

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 14, 2006

Committee
Report No.

_____ 06-86

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 August 1, 2006, makes reference to County Communication No. 05-23, from the Council Chair, regarding indemnification authorization.

Your Committee is in receipt of correspondence dated July 17, 2006, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "INDEMNIFYING DONALD SIMPSON, JOSHUA HAGLAN, AND RYAN PURSLEY IN CIVIL NO. 04-1-0290(3), MICHAEL GAINES AND DANA ADAMS VS. COUNTY OF MAUI, DONALD SIMPSON, JOSHUA HAGLAN, AND RYAN PURSLEY". Attached to the request is a copy of the second amended complaint. The purpose of the proposed resolution is to indemnify Donald Simpson, Joshua Haglan, and Ryan Pursley, County employees, in the referenced lawsuit.

By correspondence dated July 24, 2006, the Department of the Corporation Counsel transmitted a revised proposed resolution entitled "INDEMNIFYING DONALD SIMPSON, JOSHUA HAGLAN, AND RYAN PURSLEY IN MICHAEL GAINES AND DANA ADAMS VS. COUNTY OF MAUI, ET AL., CIVIL NO. 04-1-0290(3)". The revised proposed resolution clarifies that Donald Simpson, Joshua Haglan, and Ryan Pursley are police officers, and makes nonsubstantive formatting changes to the title and body of the resolution.

Your Committee notes that this case includes allegations of battery, assault, intentional infliction of serious emotional distress, false arrest, false imprisonment, and negligent supervision.

At its meeting, your Committee met with two Deputy Corporation Counsel and a Captain from the Department of Police.

There was no public testimony. A Deputy Corporation Counsel provided a brief overview of the case noting that the incident involved police officers acting within the scope of their duties while executing a traffic stop.

COUNCIL OF THE COUNTY OF MAUI
COMMITTEE OF THE WHOLE

August 14, 2006
Page 2

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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 Committee of the Whole RECOMMENDS that Resolution No. _____, as revised herein and attached hereto, entitled "INDEMNIFYING DONALD SIMPSON, JOSHUA HAGLAN, AND RYAN PURSLEY IN MICHAEL GAINES AND DANA ADAMS VS. COUNTY OF MAUI, ET AL., CIVIL NO. 04-1-0290(3)" be ADOPTED.

Adoption of this report is respectfully requested.

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