

Saturday Market

Author Joe Blakely has written several books of Oregon history, sports history and historical fiction, including a history of Civic Stadium. He's currently working on a biography of Oregon's 14th Governor, Oswald West.



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news BY ALAN PITTMAN

Auditing the Auditor

Council ignores police complainants

The Eugene City Council majority gave rave reviews to its controversial police auditor without actually hearing from anyone who had filed a complaint against the police.

"We don't have anything from the complainants," said Councilor Betty Taylor, the only councilor to question auditor Mark Gissiner's performance. "What I want to know is do they feel satisfied?"

At Gissiner's annual performance review last month, Taylor also questioned the forms the councilors used to evaluate the auditor's performance. "When did 'successful' become the lowest rating?" she asked. "It seems rather strange."

But Gissiner won high praise from councilors who opposed the creation of an independent police auditor function despite two citywide votes in favor of the oversight. "You've done an excellent job," said conservative Councilor Mike Clark, who had repeatedly voted against the independent auditor function in the past.

Councilor George Poling, a retired sheriff's deputy who voted with Clark against independent oversight, praised Gissiner for gaining "trust within the police department and its union." Poling said, "the city of Eugene is really fortunate to have Mark as our police auditor."

The council voted unanimously to give Gissiner a seven percent raise to \$107,661.

Gissiner dismissed nearly every external complaint against police officers last year and is being sued by a former assistant, Dawn Reynolds, who alleges she was fired for blowing the whistle on Gissiner's misconduct and police misconduct.

Gissiner told the council that he is doing a good job at police oversight. "We're starting to become looked at as a model."

"I appreciate your commitment to excellence," said Mayor Kitty Piercy.

After the council hired Gissiner two years ago as the police auditor, Gissiner stated that he would not publicly criticize the police. "There are not going to be public disagreements," he said.

Councilor Clark appeared to view Gissiner's job as more boosting public relations than increasing actual accountability. He described the purpose of the auditor position as "to improve the relationship between the community and the police department."

Councilor Alan Zelenka praised Gissiner for managing "to keep the office of the police auditor out of the news" by not doing anything controversial. "You've taken the office of the police auditor from very controversial to business as usual, and I think that's where we should be."

"You've been everything we hoped for and more," Councilor Chris Pryor agreed in praising Gissiner.

But in the past, business as usual for the Eugene Police Department has involved allegedly ignoring allegations of egregious police misconduct. In 2007 the council voted not to independently investigate how the police failed to stop one of their fellow

officers, Roger Magaña, from raping or sexually abusing a dozen women over five years despite numerous 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," Michelle Burrows, an attorney for one of the women, wrote. "Even to this day, they see nothing wrong with discounting the complaints as they did."

'You've taken the office of the police auditor from very controversial to business as usual.'

— COUNCILOR ALAN ZELENKA

One of the officers who ignored her complaints, according to a victim's sworn testimony, is Pete Kerns, who now heads the Eugene Police Department.

Zelenka said the council could call complainants in evaluating the auditor's performance in handling them. But he said, "I don't know whether that's a fair thing to do."

Taylor said the lack of feedback from complainants left her unable to evaluate the auditor's performance. "I would like to see people that actually have dealt with the office."

Taylor faulted Gissiner for firing Reynolds, who publicly criticized police conduct. "Rather than dismissing her, it would have been better to consider her points of view," Taylor said.

The councilor also faulted the council majority for not reappointing a Florence municipal judge serving on the police Civilian Review Board after he publicly criticized police conduct. "Council dismissed one of the more knowledgeable people on the Civilian Review Board who had different opinions," Taylor said.

Gissiner claimed the state public records law prevents him from sharing records with the public that would demonstrate how he holds police accountable during internal affairs investigations. "Some folks haven't asked tough questions, and I have," he said.

But Oregon's public records law would allow Gissiner to release almost any record he really wanted to if he deemed such release to be "in the public interest." Gissiner, however, has deferred to the police department in deciding what is in the public interest.

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