

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:

Kevin McDonald

SB. Office/District for which you are running:

Hawaii State Senate District 13

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 a government data base for tracking criminals movements, but I can get behind using facial recognition to solve crimes or track down wanted individuals.

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.

I am not very well versed on the complications of this issue, I will say though, That private businesses should have the right to use this technology on their own property with the proper signage posted.

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.

Part of what makes this country great is that we allow different local governments to decide what rules work best for their needs.

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.

I support this. No government should be able to seize property and keep it without good reason.

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.

Yes, I support repealing these protections. The police work for the public and so the public should be able to track how well their police are performing.

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.

If this board has only met twice in two years, and has accomplished nothing in that time, then this board should be disbanded and their funds put to better use.

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.

Yes, this rule needs reform. If you take a student out of school for over half the school year, you cannot expect that student to keep up or perform at the same level with the other students. Another alternative must be available.

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.

Schools need law enforcement like any other place, but schools are special places and so they should have a special kind of law enforcement more tailored to their needs.

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.

No, it is important for the schools to establish a students performance and ability to function within the reasonable rules the school sets forth. It is also important for a school to be able to report the results of these concerns to the parents of these students.

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.

While, I support the idea of family leave, I do not believe it is the responsibility of the legislation to require it. Employers should have some say as to what benefits they would like to offer their employees.

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.

Again, I support the idea of paid sick leave, but I do not believe it is the responsibility of the legislature to require it.

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.

Every crime is different and each case and situation should be considered individually when deciding punishment. Fairness is important though, it will be difficult to justify two wildly different sentences for identical crimes.

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.

Yes, I am in complete agreement with this idea.

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.

This is a bit trickier, but if it were done right I think I could support legislation like this.

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.

Either a drug is legal or it is illegal, it is not okay to "just have a little bit". Also there is the issue of how much is "a little bit". Possession of controlled substances is also a useful tool for our police force to make an arrest and/or force an impaired individual into treatment. I can support the legalization/decriminalization of many controlled substances, but it is an all or nothing game for me. If a substance needs to be controlled then "just having a little bit" should not be an option.

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.

I am on the fence with this issue, however I do support the idea of publicly funded rehab options for those who seek help with their addictions or habits.

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 think this is a great idea and I fully support it

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.

It is important that we give our reformed convicts every opportunity to re-enter society once they have paid their debt to it.

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.

It up to a business who they want to hire. As long as there is transparency, businesses should be able to understand the risks involved, and create their own hiring policies based on their own needs

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, it is not working. But I believe a big reason for that is because it is largely not being deployed effectively.

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.

I believe our current policies toward the houseless community is actually enabling them more than it is helping them, We have many public programs that provide a path to a more traditional lifestyle, but we are not helping them by allowing them to run roughshot over our existing rules and laws.

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.

I would have to see the legislation, but if it were written well and focused equally on the rights of those that are not homeless to be able to live lives go about their business without interference from the homeless community then I don't see why some guidelines can't be established.

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.

I believe that we can establish areas across the state where people can live a homeless lifestyle and not infringe on the rights of others to live a more traditional lifestyle. The homeless can be left to their own choices, and there can be homeless services located near by to attend to their needs and to continue to offer them a path to a more traditional lifestyle.

END.

Mahalo for your participation.

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

Aloha!