

# 2022 Governor/Gubernatorial Candidate Survey

## Answers (Compiled)

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**Key/Candidates:** Vicky Cayetano (VC), Josh Green (JG), Kai Kahele (KK), Duke Aiona (DA)

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### **Question #1: Overcrowding / Alternatives to Incarceration**

The Hawai'i Correctional Systems Oversight Commission has recommended that the State halt plans for a costly new jail to replace the O'ahu Community Correctional Center (OCCC jail) until meaningful changes to our criminal legal system have been implemented. Fiscal responsibility is important to voters. Hawai'i taxpayers currently spend close to over \$250 million dollars on its prison system. **Do you support reducing the number of people in Hawai'i's overcrowded jails and prisons through alternatives to incarceration?**

- **VC: Yes.** We must be proactive in addressing at-risk individuals from a young age to prevent them from going down a path of criminal activity. I also believe that there should be alternatives to jails and prisons for certain crimes. Rehabilitation and the prevention of recidivism must be the approach in helping individuals build a better future for themselves.
- **JG: Yes.**
- **KK: Yes.** The overcrowding of our jails and prisons exemplifies that our justice system needs reform. I support exploring alternatives to incarceration in our jails and prisons.
- **DA: Yes.** Prison is problematic to the Taxpayer, the State, Justice, and for the Prisoner. Hawaii should incorporate prison into a more natural farm program with controlled access, but with solid living standards, and shared inmate profit savings for a better security once liberated from this ag/prison system.

### **Question #2: "Tough on Crime"**

Our current governor has embraced an approach to public safety that reflects an outdated tough-on-crime attitude that was popular in the 1980s and 1990s and led to the mass incarceration crisis currently affecting our state. As the new governor, you would have broad authority to shape agencies and policy at the state level. **Do you favor Hawai'i moving beyond "tough on crime" strategies that have proven ineffective, costly and led to severely overcrowded prisons?**

- **VC: Yes.** We have to approach crime with a different mindset. What we have been doing has not been successful.
- **JG: Yes.**
- **KK: Yes.** We have clear evidence that shows “tough on crime” policies don’t significantly reduce crime, cost taxpayers more money, and flood our jail and prison systems. This outdated approach has led to disproportionate harm against marginalized communities. I am committed to moving beyond these harmful strategies.
- **DA: Yes.** Crime comes from many conflicts within society and the inmate. Most can be corrected using the above AgPrison format treating people as individuals and giving them a chance to be productive and live in a respectful environment with something positive to do, here offering a saved income for security when released.

### **Question #3: “Tough on Crime”**

**Do you support the implementation of evidence-based strategies to increase public safety while holding people accountable?**

- **VC: NA.** I would like to clarify and understand this question before answering.
- **JG: Yes.**
- **KK: Yes.** We need to implement strategies that reduce recidivism for those under community supervision - parole and probation. These strategies should still hold offenders accountable while also cutting substance abuse and unemployment, and restoring family bonds.
- **DA: Yes.** Very much for increasing public safety and holding people accountable. Evidence based strategies are needed for justice.

### **Question #4: Empower Impacted Communities**

Criminal justice policy decisions are often made by well-meaning policymakers in reaction to a tragic situation. Unfortunately, this means many policies are reactionary and not grounded/contradictory to best practices. Those closest to the problem, such as survivors, their families, and formerly incarcerated individuals who have transformed their lives are closest to the solution but are often forgotten or excluded from policymaking. **Would you ensure that criminal justice policy decisions are evidence-based and data-driven, rather than subject to the whims of the public?**

- **VC: Yes.** While we must always be sensitive to the emotions of victims and their families, we must also be careful not to make broad policy decisions as a reactionary measure and to appease the public.
- **JG: Yes.**
- **KK: Yes.** This is why our justice system needs the resources to develop place-based, evidence-based, and data-driven policy. Across any challenge, sensational and rushed policy often leaves us worse off. As Governor, I will be an advocate for rational, well-informed, and deliberate policy changes towards justice.
- **DA: Yes.** Would ensure that criminal justice policy decisions are evidence based and data driven, rather than the whims of the day.

#### **Question #5: Empower Impacted Communities**

**Would you empower directly impacted individuals, families, and communities to have a voice in criminal justice reform?**

- **VC: Yes.** Who better to learn from than those who have experienced it?
- **JG: Yes.**
- **KK: Yes.** We need to engage with the individuals and communities who have been directly impacted. Empowering these voices to help steer policy solutions will result in more equitable and successful policy.
- **DA: Yes.** Would empower directly the impacted individuals, families, and communities to have a voice in criminal justice reform. People with experience rather than the news are a solid source to fight for justice.

#### **Question #6: Parole Reform**

By the end of 2020 in Hawai'i, almost 800 people were incarcerated for parole violations and 300 more for probation violations. And between July 1, 2019, and June 30, 2020, all of the 321 parole revocations were a result of technical violations of parole: none of those 321 parole revocations were a result of someone actually committing a new crime. Technical violations are things like missing a check-in with their supervision officer or failing a drug test. They went back into incarceration for behaviors that are largely not illegal. **Do you support parole reform legislation that will reduce incarceration for technical violations, such as HB 2342 that was introduced in 2022?**

- **VC: NA.** It depends on the crime.
- **JG: Yes.**

- **KK: Yes.** Technical violations disproportionately impact those of lesser economic means. But it is important to work with the state government. The Department of Public Safety and the Attorney General both opposed this bill, essentially saying that the system in place was fine as is. Well, it clearly is not. While HB 2342 probably wasn't perfect, we need the state government willing to sit at the table to discuss parole and probation reform.
- **DA: Yes.** Technical violations hurt our crowded prison, cost of incarceration and sending to out of state prisons, hurt the prisoner and their families and friends, stops work or work seeking performance, puts an added burden on the System, when all is needed is some extra time assisting at the AgPrision, or adjustment on the parole management side.

### **Question #7: Expungement**

Hawai'i's expungement laws are very narrow. Having a criminal record, from a simple arrest to a felony conviction, is often a barrier to employment, safe housing, education, obtaining a license, and accessing other benefits and life opportunities. **Do you support second chances for people with justice system involvement?**

- **VC: Yes.** It also depends on the crime.
- **JG: Yes.**
- **KK: Yes.** A second chance should mean a second chance at success. Instead, our justice system often places an unshakable handicap and burden on convicted individuals. Expungement can be a tool that, and when used prudently and deliberately ensures greater success for those convicted of a crime.
- **DA: Yes.** You should give a second chance to those who request it with a detailed plan to make good. Think MBO- Management by objectives.

### **Question #8: Expungement**

**Do you support "Clean Slate" legislation that would help people move on with their lives and support their families, such as SB 3159?**

- **VC: NA.** I would like to learn more before providing an answer.
- **JG: Yes.**
- **KK: Yes.** I am supportive of clean slate legislation being explored by our State Legislature and state agencies.

- **DA: Yes.** A clean slate should be given as the individual moves along with his MBO life plan to become productive and contribute to society and family in a steady and noticeable way. Giving a bonus clean-slate reward for making good.

#### **Question #9: War on Drugs/Drug Decriminalization**

A significant portion of people are incarcerated on charges of simple possession of drugs for personal use. By any measure, the War on Drugs has been a failure because incarceration by itself does nothing to address issues of addiction and dependency and punitive approaches to problematic drug use have devastated marginalized communities in Hawai'i. **Would you as governor address the lack of services available for people in Hawai'i, particularly low-income families, which have loved ones struggling with addiction?**

- **VC: Yes.** Our nonprofits tackle many of these issues which require treatment and in some cases rehabilitation. I would work with the nonprofits to see how we can expand these services - they are at the frontline.
- **JG: Yes.**
- **KK: Yes.** Addiction is not an issue of morality. It is a disease. Like any disease, addiction disproportionately harms folks who have less socioeconomic security and less access to treatment. As Governor, I would seek to address the lack of services for those struggling with addiction.
- **DA: Yes.** Addiction can be addressed with voluntarily agreeing to live and work at the AgPrison for some period of time to take a break from drug use, see the bigger picture, and make MBO plans to adjust their life.

#### **Question #10: War on Drugs/Drug Decriminalization**

**Do you support legislation that would reduce or eliminate the penalty for simple possession of a controlled substance?**

- **VC: No.** Prevention and rehabilitation at early stages gives us a better chance at success.
- **JG: Yes.**
- **KK: Yes.** The War on Drugs was an engineered effort to put more people of color in prison, thereby relegating them as felons and second-class citizens. It was a categorical failure, and has done nothing to reduce addiction, increase public safety, or lessen the distribution of illicit substances. As Governor, I will be committed to advocating for reform that addresses this.

- **DA: Yes.** Reducing or eliminating penalties for simple possession of a controlled substance makes sense. There is no harm or taking involved to hurt another person. And today drug taking either prescribed or for personal high is everywhere. Better some outpatient participation at the AgPrison could work better.

#### **Question #11: War on Drugs/Drug Decriminalization**

**Do you support alternatives to incarceration and prosecution, such as the Law Enforcement Assisted Diversion (LEAD) program?**

- **VC: Yes.**
- **JG: Yes.**
- **KK: Yes.**
- **DA: Yes.** LEAD or Letting everyone advance with dignity helps people with low level behavioral issues continue in society with case management rather than jail or citation. Good program.

#### **Question #12: Invest in Public Safety**

Right now there are Family Alternative Sentencing models that allow a person convicted to remain at home with their family and receive social support services. In fact, there are federal grants for states to stand up these programs. **Would you as governor move to invest in proven, but long-term solutions to crime (i.e. investments in housing, education, employment opportunities, behavioral health, and substance abuse treatment)?**

- **VC: Yes.**
- **JG: Yes.**
- **KK: Yes.** Reforming our justice system means taking courageous and bold action to step outside the box of how the status quo system operates. I am a firm believer that the state should leverage as many federal resources as possible in all areas. Like any challenge, reducing crime is a long-term effort that requires appropriate planning and investment. Family Alternative Sentencing models are absolutely worth exploring in our state.
- **DA: Yes.** The cost to rehabilitate the individual is probably less than the cost to maintain and house a prisoner. And the benefit to society as a contributing member is better than an expense.

### **Question #13: Appointments**

The Hawai'i Paroling Authority wields tremendous power. For example, they set minimum sentences, parole and parole revocation decisions, early discharge, and oversee the pardon process, etc. They are appointed by the Governor. The Attorney General is the top law enforcement officer in the state, a position that comes with broad authority and discretion. They are uniquely positioned to curtail the harmful excesses of the punitive criminal justice system.

**As governor, would you appoint an Attorney General, Hawai'i Department of Public Safety Director and Hawai'i Paroling Authority members that will make decisions about prison and public safety policies with comprehensive data and driven by best practices?**

- **VC: Yes.**
- **JG: Yes.**
- **KK: Yes.** Appointing heads of departments, agencies, and the cabinet is one of the Governor's greatest tools to effectuate change. As Governor, I would ensure my cabinet and those I appoint to lead agencies share my values. This includes justice reform.
- **DA: Yes.** Appointing Government Officials that use a comprehensive data driven method with best practices is a solid program for making decisions about prison and public safety.

### **Question #14: Clemency**

In early 2022, Anthology conducted a quantitative study in the form of an online survey in Hawai'i relating to the Governor's use of the power of clemency. Nearly 60% of people polled support the governor using their power of clemency to reduce the prison population by ending or shortening the prison sentences of certain people in prison provided they meet certain criteria and are determined not to pose a danger to public. Under the Hawai'i State Constitution, the Governor has the authority to grant reprieves, commutations, and pardons, after conviction, for all offenses (Source Haw. Const., art.V sec. 5). This authority provides the Governor broad power to remedy long-standing injustices in our criminal legal system. Governors in other states have successfully used this authority to commute the sentences of categories of people. For example, releasing people who would serve a lesser sentence under current laws than what they are serving; people convicted of drug distribution and possession offenses, people incarcerated for technical probation or parole violations; and/or older incarcerated people.

**Would you commit to using your executive authority to return people to their communities who have been impacted by these laws?**

- **VC: Yes.**

- **JG: Yes.**
- **KK: Yes.** The Governor has the express legal authority to grant clemency. I believe decades of unjust policies have led to overcrowded prisons and jails, burden on our entire justice system, unnecessary expenses to taxpayers, and no meaningful decrease in crime.
- **DA: Yes.** Returning people to their communities for injustice in the justice system seems fair, positive, reduces costs, and reunites people into society and their families for hopefully a positive and productive life.

### **Question #15: Clemency**

**Are you open to addressing the overcrowding of Hawai'i's jails and prisons by using your clemency powers to reduce the incarcerated population through the use of broad, categorical commutations such as compassionate release?**

- **VC: No.** We must find a better way.
- **JG: Yes.**
- **KK: No.** While I am open to discussing how the Governor can use clemency, "broad, categorical" commutations is something I am not immediately open to. However, I am committed to continuing to learn, listen, and act on justice reform based on evidence, data, and community-based inputs.
- **DA: Yes.** Compassionate release is possible where appropriate. Prefer my AgPrison plan above. Here the people are out of prison, living in a positive farm atmosphere, interacting and learning agriculture and other skill courses, with stability, and making some money saved for his or her release. And we need much more local organic grown products to feed the State.

### **Question #16: Racial Justice**

Hawai'i's incarceration crisis has had a particularly severe impact on people of color, especially Native Hawaiians and Pacific Islanders. In 2018, this group made up 23 percent of adults in the state, but a reported 47 percent of people incarcerated under Hawai'i's jurisdiction that year.

**Will you use your clemency authority to bring an end to the incarceration crisis and correct racial bias and discrimination in the justice system?**

- **VC: Yes.**
- **JG: Yes.** As State Senator, I sponsored a resolution urging The Full Implementation Of Recommendations From The Native Hawaiian Task Force, Pu'uhonua Summit, And



Justice Center As A Comprehensive Criminal Justice Reform To Reduce The Incarcerated Population, Including The Native Hawaiian Incarcerated Population, By Twenty-Five Percent By 2023.

- **KK: No.** As a Native Hawaiian, this is an important issue to me. It will be a priority of my administration to examine all the tools at the Governor’s disposal to correct racial bias in our justice system.
- **DA: Yes.** Racial prejudice in law and social society can at least be adjusted at the Governor’s clemency level.

**Condensed Answers (Y/N/NA):**

	VC	JG	KK	DA
<b>Question 1: Overcrowding</b>	YES	YES	YES	YES
<b>Question 2: Tough on Crime</b>	YES	YES	YES	YES
<b>Question 3: Tough on Crime</b>	NA	YES	YES	YES
<b>Question 4: Empower Impacted Communities</b>	YES	YES	YES	YES
<b>Question 5: Empower Impacted Communities</b>	YES	YES	YES	YES
<b>Question 6: Parole Reform</b>	NA	YES	YES	YES
<b>Question 7: Expungement</b>	YES	YES	YES	YES
<b>Question 8: Expungement</b>	NA	YES	YES	YES
<b>Question 9: War on Drugs</b>	YES	YES	YES	YES
<b>Question 10: War on Drugs</b>	NO	YES	YES	YES
<b>Question 11: War on</b>	YES	YES	YES	YES

<b>Drugs</b>				
<b>Question 12: Invest in Public Safety</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Question 13: Appointments</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Question 14: Clemency</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Question 15: Clemency</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>
<b>Question 16: Racial Justice</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>