

COUNCIL OF THE COUNTY OF MAUI  
**POLICY COMMITTEE**

August 8, 2008

**Committee  
Report No.**

08-92

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Policy Committee, having met on July 22, 2008, makes reference to County Communication No. 07-9, from the Council Chair, regarding indemnification authorization.

By correspondence dated March 6, 2008, the Department of the Corporation Counsel requested consideration of a proposed resolution entitled "INDEMNIFYING ROY HIRAYAMA IN CHRISTOPHER GRINDLING V. SGT. ROY HIRAYAMA, ET AL., CIVIL NO. CV05-00694 DAE BMK". Attached to the request is a copy of the Complaint, filed June 30, 2005. The purpose of the proposed resolution is to indemnify Roy Hirayama, a police officer, in the case.

Your Committee notes that this case includes allegations of personal injury and emotional distress stemming from violations of Christopher Grindling's constitutional and civil rights.

By correspondence dated July 15, 2008, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "INDEMNIFYING ROY HIRAYAMA IN CHRISTOPHER GRINDLING V. SGT. ROY HIRAYAMA, ET AL., CIVIL NO. CV05-00694 DAE BMK" incorporating nonsubstantive revisions.

At its meeting, your Committee met with the Chief of Police and a Deputy Corporation Counsel.

There was no public testimony.

The Deputy Corporation Counsel provided a brief overview of the case. She explained that police officers Roy Hirayama and Aaron Won are alleged to have assaulted Christopher Grindling on June 4, 2004, while he was detained in the holding cell of the Department of Police. She noted that the Police Commission considered the matter and found that Roy Hirayama acted within the course and scope of his

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employment. She also explained that former police officer Aaron Won is still a party to the case; however, he has not requested indemnification from the County.

Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend adoption of the revised proposed resolution.

Your Policy Committee RECOMMENDS that Resolution No. \_\_\_\_\_, attached hereto, entitled "INDEMNIFYING ROY HIRAYAMA IN CHRISTOPHER GRINDLING V. SGT. ROY HIRAYAMA, ET AL., CIVIL NO. CV05-00694 DAE BMK" be ADOPTED.

Adoption of this report is respectfully requested.

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# Resolution

No. \_\_\_\_\_

INDEMNIFYING ROY HIRAYAMA IN CHRISTOPHER GRINDLING V.  
SGT. ROY HIRAYAMA, ET AL., CIVIL NO. CV05-00694 DAE BMK

WHEREAS, Roy Hirayama, a police officer and employee of the County of Maui, has been named as a defendant in his individual capacity in the case of Christopher Grindling v. Sgt. Roy Hirayama et al., filed in the Circuit Court of the Second Circuit, Civil No. 05-1-0249(3), on June 30, 2005 and received by the Department of the Corporation Counsel on October 13, 2005; and

WHEREAS, the County of Maui removed this case to the U.S. District Court for the District of Hawaii on November 1, 2005, where it was assigned Civil No. CV05-00694 DAE BMK; and

WHEREAS, the complaint alleges personal injury, emotional distress, the deprivation of Christopher Grindling's rights under the Fourteenth Amendment to the U.S. Constitution and violation of his rights under 42 U.S.C. § 1983; and

WHEREAS, based upon an investigation into this matter, the Department of the Corporation Counsel believes there to be a good faith basis for indemnification and has recommended to the Council that the body act to indemnify this Defendant for any damages that may be assessed against him in the above-referenced lawsuit, said damages being requested within the Complaint are: general, special and costs of suit, including attorney's fees; and

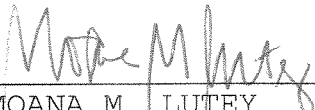
**Resolution No. \_\_\_\_\_**

WHEREAS, based upon the recommendation of the Department of the Corporation Counsel, it appears at this time that it would be in the best interest of the County of Maui to indemnify this Defendant in the above-referenced lawsuit; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That Roy Hirayama is indemnified by the County of Maui for any damages that may be assessed against him in the above-referenced lawsuit; and
2. That certified copies of this resolution be transmitted to the Mayor, the Corporation Counsel, the Chief of Police, and the Director of Finance.

APPROVED AS TO FORM AND LEGALITY:

  
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MOANA M. LUTEY  
Deputy Corporation Counsel  
County of Maui

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