

INTRO1.

Aloha,

You are receiving this candidate questionnaire because you are a candidate for the Hawai'i State House or State Senate in the 2020 election.

The purpose of this questionnaire is to gather information on candidates' positions on important civil rights and civil liberties policy issues that affect the lives of Hawai'i residents. This questionnaire was sent to every candidate running for Hawai'i State House and State Senate in the 2020 election. By responding to this questionnaire, you give permission for your responses to be made available to the public.

Responses will be published on ACLU of Hawaii's website, acluhi.org, sometime after June 18, 2020. Your responses will be published exactly as you write them and while formatting of the questionnaire may change when published to the website, the substance of both the questions and your responses will not be altered in any way. Candidates will *not* have the opportunity to make changes to their responses once submitted.

Questions are organized by topic. For most questions, candidates should provide a response to the question by selecting YES, NO, or PREFER NOT TO ANSWER. Candidates then have the option of elaborating on their position in the text box below each question. **The questionnaire is extended to Monday, June 29, 2020.** No responses will be recorded after June 18. In publishing the results of this questionnaire, the ACLU of Hawai'i will note if a candidate did not respond to the questionnaire.

The intent of this questionnaire is *for the sole purpose of producing and disseminating informational or educational communications and is not intended to influence the outcome of an election, question, or issue on a ballot.*

The American Civil Liberties Union of Hawai'i is a 501(c)(4) nonprofit, nonpartisan organization. We do not support or oppose candidates for elected office. The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and state constitutions.

SA.

Candidate Information

Name:

Alan K. Akao

SB. Office/District for which you are running:

State Representative - District 51

INTRO2. Privacy & Technology

PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE TWO QUESTIONS THAT FOLLOW

A recent study by the National Institute of Standards and Technology found that the majority of facial recognition technology programs exhibited disproportionate rates of error when analyzing the faces of women and people of color. In 2018, the ACLU tested Amazon's facial recognition technology software by running the photographs of sitting members of Congress against an arrest database. Twenty-eight false matches came

back, including those of six Congressional Black Caucus members. Multiple jurisdictions across the U.S. have instituted bans and/or moratoriums on government use of this technology.

Q1. Do you support legislation ending government use of facial recognition technology?

Yes No Prefer not to answer

Q1a. Please write any comments you might have in the box provided below.

Technology was the promise of being the great equalizer when it came to our justice system. Yet consistently we have seen that technology, whether it be facial recognition or polygraph, has continued to be used as a basis to discriminate and convict innocent people. Until the technology is proven to be accurate and comprehensive we should not allow for it to be a basis for law enforcement or government actors to over-reach and prosecute.

Q2. Do you support legislation limiting private entities' use of facial recognition technology without the clear, written consent of the subject?

Yes No Prefer not to answer

Q2a. Please write any comments you might have in the box provided below.

In the private sector I believe that facial recognition can be used for a variety of functions and be expanded on for research and technological uses. However, I do believe that data collection through facial recognition technology should be given with clear consent by the subject or parties. Privacy and consent are important factors and rights that people hold and it should not be infringed upon for the sake of technological advance, when that advance can still come through willing participation and collaboration.

INTRO3. Police Reform

PLEASE ANSWER THE FOLLOWING QUESTION

Q3. Do you support legislation establishing a uniform policy for law enforcement use of body cameras?

Yes No Prefer not to answer

Q3a. Please write any comments you might have in the box provided below.

As an attorney in the area of criminal law, I regularly receive, watch and review police body camera video in my daily work. I also review police reports and commentary where police body camera footage is omitted and the reasoning behind the deactivation of body cameras. We need legislation that is consistent and transparent as to the training, testing, operation and recording of police and other law enforcement use of body cameras. The body camera is as much a tool for protection for the public as it is for the police.

INTRO4. PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE QUESTION THAT FOLLOWS

Hawai'i law allows law enforcement to seize—and keep—personal property without ever charging the property owner with a crime. This is done through a process called civil asset forfeiture. The Legislature passed—and Governor Ige vetoed—a bill in 2019 reforming Hawaii's civil asset forfeiture law by prohibiting civil asset forfeiture except where the property owner had been convicted of a felony connected to that piece of property.

Q4. Do you support this reform?

Yes

No

Prefer not to answer

Q4a. Please write any comments you might have in the box provided below.

The government should not profit off of asset forfeiture when there is no conviction for criminal wrongdoing. Furthermore, I believe there needs to be a strong nexus that the items or property confiscated and seized is the by product or source which stems directly from the criminal act. Trust in law enforcement and government will continue to lack transparency and accountability if our standard for civil asset forfeiture remains to be guilty first and without a strict and consistent process to challenge the asset forfeiture process.

INTRO5.

PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE QUESTION THAT FOLLOWS

Hawai'i law provides special protections for the disclosure of police disciplinary records.

Q5. Do you support legislation repealing such special protections and disclosing the disciplinary records of all law enforcement officers in Hawai'i?

Yes

No

Prefer not to answer

Q5a. Please write any comments you might have in the box provided below.

I think there needs to be a clear reform of Hawaii's disclosure laws regarding law enforcement records. On top of that we need a police standards review board and standards for law enforcement licensing. While I do believe that internal investigation and union review is important, the lack of transparency and special protections lead to secrecy that tarnishes the confidence of law enforcement in our state.

INTRO6.

PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE QUESTION THAT FOLLOWS

The Legislature passed a law establishing a Law Enforcement Standards Board in 2018. To date, this board has met on two occasions and has not set any standards for law enforcement.

Q6. Do you support legislation to strengthen the board's independence, increase citizen oversight, set deadlines, and provide the board additional resources?

Yes

No

Prefer not to answer

Q6a. Please write any comments you might have in the box provided below.

As noted in my previous response, the effectiveness of a law enforcement standards board while needed, has not garnered the type of responsiveness that the community and government has called for. There is a stunning lack of confidence in the operation of the Board and I believe there does need to be stronger legislation so that the board can provide oversight and recommendations to the legislature and to the greater community as to addressing the issues or concerns we have with law enforcement operation.

INTRO7. PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE THREE QUESTIONS THAT FOLLOW

Evidence shows that school suspensions and school-based arrests lead to further contacts with the juvenile justice system and adult criminal legal system, as well as higher dropout rates and lower academic performance. Currently, students are being suspended for up to 92 days—over half of the school year—for even smelling like cannabis.

Q7. Do you support further limiting the number of days that schools can suspend students?

Yes

No

Prefer not to answer

Q7a. Please write any comments you might have in the box provided below.

The school to prison pipeline will continue to grow if we treat students like criminals. School punishment, suspension and expulsion has been weaponized to rid our school system of bad apples. When in reality they are the very type of student that the system needs to support and address. They are not simply a problem we need to correct. They are human beings, young ones at that, that need guidance and to be treated with respect and understanding. Suspension from school furthers the gap in learning and is not productive.

Q8. Do you support ending the use of school resource officers (i.e., police officers permanently placed in certain schools)?

Yes

No

Prefer not to answer

Q8a. Please write any comments you might have in the box provided below.

School security is important. But placing law enforcement in schools is not appropriate. When you make a place of learning something other than a safe space it changes the way in which students grow and express themselves. That is not to safe school campuses should not have security and protocols. But armed police officers with the ability to search and arrest students, especially officers without specialized training to deal with age appropriate situations, should be ended.

Q9. Do you support eliminating status offenses for youth, such as truancy?

Yes

No

Prefer not to answer

Q9a. Please write any comments you might have in the box provided below.

As a society we need to understand and address our youth and the stressors and challenges they face. Juvenile offenses and court system is not often the most productive way to address such challenges. It creates the impression that their actions, while not offensive for adults, is criminal in nature and that juvenile detention now is going to lead to adult incarceration. Positive growth with a focus on understanding and rehabilitation is difficult. But the easy route of treating these issues as criminal is easy. But easy does not make our society better or contribute to improving that youth's life. I support eliminating status offenses such as truancy.

INTRO8. Economic Justice

PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE QUESTION THAT FOLLOWS

Only seventeen percent of workers nationwide have access through their employers to paid family leave to care for and/or bond with a new child, or to care for a sick or injured family member. The availability of paid family leave has been shown to increase workers' loyalty to employers, decrease employee turnover, and has been linked to decreased infant mortality rates and decreased reliance on public assistance. Eight states and Washington D.C. have passed laws that guarantee paid family leave to workers. In December 2019, Congress passed and President Trump signed the Federal Employee Paid Leave Act extending 12 weeks of paid parental leave to most federal employees.

Q10. Do you support legislation to guarantee 12 weeks of paid family leave to Hawaii's workers through the establishment of a social insurance program?

Yes

No

Prefer not to answer

Q10a. Please write any comments you might have in the box provided below.

Absolutely. Paid family leave as well as sick leave is a much needed social insurance program that has shown to have overwhelming positive social results. Cost should not be the reason to prevent families from being able to take leave to care for others and support family members of themselves in times of need. As stated morale and productivity, employee relationships with there employer and other benefits come from companies and work environments that have access to these benefits. I fully support paid family leave programs for Hawaii's workers.

INTRO9.

PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE QUESTION THAT FOLLOWS

Hawai'i law does not guarantee any paid, short-term sick leave to workers.

Q11. Do you support legislation to guarantee paid sick days to Hawaii's workers?

Yes

No

Prefer not to answer

Q11a. Please write any comments you might have in the box provided below.

I am in strong support for paid sick leave legislation for Hawaii's workers. Workers should not have to choose between their personal health and a paycheck. Workers who are ill should focus on recovery instead of risk coming to work where there health can deteriorate, they could potentially make others ill and their productivity is less optimal just so they can continue to earn a wage. Hawaii needs to ensure its workers feel respected and supported, especially given the current covid19 global pandemic where healthcare worries and economic stress is at the forefront of many people's minds.

INTRO10.

PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE QUESTION THAT FOLLOWS

Half of Hawaii's families cannot afford to meet basic needs. A recent study found that four in ten adults do not have access to \$400 at any given time, making them one emergency—or court-ordered fine—away from financial ruin. Studies have found that scaling fines based on affordability increases the likelihood that fines will be paid in full and increases revenue.

Q12. Do you support legislation that would require courts to scale fines based on an individual's income?

Yes

No

Prefer not to answer

Q12a. Please write any comments you might have in the box provided below.

As a practicing attorney I would support a requirement that courts scale fines based on income. I do believe that any such legislation should be carefully crafted as to avoid constitutional challenge. I believe courts should still be given adequate discretion and I do see on a regular basis judges who do heavily consider ones economic position and alternatives to fines and fees to not place a purely economic barrier to justice.

INTRO11. PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE TWO QUESTIONS THAT FOLLOW

State law punishes nonpayment of traffic and parking tickets by placing a “stopper” on a person’s driving or vehicle record that prevents them from renewing or obtaining a driver’s license or vehicle registration until they’ve paid the ticket in full, plus a 21% fee assessed by the state’s contracted, Texas-based collection agency. Those who cannot afford their ticket and therefore cannot renew their license may be forced to choose between driving without a valid license (a traffic crime punishable by up to a \$1,000 fine or up to one year in jail) and losing their job or taking their child to the doctor. In recent years, several jurisdictions have either moved away from or completely stopped suspending licenses for nonpayment of traffic and parking tickets. In Hawai’i, there are approximately 350,000 outstanding license and registration stoppers.

Q13. Do you support legislation that would end the use of “stoppers” for nonpayment of traffic and parking fines?

Yes No Prefer not to answer

Q13a. Please write any comments you might have in the box provided below.

I strongly support legislation that would end the practice of stoppers for non-payment of traffic and parking fines. I have represented hundreds of clients in traffic related matters and many of whom are thousands of dollars in unattainable debt. Hawaii lacks the necessary infrastructure for mass transit and without it, driving is almost a necessity. However the scale of fines and alternative sentencing makes it almost unworkable and people continue to make economic choices that place them at long-term disadvantage. The state needs to re-evaluate the use of stoppers and remove the restriction for non-payment of fines and fees.

Q14. Would you support a traffic ticket amnesty program to ease the economic burden that traffic tickets place on the working class in Hawai’i?

Yes No Prefer not to answer

Q14a. Please write any comments you might have in the box provided below.

Yes, depending on the specifics about what "traffic ticket amnesty program" entails. I do think there needs to be a careful and thoughtful discussion about whether our system is overly punitive, which I believe it is, and the ways in which we address traffic infractions and crimes. Especially given an over-reliance on law enforcement to determine whether an infraction or traffic crime has taken place. As someone who has represented clients in traffic related matters in Hawaii's courts, the volume and court congestion I know that the solution is tougher penalties and more acts being considered criminal in nature.

INTRO12. Criminal Law Reform

PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE TWO QUESTIONS THAT FOLLOW

Under Hawai’i law, it is a felony to possess any amount of a drug that has been classified as dangerous, which is essentially every drug except cannabis. Even the possession of small amounts is punishable by up to five years in prison and a \$10,000 fine.

Q15. Do you support legislation decriminalizing possession of small amounts of dangerous drugs, and reinvesting the savings in effective, community-based drug treatment?

Yes

No

Prefer not to answer

Q15a. Please write any comments you might have in the box provided below.

Until our system recognizes that punishment for using illicit substances does not address the issue we will never make progress. We need to decriminalize the use of small amounts of illicit drugs, drugs that the government has deemed dangerous, and focus on expanded drug rehabilitation and mental health services, which are the root of many of the communities battles with drugs of this nature. Similarly, there is a target on street drugs yet we know statistically that prescription drug abuse is also common and pervasive yet we do not prosecute those offenses in the same way we do with so called 'dangerous drugs'. Inequity based on economic status is discriminatory and should also be a basis for repeal or changes of drug possession and use offenses.

Q16. Do you think substance use should be treated as a matter of public health?

Yes

No

Prefer not to answer

Q16a. Please write any comments you might have in the box provided below.

It is not an issue of should, we must treat substance abuse and use as a matter of public health because it is. The legislature and courts should not be leading the way on dealing with these issues, but the Department of Health and other public health service providers and advocates.

INTRO13. PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE QUESTION THAT FOLLOWS

Prosecutors are possibly the most influential player in the criminal legal system, yet there is little publicly-available information about how prosecutorial decisions are made.

Q17. Do you support legislation to promote transparency in county prosecutors' offices by requiring increased data tracking and disclosure?

Yes

No

Prefer not to answer

Q17a. Please write any comments you might have in the box provided below.

I believe there needs to be open transparency and disclosure from the county prosecutor's offices and the willingness to get partisan or political decisions out of the office. Law enforcement and prosecution should not be swayed at all by political decisions. Without accurate data tracking and disclosure, policy is masked behind closed doors. As someone who works almost exclusively with the prosecutor's office on a daily basis, I believe that they are more than capable of providing such information regularly.

INTRO14. PLEASE ANSWER THE FOLLOWING THREE QUESTIONS

Q18. Do you support increasing funding for re-entry services for those who are released from incarceration?

Yes

No

Prefer not to answer

Q18a. Please write any comments you might have in the box provided below.

Rates of recidivism will continue if we place punitive measures before rehabilitation. I believe we should expand funding for re-entry services so that formerly incarcerated people can become productive members of society who can get a second chance.

Q19. Do you support measures to decrease barriers to employment for formerly incarcerated individuals?

Yes

No

Prefer not to answer

Q19a. Please write any comments you might have in the box provided below.

If they are qualified to do the job I do not believe that legislative barriers should exist that prevent formerly incarcerated individuals from getting gainful employment. Their rights are not extinguished once they enter prison and it should not be extinguished when they exit either.

Q20. Do you believe that Hawaii's criminal legal system is working?

Yes

No

Prefer not to answer

Q20a. Please write any comments you might have in the box provided below.

No. There is too much focus on low level non-violent offenses and traffic matters. Being a Deputy Public Defender I see the statistics and even moreso know that the statistics are not the whole picture. The system and the courts view the people involved, whether it is a traffic ticket or a someone being prosecuted for a violent felony as a number on a paper. Volume is bursting at the seams and the courts are clogged with traffic offenses or cases with very little evidence or basis. People will plead guilty or no-contest because they will not get their fair day in court with justice continuing to be delayed. Covid19 has shed some light on how soft the system is and how unprepared it is to deal with the volume and control of the legal system. While i do not believe the system is broken beyond repair it will take major re-working for things to be sustainable if the focus is on justice rather than acquiescence.

INTRO15. Houselessness

PLEASE READ THE STATEMENT BELOW AND THEN ANSWER THE THREE QUESTIONS THAT FOLLOW

Hawai'i has one of the highest houselessness rates in the country. The number of unsheltered people has exploded in the past decade even though we have had low unemployment and a relatively strong economy. With COVID-19's harm to the Hawai'i economy, the number of people experiencing houselessness is likely to grow.

Q21.

What do you believe is working and is not working about Hawaii's approach to houselessness?

Please explain your thinking in the space below.

Hawaii's approach to houselessness is status quo and not working. As a state we will never catch up to the need for housing or address houselessness because our system has not acknowledged the root issues holding us back. Houselessness is not a single issue (lack of homes) but multi-faceted. There is economic factors, homelessness related factors, capacity factors and cultural factors. The state and city and county continue to criminalize homelessness instead of addressing economic strife, lack of truly affordable housing, substance abuse, mental health and cultural stigma. There is a battle between housing first or services first and limited resources. There is also a lack of confidence that affordable housing projects can be truly affordable and when and where they are built, which ends up categorizing areas and towns as low-income to justify building in those places instead of equitable distribution based on need and scale. There needs to be a comprehensive investment in providing services, increased social safety net programs and stronger wages, and government oversight and even development in housing projects that center around helping our most in need rather than outside investors looking to profit.

Q22.

Do you support legislation establishing a homeless bill of rights?

Yes



No



Prefer not to answer



Q22a. Please write any comments you might have in the box provided below.

Our homeless population are people just the same as we are. They are some of our most vulnerable ohana and the system needs to stop criminalizing them and pushing the gap to stability further and further away. You cannot simply sweep them away and hide our failures from the world. A homeless bill of rights should be clear that the lack of a stable home does not rob someone of their basic rights as a person.

Q23.

How do you plan to address houselessness in Hawai'i in the short, medium, and long term?

Please explain your thinking in the space below.

In the short term we need to invest in substance abuse and mental health treatment services and repeal offenses that criminalize homelessness such as closed park violations, sit-lie, and sidewalk structure/nuisance laws. We need to stop the sweeps. There needs to be services provided for identification and re-integration, which is a huge barrier for our houseless community. In the medium term we need to provide better wages to Hawaii's families and workers and strengthen social safety net programs. We need to address houseless minors and give them safe spaces as well. There needs to be investment in truly affordable housing and transitional housing facilities. In the long term we need to address Hawaii's capacity issues and how smart planning and mass transit infrastructure is needed so people have affordable ways to live, travel and work.

END.

Mahalo for your participation.

Please select the '**Submit survey**' button to submit your answers.

Aloha!