

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

November 17, 2006

**Committee
Report No.**

06-146

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

Chair and Members:

Your Committee of the Whole, having met on October 31, 2006, makes reference to County Communication No. 05-24, from the Council Chair, regarding the settlement of claims and lawsuits.

Your Committee is in receipt of correspondence dated October 23, 2006, from the Department of the Corporation Counsel, requesting consideration of the possible settlement of Joseph Crisafulli v. County of Maui, et al., Civil No. 05-1-0443(1). Attached to the request is a copy of the complaint and a proposed resolution entitled "AUTHORIZING SETTLEMENT OF JOSEPH CRISAFULLI VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0443(1)". The purpose of the proposed resolution is to authorize settlement authority to the Department of the Corporation Counsel to settle the case.

Your Committee notes that the complaint alleges general and special damages arising from injuries caused by a County police officer or officers.

At its meeting, your Committee met with an Assistant Police Chief and two Deputy Corporation Counsel.

There was no public testimony. A Deputy Corporation Counsel provided a brief overview of the case and requested the opportunity to discuss the matter in an executive meeting. She noted that the complaint arises from allegations that on December 19, 2004, Joseph Crisafulli was arrested by a police officer at the Casanova Italian Restaurant and was taken to a cane field area where he was struck by more than one police officer.

Your Committee voted to convene an executive meeting for the purpose of consulting with legal counsel on liability issues in the matter, pursuant to Section 92-5(a)(4), Hawaii Revised Statutes.

At its executive meeting, your Committee met with an Assistant Police Chief and two Deputy Corporation Counsel.

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Following the executive meeting, your Committee reconvened in regular session. Based on the information received and the recommendation of the Department of the Corporation Counsel, your Committee voted to recommend adoption of the proposed resolution to authorize the settlement of the matter under the terms proposed in the executive meeting.

Your Committee of the Whole RECOMMENDS that Resolution No. _____, attached hereto, entitled "AUTHORIZING SETTLEMENT OF JOSEPH CRISAFULLI VS. COUNTY OF MAUI, ET AL., CIVIL NO. 05-1-0443(1)" be ADOPTED.

Adoption of this report is respectfully requested.

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