

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:

Jackson Sayama

SB. Office/District for which you are running:

Hawaii State House District 20

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.

I do not support the use of facial recognition technology, especially if the technology is unreliable and disproportionately affects people of color. In addition to technological concerns, a proliferation of security and facial recognition technology would present serious privacy concerns. Until such technology is improved and instituted with coordination and consent from the community, I support ending the use of facial recognition technology.

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.

As private entities further integrate facial recognition technology into its services and products, there must be safeguards to protect user information. I would support legislation that would require private entities to receive explicit consent prior to the use of facial recognition technology.

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.

While we place great responsibility and trust in our law enforcement, it is crucial this trust be maintained through accountability. Using body cameras as standard procedure is a great step towards ensuring members of law enforcement do not abuse the community's trust.

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 seizure of private property must be predicated on the fact that the owner of the property is convicted of a crime relevant to the property in question. Reform for civil asset forfeiture would prevent abuse of law enforcement by taking private property without justification.

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.

Disclosure of disciplinary records for Hawai'i law enforcement would be an incredible step towards strengthening accountability. Just as public servants are subject to scrutiny from the public, our law enforcement officers should be held to a high standard as they enforce the law justly.

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.

While establishing the Law Enforcement Standards Board was a step in the right direction, it must be followed up with substance and action. With greater demand for accountability and transparency of local law enforcement, the board must take this opportunity to reassess programs and standards for training and certification of law enforcement officers. However, I would caution putting too much emphasis on the board to lead the types of reform that are being demanded as the board's primary function is in the training and certification of new officers.

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.

While disciplinary actions are necessary for students who display inappropriate behavior, disciplinary actions should not be at the expense of a student's educational progress. Suspending a student from half a school year neither improves their educational outlook nor helps them integrate into the school's community. I would support limitations on school suspension in tandem with increased investment in improving school counseling and services that address behavioral issues in a more effective manner.

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.

While School Resource Officers may provide parents and school personnel with a sense of safety, the effectiveness of SROs is inconclusive. Disciplinary action normally addressed by school administrators are, instead, resulting in arrests. This "School to Prison Pipeline" disproportionately affects disabled, low income, and minority students. We need to radically rethink the scope, qualifications, and authority of the School Resource Officer. We need people specialized in working with youth, and the local community to resolve student issues without pushing them into the criminal justice system.

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.

Status offenses are rather antiquated and fail to address underlying socio-economic and cultural issues that lead to offenses. Making acts like truancy, running away from home, and underage drinking a matter of the law is not an effective deterrent or long-term solution to change behavior. Instead, we should incorporate community-based solutions coupled with specialists in child psychology to encourage troubled youth and their families towards more healthy and productive lifestyles.

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.

Parents shouldn't have to decide between caring for their family and keeping their job. With nearly half of Hawaii's families living one paycheck away from poverty, the State must expand the safety net for when employees must take time off to care for their newborn child or a sick family member. To support employees and their families I would support a family insurance fund like that of SB2491, which delegates the Department of Labor and Industrial Relations to provide financial support to qualified individuals up to 16 weeks. To ensure this program's success I would appropriate an additional \$6.5 million towards the program's administrative operations as was highlighted by DLIR Director Murakami's testimony.

INTRO9.

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

Hawaii 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.

Yes. Providing paid sick leave is an important benefit for our hardworking families. Just as many companies provide for their employees, it's time Hawaii law reflects its commitment to the health and safety of our working residents.

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.

There should be a scale with a base minimum fine. Scaling would also make the penalty equally impactful across all economic strata.

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 inability to pay fines leading to a “stopper” hurts financially struggling families. Perhaps other measures can be taken aside from putting a full stop on the license. A proposition that might prove to have merit is a payment plan agreed upon by the court with the

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.

There needs to be consequences for decisions no matter what socio-economic strata we belong to. Having too lenient a program may not be the correct measure - we can’t have low-income individuals existing on a separate system where debts and fines are completely forgiven. Alternative measures could be explored.

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.

There are two matters in the question posed. 1) Decriminalizing the possession of "dangerous drugs" in "small amounts" (personal use). 2) Reinvesting in effective community-based drug treatment. On the first matter, being caught with an amount of any drug for personal use should be decriminalized - dealing with substance abuse needs a more nuanced response. On the second matter, yes we need to build more effective means of rehabilitation with a community-centric approach.

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.

What is more important to know isn't what drug is used, but rather why they are used. In the case of our opioid epidemic, substance abuse is a fundamental symptom of our broken medical and pharmaceutical system. Additionally we need to respond to this crisis understanding the "environmental" pressures that lead one to substance abuse in general.

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.

Transparency of the system would ensure that justice is meted fairly and consistently for everyone, which would limit racial discrimination and ensure that sentencing is appropriate to the crime.

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.

The rate of recidivism for prisoners is too high. People who have gone through the penal system have already paid for their crimes and will face a lifetime of hardship and stigma. To prevent this we need effective re-entry services so that these people can better reintegrate into society.

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.

One major issue leading to high recidivism is a lack of opportunity. If formerly incarcerated individuals cannot find sufficient employment, how can we expect them to pick themselves up and reintegrate into society? We need to find ways to allow these people to return to normalcy so they don't rely on criminality to survive.

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.

Hawaii's criminal legal system disproportionately affects native Hawaiians, it has a 50% rate of recidivism, it's facilities are overfilled, and we "export" our prisoners to other states like Arizona. We have to do better - we need to change how we think about the Criminal Justice System here towards rehabilitation and reintegration, otherwise we will have accomplished nothing.

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.

After a year of doing outreach with houselessness communities on Oahu, I've been encouraged to see new community oriented approaches that address houselessness more sustainably. Pu'uhoehoe O Wai'anae, in coordination with Hui Aloha, raised \$1.4 million without public funding to purchase and build their village on a new property. Lt. Gov. Green's Kauhale projects are modeled in a similar fashion to encourage community building among houseless. Despite recent successes, the continued "Sweeps" by the City is troubling. Not only is this policy ineffective at transitioning houseless individuals to shelters, it grows distrust between houseless communities and government institutions. Instead of spending millions of taxpayer dollars on sweeping houseless communities, Hawai'i must streamline the transition for houseless individuals by adjusting current services to meet the needs of houseless. This can only be achieved by working in tandem with houseless leaders and seeking their input in policy affecting their communities.

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.

While a "homeless bill of rights" would be a good step towards shifting public perception on houselessness, I would follow this bill with concrete and substantive policy to ensure such a bill of rights isn't ornamental.

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.

Short term: As Representative, I would join the House Committee on Human Services and Homelessness and bring together houseless leaders to provide input on houseless services. I would also work with City Council members to divert resources from houseless sweeps towards improving houseless shelters to streamline transitional programs. Medium term: I hope to work with the City Council, the Governor's office, and houseless communities to develop Kauhale villages around Hawai'i. Based on the community model created by Pu'uhonua O Wai'anae, these Kauhale villages would be primarily managed by the houseless residents themselves. I would also seek to expand and improve on mental health services. Long term: In the long-run, I hope to address underlying factors contributing to houselessness like education inequality and affordable housing. To connect students with future employers and pursue higher education, I would encourage high school professional internships and mentorship programs. To better prepare students for a diverse economy and money management, I would also encourage greater investment to support STEM curriculums and financial literacy courses. In addition to the Kauhale program, I would pursue Private-Public Partnerships to grow the supply of affordable housing in Hawai'i.

END.

Mahalo for your participation.

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

Aloha!