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Witness: Police tolerate misconduct

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Torrance police have failed to fully investigate past officer misconduct and punish officers who lie about it, according to testimony Tuesday from a former Los Angeles deputy police chief who blamed a department-wide set of unwritten policies.

Louis Reiter also testified that the customary special treatment influenced the police investigation of an officer-involved Aug. 30, 1984, traffic collision that killed Kelly Rastello of San Pedro.

Off-duty police Sgt. Rollo Green admitted drinking the night that his left-turning truck collided with Rastello's motorcycle at a Torrance intersection. But Green was not arrested and his blood-alcohol was not tested.

"What message does that give to the rank-and-file police officers?" asked Brian Panish, an attorney for the Rastello family.

"It's basically sending the message out: 'We're going to treat you differently. We will somehow try to minimize the sanctions brought against you,'" Reiter said. "That's what it breeds. . . . And that's the fault of the management."

Defense attorneys have blamed the accident on Rastello's alleged reckless driving and have argued that police had no probable cause to arrest Green.

But in Los Angeles Superior Court on Tuesday, Judge Abby Soven ended the attorneys' argument by announcing that she will instruct the jury that police did have probable cause to arrest Green.

Soven said her ruling was based on sev-

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eral undisputed facts: that the collision involved a fatality; that Green had cut the corner when making his left turn; that he admitted to drinking that night; and that he left the accident scene before returning to it.

She also cited witness statements that the sergeant had watery eyes and smelled of alcohol.

It remains up to the jury to decide whether police acted in "good faith" when they decided not to arrest Green that night.

Other allegations

But during four hours of testimony Tuesday, Reiter criticized how Torrance police have handled other allegations of officer-involved misconduct:

In one case, Torrance police supervisors were breaking up a fight between two officers when one reportedly said: "I don't know why he's doing that to me. I've covered for him before."

The officer then described an incident in which a man was handcuffed and dragged across a parking lot to apologize to two women for splashing them with water. He said his partner used a racial slur and said: "Get out of Torrance or I'll personally kill you." The story matched that of the man who had been handcuffed.

The involved officer got a 10-day suspension and the reporting officer got five days off for the incident, Reiter said. But he questioned why the officers were not punished for the threats and for initially making false statements.

Defense attorney B. Casey Yim noted that the reporting officer was angry when he retold the story and one of the women from the scene disputed the claim that the officer used profanity.

In another case, one officer admitted using a baton to hit a suspected drunken driver while searching the man at the police station. The officer's partner later denied that the suspect was struck. But Reiter testified that he, too, was not disciplined specifically for lying.

"There are some officers who will say, 'What are the odds if

I'm caught?' " Reiter said. "The odds are in their favor."

Reiter said he reviewed 75 internal investigations, portions of the Police Department manual, 17 depositions and the accident reports for the Aug. 30, 1984, collision to reach his conclusions about the department's pattern of failing to follow up misconduct allegations.

He testified that he found "criminal aspects" in 11 cases of officer-involved alcohol-related incidents from 1980 to 1987, but only one led to criminal prosecution. He gave his summary of several incidents:

■ Officer Tom Jarvis got into a drunken off-duty fight in Hermosa Beach and eventually fought off uniformed officers. He was turned over to two Torrance police sergeants, who took him back to the police station. He was given a blood-alcohol test and given one day off work without pay. Defense attorneys argued that it would have been up to Hermosa Beach to pursue criminal charges.

■ Two off-duty Torrance police officers — one in his own car, the other in an unmarked police car — got into a pursuit and shot at a robbery suspect. The shooter got a five-day suspension, his co-worker a written reprimand. Defense attorneys noted that the officer involved in the shooting initially was given a 10-day suspension, but it was reduced because of his prior "exemplary" record. They pointed out that police discipline is discretionary and that recommended penalties often are reduced by outside review boards. They argued that the shooting was in Sheriff's Department jurisdiction and would have been its responsibility to prosecute.

■ Officer Donald Mason drove his car into three parked cars one night while off-duty. Witnesses told the responding officer that they should check Mason's sobriety. The officer later admitted he smelled liquor on Mason, but no blood-alcohol test was conducted. One witness accused Mason of possibly being under the influence and indicated, in a department complaint, that he feared the matter had been "covered up." The allegations were ruled unfounded.

■ Officer Peter Velis reportedly was caught drinking beer on-duty while conducting a surveillance of businesses suspect-

ed of ~~being~~ A sergeant ~~Velis~~ apparently intoxicated. When Velis got into a shouting match with someone during the ~~take-out~~, he was sent home. He was given five days' suspension unless he remained sober under supervision.

Almost 'predictable'

Reiter testified that the police investigation surrounding the fatal traffic accident involving Green was almost "predictable" in light of past departmental policy.

He concluded from reports that the accident supervisor and officers at the scene had "no idea" how to handle such an investigation. He questioned why the station commander did not respond to the scene, why a blood-alcohol test was not ordered and why the department's highest supervisor did not notice the report's weaknesses in the days that followed and order an internal investigation.

Defense attorney Yim claimed that numerous Southland police departments do not require station commanders to respond to the scene of officer-involved accidents. He pointed out that a traffic supervisor did respond that night, that a specially trained officer from the drunken-driving unit conducted a sobriety test to determine Green was not drunk and that the traffic division lieutenant eventually joined in the investigation.

Reiter testified that internal police memorandums indicate that, two months after the collision, supervisors considered a new policy requiring blood-alcohol tests in traffic accidents involving off-duty officers. But apparently no changes were made for two years, Reiter said.

On the night of the accident, supervisors apparently did not know they could legally order an officer to submit to a blood-alcohol test without arresting him, he said. While the results could not be used criminally, they could be used to take administrative action against the officers involved.

"When you're dealing with it on an administrative basis, you're allowed a lot more latitude ... because we can hold them to a higher standard of care than an average citizen," Reiter said.