

# 2021 LEGISLATIVE AGENDA



**ACLU**

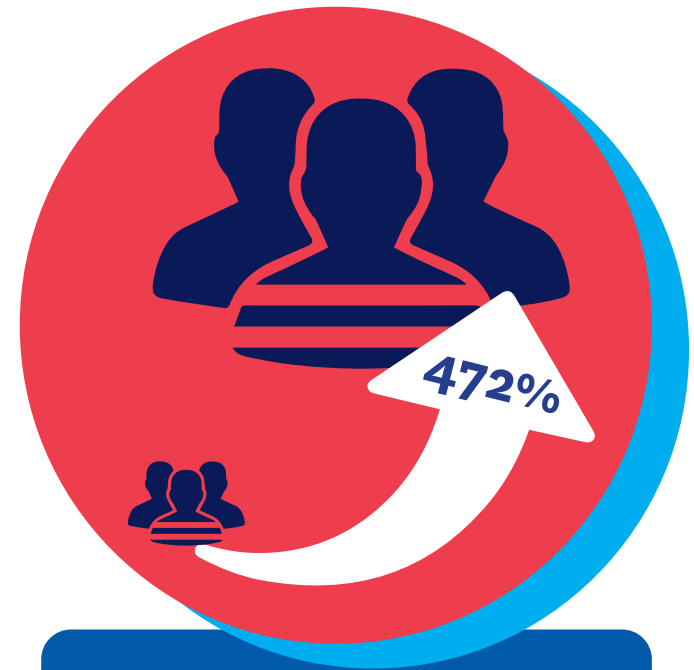
Hawai'i

# SMART JUSTICE

Our criminal justice policies have created a system of mass incarceration that hurts our communities and has a disproportionate impact on low-income families and communities of color. It's time to usher in a new era of justice in Hawai'i—one that seeks to restore, heal, and rehabilitate—and leave behind the punitive system that overincarcerates, tears families apart, and makes us *less safe*.

## ACLU OF HAWAII'S SUPPORTS

- Calling upon the Department of Public Safety to comply with its obligations to provide comprehensive reentry planning services
- Funding for the Hawai'i Correctional System Oversight Commission
- A moratorium on building a costly new jail in the midst of an economic crisis before we even address overincarceration
- Decriminalizing or defelonizing low-level drug possession
- Compassionate release, which is critical to prevent further loss of life due to COVID-19 in jails and prisons



**BETWEEN 1980 AND  
2017, HAWAII'S  
INCARCERATED  
POPULATION ROSE BY  
472 PERCENT.**

# REIMAGINING POLICING

Hawai'i has a system of policing that does not work. We are not insulated from the systemic racism in policing that has exploded into the national consciousness on the continent, particularly as it impacts Native Hawaiian, Pacific Islander, and Black communities. We must fundamentally change the role of police in Hawai'i, and that role has to be smaller, more circumscribed, and less funded with taxpayer dollars.

## ACLU OF HAWAI'I SUPPORTS

- **Creating a civil cause of action against law enforcement officers who violate state constitutional rights, for which "qualified immunity" is not a defense**
- **Demilitarizing state and local law enforcement**
- **Enhanced requirements that police follow knock-and-announce rules when executing warrants**
- **Increased data collection and disclosure in policing and prosecution**



**NEARLY HALF OF  
ALL PEOPLE KILLED  
BY POLICE HAVE  
A DISABILITY.**

# DECRIMINALIZING POVERTY

Just trying to live in one of the most expensive places in the country is treated as a crime all too often for people with limited resources. For those experiencing houselessness, the simple act of resting your head at night is punished with hefty fines and even criminal penalties. Jails and prisons are epicenters of the largest COVID-19 clusters in Hawai'i, and many people are incarcerated simply because they cannot afford cash bail. There is a better, more humane way.

## ACLU OF HAWAI'I SUPPORTS

- **Creating a presumption of pretrial release on recognizance because everyone is innocent until proven guilty**
- **Decriminalizing quality of life offenses and expunging houselessness-related conviction records**
- **Funding social services that alleviate the underlying causes of houselessness**
- **Funding community-based treatment and alternatives to incarceration**
- **Policies that provide relief to those facing eviction in the wake of COVID-19**
- **Prohibiting discrimination based on a person's source of income (e.g., Section 8)**

**42% OF HAWAII'S FAMILIES CANNOT AFFORD BASIC NECESSITIES.**



**As of December 7, 2020, two thirds of people incarcerated at the O'ahu Community Correctional Center were being held pretrial, which means they have not been convicted of the crime they're accused of committing.**

## WE ALSO SUPPORT

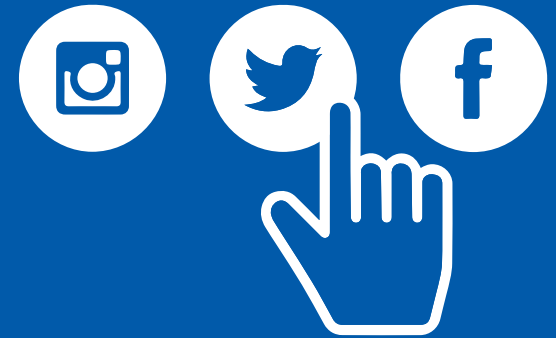
- ✓ Removing unnecessary barriers to abortion care
- ✓ A total ban on government use of facial recognition technology, and a ban on private use without the clear written consent of the subject
- ✓ An equal process for establishing parental rights for LGBTQ parents
- ✓ Policies that help families thrive, such as paid family leave, paid sick days, and a living wage
- ✓ Automatic voter registration

## WE OPPOSE

- ✗ The creation of new crimes
- ✗ Increasing police representation on the Law Enforcement Standards Board
- ✗ Attacks on the due process rights of people with disabilities
- ✗ Measures that punish, through civil or criminal penalties, the status of being houseless
- ✗ Threats against LGBTQ+ rights, such as attacks on the ability of transgender athletes to participate in sports according to their gender identity
- ✗ Funding for the construction of a new jail
- ✗ Funding for houseless sweeps

## CONTACT

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