

Torrance to Pay \$77,500 Punitive Damages for Police in Rastello Case

By DEBORAH SCHOCH
TIMES STAFF WRITER

The city of Torrance will assume responsibility for paying \$77,500 in punitive damages levied against its police chief and four current and former Police Department employees in a case stemming from the 1984 death of motorcyclist Kelly Rastello.

This marks the first time that Torrance has taken such a step when its employees faced punitive damages, said City Atty. Kenneth L. Nelson.

With virtually no discussion, the City Council voted 7-0 Tuesday night to cover the cost of punitive damages.

The city would pay the money if it loses on appeal. A decision is not expected for a year or longer.

Police Chief Donald E. Nash said the council's action shows that employees can do their jobs and be protected. "Obviously, I feel relieved," Nash said. "It's a morale booster."

Mayor Katy Geissert said: "It symbolizes that when we do not find malice involved or intent to act in bad faith, we stand behind our employees."

A Los Angeles Superior Court jury last September awarded a \$5.9-million civil judgment to John Rastello of San Pedro, whose 19-year-old son, Kelly, died in a 1984 traffic collision with off-duty Torrance Police Sgt. Rollo Green.

The jury found that Torrance police covered up for Green by delaying a field sobriety test of Green for more than an hour and failing to chemically measure his blood-alcohol level. The department had a "custom and policy" of condoning misbehavior by officers, the jury concluded.

The jury also ordered that the

five police employees pay \$77,500 in punitive damages. The specific amounts assessed were: Nash \$50,000; retired Lt. Noel Cobbs, \$10,000; Sgt. Michael Paolozzi, \$7,500, and Officers Steven Burke and Richard Silagy, \$5,000 apiece.

Paolozzi was the supervisor at the accident scene, Cobbs was watch commander, and Burke and Silagy assisted in the investigation, according to the city.

The city is required by state law to indemnify employees for general damages if they were performing in the line of duty, Nelson said. But if an employee faces punitive damages, the city can investigate and decide whether to assume

liability for those damages.

City Manager LeRoy J. Jackson recommended that the city indemnify the five police employees. He found the case met three criteria: that the employees were acting within the scope of their jobs, that they acted without malice and in the city's apparent good interest, and that paying the damages are in the city's best interest.

An attorney for the Rastello family Wednesday said the jury believed these employees acted "with oppression, malice or fraud."

"Twelve independent people made a finding and a judge upheld that finding, based on substantial evidence," said Brian J. Panish, lawyer for the Rastellos.

Panish said he was not surprised by the City Council vote. "It's been my experience that they're very loyal to their Police Department," Panish said. By the time the appeal is completed, the total judgment [against the city] could exceed \$10 million, he said. "I'm certainly not surprised they're willing to indemnify the police for less than \$100,000."

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BRIAN J. PANISH
Lawyer for plaintiffs