

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:

Jeanné Kapela

SB. Office/District for which you are running:

State House, District 5

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.

Facial recognition technology has been proven to be biased against minorities and invites violations of personal privacy.

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.

Corporations, like the government, shouldn't be allowed to violate people's privacy or employ technology that undermines our efforts to end discrimination, especially at a time when protests across the nation are highlighting our need to reform policing methods that are prone to bias.

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.

Legislation standardizing body camera usage is essential to ensuring that police are held fully accountable for their actions and abuses of power.

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.

As a representative, I will introduce legislation reforming our unconstitutional asset forfeiture policies, which violate people's right to due process and create a culture of policing for profit, not community protection.

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.

Police misconduct records should be made public, so people have clarity about abuses of power being committed using taxpayer money by those who are authorized to utilize potentially lethal force against community members.

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.

We have to fully fund the Law Enforcement Standards Board and empower it to have greater oversight authority in cases of police misconduct. Doing so is imperative to police accountability and community safety.

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.

As a Native Hawaiian woman, I am deeply concerned that Hawaiian and Pacific Islander students are suspended at a greater rate than their peers and for greater lengths of time, causing them to miss out on essential instructional services.

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.

We don't need permanent police officers on school campuses. Putting armed officers on school campuses doesn't stop violence. It makes students feel like criminals.

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.

We need to invest in community health programs that uplift working families and prevent financial harm, which will reduce truancy by ensuring that our keiki's basic needs are met.

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.

I support the establishment of 16 weeks of paid family leave, actually, which would only cost \$58 per year for a person earning \$48,000 annually.

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.

It is unconscionable that the majority of Hawai'i's workers don't have access to sick leave during the COVID-19 pandemic, forcing them to choose between paying their bills and protecting the health of themselves and their communities.

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.

We need to stop criminalizing poverty. When people fall into financial ruin, they are more likely to become subjects of our criminal (in)justice system, since our society fails to provide the resources for working people to care for their basic needs.

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.

Again, we need to stop criminalizing poverty in our state, which has the highest cost of living in the nation.

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.

Again, we need to stop criminalizing poverty in our state, which has the highest cost of living in the nation.

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.

I support legalizing and taxing recreational use of cannabis, which could generate \$150-\$200 million per year for our state.

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.

Substance abuse IS a matter of public health, carrying its own health risks and often being borne out of a lack of access to healthcare, including mental health, programming.

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 at all levels of government is key to both accountability and protecting the public trust.

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.

Re-entry services decrease recidivism. We need to build people, not prisons.

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.

Incarceration should not be a barrier to employment, especially since our court system remains discriminatory toward Hawaiians, Pacific Islanders, and other minorities who already fall near the bottom of our state's economic spectrum.

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.

As a victim service provider for survivors of sexual exploitation, I've worked with countless sex trafficking victims who've been forced to engage in sex acts against their will by police, often under threat of arrest. Similarly, many victims with whom I've worked, including children, have been misidentified as "voluntary prostitutes" and arrested for acts committed while they were being enslaved and sold by traffickers. This highlights our need to shift from a criminal justice system to a restorative justice system, in which we create a trauma-informed continuum of care that focuses on people's needs, not crime and punishment.

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've begun to implement measures to effectively reduce houselessness, including Housing First, rapid rehousing, and Law Enforcement Assisted Diversion programs. Yet, these programs haven't been fully funded. Sadly, we continue to enforce laws like Honolulu's unconstitutional and draconian sit-lie bans, which turn poverty into a crime. We need to repeal those laws and create more shelter space for houseless individuals and families, while better funding programs that have been shown to help people obtain the assistance they need to get back on their feet.

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.

As sad as it is to have to say thus, given that homeless people's rights are so frequently violated, such as when their property is seized during homeless raids, we need to enact a homeless bill of rights to ensure that our constitutional protections are fully guaranteed. In effect, we need to enact a bill of rights for homeless people, so that the U.S Constitution's Bill of Rights to which they, and everyone, are already entitled is actually respected.

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- and medium-terms, we need to fully fund Housing First, rapid rehousing, Law Enforcement Assisted Diversion, 'ohana zones, and mental healthcare programs. In the long-term, we need to build affordable housing for people earning no more than 60 percent of area median income, end developers' control of our 'āina and housing policies, and establish a living wage for all of Hawai'i's workers that is tied to increases in the consumer price index.

END.

Mahalo for your participation.

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

Aloha!