

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:

Patrick Pihana Branco

SB. Office/District for which you are running:

State House, District 50

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 support the regulation of the practice through five key standards, and if these regulations cannot be implemented, I would prefer the government not be allowed to use facial recognition tech. 1) An absolute prohibition on real time use. 2) Law enforcement facial recognition databases should only include data related to those with outstanding warrants for violent crimes. 3) The technical process for developing this software should be available to those who have the responsibility to hold companies and the government to a set of moral and legal standards. 4) Law enforcement should not be permitted to use facial recognition technology without first giving the local community official notice and soliciting public comment. 5) Deployment of facial recognition should be prohibited until law enforcement can demonstrate at least a 95 percent identity confidence threshold across a wide range of demographic groups. If government agencies are to purchase and use such software, such use should be at the 95% threshold for accuracy (gender, race, age, etc.).

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.

Yes, I do, as facial recognition technology is a significant violation of an individual's right to privacy. In the absence of imminent compelling state interest (as would not exist in private cases), consent should guide all use.

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.

Yes, I do. Body cameras serve as a deterrent to police misconduct and protect law enforcement officers from spurious accusations. Their required use serves the law enforcement community and the community at large.

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.

Yes, I do. Civil asset forfeiture is a significant violation of an individual's right to private property. The reforms included in the 2019 legislation are prudent and ought to be reintroduced in a subsequent legislative session.

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.

I generally support increasing public access to disciplinary records of law enforcement officers in Hawaii. I would not support removing all restrictions, as I believe information about active misconduct investigations should remain confidential. However, this should only remain in effect for a certain period of time until the public has access to the disciplinary records.

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 efforts to strengthen the Law Enforcement Standards Board, as civilian oversight of law enforcement operations is an important and necessary function of government. Having a non-functional board that exists in law but not in practice does not serve the interests of the public, and providing resources and empowering the board's independence is the appropriate response to this disparity.

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.

Placing a stricter limit on the amount of days a student can be suspended is a solid policy and one which I support.

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.

I don't support a blanket prohibition on the use of school resource officers, though I believe the practice should be discouraged outside of the most dire situations. In situations where violence has invaded a school's culture, it may be necessary to temporarily use school resource officers to deter such violence.

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.

I would prefer to see a system of positive incentives be used for students & families in situations that would currently be described as chronic truancy. I'm more concerned with the response to the conditions behind truancy than how truancy is classified.

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.

Paid family leave is critical to provide Hawaii's workers with the ability to care for their families. With that being said, I would respect the rights of unions to collectively bargain for their benefits.

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.

Paid sick leave is an important necessity for Hawai'i's workers. With that being said, I would respect the rights of unions to collectively bargain for their benefits.

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.

Yes, scaling fines to income is a fairer way to process court-ordered fines and it decreases the likelihood of fines being ignored.

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, the use of stoppers puts our most vulnerable citizens in an impossible quandary, and as such, we should find and advocate for other ways to handle the non-payment of traffic and parking tickets.

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.

Yes, I would support a traffic ticket amnesty program, but would focus on amnesty for individuals who do not chronically violate such laws. In trying to ease the economic burden of traffic tickets, we do not want to make our streets demonstrably less safe.

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 personally believe that decriminalization needs to primarily originate from the Federal level, to ensure consistency across the states on such an important issue. With that being said, should decriminalization be possible outside of re-scheduling controlled substances, I am in favor of such a policy.

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.

While I broadly believe that substance use is overregulated, addiction and dependency on controlled substances is and remains a matter of public health.

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.

Yes, I stand resolved that increasing transparency at all levels of government is one of, if not, the most pressing obligation an elected official has.

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.

Yes, more funding is necessary to ensure that we are giving those reentering society from incarceration a path to success, rather than condemn them to a one-way trip back to incarceration due to a lack of options in housing and employment.

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.

Yes, I do, as part of a broader goal to decrease recidivism.

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.

I don't believe that dividing possible categorizations of Hawai'i's criminal legal system into 'working' and 'not working' is helpful or adequate to describe the situation. There are plenty of places to reform the system, including reform of felony thresholds, increased resources for rehabilitation programs, and elimination of barriers to post-incarceration societal re-entry.

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.

Broadly, we need to do more to encourage our houseless population to seek safety and lodging in one of the shelters with available beds and to get on a path to obtain and maintain their own shelter within the constructs of society. We need to ensure that those suffering from the intersection of houselessness and substance addiction get the treatment they need, as well as shelter. We are doing well to ensure that there is shelter space and available support programs, but we need to do more to encourage their use.

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 don't broadly support creating a separate class of rights for a portion of the population. We need to ensure the houseless population's fundamental rights are protected, but special additional rights are not needed to do so.

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.

1. Decrease barriers to housing. 2. Make housing more affordable. 3. Support a housing first approach. 4. Increase funding for substance dependence treatment for individuals experiencing houselessness. 5. Support local charities/communities actively providing services for the houseless population.

END.

Mahalo for your participation.

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

Aloha!