

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:

Trish La Chica

SB. Office/District for which you are running:

State Representative, District 36

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.

In addition to the disparate impacts mentioned, the concern with facial recognition technology is that it allows for large scale and undetectable, persistent government surveillance that could run afoul of our Fourth Amendment privacy rights. A false match can have a very real and serious impact on individuals and their families, including false arrests and dangerous interactions. Any such program must thus be heavily scrutinized, with the intrusive nature being weighed against any security benefits. If facial recognition technology were to be allowed, the government must have the burden of demonstrating why the technology would be needed, and it should not be allowed to proceed if this burden is not met.

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.

For one, private entities are often not subject to the same public scrutiny and access as the government. This can result in many of the same negative impacts with fewer remedies, such as Fourth Amendment protections or access by way of Freedom of Information Act requests. In addition, the increased presence of the private sector in our national security and law enforcement arenas means there is also a real possibility of government access and misuse of any gathered data.

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.

Having a uniform policy requiring law enforcement to wear body cameras increases transparency, accountability, and trust between police officers and their communities. In addition, the video can help with resolving factual disputes that may arise. A uniform policy is also needed to regulate such things as when a body camera is worn or when body camera footage will be publicly released, to avoid an intrusion into our citizens' privacy while also ensuring the footage is available during incidents of police misconduct.

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 inherently flawed, for it inserts profit motivation into the criminal justice system. That alone warrants enhanced scrutiny of the current law. In addition, one of the foundations of our criminal justice system is that one is innocent until proven guilty. According to the Hawaii State Auditor, however, in 2015 a criminal charge did not follow a forfeiture in 26% of the asset forfeiture cases. This means that one in four defendants in civil forfeiture cases was never charged with, or convicted of, a crime.

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.

While it is important to weigh the public's interest and employee privacy concerns, we need legislation requiring the disclosure of law enforcement disciplinary records. This would increase transparency, rebuild public trust, and support the safety of our community.

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 fully support strengthening and fully funding the activities of the board. As the last state to create a standards board, we must become more proactive in providing law enforcement oversight and reevaluating our criminal justice process. This is necessary to provide our police force the tools and knowledge they need to fully uphold and enforce the law while respecting our civil liberties.

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.

It is imperative that we fully fund our school system and provide our students with the resources they need to excel. Days suspended results in days out of the classroom. Ultimately, we must prioritize intervention, counseling, and other methods to reduce suspension and protect our students' right to access education.

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.

The primary role of law enforcement is to enforce laws; any funding allocated for school resources should prioritize support services, including mental health and counseling services, over law enforcement.

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.

Community-based programming has proven to be more effective at meeting the needs of youth than the criminal justice system.

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 paid family and sick leave for all workers to care for a new child or family member. Minimum paid leave should be 12 weeks, with any unused weeks allowed to be rolled over into the next year up to 24 weeks. This could be financed by both employer and employee contributions through a state-run social insurance program.

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.

I support mandating PTO which provides flexibility AND sick days, particularly mental health days. In this COVID world, I think we should provide employees all the protection and flexibility they need to ensure their individual health and the health of their families. We also need to foster a working environment that encourages workers to not be afraid to use these 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.

No one should go into debt because of minor infractions. That is not the purpose of the criminal justice system. Any sentence that is imposed by the court must be case-specific and reflective of the needs of the actual parties involved. It is necessary that all assessed fines be measured and reasonable.

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.

Stoppers for nonpayment do not increase safety; they congest our court system, causing delays that affect the broader community; and they most impact the lives of working families.

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.

As mentioned, no one should go into debt because of traffic tickets or excessive fines. That is not the purpose of the criminal justice system, and it doesn’t serve anyone’s interests. The fact that we have 350,000 outstanding license and registration stoppers in the states reveals an inherent flaw in the system.

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.

Possession of small amounts is often more indicative of addiction than someone engaged in distribution. Our criminal justice system does not currently meet the needs of those struggling with substance use, so investing those resources in programs that can meet the needs of our community would be money better spent. Not only would this support lifting individuals out of addiction, but it would increase community safety by reducing recidivism and drug-related crimes. In addition, felony status for very small amounts is a clear punishment that does not fit the crime.

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.

Prosecution and incarceration do not work and cannot solve substance abuse. Many addictions grow in prison, and those that experience substance abuse are more likely to recidivate. If we truly want to address the issue we must respond to substance use as the matter of public health that it is.

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 have huge impacts on peoples' lives, including whether they get charged with a crime and how high their bail is set. It is important that increased data tracking and disclosure occur so that this process can be scrutinized. In addition, the public has a right to know how their tax dollars are being spent.

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.

Supporting re-entry services gives formerly incarcerated individuals the tools they need to succeed, which in turn reduces recidivism. That in turn increases the safety of our entire community by reducing crime.

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.

We must support the employment of formerly incarcerated residents if we want to set them up for success. This includes the support services and resources needed to both find and keep a job. Successfully entering the job market drastically decreases the likelihood of someone recidivating.

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.

There are many fair-minded and dedicated judges, lawyers, and law enforcement officials that come from our community and seek to serve our community. Our criminal legal system, however, must be improved. We must eliminate cash bail, for release from custody should be based on danger and flight risk and not whether someone can afford to pay. We should also invest in pretrial supervision that sets individuals up for success by providing access to substance abuse and mental health treatment, for we currently do not have the capacity to meet those needs. Similar access to mental health and substance abuse support must be provided during probation as well, including increased access to inpatient dual diagnosis programs. It is also apparent that good people can still operate with implicit bias. We can increase community safety by passing laws that require implicit bias training for government workers, ban the chokehold, and implement a duty to intervene law for law enforcement. These are just a few of the policies that would help move us towards fixing our criminal legal system.

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 have seen many affordable projects built within the affordable housing frameworks, like 201H, that have resulted in local families receiving housing. This is a success. Partnerships like Kahauiki Village also demonstrate what can be accomplished when the state works with other partners in innovative ways. With that said, the many incentives provided to developers for building affordable housing are oftentimes not offset to the degree they should be by the community benefits being received. Housing built at 120% AMI may technically qualify as affordable under state law, but it is not meeting the housing needs of our local families. This is especially true when federal standards generally define 80% AMI as low income. We must thus more heavily invest in truly affordable housing, including rentals, to meet our residents' housing needs. This means prioritizing housing for 80% AMI and below.

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.

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, we need to provide the shelter space and support services necessary to meet our residents' immediate needs. This includes partnerships with the city to provide temporary and transitional bedspace, including those that can provide stabilization for individuals experiencing substance abuse or mental health needs. In the medium term, during the next legislative session we should implement laws that prevent additional families from slipping into homelessness - paid family leave, increasing the minimum wage, and universal healthcare to name a few. Such legislation should also include a Homeless Bill of Rights. In the long term, we must incentivize the building of affordable housing through legislation like 201H that prioritizes housing for families earning 80% of the AMI and below. Given the evident fragility of our economy, as seen by the recent 1/3 unemployment rate, we must also take steps to diversify to create more resilient jobs. Investments in agriculture and green energy will allow for long term economic growth that produces jobs that also generally allow for safe physical distancing.

END.

Mahalo for your participation.

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

Aloha!