

The Dallas Morning News

Jury awards \$433,200 to 16 for police DWI scam

By Bill Lodge

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A federal jury has awarded \$433,200 to 16 people who say they were falsely arrested in Dallas for driving while intoxicated.

The city and two former police officers, Jerry Kastler and Samantha Garofalo, are liable for the civil-suit award. The award and unspecified attorneys' fees are subject to approval by U.S. District Judge Joe Kendall.

The two former officers were convicted of records tampering after admitting they participated in false arrests to gain overtime payments available for officers who testify in trials.

The illegal practice can double an officer's salary, according to expert witnesses questioned by plaintiffs' attorneys Don A. Tittle and Russell H. Daniels.

City Attorney Sam Lindsay said

Monday that his office probably will appeal the decision, which came late Friday.

"The problem I have with the verdict is that the city of Dallas is being held liable for former police officers who were investigated, discharged and subsequently convicted of third-degree felonies," Mr. Lindsay said.

City officials failed to adequately guard against the arrest of innocent citizens on DWI charges after an internal 1987 report revealed similar overtime schemes, jurors concluded.

Mr. Lindsay responded that city officials have guarded diligently against such abuses but added that it is impossible to prevent all similar crimes.

"No matter how well you train and supervise an individual, if he or she is inclined to engage in unlawful conduct, there is little that

can be done to prevent it," Mr. Lindsay said. "That's exactly what was done here."

City officials "didn't take any action to prevent the abuse," Mr. Daniels said.

Police accused three officers of falsifying up to 140 DWI arrest reports between May 1993 and January 1994. Dallas County prosecutors said they were forced to dismiss more than 100 drunken-driving cases that would have relied on the officers' testimony.

Each of the 16 plaintiffs was awarded \$25,000 for mental anguish. A total of \$33,200 was awarded for attorneys' fees the plaintiffs paid to defend themselves against the DWI charges.

Two of the plaintiffs were acquitted at their drunken-driving trials, and charges against the other 14 were later dismissed. The dismiss-

als did not occur, however, until after each of the plaintiffs had hired an attorney.

Mr. Kastler and Ms. Garofalo now live in Van Nuys, Calif. He was fired from the Dallas Police Department in 1994, and she resigned while under investigation.

Ms. Garofalo and Mr. Kastler, who are married, eventually pleaded guilty to charges that they tampered with official records. Both were sentenced a year ago to five years' probation. If they successfully complete those probationary sentences, their felony records will be erased through the process of deferred adjudication.

Before the civil trial in Judge Kendall's court, a third former officer, Murrill L. Baxley, was dismissed as a defendant. Mr. Baxley was convicted in 1995 on felony records-tampering charges, but he is appealing that conviction.