

Daily Breeze

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★★★ Torrance, California

L.A. officer defends Torrance policies

Accident investigation methods called appropriate

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Two veteran Los Angeles police officers — a drunken-driving team expert and a traffic instructor — disputed allegations Thursday that Torrance police mishandled a fatal 1984 collision involving one of their own.

"I didn't find anything unusual. . . . Maybe they went just one step beyond normalcy to over-do it," testified Officer James Hunt, who teaches LAPD recruits how to write accident reports and arrest drunken drivers.

The civil trial in Los Angeles Superior Court stems from the Aug. 30, 1984, collision in which off-duty Sgt. Rollo Green's truck collided with a motorcycle driven by Kelly Rastello of San Pedro. Rastello died in the accident.

The Rastello family claims Torrance police protected Green from blame: No blood-alcohol test was taken, only one field sobriety test was conducted 1½ hours later a block away, the police report was not released for three weeks, and the collision's point of impact was revised.

But in the second full day of defense testimony, the two LAPD traffic experts interpreted the investigation another way. Hunt laughed when asked if it was unusual to find conflicting police conclusions in the accident report.

"Even though they disagree, they put it there in black and white. It's not like they're trying to hide something," Hunt said. "Everyone has differing opinions. That's what this trial is all about, differing opinions."

In other testimony Thursday, John Rastello III conceded police gave him Green's name one day after the accident and drew him a diagram of the crash that killed his brother. The plaintiffs' attorneys have argued that the Rastellos filed suit just days after the accident because police stonewalled them. Defense attorneys contend that a three-week delay for the final report is not unusual.

Thursday's testimony offered a look at the accident investigation from the defense point of view.

Sgt. Richard Studdard, the drug recognition coordinator for LAPD, told jurors that it was "appropriate" to specially dispatch a drunken-driving team member to a fatal collision involving an officer smelling of alcohol.

And if Green passed the eye-gaze test, no more field sobriety tests were necessary, Studdard said. He considers the test, which checks involuntary eye muscle coordination, a "screening device."

"That is consistent with the training I give and the procedure I follow under the same conditions," said Studdard, who has given training seminars in Torrance, among other cities. "In my opinion, they could have continued all day and not found any (symptoms)."

Studdard also concluded police chose the nearest flat location to test Green by walking one block up a slight hill. Otherwise, he said, they would have had to walk down Whiffletree Lane and onto Rolling Hills Road to avoid the glare of emergency lights.

Brian Panish, an attorney for the Rastello family, noted that Judge Abby Soven has ruled police did have probable cause to arrest Green that night. And Panish pointed out that LAPD policy allows supervisors to order officers to submit to blood-alcohol tests for administrative purposes only.

In cross-examination, Studdard insisted police should not have arrested Green or forced him to take a blood-alcohol test, even for administrative purposes, if he had passed the eye-gaze test.

But Studdard conceded he would have asked Green to take a breath test.

And under cross-examination of Hunt, the officer acknowledged that he could not recall a single case in which a blood-alcohol test was not given to someone who admitted drinking before a fatal accident.

Hunt, the fourth expert to testify for

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the defense, noted that the police reports openly reveal the methods used to estimate the motorcycle's speed, two conflicting points of impact and changes made by the follow-up investigator.

The plaintiffs' attorneys have implied that changes in the reports indicate a cover-up. They note that Green initially was cleared of blame, but an investigator later wrote in a secondary illegal left-turn charge against him.

Hunt also disputed allegations that Torrance police should have asked the California Highway Patrol to conduct an independent investigation.

'A ridiculous thought'

"It's a ridiculous thought. First of all, CHP would say 'Handle your own accident,'" Hunt said. "Torrance is not a small city. It has a good-sized Police Department. ... They are the proper people to do it."

And Hunt insisted that the watch commander was doing his job by staying at the police station that night. The plaintiffs' attorney read a section in the LAPD manual requiring a watch commander to respond to such incidents. But Hunt testified that LAPD watch commanders have a different role.

Defense attorney Casey Yim then presented his own chart in response to one presented during the plaintiffs' case. A plaintiffs' chart of Torrance collisions in

1984 involving vehicles turning left in front of oncoming traffic faulted the left-turner in all 22 cases.

But a defense chart listed 13 more accidents from the same year involving left-turning vehicles. In those cases, the other motorist was blamed or the cause was unclear.

"Most of the time, when someone is making a left-hand turn, they're at fault ... but not always," Hunt said.

The Rastello family contends police exaggerated the speed of the motorcycle to clear Green. They say Green cut off the motorcyclist by making an illegal, premature left turn. And they argue that Torrance police historically have blamed the left-turner in such collisions.

Victim blamed

Police concluded Rastello caused the collision by changing lanes and racing into the intersection after Green began his turn.

But Hunt described another exception to the rule: A speeding motorcycle appeared at the crest of a hill after a car had begun turning left. It slammed into the car and its rider was blamed for the accident, based on conclusions that it was hidden until the last moment. Hunt insisted that the accident involving Green was "virtually identical."