

STAND. COM. REP. NO.

20

Honolulu, Hawaii

OCT 30 2007

RE: GOV. MSG. NO. 4

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Second Special Session of 2007
State of Hawaii

Madam:

Your Committee on Public Safety, to which was referred Governor's Message No. 4, submitting for study and consideration the nomination of:

DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY

G.M. No. 4 CLAYTON A. FRANK,
for a term to expire 12-6-2010,

begs leave to report as follows:

Your Committee received testimony in support of the nominee from the Department of Public Safety; Department of Accounting and General Services; Department of Health; Department of Transportation; Department of Labor and Industrial Relations; State Attorney General; two State House Representatives; Office of Hawaiian Affairs; Crime Victim Compensation Commission; the Mayor of Hawaii County; Kulani Correctional Facility; Maui Community Correctional Center; Women's Community Correctional Facility; Waiawa Correctional Facility; Maui Economic Opportunity, Inc.; Hina Mauka; State of Hawaii Organization of Police Officers; United Public Workers; Ironworkers Stabilization Fund, Local 625; International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; Hawaii Government Employees Association; Local 665 Hawaii's Technicians for Film, Television, Stage, and Projection; and fifty-three individuals. Testimony in opposition was received from four individuals.

Mr. Clayton Frank received a Bachelor of Arts degree in Sociology and a Masters of Art degree in Social Work from the University of Hawaii at Manoa. He has been the Interim Director

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of the Department of Public Safety since May of 2007. Prior thereto he served as Warden/Administrator of the Halawa Correctional Facility from April 2003 to May 2007; as Warden/Administrator of the Oahu Correctional Facility from March 1991 to April 1992 and again from June 1999 to April 2003; Institutional Division Administrator from November 1995 to May 1999; Inspections and Investigations Officer from January 1995 to November 1995 and again from April 1992 to May 1994; Acting Director for Law Enforcement from May 1994 to December 1994; Acting Warden/Administrator from March 1990 to March 1991; Corrections Supervisor I and II from November 1985 to May 1990; and as social worker and probation officer during 1981 to 1985. Mr. Frank has extensive training in correctional and law enforcement work from the National Institute of Corrections.

Although it has been a short period of time since Mr. Frank was appointed as Interim Director, he has demonstrated through his actions that he possesses not only the ability to lead the department, but he has begun to define his vision to move the department forward and to address long-standing issues of concern. These issues include re-integration of the prison population, consolidation and efficiency of state law enforcement entities, and long-term maintenance and repair of aging correctional facilities. Testimony indicated that Mr. Frank has been able to begin the process of repairing fractured lines of communication and oftentimes strained working relationships within the Department of Public Safety. He has worked tirelessly with his staff and the union to address overtime costs and other issues of critical concern to the employees. He has been forward-thinking in exploring partnership opportunities with private, non-profit, and faith-based organizations to address recidivism. He plans to further expand re-entry services throughout the State.

Testimony further indicated that Mr. Frank has worked with the Attorney General to address issues concerning the provision of mental health services at the Oahu Community Correctional Facility. The Attorney General found him to be intelligent, honest, knowledgeable, ethical, honest, involved, and deeply caring about the department and the inmates in his charge.

Your Committee notes from the written statement of Mr. Frank that his hopes for the department are intertwined with his desire to assist and encourage all employees to achieve their full potential in their professional lives. From his twenty-six year tenure with the department, he believes the majority of the



employees are good, hard working, diligent individuals who are committed to excellence. He has made employee development a priority to build a strong foundation for the department and for the offenders entrusted in their care.

Your Committee notes further the testimony in opposition to the nominee based upon a lawsuit against the department that named Mr. Frank as a defendant. The State lost the lawsuit and ultimately paid just under two million dollars to the three plaintiffs. Apparently, Mr. Frank was a supervisor at that time who allegedly knew of the incidents in his official capacity. Following the lawsuit, no administrative action was taken against him. Mr. Frank testified he learned from the lawsuit and has made an effort to apply this knowledge to his administrative protocols, including instituting sexual and gender harassment training of corrections officers and supervisors. Accordingly, Mr. Frank indicated he would look into requiring regularly scheduled periodic sexual and gender harassment training. Mr. Frank also testified that he learned the importance of being aware of the impact of his decisions and to be more mindful of his acts, which he has similarly stressed to the employees and supervisors. He has instituted a protocol to handle claims of sexual and gender harassment, including ultimately referring the matter to the Attorney General for possible prosecution. Finally, your Committee believes that Mr. Frank's extensive experience of over twenty-five years in corrections and social work offsets this objection.

In response to questions from your Committee regarding the ultimate responsibility for actions or non-actions of department personnel, the nominee said that the "buck stops with me," meaning that he takes the ultimate responsibility for the mistakes of his personnel. With regard to the number of returning women prisoners from the mainland, Mr. Frank is mainly concerned that worthwhile rehabilitation and reintegration programs are available to the returning inmates so that they do not worsen their situation when returning home.

Your Committee notes further from Mr. Frank's vision statement that his overall vision for the department is to have it improve on development and delivery of programs designed to address the "criminogenic needs of the offender," and to ensure a "seamless transition from the facilities to the community" by linking offenders to services before they walk out of the facilities.



Your Committee believes that Mr. Frank possesses the following qualifications that warrant his confirmation:

- (1) His long experience in corrections and vast knowledge of the corrections system;
- (2) His commitment to improving the prison system and the morale of employees;
- (3) His satisfactory performance to date as Interim Director; and
- (4) His enthusiasm for bringing home the women prisoners now on the mainland.

As a safeguard, your Committee intends to keep abreast of the workings and any problems of the Department of Public Safety. To this end, each of your Committee members welcomes public comment at any time.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be qualified for the position to which nominated and recommends that the Senate advise and consent to the nomination.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,



WILL ESPERO, Chair



The Senate
Twenty-Fourth Legislature
State of Hawaii

Record of Votes
Committee on Public Safety
PBS
Advise and Consent

Governor's Message No.:* GM 4	Committee Referral: PBS	Date: 10/29/07		
<input type="checkbox"/> The Committee is reconsidering its decision				
The Recommendation is:				
<input checked="" type="checkbox"/> Advise and Consent 2340 <input type="checkbox"/> Not Advise and Consent 2345				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
NISHIHARA, Clarence K. (VC)	✓			
SAKAMOTO, Norman	✓			
WHALEN, Paul	✓			
TOTAL	4			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Clarence K. Nishihara</i>				
Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy				

*Only one Governor's Message per Record of Votes