

**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](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 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:

Erik K. Ho

SB. Office/District for which you are running:

State House 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.

Although there are margins of error in any analysis, facial recognition software is a valuable asset. Every file utilizing facial recognition should be vetted by at least two senior officials before sent out for assignment to ensure there are no errors.

**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.

Businesses have the benefit of utilizing their legal departments to type convoluted documents in order for individuals to use the businesses technology. Any use of facial recognition software should be mentioned at the forefront of any user agreement along with other pertinent information regarding collection of personal information of users.

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.

Many industries are rapidly changing in this technological world. The public sector is not immune from it. Societal changes now strongly encourage the use of body cameras by police officers on duty. I support having a discussion on this topic.

**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.**

Civil asset forfeiture is wrong and should be banned from practice across the world. If the state can prove that an item was acquired as part of ill-gotten gains, it should be subject to confiscation. I support this reform.

**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.**

During my time in the Air Force, the base commander sent out a monthly email with the crimes convicted of, rank and disciplinary action of the offender to everyone assigned to the wing. I believe something along these lines would be appropriate for use in Hawaii with our law enforcements officers.

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.

I would support this type of legislation.

**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.

Removing our students from campus for excessive amounts of time sets them back from their peers. There should be alternative programs available for students who lack the desire to be in an academic setting.

**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.

If these schools feel the need to have resource officers as a deterrent and to maintain order, they should remain there. However, the root causes of these concerns should be addressed with school administration, state officials, parents and community organizations coming together to ho'oponopono

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.

These status offenses serve as a cushion from having our youth commit more illicit crimes. They should be thought of as a cushion for our youth to learn not to go further beyond the law.

**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.

In addition to these 12 weeks of family leave, employees should be empowered to receive more time off from their employer and should take it upon themselves to bargain for that benefit.

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.

A mutually agreed upon amount of paid sick days should be decided by employees and employers.

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.

Bail is set commensurate to the amount based on the crime and the accused's accessibility to funds. I believe we could create some type of formula to generate monetary citations based on ones ability to pay and the crime they're accused of committing.

**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.

The state of Hawaii has set up the residents for being reliant on automobiles. As such, most people own and use one daily. The use of "stoppers" should come to an end and the state should look to other means for collecting fines.

**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.

Writing off traffic tickets would free up money that our residents could then use towards food, housing and other necessities which will help to stimulate our economy.

**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.

We should focus on rehabilitation of drug users rather than criminal punishment. The money saved from incarceration could go towards outreach and recovery programs, creating secondary jobs to service the recovering population. This would also alleviate our court system and reduce our prison population.

**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.

We should follow what Portugal did and treat drug use as a public health issue rather than a criminal issue

**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.



Prosecutors are elected public officials. As such, their offices and court files should be made available to the public for scrutiny.

**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.

There should be some type of transition service made available for those who have served 5 years or more. This should be done in conjunction with the family or caregivers of the released to ensure that the transition from incarceration to society is as smooth as possible and that the chances of reoffending are lessened.

**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.

For anyone to reintegrate into society successfully after prolonged incarceration, it's important that they do not immediately have a stigma associated with them. They should be allowed to enter into employment after being assessed for the career, and not have their prisoner status made known for a period of time after working or unless they do something that warrants it being known and causes them to be terminated.

**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.

Our judicial system is a revolving door for repeat offenders with some having hundreds of arrests. We must go out into these communities with the highest encounters and address root causes for these statistics.

*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.

We see reports of individuals coming to these islands from various US cities who have no family or friends. We also have those who have no desire to be part of society and instead choose to live in the streets. These kinds of things we can not help. We can help those who do want it. For those people I suggest that the state partners with community outreach organizations to better assist with programs. Community organizations know where the camps are and the state could provide the financial resources to support any efforts to help.

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.

Under the law, we are all equal individuals no matter our circumstance. One's place of residence should not dictate if they have a bill of rights separate from the one in the Constitution.

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: find out where they originated from, whether locally or they flew here. I would also get an accurate count for each island and what services are available equal to the population. In the medium term: For those who wish not to reintegrate into society but wish to have a place to stay, try to create areas where they can come together as a community like what was done on the Waianae Coast. In the long term: Provide for mobile care services so that those who continue to be houseless receive adequate care for prevention of spreading disease and illness.

*END.*

Mahalo for your participation.

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

Aloha!