

# News-Pilot

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## Green probe defended

*His supervisor testifies*

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Torrance police properly investigated an Aug. 30, 1984, fatal collision before they cleared off-duty Sgt. Rollo Green of blame, according to the highest-ranking police supervisor on duty that night.

"I think we went one step further than we would have done with a regular citizen," Lt. Noel Cobbs testified Thursday.

During a civil trial in Los Angeles Superior Court, Cobbs has faced harsh criticism for the way in which he and fellow officers investigated the accident that caused the death of motorcyclist Kelly Rastello of San Pedro. The Rastello family insists there was a cover-up.

The plaintiffs' attorneys question why Cobbs did not go to the accident scene, why he talked to the field sergeant on an untaped telephone line that night, why only one field sobriety test was conducted and why Green's blood-alcohol level was not tested.

### Expert at scene

But Cobbs told jurors that Officer Daniel Metzger — a trained expert in the drunken-driving unit — was specially dispatched to the accident scene because an off-duty police sergeant was involved.

"If Rollo Green had been (drunk), it's your opinion that he would have been arrested?" asked Brian Panish, an attorney for the Rastello family.

"You bet," Cobbs said.

"By the way, you'd stake your reputation on Metzger's ability as a DUI investigator?" Panish asked.

"I believe I have, counselor," he responded.

Cobbs restated defense arguments that the eye-gaze test — a check for involuntary jerking movements of the eye — is the only field sobriety test that cannot be mastered. He relied on the field sergeant's word that Green passed the test.

In earlier testimony, former Los Angeles Deputy Chief of Police Louis Reiter testified that a watch commander would normally respond to a fatal accident involving an off-duty officer who smells of alcohol. Defense attorney Casey Yim has argued that numerous Southland police departments do not require watch commanders to personally visit the scene. And on Thursday, Cobbs noted that LAPD has far more supervisors to spare.

"There, watch commanders have a different role than we do in the Torrance Police Department."

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ment. . . . If I leave the station, then we have no one else there except the complaint officer," Cobbs said.

"As the watch commander, I'm the only ranking officer on the facility. Anything that comes up is my responsibility," said Cobbs, who insists it was his job to stay on the premises. "The watch commander is the decision maker. The watch commander is responsible for approving the bookings."

### Field sergeant at scene

Cobbs testified that a field sergeant and acting traffic sergeant were in charge at the scene. Panish asked why Cobbs did not trade places with the field sergeant and then keep in touch with station officers by radio.

"Did you feel it was more important to stay in the station and watch the jail?" the attorney asked.

"That was my responsibility," Cobbs said.

The lawsuit accuses Green of causing the accident by making a premature, illegal left turn in front of Rastello's motorcycle at Rolling Hills Road and Whiffletree Lane. The plaintiffs' attorneys claim Green was drunk and protected by subordinate officers. They expect to rest their case next week.

Defense attorneys argue that, while Green admitted some drinking, there was no probable cause for arrest. And they contend Rastello caused the accident by suddenly changing lanes and speeding into the intersection after Green began his turn.

The judge recently announced that she will tell jurors there was probable cause for arrest. It now remains up to the jury to decide whether police acted in "good faith" when they

decided not to arrest Green.

Cobbs, who retires this week, testified that he recalls few details about the night. He has since reviewed transcripts of taped police calls. He pieced together this account:

### Received call

He received a telephone call from field Sgt. Michael Paolozzi at 11:52 p.m., one minute before the first caller reported the accident. The plaintiffs' attorneys earlier implied that the call could be linked to a cover-up. But Cobbs played the tape: a conversation about an injured officer's return to work.

Paolozzi re-telephoned Cobbs at the station at 12:24 a.m. on a taped line. The plaintiffs' attorneys have asked why that call was transferred to an untaped line. Cobbs explained that he was in the traffic division when he was paged for the call. He gave the dispatcher his extension, hung up the receiver and answered the call. Paolozzi would not have known the call was unrecorded, he said.

At some point that night, he checked the Police Department manual for instructions on how to handle collisions involving off-duty police officers. He found no policy. So he told Paolozzi to handle the accident as any other.

### Defends decisions

He said he does not recall when he learned that Green had been drinking or when he discussed sending out the drunken-driving unit. But he defended the decisions and conclusions made by police that night.

"It looked to me like (the motorcycle) was the cause of the accident," he said. "I still believe it was the cause of the accident."