

# News-Pilot

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San Pedro, California

## Mayor pledges faith in police

### *Geissert testifies in death lawsuit*

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Torrance Mayor Katy Geissert testified Friday that she has "never found it appropriate or necessary" to intervene in citizen complaints against the city's police.

Taking the stand in a civil suit that accuses Torrance police of routinely tolerating officer misconduct, Geissert said she has confidence in the Police Department's ability to investigate and discipline officers within its own ranks.

The massive suit — now in its fourth week of trial — stems from an officer-involved collision that led to the death of Kelly Rastello. The Rastello family of San Pedro claims Torrance police protected off-duty Sgt. Rollo Green from blame in the Aug. 30, 1984, traffic accident.

The Rastellos' attorneys are attempting to show that Torrance police routinely escape with little or no punishment for alcohol-related misconduct on and off duty. The plaintiffs' attorneys expect to rest their case next week in Los Angeles Superior Court.

"Have you ever overturned a decision by the Police Department not to discipline an officer?" Brian Panish asked Geissert.

"I don't recall that," she said. "The authority lies with the city manager. The City Council is not an investigative body per se."

But Geissert added that Panish's questions assumed the City Council has been made aware of situations calling for disciplinary action.

She routinely sends citizen

complaints to Torrance Police Chief Donald Nash, she said. But she denied inferences that Torrance police answer to no one and she pointed to City Manager LeRoy Jackson as overseer of the Police Department.

### 2 cases

Taking the stand for less than a half hour, Geissert mentioned two specific cases of alleged police misconduct that involved the council during her 15 years as a city official.

The council reversed the Police Department's decision to fire Officer James Lynch nearly a decade ago. And, more recently, city officials listened to the case of three Torrance officers involved in an alleged cover-up before agreeing to settle a civil suit. All three officers have been fired. Two still face criminal charges.

Judge Abby Soven ruled that the mayor need not reveal what, if any, such topics have been discussed among Torrance city officials in confidential executive meetings.

Geissert testified that, in some cases, she has been impressed by the severity of action taken by the Police Department against its own officers.

And she told jurors that she did not believe Sgt. Rollo Green got special treatment after the fatal collision that triggered the lawsuit against Green, eight fellow officers and the city of Torrance.

"I think it is appropriate that (Torrance police) investigate their own accidents. ... They have a capacity to do this,"

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Area

## Mayor

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Geissert said. "I think there is enough depth in the department in terms of numbers that that shouldn't be a problem."

In other testimony Friday, a police accident investigator waffled when asked by a plaintiff's attorney whether he had recommended filing manslaughter charges against Green several weeks after the collision.

"Did you or did you not recommend that manslaughter charges be filed?" the judge asked, intervening.

### Investigator

Dale Robbins, the follow-up investigator for the accident, conceded that he had recommended a filing. But he added: "I was unsure. I was looking to the district attorney for guidance."

Before Robbins could clarify his answer, he was pulled from the stand to accommodate another witness. According to testimony, Robbins listed Green's premature left turn as a secondary cause in the accident contrary to a supervisor who cleared Green of all blame. Robbins is expected to take the stand again next week.

Lt. James Papst — head of

the traffic division five years ago — faced questions regarding policies proposed in the months following the accident for handling collisions involving off-duty officers.

### Blood-alcohol tests

According to internal memos, supervisors considered a policy requiring off-duty officers involved in traffic accidents to submit to blood-alcohol tests if they had had any alcohol. But the proposal never became policy.

Plaintiffs' attorneys pointed out that Los Angeles police require officers to submit to the tests even without arrest. A forced test can legally be used only for administrative purposes.

Papst argued that most police departments have no such a requirement. He insisted that, without probable cause for arrest, a forced test would violate a driver's rights. And, he added, it could not be used to file charges.

"We're in court here today," Papst said. "If we coerced a blood test from anyone, they could sue us for that."