretive. Information is hard to get, it's rationed, so the idea of having open scrutiny of complaints is anathema to how they've functioned," Bettman said.

Bettman, who is months away from the end of her last term in office, said she's not sure there will be support on the council to protect independent police oversight.

She pointed out that the council last year voted 5-3 against requiring an independent internal investigation of how the more than a dozen complaints against Magaña were ignored by more than a dozen other officers for six years. "Even with the severity of those crimes and the longevity of those crimes, they didn't do an administrative investigation at all," Bettman said.

**'When the leaders  
won't follow the  
law, the rank and  
file won't respect  
the law.'**

—CHUCK DALTON, NAACP

"You just have people on council that are anti-accountability," she said. "We have a split council here."

The tight mayor's race could change that split to open opposition of police oversight. Mayor Kitty Piercy has supported the auditor, but challenger Jim Torrey has said he opposes the independent police auditor, preferring that the auditor be controlled by the city manager, not the council. Torrey, who has said he may spend more than half a million dollars to win the mayor's seat, has received some of his biggest campaign contributions from the police union, a strong critic of the independent auditor function.

Bettman said she hopes voters will approve a city charter amendment in November that would help prevent a future council from doing away with independent police oversight. Beamud said she supports the charter amendment and opposes changing the existing ordinance. But Beamud's last day before leaving for her new job in Atlanta is Aug. 22.

Beamud said her deputy Dawn Reynolds is qualified to fill in. Reynolds has experience as a city prosecutor, judge and defense lawyer and said she will apply for the head auditor job.

The council voted this month for a nine month process to find a permanent auditor. That would leave the office short-staffed and push the hiring decision to the next council after the potentially pivotal mayor's vote in November.

Beamud declined to recommend who should replace her as independent police auditor. She said of the mayor and council, "it's really up to them."

EW