

GENERAL ORDERS
CHAPTER 204
COMPENSATION, BENEFITS AND WORKING CONDITIONS

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Rescinds: GO 204.1 (11/01/95)

Accreditation Standards:

LEGAL ASSISTANCE AND LIABILITY PROTECTION
G.O. 204.1

I. PURPOSE

To outline the legal assistance and liability protection available to employees of the Maui Police Department.

II. POLICY

To protect employees for their actions or omissions directly related to their law enforcement functions.

III. LEGAL ASSISTANCE

A. The Hawaii Revised Statutes, Section 52D-8, Counsel for Police Officers, states:

“Whenever a police officer is prosecuted for a crime or sued in a civil action for acts done in the performance of the officer’s duty as a police officer, the police officer shall be represented and defended:

(1) In criminal proceedings by an attorney to be employed and paid by the county in which the officer is serving; and

(2) In civil cases by the corporation counsel or county attorney of the county in which the police officer is serving.”

B. Chapter 3.64.010, Maui County Code, Public Liability Insures states in part:

The Director of Finance is authorized to procure liability insurance:

1. To cover any liability arising from the operation, maintenance or use of buildings, roads, parks or other property owned, maintained or operated by the county, and county-conducted programs and activities;

2. To cover liability arising from the operation of vehicles owned or operated by the county or the county’s employees;

3. To cover the liability exposures of the county, as deemed appropriate by the director of finance. Such other liability exposures include but are not limited to liability arising out of use of boats, errors and omissions liability of public officials, and liability assumed in contracts with others;

IV. LIABILITY PROTECTION

- A. Department employees are indemnified from liability in accordance with the provisions of the Hawaii Revised Statutes.
 1. Employees shall notify the Chief of Police through the chain of command anytime they are notified of criminal prosecution or a civil suit pending against them, which arises out of actions taken as a county employee.
 2. A copy of the civil suit shall be forwarded to the Chief of Police and Corporation Counsel within three (3) days of service. The original will be kept by the involved employee.
- B. The determination of whether an act, for which the police officer is being prosecuted or sued, was done in the performance of the police officer's duty, so as to entitle the police officer to be represented by counsel provided by the county, shall be made by the police commission. If a member is denied legal representation, written decision will be provided by Corporation Counsel. The response will include the reason for the decision and information regarding appeal rights to the Chief of Police.
- C. The employee remains responsible for adhering to the orders of the subpoena.


TIVOLI S. FAAUMU
Chief of Police