

CRIME JULY 2, 2016 6:01 PM

Confidential Clovis police files ordered unsealed in civil rights case

HIGHLIGHTS

George Macias Jr., 24, filed a federal civil rights suit against the city of Clovis for allegedly beating him in 2012

Magistrate Judge Barbara A. McAuliffe granted Macias' motion to unseal confidential Clovis police documents

Court will not engage in 'damage control' for city, judge says





BY RAZI SYED

rsyed@fresnobee.com



Confidential Clovis police documents concerning one of four officers involved in the alleged September 2012 beating of a motorcyclist should be made public, a federal judge ruled Thursday in U.S. District Court.



George Macias Jr., 24, who has filed a federal civil rights lawsuit claiming that four Clovis police officers savagely beat him while he was handcuffed and used a stun gun on him, sought to unseal a number of motions and exhibits describing Internal Affairs documents that investigated work-related misconduct by Officer Steve Cleaver.

Police contend Macias initiated the fight and put the officers' lives in danger when he slipped his handcuffs from behind his back to his front.

In March 2014, Macias was found not guilty by a Fresno County Superior Court jury of resisting arrest. He pleaded guilty to driving a motorcycle without a motorcycle license, a traffic infraction, court records say.

The Internal Affairs documents originally were ordered redacted in court files. Lawyers for the city argued that Macias sought to unseal documents to turn Cleaver into a "pariah" and that there were privacy concerns if the documents were made public.

In her ruling, Magistrate Judge Barbara A. McAuliffe found "nothing less than compelling reasons will justify sealing the Internal Affairs Documents," and that the documents were central to Macias' claim of malicious prosecution.

"Based on the strong presumption of public access to judicial records and the public's strong interest in the conduct of officers, this Court must refuse requests to engage in damage control on behalf of the Defendants," McAuliffe wrote.

The judge found that limited redactions would be enough to protect the privacy of the officers as well as those mentioned in the documents who have nothing to do with the case.

Both parties were given 21 days to confer and make the necessary redactions and refile unsealed versions of the documents. In addition, the judge ordered the clerk of the court to unseal 11 other documents entirely.

In his suit, Macias is seeking unspecified damages for alleged violation of his civil rights, assault, battery, excessive force, malicious prosecution and intentional infliction of emotional distress.

Razi Syed: 559-441-6679, @razisyed



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