

Order for Torrance Police to Reveal Information on Misconduct Is Upheld

By GEORGE STEIN, Times Staff Writer

The California Supreme Court has upheld an order requiring Torrance police to disclose vast amounts of information on police misconduct during the last nine years to participants in a lawsuit that accuses officers of routinely covering up for one another.

The suit was filed by the family of a man who was killed when his motorcycle collided with a pickup truck driven by an off-duty officer. The officer, who admitted drinking before the accident, was not charged. City officials have denied all of the suit's accusations.

"I have never in my life seen a discovery motion like this," said Torrance Police Lt. Robert Armstrong, who has been dealing with this and earlier orders in the case under the "discovery" process by which attorneys obtain evidence.

"Basically, they are asking for any record the Police

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Department has kept. You are talking tens of thousands of pages of documents. It has reached the point of ridiculousness."

But the city will abide by the ruling, said City Atty. Stanley Remelmeyer, who added that he, too, had "never heard of a discovery order this broad."

The Supreme's Court's Nov. 17 decision upheld an order that retired Superior Court Judge John K. Trotter Jr. issued Sept. 23 commanding Torrance police to release to the plaintiffs records that normally are shielded from public view.

These include all citizen complaints against Torrance officers since Aug. 30, 1979—five years before the accident—and any assessment of the effectiveness of the Police Department's internal investigations division.

The department also must release to Trotter, who is handling the suit, nine years' worth of internal investigations into alleged police misconduct for examination in private.

Other records to be examined by the judge include psychological evaluations of the officers involved in investigating the accident. The plaintiffs asked for records that might reveal the officers' attitudes toward brotherhood among police officers, a police officer's power, abuse of power, alcohol or substance abuse, and whether the officers are truthful.

Trotter may rule later that records he examines in private should be released to the plaintiffs.

Fatal Traffic Accident

The suit grew out of a late-night collision on Rolling Hills Road on Aug. 30, 1984. Kelly Rastello, 19, of San Pedro was killed when his motorcycle slammed into a left-turning pickup truck driven by Torrance Police Sgt. Rollo Green.

Torrance police investigators said the accident was caused by Rastello, who allegedly was speeding.

The suit filed by Rastello's family accuses Green, who testified in a deposition that he had been drinking before the accident, of wrongful death. The lawsuit further alleges that the Torrance Police Department covered up for him and that the department has a practice of shielding or attempting to shield its officers from liability.

The plaintiffs' attorneys specifically asked for any records pertaining to the arrest of the son of Police Chief Donald Nash. In his ruling, Trotter said he would review documents concerning any arrest of the chief's son before deciding whether to agree to a plaintiffs' request for such records.

Armstrong, commander of the personnel division, would neither confirm nor deny that Nash's son had been arrested.

The Supreme Court ruling—with its potential for revelations of po-

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lice wrongdoing—is particularly unwelcome right now in Torrance, where officials take pride in avoiding controversy. City officials are still sensitive about a videotape—aired on news programs nationwide in September—that showed a Torrance police officer choking a man while his partner beat him. A suit stemming from that incident is pending.

"Certainly, the timing is unfortunate," Mayor Katy Geissert said of the Supreme Court order and the videotape. Geissert added, however, that the traffic accident that triggered the suit "is certainly unfortunate and very regrettable."

Councilman Mark Wirth said he will be surprised if serious wrongdoing is uncovered.

"I don't see an extraordinary amount of complaints about our Police Department. A lot of citizens tell me they feel good about the Police Department. If we find there is a problem there, we will take care of it. I don't think it is a matter of ignoring things."

Brian Panish, an attorney representing the Rastello family, defended the scope of the discovery order.

Judicial Discretion

"In no way did the court abuse its discretion," he said. "It merely allows the plaintiff meaningful access to the courts and the opportunity to prove the case to a jury. Without this type of discovery, a victim would never have the opportunity to prove an unconstitutional pattern or practice engaged in by a municipality [or] a police force."

Since the suit was filed on Sept. 11, 1984, the law firm of Greene, O'Reilly, Broillet, Paul, Simon and Wheeler, which is headed by the former president of the California Trial Lawyers Assn., has been taking extensive depositions about what happened in the accident and afterward.

According to a deposition by one police officer, Green had alcohol on his breath at the scene of the accident and was known within the Police Department to have a drinking problem. Green said in his deposition that two months before the accident he had attended a meeting of Alcoholics Anonymous at the urging of another officer.

Green also said in his deposition that Torrance police did not give him a test for alcohol for more than an hour after the accident and when he was tested, it did not include analysis by a Breathalyzer or a blood alcohol test. Instead, investigators relied on an assessment of Green's physical coordination.