

Late Testimonies

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Confirmation Hearing:
Committee on Public Safety
Monday, October 23, 2007
Room 225 - 10:00 a.m.



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

October 24, 2007

The Honorable Will Espero, Chair
The Honorable Clarence Nishihara, Vice Chair
Senate Committee on Public Safety
Hawaii State Capitol
Honolulu, HI 96813

Dear Senators Espero and Nishihara:

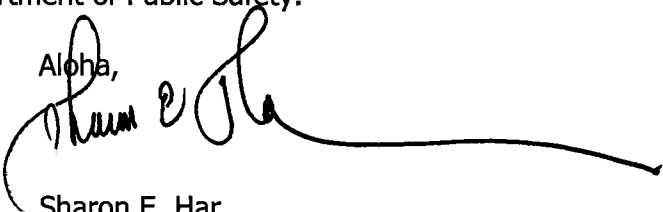
It is with great pleasure that I write this letter of support on behalf of Clayton A. Frank, nominee as the Director of the Department of Public Safety.

As Vice Chair of the House Committee on Public Safety and Military Affairs, I had the honor of meeting Mr. Frank in 2006 in his capacity as warden of the Halawa Correctional Facility. Mr. Frank demonstrated to me leadership, initiative, administrative skills, and the willingness to work with other wardens under the correctional facility system.

Since being nominated Director of the Department of Public Safety, I have met with Mr. Frank to discuss his vision for the Department of Public Safety going forward. I was impressed with his ideas and found him to be pragmatic, level-headed, and pro-active in reducing the rates of recidivism.

Mr. Frank is an ideal candidate who demonstrates great qualities of a leader, while possessing the knowledge and background that the Department of Public Safety needs.

For these reasons, I respectfully request your confirmation of Mr. Clayton A. Frank to serve as the Interim Director of the Department of Public Safety.

Aloha,


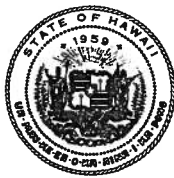
Sharon E. Har
State Representative
40th House District
Kapolei, Makakilo, Royal Kunia, Kalaeloa

LATE TESTIMONY

SEH:lr

2007102401

Representative Sharon E. Har
State Capitol, Room 313 • Honolulu, Hawaii 96813
Phone: (808) 586-8500 • Fax: (808) 586-8504 • E-mail: rephar@capitol.hawaii.gov



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

October 23, 2007

Senator Will Espero, Chair
Senator Clarence Nishihara, Vice Chair
Senate Committee on Public Safety
Hawaii State Capitol
Honolulu, HI 96813

LATE TESTIMONY

Dear Senators Espero and Nishihara:

It is my honor and pleasure to write on behalf of Mr. Clayton A. Frank, Gubernatorial nominee as the Director of the Department of Public Safety.

I have known Clayton for over twenty years. His work experience in the department spanned two decades, during which time he worked as warden and administrator for Halawa Correctional Facility, O'ahu Community Correctional Facility, as well as acting warden and administrator for the Waiawa Correctional Facility. His understanding of the department and its challenges was always evident in his work.

Since 2003 there has been only one permanent director for the Department of Public Safety, Mr. John Peyton. Mr. Peyton's tenure lasted for approximately one year, and after his departure there were five interim directors. As the former chair of the House Committee on Public Safety and Military Affairs I can assure you that it was most difficult working with the department when there was no permanent director.

Due to the lack of permanency within the department, there was no definitive direction for the department as each interim director had their own ideas, but lacked the power to implement them. In addition, working on the department's budget and attaining moneys for Capital Improvement Projects for the department proved difficult when no permanent Director was appointed.

Clayton is an ideal candidate to serve as head of the Department of Public Safety because he comes with many years of experience and know-how, along with proven leadership qualities that the Department needs.

For these reasons, I respectfully request your confirmation of Mr. Clayton A. Frank to serve as Director of the Department of Public Safety.

Sincerely,

KEN ITO

Chair – Water, Land, Ocean Resources and
Hawaiian Affairs


OFFICE OF HAWAIIAN AFFAIRS
Legislative Testimony

Submitting for consideration and confirmation to the
Director of the
Department of Public Safety
GM 4 CLAYTON A. FRANK
for a term to expire 12-6-2010

Senate Committee on Public Safety

October 29, 2007
Room 225

10:00 A.M.

The Office of Hawaiian Affairs supports the confirmation of Clayton A. Frank as Director of the Department of Public Safety. During the past three years, OHA has been working with prison advocacy groups to plan and implement programs for pa`ahao (Native Hawaiian offenders), particularly those incarcerated in mainland correctional facilities, that will help in their rehabilitation and reintegration into society by keeping them connected to their Hawaiian cultural traditions.

We support Mr. Frank's confirmation because under his interim leadership the past year, the Department of Public Safety supported a bill to establish a comprehensive reintegration program for pa`ahao, and for the first time in recent history, included funding in its budget to provide cultural education programs and support for Native Hawaiian pa`ahao incarcerated in mainland correctional facilities.

This kind of support from the Department of Public Safety, under the administration of Mr. Frank, will help bring about systemic changes that will eventually lead to the implementation of a comprehensive, coordinated Hawaiian cultural program for pa`ahao.

We are also encouraged by Mr. Frank's testimony in which he pledged to make

LATE TESTIMONY

reintegration one of his main priorities as Public Safety
Director. OHA sees this as
a significant step toward effectuating changes that will
benefit the pa`ahao as they
go through their healing and rehabilitation process, and
ultimately successfully
reintegrate into society and re-unite with their families.

Mahalo nui loa for the opportunity to present testimony.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
HAWAII PAROLING AUTHORITY
1177 ALAKEA STREET, GROUND FLOOR
Honolulu, Hawaii 96813

ALBERT TUFONO
CHAIR

DANE K. ODA
MEMBER

ROY W. REEBER
MEMBER

MAX OTANI
ADMINISTRATOR

No. _____

TESTIMONY
RELATING TO CONFIRMATION OF CLAYTON FRANK
AS THE DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY

HAWAII PAROLING AUTHORITY
Max Otani, Acting Administrator

Committee on Public Safety
Senator Will Espero, Chair
Senator Clarence K. Nishihara, Vice Chair

Monday, October 29, 2007, 10:00 a.m.
State Capital, Conference Room 225

Chair Espero, Vice Chair Nishihara and Members of the Committee:

I strongly support the nomination and confirmation of Mr. Clayton Frank to the position of Director of the Department of Public Safety.

Mr. Frank's vast experience with the Department of Public Safety makes him an ideal candidate for this position. He has operated correctional facilities ranging from high security to community custody, managed correctional programs from a division level and served as deputy director for law enforcement. In his years with the Department, Mr. Frank has been involved with an array of accomplishments that includes, activating a new correctional facility, addressing court mandates for correctional facility under consent decree and starting new correctional programs. This balance of experience will be difficult to find in any candidate.

On a personal note, I have worked with Mr. Frank on a variety of correctional projects over the past 10 years and he has shown to be a person with much foresight, commitment and integrity. He possesses the necessary ability to tackle the problems within the Department and move the Department forward.

Thank you for this opportunity to testify on this important matter.

LATE TESTIMONY



Local 665

HAWAII'S TECHNICIANS
for
FILM, TELEVISION, STAGE AND PROJECTION
Since 1937

INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS
OF THE UNITED STATES, ITS TERRITORIES AND CANADA, AFL-CIO, CLC

October 24, 2007

Hon. Will Espero, Chair, and Members
of the Public Safety Committee
Hawaii Senate
State Capitol
Honolulu, HI. 96813

Re: **Confirmation hearing on Clayton A. Frank as
Director of the Department of Public Safety**

Dear Chair Espero and Committee Members:

On behalf of the International Alliance of Theatrical Employees, IATSE Local 665, we stand united with the Ironworkers Stabilization Fund, Local 625, headed by T. George Paris, Managing Director, and all other Unions who support the nomination of Clayton A. Frank as the new Director of the Department of Public Safety.

As Mr. Frank's record shows, he has the necessary experience with the 22 years in the Department to effectively serve as the Leader. Besides, he has a Master's Degree in Social Work and is a man of integrity and character.

We, too, respectfully request that Mr. Frank's appointment be confirmed.

Mahalo,

Donovan K. Ahuna
Business Representative IATSE Local 665

LATE TESTIMONY

Cc: T. George Paris

SHOPO



October 22, 2007

The Honorable Senator Will Espero
and Committee on Public Safety
Hawaii State Senate, State Capitol
417 South Beretania Street, Room 225
Honolulu, HI 96813

Re: Support for Confirmation of Clayton Frank
as the Director of Public Safety

Dear Senator Espero:

The State of Hawaii Organization of Police Officers (SHOPO) strongly supports the confirmation of Clayton Frank as the state Director of Public Safety.

Mr. Frank has the vast experience and knowledge to move the Department of Public Safety forward. His unquestionable integrity and high moral values are indisputable.

Clayton has demonstrated an unwavering commitment to the public as evident to his many years of civil service to the State. Clayton's broad and far-reaching experience will definitely be an asset as he embarks upon his mission to improve the Department of Public Safety and to serve our community.

We respectfully urge your confirmation of Clayton Frank.

Sincerely,

TENARI R. MA'AFALA
President

PRESIDENT
Tenari R. Ma'afala

VICE PRESIDENT
Malcolm Lutu

TREASURER
James "Kimo" Smith

SECRETARY
Andrew Lum

DIRECTORS AT LARGE
Michael Cusumano
John Haina
Jeffrey-James Lee

HONOLULU CHAPTER CHAIR
Stanley Aquino

HAWAII CHAPTER CHAIR
John Stewart

KAUAI CHAPTER CHAIR
Bryson Ponce

MAUI CHAPTER CHAIR
Michael Bates

Main Office & Honolulu Chapter
1717 Hoe Street
Honolulu, Hawaii 96819-3125
Ph: (808) 847-4676 "84 SHOPO"
Fax: (808) 841-4818
Toll Free: (800) 590-4676

Hawaii Chapter Office
688 Kino'ole Street, Room 220B
Hilo, Hawaii 96720
Ph: (808) 934-8405
Fax: (808) 934-8210

Maui Chapter Office
Kahului Shopping Center, Unit 19
65 West Ka'ahumanu Avenue
Kahului, Hawaii 96732
Ph: (808) 877-9044
Fax: (808) 893-0016

Kauai Chapter Office
3146 Akahi Street, Unit 2
Lihue, Hawaii 96766
P.O. Box 1708
Lihue, Hawaii 96766
Ph: (808) 246-8011

LATE TESTIMONY

Patrick W. Lee

1345 Haku Place
Honolulu, Hawaii 96819
(808) 349-1800

Senator Will Espero
Public Safety Committee
2007 Special Legislative Session
Honolulu, Hawaii 96813

Dear Senator Espero,

My name is Patrick Lee and I have been working with the Department of Public Safety's Sheriff Division for over 18 years. Currently, I am a Sheriff Lieutenant working at the Honolulu International Airport. I have been associated with Clayton Frank since the Sheriff Division became part of the Department of Public Safety.

Over the years I have worked with Clayton on numerous joint operations with the Corrections Division. Clayton is a fair leader, who is open and compassionate to his employees. As the former Deputy Director for Law Enforcement, I think that he will support the mission of the Sheriff Division and will help us move forward to provide law enforcement and correctional services to the State of Hawaii. I support Clayton Frank for Director of Public Safety.

Sincerely,

A handwritten signature in black ink, appearing to be 'Patrick Lee', written in a cursive style.

Patrick Lee

LATE TESTIMONY

October 25, 2007

The Honorable Will Espero
Chair, Senate Committee on Public Safety
Hawaii State Capitol, Room 207
415 South Beretania Street
Honolulu, Hawaii 96813

RE: Confirmation of Mr. Clayton Frank as the Director of Public Safety

Chair Espero and Committee Members:

This letter is written as an unsolicited support in consideration and for the confirmation of Mr. Clayton Frank as the Director of Public Safety.

I fully support the confirmation of Mr. Clayton Frank as the Director of Public Safety. Mr. Frank and I both began our public service careers with the State of Hawaii in 1981 as correctional counselors with the Oahu Intake Service Center at the Oahu Community Correctional Center. The adult correctional system was going through a transition to a modern penal system. It was truly a memorable time when we knew we were all making an impact upon our society.

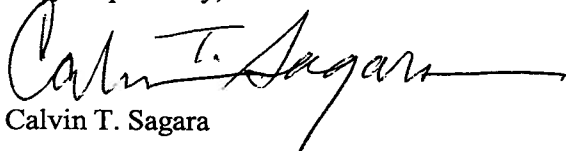
In 1983, we both transferred to the Judiciary, he as a probation officer with the Adult Probation Division and I as the Community Service Sentencing Program Coordinator. While I remained with the Judiciary and culminated my career as the Court Administrator with the Kaneohe District Court, Mr. Frank transferred to the Halawa Correctional Facility and continued in the field of adult corrections in supervisory and administrative positions including tenures as warden at the Waiawa Correctional Facility, Oahu Community Correctional Center, and Halawa Correctional Facility. He also served as the Law Enforcement Deputy Director of Public Safety for two years.

Mr. Frank's qualification as a leader and administrator in the field of adult corrections is outstanding. As an administrator, he is familiar with issues confronting the department and will address them after developing and selecting courses of action. He will face adversity and will not succumb under pressure. Mr. Frank is a bold leader and has earned the respect of his subordinates and peers like myself.

He is an individual with impeccable character traits. His parents have instilled upon him a strong sense between right and wrong. I have no doubt that he accepts responsibility for his decisions and actions and will not minimize or place blame on others. His integrity is unquestionable. Mr. Frank is a loyal and remarkable individual. He has stepped forward to occupy a position that has been filled by countless individuals. He is willing to place his character and privacy under close scrutiny to accept a position that is neither financially rewarding nor fascinating. He is a true leader.

Mr. Frank will bring accountability and dynamic leadership to the Department of Public Safety. I have no reservations in recommending his confirmation and thank you for the opportunity to provide my support.

Very respectfully,


Calvin T. Sagara

LATE TESTIMONY

October 25, 2007

Senator Will Espero
Chairman, Public Safety Committee
20th Senate District
Hawaii State Capitol, Room 207
415 South Beretania Street
Honolulu, Hawaii 96813

LATE TESTIMONY

Aloha Senator Espero,


It is with great honor that I recommend Clayton Frank for the position of Director of Public Safety. As a watch commander with the Airport's Sheriffs Detail and a former Adult Corrections Officer, I have maintained a professional relationship with Clayton for over 28 years, back in the days when Corrections fell under the Department of Social Services and Housing.

Throughout my 29 years of work experience, I have seen many Directors 'come and go'. Given that history, I believe Clayton is the best qualified applicant for the position. He has the necessary leadership skills and high level of professionalism needed to oversee one of the largest departments in the State. He is highly respected throughout the law enforcement community. He is open to employees' concerns while balancing not compromising community safety. He is very humble, down to earth, and a dedicated family man.

While Clayton was the warden at Halawa Correctional Facilities, our divisions worked closely together on the numerous intrastate transfers of felons. Whenever we had a prisoner movement, Clayton was always visible and assisted in the actual operation, resulting in a smooth transition.

Again, I strongly support Clayton Frank's confirmation for Director of Public Safety. I am confident he will make a difference!

Sincerely,


Sgt. Raymond Gabriel
Watch Commander
Airport Sheriffs' Detail
300 Rodgers Blvd.
Honolulu, Hawaii 96819

Sen. Will Espero

From: William Reeves [wpreeves@hawaii.rr.com]
Sent: Thursday, October 25, 2007 12:53 PM
To: Sen. Will Espero
Subject: SUPPORT FOR MR. CLAYTON FRANK AS DIR OF PUBLIC SAFETY

Dear Sir:

May I please offer my support for Mr Clayton Frank as the new Dir. of Public Safety. I had the privilege of working with and for Mr. Frank for a number of years during my 18 plus of service with the department of corrections. I found Mr. Frank to always be: honest, sincere and straightforward in dealing with staff, inmates and the complex issues of corrections. Mr. Frank will be an asset to the State of Hawaii and the Public Safety Department.
Thank you , William P. Reeves ,Lt. ret, Waiwa Correctional Facility.

LATE TESTIMONY

10/25/2007

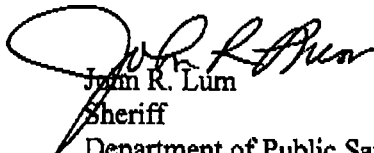
Will Espero
Chair Public Safety Committee

October 25, 2007

Mr. Chairman,

I am in full support of Mr. Clayton Frank as Public Safety Director. I have been the Sheriff for over two years and in my contacts with Mr. Frank when he was a Warden for Halawa he was always very supportive of the Sheriffs Division. As the Interim Director for Public Safety, Mr. Frank has not changed and has shown support for our programs. I believe that Mr. Frank will do very well as the Director for Public Safety.

Thank you for this opportunity and please keep up the excellent work you and your committee members are doing.


John R. Lum
Sheriff
Department of Public Safety
587-3630

LATE TESTIMONY

Charles Among Jr.
P O Box 2625
Ewa Beach, HI 96706

October 25, 2007

Senator Will Espero
Chairman-Senate Public Safety Committee
415 South Beretania St.
State Capitol- Room 207
Honolulu, HI 96813

LATE TESTIMONY

To Mr. Will Espero,

This letter of recommendation is written on behalf of Interim Public Safety Director Clayton Frank.

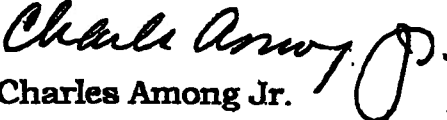
I have known and worked with Mr. Frank for the past thirteen years. I first met Clayton Frank when I was an Adult Corrections Officer. As the Warden of Oahu Community Correctional Center, Mr. Frank gave his loyal and faithful attention in the execution of his duties and responsibilities in a fair and professional manner. He was faithful and loyal to the facility and was willing to get involved with activities that would make OCCC a better place.

When I transferred to the Sheriff's Division, Clayton Frank became the Warden of Halawa Correctional Facility. He was always willing to work with other divisions to promote inter-agency cooperation.

Mr. Frank has the ability and determination to lead this department in a positive direction. He is proactive and anticipates the needs and actions of his subordinates. He is dependable, exercises a high level of integrity, and would make a fine director.

Should you have any questions regarding Mr. Frank, please feel free to contact me at 699-3739.

Sincerely,


Charles Among Jr.

October 26, 2007

*Committee on Public Safety
Senator Will Espero, Chair
Senator Clarence Nishihara, Vice Chair
State Capitol
415 South Beretania Street*

Re: Letter of Support for Clayton Frank for Director of Public Safety

My name is Patrick H. Sniffen I reside on the island of Maui. I have been employed with the State of Hawaii for thirty years. Twenty five years as a Enforcement Deputy Sheriff, currently assigned to the tri-island County of Maui Sheriff's Office.

We need a Director with working experience and knowledge of our Sheriff Division and Corrections Division. I like Clayton Frank because he possess these qualities and has the intestinal fortitude and the stimulating energy to do the job.

Please confirm Mr. Clayton Frank as the next Public Safety Director.

Sincerely,



*Patrick H. Sniffen
5630 Lower Kula Rd.
Kula, Hi 96790
(808) 878-3109*

LATE TESTIMONY

Hawaii State Legislature 2007 Special Session
Senate Committee Public Safety
Chair Senator Will Espero
Co Chair Clarence K. Nishihara
Confirmation Hearing Director Public Safety Department
Clayton Frank
October 23, 2007

Chair Senator Espero and Co Chair Senator Nishihara Thank you for this opportunity to submit this written testimony (as a private citizen) in Favor of Mr. Clayton Frank as the Director of the Department of Public Safety.

My name is Clyde Tanaka and I am employed with Public Safety, Sheriff Division as a Deputy Sheriff (Sergeant) since 1990, when Act 211 1989 Session Laws, transferred law enforcement programs from the Department of Attorney General into the newly formed Department of Public Safety. I have a total of 32 years experience in Law Enforcement and worked in patrol, executive protection, investigation, administration and many other duties in law enforcement.

It is during my assignment in administration that I first worked with Mr. Frank when he was the Deputy Director for Law Enforcement. I found Mr. Frank to be a fair, compassionate, understanding, knowledgeable, firm, and decisive person. His dedication to public safety, law enforcement and corrections are essential characteristics that will enable Public Safety to move forward into the future meeting all challenges and overcoming obstacles in accomplishing our mission.

Mr. Frank has a natural instinct and ability to work together with others in achieving a goal effectively, efficiently, and economically. These characteristics and abilities have earned him the respect and admiration of his peers, subordinates, and superiors.

LATE TESTIMONY

Since his appointment as Interim Director Mr. Frank has tirelessly worked toward making Law Enforcement more than just a lost child in Public Safety than the larger Corrections Division introducing qualified Sheriffs working together with Correctional Staff to overcome challenges at the Department level. This major change will provide alternate and diversified experiences to the daily administrative functions in Public Safety a long overdue action that can only improve its operation and morale Departmental wide.

Mr. Frank's focus on the Department's mission and philosophy with Reintegration of inmates back to our community, finding a permanent home to consolidate Sheriff's operations to maximize its resources, and maintenance of facilities will begin to forge a strong foundation that will move Public Safety in the right direction meeting our future needs.

Again Thank You for This Opportunity

Aloha



Clyde Tanaka

**TESTIMONY RELATING TO THE CONSIDERATION AND CONFIRMATION AS
DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY, GUBERNATORIAL
NOMINEE, CLAYTON A. FRANK**

Senate Committee on Public Safety
The honorable Will Espero, Chair
The Honorable Clarence K. Nishihara, Vice Chair
Monday, October 29, 2007, 10:00 a.m.
State Capitol, Conference Room 225

Senator Espero, Senator Nishihara and Senate Members

My name is Michelle Bruhn and I am an Adult Corrections Officer employed at the Women's Community Correctional Facility.

I have worked at the Women's Facility since June 2001 and was told that the only thing that was consistent with Corrections was the inconsistency. Unfortunately, they were right. It started from the highest level of Administration down. During the years I have been there, we were under the directorship of Interim Director Mr. John Propotnick, Mr. John Peyton, Interim Director Ms. Iwalani White and currently Interim Director Mr. Clayton Frank. And of all these Director's that I have experienced, I truly believe that Mr. Frank is what the Department of Public Safety needs.

In 2006, I became the Women's Facilities Chief Steward for the United Public Worker's Union representing the Unit 10 members (Correctional Officers). In the past, when we used to inform management of a violation, the response would be, "I don't care, grieve me!!!" One of my responsibilities were to enforce the Unit 10 contract. When a member informed me of a complaint, I was tasked to investigate, determine whether there was a contractual violation and attempt to informally resolve the violation with Management. Now, thru Mr. Frank and his staff, we are able to resolve informally saving the state money and time from having to go through arbitration. In this capacity I have observed and have had a direct working relationship with Mr. Frank. Mr. Frank has demonstrated the leadership qualities that I have been looking for throughout my entire career as a Correctional Officer. He is professional, fair, approachable, open to his employee's opinions, and consistent.

There has been positive dramatic changes at the Women's Facility starting from the current assignment by Mr. Frank of Acting Warden Mark Patterson down. It began with Major May Andrade's reassignment as the Acting Warden and continue's through Mr. Patterson. Since his reassignment to the Women's Facility, career opportunities are available to all, fair and equitably. It has been such an enormous morale boost to the majority of the employee's there.

In the past, there were a lot of problems ranging from the untimeliness of changing a light bulb that illuminated the parking lot to maintaining the electronic security system. The current administration has immediately tackled the safety concerns, security, staffing, maintenance of the

LATE TESTIMONY

facility and appropriate care of the inmates among many other things.

Although I have been away from the facility for a year now due to a medical illness, I have always kept in touch and was informed of the changes occurring at our facility and know that the Correctional Officers are very pleased and enthusiastic about the change in leadership and the opportunities available.

Mr. Frank's leadership has emanated through the ranks down to the line Officers. I am in support of Mr. Clayton Frank being appointed as Director of the Department of Public Safety because of his leadership and vision to create a Department we all can be proud of. As Mr. Frank had once said, "I am only as good as the people that I have working with me." Changes must occur from the top down. I humbly request and encourage Senator Espero, Senator Nishihara and Senate members in supporting the appointment of Mr. Clayton Frank to the Department of Public Safety Director's position.


I sincerely appreciate your time and consideration in this most important decision that affects many.

Senator Will Espero
Public Safety Committee
20th Senate District
Hawaii State Capitol, Room 207
415 South Beretania Street
Honolulu, HI 96813

Chairman Espero,

I would like to take the opportunity to express my support of your committee's confirmation of Mr. Clayton Frank as the Director of Public Safety. Mr. Frank has been very supportive of the Sheriff Division and I believe he has vision and the abilities to lead the men and women of the Department of Public Safety. As I have discussed with you in the past, there are many systemic issues that hampers the department's ability to reach maximum efficiency. Mr. Frank has the institutional knowledge to readily identify these inefficiencies and take a proactive approach in resolving them.

I ask for your support in confirming Mr. Clayton Frank as the Director of the Department of Public Safety. Thank you.


Lieutenant Robin Nagamine
Sheriff Division/Administration
Warrants Division

LATE TESTIMONY

October 27, 2007

WRITTEN TESTIMONY

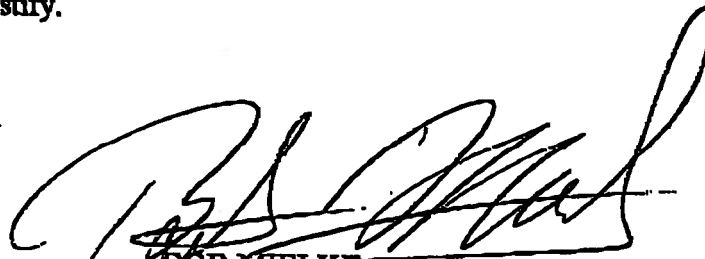
TO: Representative Will Espero - Chair
Representative Clarence Ishihara - Vice Chair
Senate Committee on Public Safety

FROM: SGT Bob Mielke - Halawa Correctional Facility

SUBJECT: Support of Clayton Frank and Confirmation as Director of Public Safety.

My name is Bob Mielke. I am a sergeant at the Halawa Correctional Facility where I have been employed for the past 26 years. During my 26 years at the Halawa Correctional Facility, I have known Clayton Frank both as a social worker and as a warden. As a social worker, Clayton has always conducted himself in a very professional manner when dealing with his coworkers. As a warden, Clayton has been able to lead the Halawa Correctional Facility in a direction that no other warden was able to do, with the exception of Warden William Oku. I feel Clayton can and will lead the Department of Public Safety in a direction that no other director has. I feel his leadership traits will finally lead the Public Safety Department in a very long overdue positive direction. I strongly urge your support regarding Clayton's confirmation as the Director of Public Safety. Clayton's attitude has always been, "those who work for him either make him or break him." This is an attitude that has enabled many great leaders to excel. I am sure it will enable Clayton Frank to excel and lead the Department to new heights. Thank you for this opportunity to testify.

Bob Mielke
2847 Waialae Ave, #301
Honolulu, HI 96826
Phone: (808) 732-2107



BOB MIELKE
SGT, HCF

LATE TESTIMONY

WRITTEN TESTIMONY RELATING TO THE CONSIDERATION AND
CONFIRMATION AS DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY,
GUBERNATORIAL NOMINEE, CLAYTON A. FRANK

Senate Committee on Public Safety
The Honorable Will Espero, Chair
The Honorable Clarence K. Nishihara, Vice Chair
Monday, October 29, 2007, 10:00 a.m.
State Capitol, Conference Room 225

Senator Espero, Senator Nishihara, and Senate Members:

My name is Jodie Maesaka-Hirata. I am employed by the Department of Public Safety and I am currently working as a Corrections Supervisor II at the Oahu Community Correctional Center. I initially started my employment with the State of Hawaii's Department of Corrections' Halawa Correctional Facility in 1989, where I first met Clayton Frank who was then in a position similar to my current position. My first impression of Clayton was that he was very kind hearted and truly cared about his work and the people he worked with. I remember him asking me, "What do you want to do with you future?" At that time, I had no clue as I was just out of college.

I've know many correctional workers throughout my life time. I am a second generation Corrections' Worker with a sibling also working in the field. Unlike my father who was and my brother who is an Adult Corrections Officer, I am a social worker. You may wonder what this has to do with Clayton Frank. He has had humble beginnings like I. Clayton worked his way through the ranks as a social worker through the Criminal Justice System finding his way to Corrections. As you also know, he held various positions within the Department of Public Safety, including: Social Worker, Corrections Supervisor I & II, Deputy Warden, Warden, Inspections and Compliance Administrator, Acting Institutions Divisions Administrator, Deputy Director of Law Enforcement, Acting Deputy Director of Corrections and Acting and Interim Director of Public Safety. With all the changes in his titles and positions, Clayton never forgot to ask, "Eh, by the way, how are you doing?" You can always tell when he asks, he really wants to know. I believe that this keeps him grounded and connected to all of the people he has worked with and met throughout the years. I've put Clayton's practice of taking the time to ask how someone is doing when dealing with my own staff as well as those we service. This keeps me grounded with my staff and helps me to keep tabs on the offenders transitioning back to the community.

As I ponder this nomination process, I can only think of one thing. We have been a Department in disarray because we have not had a permanent long-term leader since Ted Sakai stepped down as Director. The nomination process and eventual non-selection of Iwalani White, separated the Department and sent it spinning downward. That process was not only an embarrassment for our Department, but for the Legislative Body as well. I have never seen our Department flounder for so long without any direction nor have I been so disappointed. The Nay Sayers usually have a hidden agenda, in hope by the non-selections that their personal and/or professional flaws do not appear.

LATE TESTIMONY

No one person is perfect, everyone has flaws. As you know, elected officials have ended up in our system. People all make mistakes, however, it is how they deal with the mistake and learn from it that makes them a better person. If you agree with this philosophy, then each of you would make excellent Corrections or Law Enforcement workers. Each of us must have some belief in this to come to work everyday. It's called compassion and empathy. Without a leader who has compassion and empathy, experience, knowledge, the know how of what "we" call the Public Safety beast, and the passion to better this Department, we will continue to be in limbo. Then the existing mantra will be recited, "Three more years until we have a new Governor". We need a leader now.

We deal with human life and behavior on a daily basis and we have not had solid direction for years. The decision you make will impact not only the staff who work for the Department, the offenders and/or defendants we service, but the community at large. It should be pointed out that Public Safety does not end with the Honolulu Police Department (HPD). Nor does it end with the Courts. In essence, it starts and ends with the Department of Public Safety. Our Law Enforcement Branch services the Courts, works hand in hand with HPD, works diligently to reduce drug trafficking and other crimes and our Corrections Branch detains, incapacitates, rehabilitates and transitions offenders back to our community. In short, we work with the people that no one wants in their neighborhood, back yards or communities. Yet, the individuals who we service eventually return back to us. And, the Legislature wonders, "What has Public Safety been doing?" We need direction and we need it now.

Clayton Frank's past experience with both Corrections and Law Enforcement clearly makes him an excellent choice for the Directorship of the Department of Public Safety. It is his heart, his passion and determination to improve on the imperfections of the Department makes his selection even more imperative. Clayton knows that he cannot conquer everything himself, he is a well grounded realist and he knows that it takes a village to make a change. Again, Clayton Frank has the compassion, empathy and passion to steer this lost ship through the rough waters that constantly surround the Department of Public Safety.

I fully support Clayton Frank's nomination as the Director of the Department of Public Safety.

Jodie Maesaka-Hirata

10/25/07

October 24, 2007

Dear Senators,

My name is Dawn Clemente and I am a Sergeant at the Women's Community Correctional Center. I have been with WCCC for 10 years. I am in support for Clayton Frank for Director of The Department of Public Safety.

Since he has been the Acting Director of Public Safety positive changes have come around. One of which is his decision to appointment Captain Mark Patterson as WCCC'S Warden. It is a great step towards a consistent & positive goal. WCCC was in the dark for many years, with low staff morale, the splitting of staff and no set goals for betterment of this facility and the department. It felt like us against them. Now with new leadership we are moving forward, staff is coming together, there is high morale, and positive changes. The environment for staff and inmates has improved greatly.

I feel that with confirming Clayton Frank as the Director for Public Safety can make a difference not only our facility, but in all & will be a great asset to the Department in that position.

I thank you for your time and urge you once again to confirm Clayton Frank for Director of Public Safety.

Sincerely,



Dawn Clemente

LATE TESTIMONY

October 25, 2007

Dear Senators,

My name is Cheyenne Akahi and I am a Sergeant at the Women's Community Correctional Center. I have been with the department for 10 years and all have been at the Women's. I am in support for Clayton Frank in his confirmation as the Director for the Department of Public Safety.

I have seen many positive changes in the working environment & in staff here at WCCC within this past year than previous years. Clayton Frank gives hope to those of us that want to see fairness, consistency, compassion & understanding within the department that is in need of it.

Many were afraid of retaliation if they spoke out and requested to make changes, now with his appointment of Captain Mark Patterson as WCCC'S Warden has made a huge difference in how this facility is now coming together as one. The differences in staff & the environment can now be seen with the positive changes. There is a high morale amongst workers & the willingness to work together for a brighter, better future for this facility & department.

I thank you for your time and urge you to confirm Clayton Frank for Director of Public Safety.

Sincerely,



Cheyenne Akahi

LATE TESTIMONY

October 23, 2007

To: Senator Will Espero.
Senate Committee for Public Safety

From: Malcolm Lee, Chief of Security, WCCC

Subject: Testimony of Malcolm Lee. Re.:
Clayton Frank, Interim Director of Public Safety Department

Aloha, Mr. Chairman and Senate Committee for Public Safety, my name is Malcolm Lee. I've been employed with the State of Hawaii, Corrections Division, for thirty-four years. I have experienced our prison system's transition from city to state. I have experienced a lot of the department's growing pains, and some very turbulent times.

In this administration... after all the system wide calls for testimony to be submitted in SUPPORT of the nominee (Ed Shimoda's e-mail and May Andrade's coercive phone calls to Paleka for example), it is clear that all solicited fall into one of only two available camps: Those submitting in favor of the nominee are "in favor". Those submitting against or not submitting AT ALL are "out of favor". If submitting testimony is supposed to be voluntary, what was the purpose of this unprecedented level of coercion? When this kind of aggressive coercion occurs a committee can never be sure of who and how much said coercion weighed upon the decision to submit and the content of said submittal(s).

Clearly the testimony and trial results brought forward by Ms. Faith Evans are being brushed aside as an uncharacteristic individual anomaly, dampened by passing time and apologetically acknowledged by the nominee, but how sincere is that acknowledgement and what actions subsequent indicate that the nominee truly "learned" from the experience? The most recent relevant incident (Staff Sexual Harassment and Assault...Male on Female) indicates a continuance of the type of mentality that led to the nominee's lopsided civil liability. Long story short... an on-duty female correctional officer is called out to the facility parking lot by a drunken off-duty fellow officer. An initial verbal exchange occurs between the two leading to the drunken off-duty fellow officer escalating the situation both verbally and physically. The female officer tries unsuccessfully to leave the scene several times only to have the drunken off-duty officer physically restrain her from doing so... leading eventually to, the drunken off-duty officer ripping off the female officer's uniform shirt completely off of her back. The drunken off-duty officer then, in a continued rage, slams and completely dislodges the driver side rear view mirror of the female officer's car. In total shock, the female officer runs back into the facility...the entire incident is in full view of other officers AND, believe it or not, INMATES also. The drunken off-duty officer parks across the street at a convenience store, admittedly awaiting the arrival of HPD. The in shock female does not pursue a domestic violence conviction.

LATE TESTIMONY

Page 2

PSD Director Nominee

The nominee's past "experience" would lead this committee to believe that following all due process requirements, the drunken off-duty officer would have been dismissed. But no, the female officer is again "Victimized" for her apparent role in the situation (voluntary extra marital affair). The drunken officer gets a slap on the wrist.... having already been granted some 90-days on-leave WITH PAY.... He is reinstated with an already served 30-days leave without pay and assignment to another facility. No documented mandatory training... no warning to females at the receiving facility....just another "anything for the men" decision. If ever someone ought to have been dismissed it was here. If an Arbitrator over rules the department and orders reinstatement so be itbut to do it ourselves (the Department and THIS nominee) was unconscionable. Where is the support for the victim's rights... the rights and expectations of other female officers... full support of a zero-tolerance for workplace violence policy??? Check the investigation for the accuracy of my descriptions, I stand on the record. I put it to you... all the sad eyes and feigned sincerity aside, this nominee is about the old boys network. Actions speak louder than words.

Reality is, this nominee HAS NOT learned from the past court decision and indeed continues the "old boys" network of bygone days that belong buried in the past. Take his new "TEAM" Put Jim Propotnick aside, as he is a competent and well respected Law Enforcement professional with outstanding State and Federal credentials to back him up. His Deputy for Administration is a well-intentioned individual, however he is totally lacking in relevant and managerial level experience. Suffice it to say, he has NO APPLICABLE administrative experience at all. His sole relevant experience was as a line level Budget Analyst. Where is the base line experience needed to be a Deputy Director of Administration...no experience in Personnel, in Labor Relations, in Employee recruitment/classification, in litigation, in purchasing/ procurement, Capitol Improvement??????????? This is a "good guy" but PSD needs actual skills.

His Deputy for Corrections HAS NEVER WORKED IN (let alone managed) AN ADULT CORRECTIONAL FACILITY EVER!! His lone correctional experience is as a Youth Correctional Officer who worked on the line during the exact period of time that placed our current Youth Correctional System under Federal receivership. This is a good guy who can turn a phrase, but PSD needs actual skills. His "right hand man" (or in this case woman) is an individual who was CONVICTED of actually stealing State property from the Halawa Correctional Facility while working there as a Security Officer II. She is one loyal appointee, but PSD needs, deserves and ought to DEMAND better.

This same individual, as ironic as it seems, has fostered the continuation of the infamous WCCC case that this committee is so very familiar with. Even after professional investigators from the A.G.'s- and most recently PSD internal Affairs office have recommended findings of no violations, she has recommended that yet even more be "investigated". I suppose if one digs far enough "something" will pop up to justify this

Page 3
PSD Director Nominee

seemingly forever process. Bottom line, the Acting Warden and Chief of Security who lost their positions due to these unfounded allegations still remain sidelined, publicly ridiculed and guilty apparently until they can prove their innocence.

This is a team assembled in the "old-boy" methodology of the past where loyalty trumps ability. It is a product of its past accomplishments (none) and gives the taxpayers of Hawaii nothing more than continued mediocrity. If your committee or indeed anyone in Hawaii expects a "New Beginning" from this Interim PSD Administration it will continue to be disappointed.

In conclusion I respectfully ask this committee **not to confirm Mr. Clayton Frank as Director of Public Safety.**

Thank you


Malcolm Lee

Chief of Security, WCCC

October 24, 2007

House Senate-State Capitol
Senate Public Safety Chairman Will Espero
415 S. Beretania Street
Room 207
Honolulu, HI 96813

Dear Senate Public Safety Chairman Will Espero,

This is a testimony as to why Mr. Clayton Frank, is not fit to be the director of the state Public Safety Department. I have first hand knowledge as to how Mr. Frank conducts himself.

Enclosed are twenty-four (24) grievances that Mr. Frank responded to. In it you will find him contradicting himself, thereby lying. Please note how unprofessional he was by replying sarcastically while performing his job. (see Grievance #90943)

While being the warden of OCCC, he showed what a poor leader he is and how he runs a dirty house. This information was also acknowledged to me by several ACO's.

He failed to enforce the P&P's (policy & procedures) and he violates people's civil rights. On many occasions, he would pass the buck and make his subordinates perform his job. John Manumaleuna and Francis X. Sequeira, just to name a couple.

Mr. Frank fails to conduct himself as an honest, intelligent and unbiased civil servant. Only when Mr. Frank gets his hands caught in the cookie jar will he admit to it, if not, he'll still continue with his crooked ways. He is a threat to the taxpayers, giving him a second chance to be sued in court again will be too late.

Some of my grievances are enclosed for your decision. There are twenty-four (24) grievances in all. The numbers are, 90943, 95872, 92143, 92344, 92439, 82273, 89485, 90941, 90958, 92160, 92204, 92228, 92252, 92259, 92430, 92431, 92432, 92435, 92500, 92502, 95940, 95943, 95949 and 95950.

Aloha,



Mark Char

0943

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

27-03
9.1K

(THIS CONTROL NO. MUST
ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 82135

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: James Kanehira (G5)

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

you have let 300 days pass by without answering grievance # 82135 within the 15 days time limit that you have. Therefore you have conceded. May God Bless you all and your families.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *Punished by God since this is a farce.*

Mark Chan
INMATE SIGNATURE

2/5/03
DATE

RESOLUTION: (attach additional sheets as necessary) The following is in response to your Step 2 appeal. My findings indicate you have no misconduct on record. However, it is unfortunate that you are not able to comprehend the simple task of opening a footlocker. The principles are really quite basic, they are:

1. Position yourself in front of and facing the footlocker;
2. Bend forward at the waist and with either left or right hand, grasp the hasp;
3. Using just enough force to gently open the footlocker lid, lift the lid and position it in a manner that will leave it in an open position;
4. Use the reverse order to secure the footlocker.

I am hopeful that you will practice this procedure. I hope this has addressed your concerns.

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

SIGNATURE OF RESPONDENT Clayton Frank

Warden TITLE

2-20-03 DATE

Mark Chan
INMATE ACKNOWLEDGED

2-24-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

22503
9/4

95872
(THIS CONTROL NO. MUST
ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 90943

TO: (STEP) 1. _____ Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. _____ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: _____

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

I thank you warden Clayton Mark for taking (219) two hundred nineteen days to finally figure out how to comprehend and answer my grievance. You must be confused again. Poor thing. I do understand and comprehend the ease of opening a footlocker. But your staff has a hard time. You should apply these instructions in the form of your many memos to your staff to help them better understand how to conduct room inspections. May God Bless you and your family.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *Harassment and retaliation stops.*

Mark Chan
INMATE SIGNATURE

2/24/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your step III appeal. You need to refrain from sarcastic and derogatory remarks directed to staff in your grievances as those types of comments do not form a basis for a third step response.

As Division Administrator and in accordance with P & P 493.12.03.4.16 and 16(a), this decision is final and the ultimate recourse available within the administrative remedy process.

Chuan O. O'Connell
SIGNATURE OF RESPONDENT

Institutions Division Admin
TITLE

3/12/03
DATE

Mark Chan
INMATE ACKNOWLEDGED

3-18-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

L
3563
PIT

92143 ✓

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]
HOUSING ASSIGNMENT: M-7 H/4 CONTROL NO.: _____
TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. _____ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. _____ Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: _____

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

On 2/27/03 I was locked down all day.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *got to come out 3 times, after breakfast lunch and dinner like we suppose to.*

Mark Chan
INMATE SIGNATURE

3/4/03
DATE

RESOLUTION: (attach additional sheets as necessary)

This is a maximum security housing unit. Lockdown is a normal occurrence in this unit for security reasons.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

John Manumaleuna
SIGNATURE OF RESPONDENT John Manumaleuna

Chief of Security
TITLE

03/19/03
DATE

Mark Chan
INMATE ACKNOWLEDGED

3-24-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED 3-24-03
PIK

9234 ✓

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92143

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: _____

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

If this is true, then why was Agmau Sag inmates out of their bunks, while we were in our cells. Remember we were temp. housing.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *Penalized, violating our rights*

Mark Char
INMATE SIGNATURE

3/24/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. The Step 1 response is upheld. This issue rectified itself with your return to Module 7.

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Warden Clayton Frank
SIGNATURE OF RESPONDENT

Warden
TITLE

3-28-03
DATE

Mark Char
INMATE ACKNOWLEDGED

3-31-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED *4/23/03*
PIC

92430 Pan
(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARRIS SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92344

TO: (STEP) 1. _____ Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. _____ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: _____

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

poor response, not acceptable

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *provided*

Mark Chan 3/31/03
INMATE SIGNATURE DATE

RESOLUTION: (attach additional sheets as necessary)

In accordance to Grievance Policy 493.12.03 4.15.g.2), "The inmate shall submit a written statement on Complaint/Grievance Form 8215 regarding the basis of the appeal to the Division Administrator." Although you have provided your opinion of "Poor response, not acceptable", you have not provided a basis for your appeal. Therefore, this appeal cannot and will not be processed to the Division Administrator for response. No further grievances will be accepted on this issue.

James Kanehira James Kanehira Inmate Grievance Specialist 4-7-03
SIGNATURE OF RESPONDENT TITLE DATE

Mark Chan 4-8-03
INMATE ACKNOWLEDGED DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

82273

DATE RECEIVED
08/29/02
Q. Penance

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: Mark Char SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 82267

- TO: (STEP) 1. _____ Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
 2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
 3. _____ Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: Lt. Morgan

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

I disagree with John Manumaleuna (chief of security) poor response. Right there it shows that Lt. Morgan is a bias person. Lt. Morgan "CHOSES" who goes to the holding unit, if not, everyone including CHRISTOPHER BINS would have gone to the holding unit. But he didn't! so you're admitting that Lt. Morgan is a "BIAS" person by not sending Christopher bins to the holding unit! After talking to "staff", they all told me that was not suppose to be sent to the holding unit - Its Retaliation! so its wrong.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: Punish Lt. Morgan for retaliation against me for his sexual partner, Sgt. Salas, Mical 2

Mark Char
INMATE SIGNATURE

8/29/02
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. In reviewing your complaint, I fail to find any supporting evidence to substantiate your claims. The steps taken by Lt. Morgan, in consideration of the circumstances which occurred, was deemed appropriate until a more investigative inquiry was done.

Accordingly, your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Clayton Frank
SIGNATURE OF RESPONDENT Clayton Frank

Warden TITLE 9-5-02 DATE

Mark Char
INMATE ACKNOWLEDGED

9-6-02
DATE

9485

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

12202
J.K

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 89482

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: DATE:

RESPONSE:

RE: Complaint/Grievance Against: John Manumaleuna, Chief of Security

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

I filled out the property by mail form required to receive Magazines in OCCC. I went through the proper procedure and had it okayed by the Sgt. on duty, the case manager and her boss. Three [REDACTED] employees of OCCC okayed my magazine request. I then ask the Case Manager, Jackie, what were the proper procedures on ordering it. She told me to have a family member go to the book store, purchase it and have the book store mail it directly to OCCC in my name. I followed her instructions. 8 days had passed and the book store had sent my magazines. Now Chief of Security John Manumaleuna answers my grievance for the Mail room stating "unauthorized". I can't even get the name of the magazine right. One of the magazine ordered I sent was Bowhunting, John said it was. Bowhunting World. How in the hell are these people. Three employees okayed my Magazine request, One denies it.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: Since I had to go ahead to order, you are responsible for the \$4.00 shipping cost. Pay me back the \$4.00.

Frank Chan
INMATE SIGNATURE

11/26/02
DATE

RESOLUTION: (attach additional sheets as necessary) The following is in response to your Step 2 appeal. The Chief of Security had some concerns about the magazine ordered. He has determined that magazine such as the one ordered "Bow Hunting" or "Bow Hunting World" may contain in its articles and advertisements information that may be of a security concern. Any magazine that may have information in its articles or advertisements that pose a security concern may be deemed unauthorized. Your request for payment of \$4 is denied, you have not been damaged. All publications are subject to facility screening prior to a given magazine being allowed for Inmate retention--you did not get that approval.

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Clayton Frank
SIGNATURE OF RESPONDENT Clayton Frank

Warden TITLE 12-5-02 DATE

Frank Chan
INMATE ACKNOWLEDGED

12/19/02 13 days to respond
DATE

90941

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

2-7-03
Pink

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-17 CONTROL NO.: 82136

- TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
 2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
 3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: James Kamoku (95)

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

You have let 198 days pass by without answering grievance # 82136 with in the 15 days time limit that you have. Therefore you have conceded. May God Bless you all and your families.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *Punished by God since this is a farce*

Mark Chan
INMATE SIGNATURE

2/5/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. A review of your records was conducted and no write-ups were on file dated on or about 7-20-02 or approximately 198 days old from Sgt. Kamoku. Please be aware you are not authorized a drinking cup or any used salin container in your cell. Furthermore, all store orders and personal items shall not be stored on any electrical fixture, but should be kept in your locker when not in use as to avoid theft. At this time, your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Clayton Frank
SIGNATURE OF RESPONDENT Clayton Frank

Warden.
TITLE

2-14-03
DATE

Mark Chan
INMATE ACKNOWLEDGED

2/5/03
DATE

0958

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

2-14-03
JMK

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 90936

- TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
 2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
 3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: _____

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

Make that (6) six days! On January 27, 28, 30, 31 and February 1 and 2 I/we had no hot water to take a bath. I/we were denied proper hygiene. No bath for (6) six days!

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

Mark Chan
INMATE SIGNATURE

2/13/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. According to IFS-II Tam Bul, Facility Operations was informed that on 1-27-03, the facility did not have hot water. The vendor was notified and came on 1-28-03 to replace/repair the part that caused the system to go down. The expedient repair of the system did not cause health and/or improper hygiene issues. Accordingly, your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Clayton Frank
SIGNATURE OF RESPONDENT Clayton Frank

Warden
TITLE

2-24-03
DATE

Mark Chan
INMATE ACKNOWLEDGED

2/26/03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

3-27-03
JPK

92160 ✓

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHARR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 H/M CONTROL NO.: 95850

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: _____

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

John Maimaituna didn't address the grievance. Privileges are taken away as punishment. My privileges were taken away during my temp. housing. I was punished without doing anything wrong. Therefore my rights were violated by taking away my privileges.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *some of our privileges were given to us by Radio, pen, paper, news paper that's all.*

Mark Chan
INMATE SIGNATURE

3/6/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. Your privileges were temporarily suspended because you were placed in a housing unit that does not have such privileges. Your privileges will be reinstated once you are returned to an appropriate housing unit.

The temporary move was necessitated due to actions to correct a housing unit's needs.

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

[Signature]
SIGNATURE OF RESPONDENT Clayton Frank

Warden
TITLE

3-25-03
DATE

Mark Chan
INMATE ACKNOWLEDGED

3-27-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

3-17-03
DICK

92201 ✓

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHIAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92129

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. ✓ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: _____

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

You had (8) eight days to investigate. He were still in the hole. you came long. nevered checked. It but happened poor excuse.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *Punished for abusing my right.*

Mark Chiar
INMATE SIGNATURE

3/14/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. This issue you note was corrected by your movement back to Module 7. The move of Module 7 inmates was necessary due to issues that needed to be resolved. Many inmates were temporarily inconvenienced, however, your safety and well-being was not jeopardized. Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Clayton Frank
SIGNATURE OF RESPONDENT

Warden
TITLE

3-18-03
DATE

Mark Chiar
INMATE ACKNOWLEDGED

3-24-03
DATE

*w 432
sec*

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

3-12-03
92123

92223

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92123

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: H/U

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

These abuses are still happening because no one is getting punished for housing inmates by denying them basic toiletries. Only "corrective action" is not acceptable. Also favoritism is running strong here.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *Punished for abusing and harassing inmates from getting basic toiletries*

Mark Char
INMATE SIGNATURE

3/12/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal: *You were allowed to bring personal hygiene grooming items.*

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

[Signature]
SIGNATURE OF RESPONDENT Clayton, Frank

Warden

TITLE

3-14-03
DATE

Mark Char
INMATE ACKNOWLEDGED

3-14-03
DATE

WHITE/file

CANARY/inmate answer

PINK/respondent

GOLD/inmate receipt

DOC 8215 (rev. 3/97)

W. 4355
S.C.

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

3-17-03
JIK

922521 ✓

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHARR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 89364

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: _____

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

You failed to answer grievance # 89364. 60 days has past.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

Mark Chen
INMATE SIGNATURE

3/15/03
DATE

RESOLUTION: (attach additional sheets as necessary)

Facility mail is not picked up daily in Module 7; the exempt days are Sunday, Saturday, and State of Hawaii holidays. The facility understands the importance of timely mail services and it endeavors to provide that service.

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Rayton Frank
SIGNATURE OF RESPONDENT

Warden
TITLE

3-25-03
DATE

Mark Chen
INMATE ACKNOWLEDGED

3-27-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

3-17-03
JLK

92259 ✓

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-17 CONTROL NO.: 95865

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: DATE:

RESPONSE:

RE: Complaint/Grievance Against:

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

You failed to answer grievance # 95865. 25 days has past.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

Mark P. Law
INMATE SIGNATURE

3/15/03
DATE

RESOLUTION: (attach additional sheets as necessary) Personal correspondence may not contain newspaper/magazine clippings, as they do not belong to you. Destruction and or misappropriation of State property is not tolerated and shall be dealt with accordingly. If you contend that you had sent said items out before, you were fortunate not to be disciplined at that time. Doing something wrong in the past and not getting caught does not make it right for continued attempts.

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Clayton Frank
SIGNATURE OF RESPONDENT Clayton Frank

Warden TITLE

3-25-03 DATE

Mark P. Law
INMATE ACKNOWLEDGED

3-27-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

4/1/03
JMK

924301 ✓

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MNRK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92332

- TO: (STEP) 1. _____ Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
 2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
 3. _____ Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: Sgt. Strong

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

What does security have to do with feeding meals 1 1/2 hours after breakfast. Sgt. Strong told us, because food is in the Hlu trays, it can't be heated, so before it gets cold, will feed you as soon as it comes. Also not logged in the infarmer

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: Punished violate rules

Mark Chen
INMATE SIGNATURE

3/31/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The Step 1 response is upheld. This issue will be handled accordingly.

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

Clayton Frank
SIGNATURE OF RESPONDENT

Warden

4-4-03

TITLE

DATE

Mark Chen
INMATE ACKNOWLEDGED

4-8-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

4/1/03
DJK

92431 ✓
(THIS CONTROL NO. MUST
ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92374

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. ✓ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: _____

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

*feeding us/me lunch at 9 AM. had nothing to do with security. not
logged in infirmary.*

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *Partial inmate rules*

Mark Alva
INMATE SIGNATURE

3/13/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The Step 1 response is upheld. This issue will be handled accordingly.

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

[Signature]
SIGNATURE OF RESPONDENT Clayton Frank

Warden
TITLE

4-4-03
DATE

Mark Alva
INMATE ACKNOWLEDGED

4-8-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

4-1-03
JMK

92432 ✓

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92336

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: DATE:

RESPONSE:

RE: Complaint/Grievance Against:

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)
I/we were not allowed to eat lunch in the dining area. Also food was served in H/u trays. Cold, not heated up in our module, not logged in the infirmary.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: Punished violate rules

INMATE SIGNATURE: Mark Chen DATE: 3/31/03

RESOLUTION: (attach additional sheets as necessary)

The Step 1 response is upheld. This issue will be handled accordingly.
Your appeal is denied.
If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

SIGNATURE OF RESPONDENT: Clayton Frank Warden TITLE: 4-4-03 DATE
INMATE ACKNOWLEDGED: Mark Chen DATE: 4-8-03

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

4-1-03
JPK

92435 ✓
(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92939

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. ✓ Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: DATE:

RESPONSE:

RE: Complaint/Grievance Against: Sgt. Strong

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

As stated, he went down to the store to pick up clothes for the other inmates. I do not like he had to make a special trip. He was there anyway.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *Resolved*

Mark Char
INMATE SIGNATURE

3/31/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. The Step 1 response is upheld. The officers do not work at your time table.
Your appeal is denied.
If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

[Signature]
SIGNATURE OF RESPONDENT Clayton Frank

Warden TITLE

4-4-03 DATE

[Signature]
INMATE ACKNOWLEDGED

4-8-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

4.7.03
AIC

92500V

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92409

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist
SID: [REDACTED]

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: Sgt. Scamans

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

Grievances are given out first come first serve. Not save a few, just in case?? Also as stated on the grievance log third paragraph "Please do not wait until the last form is issued to request more, as it results in an inmates right to access the grievance process being hindered needlessly and leaves the facility in the position of Civil Rights Violation."

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

Mark Char
INMATE SIGNATURE

4/4/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. The Step 1 response is upheld. Your voluminous submittals surely indicates that ample amounts of grievances are being afforded to you. Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

[Signature]
SIGNATURE OF RESPONDENT

OCW
TITLE

04/09/03
DATE

Mark Char
INMATE ACKNOWLEDGED

4-14-03
DATE

WHITE/file

CANARY/inmate answer

PINK/respondent

GOLD/inmate receipt

DOC 8215 (rev. 3/97)

W 444
Su

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

4-7-03
JNK

92502
(THIS CONTROL NO. MUST
ACCOMPANY ALL APPEALS)

NAME: CHAR MARX SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 92406

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: Sgt. Strong

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)
you failed to investigate. Punishment not only corrective action should follow

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: Punished

Mark Marx
INMATE SIGNATURE

4/4/03
DATE

RESOLUTION: (attach additional sheets as necessary)
The following is in response to your Step 2 appeal. After investigating your complaint, the opportunity once again was available to you all day if you wished to clean your cell, however, you failed to take advantage of this opportunity. You had filed a grievance on 3/25/03 on this issue and then you filed this grievance on the same issue without waiting for a response to your 3/25/03 grievance. It appears you are attempting to harass and intimidate the staff. The Step 1 response is upheld. Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

[Signature]
SIGNATURE OF RESPONDENT Clayton Frank

OCW
TITLE

04/16/03
DATE

Mark Marx
INMATE ACKNOWLEDGED

4-17-03
DATE

1058

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

3-12-03
D.K.

95940 ✓

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 95858

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: AOO Peters

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

To give an inmate (10) ten minutes when its not his phone time is already (10) ten minutes over his time. Rule B-3 has been broken.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: Punished for breaking rule B-3.

Mark Chen
INMATE SIGNATURE

3/11/03
DATE

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. The sergeant or senior officer on duty has the authority to grant extra phone time when deemed necessary. Extra phone time is granted when there is a compelling reason.

Your appeal is denied.

if you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

[Signature]
SIGNATURE OF RESPONDENT Clayton Frank

Warden
TITLE

3-25-03
DATE

Mark Chen
INMATE ACKNOWLEDGED

3-27-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

3-12-03
JNK

95943

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CLAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 95863

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: ACO Peters

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)
Belligerent, arrogant, aggressive! I hope you ~~feel~~ feel better calling me these names. Dunning how you are allowed to use profane language but we can't. Our grievances get sent back by James Kauchon (grievance specialist) to do over. I guess you folks can do it out but can't take it. poor things. Again you can't comprehend my grievance and answer accordingly but make excuses to protect staff. RULES ARE BEING VIOLATED!!

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: Punished for violating rules

Mark Clar
INMATE SIGNATURE DATE 3/11/03

RESOLUTION: (attach additional sheets as necessary)

The following is in response to your Step 2 appeal. In reviewing your allegations, there was no evidence or supporting factors to substantiate your claims. Accordingly, your appeal is denied.
If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

C Frank Warden 3-14-03
SIGNATURE OF RESPONDENT Clayton Frank TITLE DATE
Mark Clar INMATE ACKNOWLEDGED 3-14-03 DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

3-12-03
Dik

95949

(THIS CONTROL NO. MUST
ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-7 CONTROL NO.: 9121

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: [REDACTED]
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: H/u

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

You're confused again. Sick call came to the H/u. H/u dropped the ball and failed to call sick call.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: Rules were followed.

Mark Chen _____ 3/11/03
INMATE SIGNATURE DATE

RESOLUTION: (attach additional sheets as necessary)

~~The decision of the appeal board is final. If you are dissatisfied with this decision, you may appeal to the Department of Public Safety, Inmate Grievance System, Room 1100, 1000 South King Street, Honolulu, Hawaii 96813.~~
This issue is deemed moot, you are back in Module 7. The Step 1 response is upheld.
Your appeal is denied.
If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

[Signature]
SIGNATURE OF RESPONDENT Clayton Frank

Warden
TITLE

3-14-03
DATE

Mark Chen
INMATE ACKNOWLEDGED

3-18-03
DATE

STATE OF HAWAII - DEPARTMENT OF PUBLIC SAFETY
INMATE COMPLAINT/GRIEVANCE

DATE RECEIVED

3-12-03
gik

95950

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: CHAR MARK SSN: [REDACTED]

HOUSING ASSIGNMENT: M-17 CONTROL NO.: 92172

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist
2. Appeal Branch/Core Program Administrator/Inmate Grievance Specialist
3. Appeal Institutions/Core Program Division Administrator/Inmate Grievance Specialist

I attempted to solve this problem through informal discussion/resolution by contacting:

NAME: _____ DATE: _____

RESPONSE: _____

RE: Complaint/Grievance Against: H/n

STATEMENT OF COMPLAINT/GRIEVANCE: (attach additional sheets as necessary)

Staff even has you fooded. From 2/26/03 to 3/17/03 we were allowed to clean our room on 2/27/03 and 3/6/03. Two days out of the ten days we were there. And it was during second watch. Besides us, agmon. say is our witness.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF: *Rules were adher to. Punished whoever is responsible for failure to follow rules.*

Mark Char
INMATE SIGNATURE

3/11/03
DATE

RESOLUTION: (attach additional sheets as necessary)

~~This is the best way to solve the problem...~~
~~xxxx~~ This issue is deemed moot, you are back in Module 7. The Step 1 response is upheld.

Your appeal is denied.

If you are dissatisfied with this decision, commencing with the date of receipt, you will have five (5) calendar days in which to file an appeal.

C. Frank
SIGNATURE OF RESPONDENT Clayton Frank

Warden
TITLE

3-14-03
DATE

Mark Char
INMATE ACKNOWLEDGED

3-18-03
DATE

October 27, 2007

By FAX to Senator Will Espero 586-6361

Re: Opposition to confirmation of Clayton Frank as Director of Public Safety

Dear Members of the Committee on Public Safety,

While this is Hawai'i and we do things differently, I cannot believe that we would want to appoint someone as Director of Public Safety who had participated in a conspiracy to violate the law that included terroristic threatening of the general citizenry.

Yet that is exactly what the nominee for Director of Public Safety, Clayton Frank, did in the time period between the Hawai'i Supreme Court Order issued on August 23, 2007 and the injunction entered by the Second Circuit Court, Judge Cardoza presiding, on October 9, 2007.

The Supreme Court Order found the environmental exemption issued by the Department of Transportation to be "erroneous as a matter of law." The Order instructed the circuit court to "enter summary judgment in favor of Plaintiffs-Appellants the Sierra Club, Maui Tomorrow, Inc., and the Kahului Harbor Coalition on their claim as to the request for an environmental assessment." The Order remanded the case to the circuit court for disposition of "any remaining claims as may be appropriate."

Because the Supreme Court Order applied HRS § 343-5 to the facts of the case, the requirement that an EA be prepared triggered the section of 343-5 that made completion of the EA a "condition precedent" to any further operation of the Superferry, i.e. Superferry could not operate until the EA was completed and accepted by the appropriate state official.

The Second Circuit Court enforced the decision of the Supreme Court by entering an injunction to any further use of the Kahului Harbor by the Superferry and voided the Harbor Agreement between the State and Superferry in so far as that agreement applied to the Kahului Harbor improvements made by the State for Superferry.

In the hearing before the Senate last week on the proposed Superferry legislation, Mr. Fukunaga confirmed that, when lobbying against the 2007 legislation requiring an EIS for Superferry, he understood the law to mean that, if an EIS is required, the Superferry had to stop operating. The same law applies to an EA. HRS §343-5.

Then when the Supreme Court later issued its opinion that an EA is required and that 343-5 did apply, Mr. Fukunaga came out with his opinion that the Superferry could continue to operate while preparing an EA; he knowingly misstated the law.

That deliberate misstatement set in motion all the illegal events the transpired up to the time Judge Cardoza entered his order.

Those illegal events included the establishment of the Unified Command. The Unified Command included Mr. Frank. The Unified Command engaged in terroristic threatening of people trying to enforce the law in the face of the Unified Command's violations of the law.

I do not know whether or not Mr. Frank understood that he was participating in an illegal act outside the scope of his authority. Nevertheless, he did participate.

In questioning Mr. Frank during his confirmation hearing, you have an opportunity to continue the process of exploring what really happened in the Superferry episode.

I have attached a legal memorandum that is very blunt in its terms because it is part of papers being prepared to request a special prosecutor be appointed.

If Mr. Frank is not accompanied by counsel, it would be appropriate to remind him of his Fifth Amendment rights against self incrimination. Even better would be to advise him in advance to appear with legal counsel. I assume that he will be under oath while testifying in his confirmation hearing.

I trust this submission will be viewed as contributing to your fulfilling your responsibilities in the confirmation process.

Mahalo for considering my views.



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Ali'i Mana'o Nui (Chief Advocate and Spiritual Advisor) by appointment of
Ali'i Nui Mo'i (King) Edmund Keli'i Silva, Jr.

QUESTIONS POSED:

Did Clayton Frank, as Acting Director of the Department of Public Safety, participate in a conspiracy to illegally continue operations of the Hawai'i Superferry after the Hawai'i Supreme Court ruling in the *Sierra Club* case required, as a matter of law, that all further operations of the Hawai'i Superferry Cease?

Did the acts committed by Mr. Frank constitute terroristic threatening, a Class C felony?

On August 31, 2007, the Hawai'i Supreme Court issued its opinion in *The Sierra Club v. The Department of Transportation of the State of Hawai'i*.

In that opinion, the Court stated:

Therefore, based on this record, we can only conclude that DOT's determination that the improvements to Kahului Harbor are exempt from the requirements of HEPA was erroneous as a matter of law. The exemption being invalid, the EA requirement of HRS § 343-5 is applicable. This issue being dispositive, we need not consider Appellants' other arguments.

<http://www.state.hi.us/jud/opinions/sct/2007/27407.pdf> at 101-102

(emphasis added).

HRS § 343-5(b)(2) includes the following requirement:

- (2) The final authority to accept a final statement shall rest with:
 - (A) The governor, or the governor's authorized representative, whenever an action proposes the use of state lands or the use of state funds, or whenever a state agency proposes an action within the categories in subsection (a); or
 - (B) The mayor, or the mayor's authorized representative, of the respective county whenever an action proposes only the use of county lands or county funds.

Acceptance of a required final statement shall be a condition precedent to implementation of the proposed action.

HRS § 343-5(b)(2) (emphasis added).

Once the Hawai'i Supreme Court ruled that the State of Hawai'i is required to prepare an environmental assessment for the harbor improvements made to facilitate operation of the Hawai'i Superferry and for the operation of the Hawai'i Superferry itself, all the requirements of HRS § 343-5 applied. One of those requirements found in HRS § 343-5(b)(2) is completion and acceptance of the environmental assessment prior to any further operations by the Superferry.

DISCUSSION

Acceptance of a required final statement shall be a condition precedent to implementation of the proposed action.

HRS § 343-5(b)(2) (emphasis added). See also HAR § 11-200-23(c)

(Acceptance of a required statement shall be a condition precedent to the use of state or county lands or funds in implementing the proposed action.); see also Kepoo v. Kane, 106 Haw. 270, 291, 103 P.3d 939, 960 (2005); Kahana Sunset Owners Ass'n v. County of Maui, 86 Haw. 66, 74; 947 P.2d 378, 386 (1997); "Guidebook for the Hawaii State Environmental Review Process" (2004) published by the Hawaii Office of Environmental Quality Control at 9 (final EIS accepted before project can proceed) and 13 (environmental

review process must be completed before final approval of an action can be granted.)

The Hawaii Supreme Court has consistently upheld this legal principle. See e.g. Pearl Ridge Estates Comm. Ass'n v. Lear Siegler, Inc., 65 Haw. 133, 648 P.2d 702 (1982), (voided boundary amendment because EA had not been prepared prior to approval); Molokai Homesteaders v. Cobb, 63 Haw. 453, 466, 629 P.2d 1134, 1144 (1981) (environmental compliance required "prior to a governmental approval").

The opinion that the Hawai'i Superferry could continue to operate while preparing an environmental assessment was contrary to law; "condition precedent" and "concurrent" are mutually exclusive terms.

There is no colorable question of law regarding the application of HRS § 343-5 to the facts in *The Sierra Club v. The Hawai'i Department of Transportation*. The law mandated that:

(1) The Hawai'i Superferry cease all use of harbor improvements made by the State of Hawai'i to facilitate Hawai'i Superferry's operation until such time as the State of Hawai'i completes an environmental assessment of the harbor improvements and of the operations of the Hawai'i Superferry and that assessment is accepted by the Governor or the Department of Transportation.

(2) Any attempt by the Hawai'i Superferry to resume operations using such improvements prior to completion and acceptance of the environmental assessment would be an illegal act.

(3) All Federal, State, and local law enforcement agencies and the Executive Branch of the State were obligated to desist from facilitating the continued operation of the Hawai'i Superferry.

(4) All actions by a Federal, State, or local law enforcement agent or any member of the Executive Branch of the State to facilitate the continued operation of the Hawai'i Superferry constituted *ultra vires* acts (acts outside the authority of their office) and subjected the person acting to personal liability.

The official actions taken to continue operations of the Hawai'i Superferry, after the Supreme Court ruling, constituted actions outside the authority of the public officials involved and constituted both illegal actions and actions taken in furtherance of a conspiracy to violate the law.

Encouraging and facilitating the illegal operation of the Hawai'i Superferry, after the Supreme Court ruled that an environmental assessment was required, constituted malfeasance in office or official misconduct on the part of the Governor and the Director of the Department of Transportation.

The agreement between the Governor, the Director of the Department of Transportation, and the management/directors of Hawai'i Superferry, Inc. to continue operations of the Superferry illegally, after the Supreme Court ruled that an environmental assessment is required, constituted a conspiracy.

The events of August 26 and 27 in Nawiliwili Harbor, Island of Kaua'i, include the following civil torts and/or criminal offenses:

Even though State and Federal officials in the highest positions of responsibility were not present on August 26 and 27, to the extent those officials acted to create and/or facilitate the situation, those officials are accessories to the events on those dates.

On August 26 and 27, law enforcement officials arrested numerous people trying to prevent the implementation of the illegal conspiracy to continue Superferry operations. All those arrests were false arrests.

The people arrested on August 26 and 27 were falsely imprisoned.

Anyone participating in the Superferry enterprise who took from another person their boat, surfboard, boogie board, or other possession without their consent is guilty of theft.

The actions of law enforcement in seizing the property of people in the Nawiliwili Harbor area on August 26 and 27 took place with the implicit use of deadly force. Such actions constituted robbery.

In the course of aiding and abetting Superferry in violating the law, law enforcement personnel arrested, and detained against their will, citizens trying to enforce the law. Such actions constituted kidnapping.

To the extent the County Prosecutor pursued or continues to pursue prosecution of those arrested, rather than those participating in the illegal conspiracy, the County Prosecutor is engaged in, or is engaging in, obstruction of justice.

The Coast Guard boat that de-tarped and manned its large caliber machine gun in Nawiliwili Harbor committed an assault on those within range.

When the Governor then created the Unified Command to continue the illegal operation, all participants in the Unified Command joined the conspiracy.

HRS §707-716 Terroristic threatening in the first degree. (1) A person commits the offense of terroristic threatening in the first degree if the person commits terroristic threatening:

(a) By threatening another person on more than one occasion for the same or a similar purpose;

(b) By threats made in a common scheme against different persons;

(c) Against a public servant arising out of the performance of the public servant's official duties. For the purposes of this paragraph, "public servant" includes but is not limited to an educational worker. "Educational worker" has the same meaning as defined in section 707-711; or

(d) With the use of a dangerous instrument.

(2) Terroristic threatening in the first degree is a class C felony. [L 1979, c 184, pt of §1(2); am L 1989, c 131, §1; gen ch 1992; am L 2006, c 230, §31]

The press conference held by the Governor, the Coast Guard, and Superferry announcing the plan to return to Nawiliwili Harbor constituted an act of official terroristic threatening.

To the extent that the Attorney General cooperated with the Superferry illegal enterprise and/or failed to prosecute the government officials cooperating in that enterprise, the Attorney General is guilty of obstruction of justice.

The release of the statement of offenses and punishments aimed at those intending to enforce the law in Nawiliwili Harbor was the second act of official terroristic threatening. That second act triggers Section (a) of the State statute.

The Governor going to Kaua'i to again threaten people with arrest and prosecution is a third act of official terroristic threatening, reinforcing the application of Section (a) of the State statute.

Clayton Frank participated in the Governor's Unified Command in his official capacity as Acting Director of the Department of Public Safety. As a participant, he is complicit in the offense of terroristic threatening.

Mr. Frank failed to intervene to prevent the Unified Command from breaking the law and thereby lent the authority of his office to those illegal acts.

The official threats made against hundreds of people to further the Superferry enterprise triggered Section (b) of the State statute.

The people trying to enforce the law in the face of official lawlessness assumed a position as "public servants." The threats directed at these public servants triggers Section (c) of the State statute.

To threaten to arrest, prosecute, imprison and fine people acting in harmony with the law in order to further violations of law constitutes official terroristic threatening.

The inclusion of law enforcement personnel in the Unified Command added use of deadly weapons to enforce the threats, triggering section (d) of the statute.

The conspiracy to intimidate, arrest, prosecute, imprison, and fine the people trying to enforce the law against the illegal operation of Superferry constitutes a civil rights conspiracy with both state and private actors.

October 27, 2007

By FAX to Senator Will Espero 586-6361

From: Lanny Sinkin 936-4428

Re: confirmation hearing for Clayton Frank

The suggestions below are directed to the committee members and are not submitted as part of the testimony.

Suggested Instruction and Questions for Clayton Frank:

Witness should be placed under oath.

Opening caution for this line of questioning re: questions will address the official actions taken to facilitate the continued operation of the Hawai'i Superferry after the Supreme Court ruling in *The Sierra Club versus The Department of Transportation*. If at any time, the witness wishes to invoke his Fifth Amendment rights against self incrimination, he may do so.

1. Were you part of the group the Governor put together called the Unified Command?
2. Did you join that group in your official capacity as Acting Director of the Department of Public Safety?
3. What was the nature of your participation in the Unified Command?
4. Prior to joining the Unified Command had you reviewed the decision issued by the Hawai'i Supreme Court in the *The Sierra Club versus The Department of Transportation*, which dealt with the Hawai'i Superferry?
5. Prior to joining the Unified Command, did you ever discuss the ruling with anyone as to its implications for the continued operation of the Hawai'i Superferry? With whom?
6. Prior to joining the Unified Command, were you familiar with HRS § 343-5 governing environmental analysis required for state funded projects?
7. Were you familiar with the portion of that section that states that, when an environmental assessment is required, that environmental assessment must be completed and accepted prior to any further implementation of the proposed action?
8. Did you understand from that ruling that the State of Hawai'i had to prepare an environmental assessment for the harbor improvements made to facilitate the operation of the Hawai'i Superferry?
9. Did you understand from that ruling that the Superferry could not continue to operate until the environmental assessment was complete and accepted by the Governor or the Department of Transportation?

10. After joining the Unified Command did you ever have reason to question the legality of the effort to continue the operation of the Superferry after the issuance of the Supreme Court Order requiring preparation of an EA?