o pay punitive damages awarded against employees, Jackson said.

Even before the jury assessed punitive damages, the size of the award against Torrance was extraordinary, said one of the nation's leading experts on civil rights law.

Prof. Theodore Eisenberg of the Cornell University School of Law said lawsuits like Rastello's, filed under Section 1983 of the United States Code, typically result in judgments of well under $100,000.

"This case is just off the charts," Eisenberg said, when told of the judgment. "This is enormous."

The size of the award does not mean that the jury acted improperly, Eisenberg said.

Many verdicts against police departments are smaller because the plaintiffs have criminal records or other flaws that make them unsympathetic to juries, he said.

All-American Boy

Rastello, however, was pictured by his relatives during the trial as an All-American boy who had recently graduated from high school and had planned to pursue a career as an accountant.

Torrance officials said they expect their insurer, Protective National Inc., to pay all but the punitive damages and the wrongful death judgment against Green.

The Omaha-based company, however, has been in serious financial straits and under supervision of Nebraska state regulators since 1986, according to Dan Quine, assistant chief examiner for the Nebraska Department of Insurance.

Supervisors have ordered the company not to write any new policies, limiting operations only to paying off claims, Quine said.

Quine said the company has $30 million in its surplus accounts and roughly $100 million in assets, though much of that may be money due to Protective National from other, insolvent insurance companies.

Torrance officials insist they still have confidence in the company.

Because Protective National was licensed to do business in this state, the California Insurance Guarantee Assn. protects the city, even if the company ultimately cannot pay the entire claim, Torrance City Atty. Kenneth Nelson said.

"It's not one of the things that keeps me awake at night," Nelson said.

Postponement Refused

The city's lawyers had asked Judge Abby Soven to postpone Wednesday's arguments to give them time to negotiate a settlement of the case with Rastello's lawyers. But Soven refused, saying: "This case will go to the jury today."

Immediately after last week's verdict against the Police Department, Panish handed a letter to defense lawyers offering to settle the case. John Rastello would have agreed not to pursue punitive damages against the individual officers if the city paid the $5.9 million in damages and an estimated $2 million in attorney's fees immediately, said Browne Greene, Rastello's other lawyer.

But by Wednesday morning, Greene and Panish said they wanted to argue for punitive damages.

The city's lawyers have never said how much the city would have paid to settle the case or if they would consider a settlement now in exchange for dropping any appeal of the verdict.

Times staff writer Janet Rae-Dupree also contributed to this sto

Send a Message Nationwide

"This case means more than just the Rastello family and what they did to them for five years," he said. "This case needs to send a message to all police officers nationwide."

"You have a unique opportunity to break the code of silence," Panish said, "to break the police fraternity."

Defense attorney Casey Yim asked for compassion. He said most of the officers are fathers who could not afford to pay huge damage awards.

"If you annihilate these individuals, if you wipe them out, you've got to ask what kind of a message that will send to the community," Yim said. "Who will want to be a police officer?"

Yim argued that the officers' reputations have already been destroyed during the trial and that the $5-million judgment "hung like a stone" around their necks.

It is possible, however, that the officers will not have to pay any of the damages themselves.

Torrance police officers are routinely insured for any actions they take while on duty, Torrance City Manager LeRoy Jackson said in an interview before the verdict. If the city and its insurance company agree to follow that policy, the insurer would pay the $5,525,000 in damages ordered last week against the city, Nash and five officers.

The jury also awarded a $375,000 wrongful death judgment against Green. Because he was off duty at the time of the crash, Green will have to pay that verdict out of his own pocket, said his lawyer, Will Pirkey. His insurance will cover only $100,000 of the award, Pirkey said.

The City Council must decide "on a case-by-case basis" whether

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cover-up, and some of them maybe even reluctantly."

Cobbs was ordered to pay $10,000, Paolozzi $7,500, Green $5,000, Burke $5,000 and Silagy $5,000.

Jurors said they agreed with the plaintiff's contention that the Torrance Police Department routinely condoned misdeeds by officers.

"Misconduct was overlooked," said foreman Gerald Clare, a psychotherapist. "Or when it was found, there was just a slap on the wrist."

Despite the relatively small punitive damage awards, jurors said, their verdict was intended to send a message. Said Nameth: "If they don't make some changes from the top, it would bother me."

But jurors decided they did not want to break the police officers financially, Clare said. "What they did we felt was wrong, but it wasn't monstrous. And clearly everyone on both sides was distressed by the entire case."

Nash said he and his officers still believe they did nothing wrong.

"We have pride in our police department," Nash said, "and in our officers. We think we run a clean police department and that we did the right thing on the night of the accident."

Jurors were presented with a very limited view of the department and did not hear about many cases in which Torrance officers have received severe punishments for misconduct, Nash said.

Nash said he does not see the department changing policy because of the verdict or revelations during the trial.

Defense lawyers are expected to appeal.

Brian Panish, one of Rastello's attorneys, had told the jury it should award punitive damages of

$82,500 Added to Judgment Against Police in Torrance

By JAMES RAINEY, *Times Staff Writer*

A Los Angeles Superior Court jury added $82,500 in punitive damages Wednesday to the $5.9 million it awarded a San Pedro family last week after finding that Torrance police covered up for a colleague involved in a fatal 1984 traffic accident.

The additional damages against Torrance Police Chief Donald Nash, Lt. Noel Cobbs, who recently retired, Sgt. Rollo Green, Sgt. Michael Paolozzi and Officers Steven Burke and Richard Silagy fell far short of the nearly $18 million in punitive damages requested by lawyers for the family.

But John Rastello, whose 19-year-old son, Kelly, died in the collision with Green, said he is happy with the outcome.

"I said five years ago that the money really didn't matter," Rastello said. "It is about time this was laid to rest and that we go on to something else."

Seven-Week Trial

The trial against the county's third-largest police department lasted for seven weeks. Rastello's lawsuit alleged that Green caused the fatal collision by driving drunk and making an illegal left turn and that fellow officers concealed his responsibility as part of a pattern of whitewashing police misconduct.

Rastello's lawyers said Green was given special treatment in several respects: The off-duty sergeant was not given a blood-alcohol test; a field supervisor used one of the department's few untaped phone lines to report in from the scene of the accident; Green was not arrested but was driven home by police, and Green was given just one field sobriety test more than an hour after the accident.

The defense argued that Kelly Rastello caused his own death by speeding and failing to apply both brakes on his motorcycle.

The jury did find Rastello 25% responsible for the crash.

The jury ordered Nash—Torrance's police chief for 19 years—to pay the bulk of the punitive damages, $50,000.

"We really held Nash and the city more culpable for condoning that type of activity and just looking the other way," said juror Julie Nameth, a housewife. The other officers "are guys who we felt got caught up in a

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