

ACLU of Hawai‘i Candidate Questionnaire  
Hawai‘i State House and Senate

Instructions

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](http://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 will close at 11:59 p.m. on June 18, 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.*

Candidate Information

Name: Derek Turbin

Office/District for which you are running: State House, District 20

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.

1. Do you support legislation ending government use of facial recognition technology?  
 Yes      No      Prefer not to answer

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

Yes. Facial recognition technology poses a threat to our civil rights and frequently leads to bias.

2. 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

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

Absolutely.

### Police Reform

#### **PLEASE ANSWER THE FOLLOWING QUESTION**

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

Yes      No      Prefer not to answer

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

Yes.

#### **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.

4. Do you support this reform?

Yes      No      Prefer not to answer

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

Yes.

#### **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.

5. 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

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

I support the fair disclosure of police misconduct records and legislation ensuring transparency from our law enforcement officers so long as appropriate language is included protecting the legal privacy rights as well as the HIPAA rights of the parties involved.

**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.

6. 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

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

Yes.

Education Justice

**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.

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

Yes

No

Prefer not to answer

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

Yes.

8. 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

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

I recommend deferring this issue to the educators, and school principals.

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

Yes

No

Prefer not to answer

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

Yes.

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.

10. 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

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

Yes.

**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.

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

Yes

No

Prefer not to answer

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

Yes.

**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.

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

Yes

No

Prefer not to answer

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

Yes.

**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.

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

Yes

No

Prefer not to answer

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

Yes.

14. 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

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

Yes.

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.

15. 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

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

I helped draft the decriminalization of cannabis bill which I supported, yet I do believe that there should be a law in place deterring possession of dangerous drugs such as meth. or heroin.

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

Yes

No

Prefer not to answer

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

Yes. There should be diversion programs in place to assist individuals who struggle with substance abuse.

**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.

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

Yes

No

Prefer not to answer

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

Yes. So long as it does not interfere with legal privileges and an attorney's ability to ethically and properly prosecute a case.

**PLEASE ANSWER THE FOLLOWING THREE QUESTIONS**

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

Yes

No

Prefer not to answer

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

Yes.

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

Yes

No

Prefer not to answer

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

Yes.

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

Yes

No

Prefer not to answer

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

Hawai'i should start moving away from mass incarceration as well as its cash bail system. Through cash bail, we often find our state detaining individuals who committed minor offenses for years at a time as they await trial or sentencing. This system disproportionately affects minority groups and leads to mass incarceration.

### 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.

21. 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 needs to invest in diversion programs as well as mental healthcare and drug and alcohol rehabilitation programs. Most of the homeless individuals I have worked with are addicted to drugs or alcohol. Therefore, if we get them into rehabilitation programs as opposed to criminal citations, we would see some necessary progress.

22. Do you support legislation establishing a homeless bill of rights?

Yes

No

Prefer not to answer

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

It depends what would be included in the homeless bill of rights. Yet I believe the priority needs to be getting our homeless population the help they need, such as into rehabilitation or mental healthcare programs, as well as into safe affordable housing complexes.

23. 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.

Our number one priority should be investing in rehabilitation programs, mental health programs, and affordable housing. Therefore, when a homeless person is cited, if our state can provide them with mental healthcare or rehabilitation and safe affordable housing as opposed to incarceration, we will certainly a decline in our homeless population.