

116951

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

DATE RECEIVED

8/12/05

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME: _____

HOUSING ASSIGNMENT: WREC Kaala-B CONTROL NO.: _____

TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: A0137486
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: through grievance process DATE: aug/12/05

RESPONSE: _____

RE: Complaint/Grievance Against: WARDEN memo July, 22, 2005

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

I'm Vietnamese, my family first language Vietnamese, they live in Viet-Nam side they read and write only in Vietnamese only, even my people write to me in Vietnamese language. UNDER Policy No. 493-12-06-3-0 Policy, 1) INMATES/WARDS retain their constitutional right to free speech and association while under the jurisdiction of the corrections division. Free speech and associations should be reasonably and necessarily relate to an interest of the branch facility such as facility security, the regulation or practice must not only be based on a compelling facility or corrections division interest, but the HARM against which the regulation of practice is directed must be clear and present danger to facility security order. The danger must be both substantial and imminent. 2) see policy 23) under ordinary circumstances, the following interests of facilities or the corrections division do not justify curtailment of the following interests of facilities or the right to free expression and association. a) see policy b) see policy 4) minimum inconvenience d) and e) see policy 4.0 scope, this policy applies to all branch facilities. Under policy M cor. 15-02, 1.0, PURPOSE. See policy cor 15.02, 2.0 Reference and definition, 1.2 Definition, contraband anything NOT SPECIFICALLY Authorized for possession, OR which inmates are prohibited from obtaining or possessing by statute, rule, regulation or order. According to constitutional right first amendment right to freedom of speech, this facility cannot subject any person, inmate, and myself to write in (English only) it is unconstitutional and inhumane as my family likes and speaks Vietnamese.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

INMATE SIGNATURE

uu aug/12/05
DATE

RESOLUTION: (attach additional sheets as necessary)

Your grievance has been reviewed. Hawaii Revised Statutes (Section 1-13) specify that English and Hawaiian are the official language of the State. Corrections Administrative Rules specify that all inmate correspondence must be in English. Therefore all letters written in foreign language will not be processed without the presence of a qualified interpreter. Your grievance 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 for an appeal.

INMATE ACKNOWLEDGED

SEP-1-05
DATE

TITLE

DATE

WHITE/file

CANARY/inmate answer

PINK/respondent

GOLD/inmate receipt

DOC 8215 (rev. 3/97)

KB

Department of Public Grievance Detail

August 17, 2005

Facility: WCCC

Unit: KAALA B

Inmate:

ID:
SID: A0137486

FBI ID:
SSN:

Grievance Date: 08/12/2005 00:00
Assigned Date: 08/17/2005 00:00
Status Date: 08/17/2005 20:56
Status: OPEN

Managing Location: WCCC
Assigned To:
Outcome:
Reason:

Grievance Type(s):

SECURITY - S08-MAIL

Tracking #: 116951

Step: 1

Date Received: 08/12/2005 00:00
Addressed To: CHIEF OF SECURITY
Received From: OFFENDER

Date Response Required: 08/22/2005 00:00

Response:

Persons Named:

Person Details:

Details:

I'm Vietnamese. My family's first language is Vietnamese, they live in Vietnam still & they read & write only in Vietnamese. Even my people write to me in Vietnamese. Warden memo (7-22-05) states that we must write in "English only."

2005 AUG 22 A 9 22
RECEIVED
WOMEN'S COMMUNITY
CORRECTIONAL CENTER

114958

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

09-02-05.
DATE RECEIVED
1035 hrs.

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

NAME:

SSN:

HOUSING ASSIGNMENT: WCC Kaapa B. CONTROL NO.:

- TO: (STEP) 1. Section Supervisor/Inmate Grievance Specialist SID: AD137486
- 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: through grievance process DATE: 0113-12-2005

RESPONSE:

RE: Complaint/Grievance Against: WARDEN MEMO/July 22 2005

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

Hawaii is a melting pot of nationalities as well as languages. To specifically limit me to "English only" is ridiculous and unconstitutional. The constitution was enacted to protect me from discrimination such as English only! Although I have been a resident of Hawaii since 1978, my native (official) language is Vietnamese. To ensure that my first amendment rights to freedom of speech are adhered to this facility must allow me to speak, read, express and write my official language. Reiterate, most of my family speak, read & write in Vietnamese ONLY. It is illegally unconstitutional to force me to correspond in English only. This is an attempt to exhaust all administrative remedies. see grievance 116951

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

That my constitutional right to freedom of speech be returned in full and intact

September 2, 2005
DATE

RESOLUTION: (attach additional sheets as necessary)

You are incarcerated and you must abide by the rules and regulations of a correctional facility. The fact is this: all correspondence that are written need to be in English so the letter can be screened in a timely manner to be mailed out. If it is not in English then until an interpreter can be found, the letter will not be mailed out. We have no staff at WCC who reads and writes Vietnamese. This is a standard practice at all facilities. You are by no means being singled out. The Step 1 response is upheld and your appeal is denied.

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

SIGNATURE OF DECISIONMENT

Warden

9/21/05

TITLE

DATE

9-26-05

DATE

INMATE ACKNOWLEDGED

WHITE/file

CANARY/inmate answer

PINK/respondent

GOLD/inmate receipt

DOC 8215 (rev. 3/97)

116430

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

DATE RECEIVED 10/6/05

(THIS CONTROL NO. MUST ACCOMPANY ALL APPEALS)

10/6
Pww

NAME: _____ SSN: _____

HOUSING ASSIGNMENT: WCCP KAALA B CONTROL NO.: _____

TO: (STEP) 1. _____ Section Supervisor/Inmate Grievance Specialist SID: AO1374 86 116 951 (S1)
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: THROUGH GRIEVANCE PROCESS DATE: Aug/12/05

RESPONSE: _____

RE: Complaint/Grievance Against: WARDEN July 22 2005

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

Being incarcerated does not give any branch of government unbridled discretion to infringe on my constitutional rights to freedom of speech. This facility cannot write a rule/policy that supercedes the United States constitution. Moreover I am indeed being singled out because of my Non-English status!
that my constitutional right to freedom of speech be returned in full and intact.

COMPLAINT/GRIEVANCE WOULD BE SOLVED TO MY SATISFACTION IF:

INMATE SIGNATURE: _____ DATE: 10/01/05

RESOLUTION: (attach additional sheets as necessary)

that my constitutional right to freedom of speech be returned in full and intact

See attachment.

SIGNATURE OF RESPONDENT: _____ IGS Reliever TITLE DATE: 10/07/05

INMATE ACKNOWLEDGED: _____ DATE: _____

Grievance #116430
October 7, 2005

RESOLUTION:

If you had read carefully the response to #116951, the respondent stated that Hawaii statute requires that business be conducted in English (or Hawaiian). The respondent to #114958 stated "you must abide by the Rules and Regulations of a correctional facility." If you also look at Section 4.9b.2 of Policy and Procedure 493.12.03, Inmate Grievance and Appeals Process, you note that you CANNOT grieve against a State law and regulation. Accordingly, your problem with the mail is NOT a grievable issue.

I would suggest you talk to your case manager about your difficulty and inquire through her whether it is feasible to engage the Bilingual Access Line, an organization that is listed in the white pages of the phone book.

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