

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:

Becky Gardner

SB. Office/District for which you are running:

State House District 20

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.

1 Government use of such technology puts us on a dangerously slippery slope; and smacks of Big Brother authoritarianism. There is great potential for abuse, particularly through racial profiling, which puts Hawaii's diverse ethnic population at greater risk. Moreover, over-reliance on such technology invites more sophisticated hacking efforts, and may make things more dangerous. With its demonstrable high degree of false matches, we should be very wary of this dehumanizing technology unless and until it becomes more developed; and the public must be satisfied with any parallel efforts that are instituted to avoid false matches and racial profiling.

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.

However, we need to carefully examine what type of private entity is seeking to use this technology, and for what purpose; and ensure that limiting legislation is appropriate and narrowly tailored to their needs. For example, facilities that are to be safe havens for domestic violence victims may wish to use such technology for greater protection.

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.

I think it's essential that the use of body cameras is standardized across the state to avoid happenstance; inconsistent use; class and racial profiling; as well as other abuses. I cannot think of any good reason why this should not be standardized - such reasons would easily serve as pretext for an innately discriminatory practice.

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.

This property is likely to contain vital documents necessary for one's existence and eligibility for a host of social programs that could provide one with meaningful assistance. This property is also likely comprised of one's prized possessions – especially the houseless. There is a high degree of cruelty and crassness in seizing and disposing what may be all that's left of one's material possessions. I understand, however, that storing this property is costly and presents certain public health and safety concerns – so it's important to find ways to address this. I would look to other jurisdictions for ideas on how to manage this ethically, safely, and cost-effectively.

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.

However, there may be some disciplinary matters unrelated to a police officer's effectiveness and integrity as a public safety officer – i.e., personality conflicts with a superior; religious objections to a policy; etc. This may require a balancing test that looks at relevance while upholding a foundational value in transparency.

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.

In doing so, it would be necessary to examine the extent to which this board was empowered to function, whether it was adequately funded and staffed to execute its mission, and how duplicative it may or may not be of the relevant county commissions. However, given the public outcry to reform police departments and curb police brutality, the mission and effective operation of this board is all the more imperative.

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.

Juvenile crime is far more likely to be a symptom of poverty, racism, and other broader social inequities than it is a mark of a deviant criminal mind. We should not penalize our youth who are acting out in ways that can be expected and predicted from their circumstances. When symptoms, such as juvenile crime, become apparent, our first response should be to address the root of their malevolent behavior and engage in therapeutic justice. We also need to examine the patterns of juvenile crimes and address the obvious risk factors through policy and programming. Depriving our youth of education, social contact, and program guidance as the default policy is the wrong approach. However, we do need to be careful to determine who may have psychiatric and/or socially deviant personality disorders and take necessary precautions through comprehensive evaluation, screening, and treatment which may require prolonged suspension.

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 am extremely uncomfortable with the idea of armed public safety personnel in our schools; however, I think it is important that we engage and defer to the wisdom of the DOE in what is necessary in the short-term. In the long-term, we need to engage in programming and policy work to address the roots of crime and violence in our schools, so we can dramatically reduce the need for "resource officers."

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.

As described in my answer to question 7, status offenses like truancy are mostly likely symptoms of other issues relating to family and other socio-economic factors. The cost of prosecuting and convicting our youth for offenses that do not reflect a criminal intent is wasteful and sells our young people short. We need to give grace and opportunity to at-risk youth and not blame the victim.

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 fully support paid family leave. It's important to highlight how much of a gender equity issue this is because so much caregiving work falls on the shoulders of women. I've needed Family Leave to give birth to my two children and to be the primary caregiver to my dying mother; and help my grandmother during her last several weeks on hospice. I don't think I ever worked as hard as I did at that time. Yet, we as a society have not shown through our laws and policies that we value the hard work that happens at home - raising and caring for our families. These policies will also encourage more men to do this valuable care-taking, which I think many are eager to embrace. This will do much to reduce the gender inequities we face.

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 think the pandemic has shown us the vital importance of having adequate paid sick to deal with critical personal and public health matters. It is not healthy for people or workplaces to have people pushing themselves to go to work when, by all measures, it is best for an individual, and for everyone else, to stay home.

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.

Increasing revenue should be reason enough – especially if it's determined that the fines levied, as a whole, will take care of the administrative needs they fund; and also serves as an effective deterrent for repeat offenses. This policy also recognizes that many of these offenders also have dependents and other family members who depend on them for basic needs. However, I do recognize that the devil is in the details and it may be necessary to leave the determination of what scaled fee schedules should look like up to the courts, who would examine objective criteria, like appropriate percentage of poverty lines, and establish such fees in court rules that can be more easily revised.

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.

Too many people can be negatively impacted by another’s inability to drive, like a child or elderly parent needing care or treatment – and they should not have to pay the price of another’s violation. Perhaps there are alternative means to capture these fines through increased vehicle registration fees; or maybe even reducing state income tax refunds.

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.

However, we should figure out some sort of penalty to discourage speeding and other moving violations.

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.

Some effort should be made to ascertain whether the amount was for use or for sale and distribution – which might mean users will be provided with drug treatment, if warranted, rather than hefty fines; and that dealers will pay a heavier penalty.

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.

Drug use is often a symptom of greater socio-economic inequities. Interventions that look at these disparities as social determinants of health; and that address the roots of these issues may be far more effective than fines. This could include greater social supports and safety nets, like medical treatment, mental health services, job training, AA-type interventions, etc.

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.

However, such policies need to be examined and balanced with other important considerations and requirements, like attorney-client privilege, confidentiality of victims' and witnesses' experiences, health and financial information, and the nature of the information and whether public disclosure of it is safe and advisable.

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.

We need to give grace to offenders, and enable them to make the very best of their circumstances, especially after serving their sentences. No one is perfect; and it is often these individuals who have the greatest gifts to give back to society.

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.

There may be some great opportunities for them in a Green New Deal, with job skills training in green jobs and clean energy; or perhaps in technology, disaster preparedness, and improved infrastructure.

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 will always be ways to improve – and it is impossible to answer this question as either yes or no without thinking of qualifications and exceptions. It depends on which measure you wish to use to evaluate our criminal justice system – and there are many. I will say that the Black Lives Matter movement and the initiatives to defund the police are highlighting some important and innovative policy changes that will reduce police brutality, racial profiling, and racial bias. The extent to which our correctional facilities are overcrowded, as well as the disproportionate percentage of Native Hawaiian inmates within them is telling of certain socio-economic inequities and perhaps bias and/or misconduct in law enforcement and prosecution. The cash bail system is feeding into these racial and economic disparities by further penalizing poor people. Also, while I commend some of the innovative initiatives taken by our state judiciary to address specific types of offenses and offenders, like drug court, mental health court, veteran’s court, girls court, environmental court, and the HOPE program; etc. – we need to make sure that defendants’ constitutional rights to due process are upheld.

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.

Shelter is an essential, foundational need. We learned this from initiatives like “housing first;” yet, affordable housing is increasingly out of reach for too many in Hawaii. Hawaii has the unfortunate distinction of having one of the highest housing costs in the nation. According to a recent report from Partners in Care Point in time count, the most common self-reported causes of homelessness were financial and/or employment factors. Of those surveyed, 17% reported unable to pay for rent; 15% said they lost a job; 15% said it was due to drug or alcohol abuse; 12% said it was due to an argument with a friend or family; 12% reported it was a loss of money. Thus, we need to address cost-of-living and engage in a multi-pronged approach that will raise minimum wage, lower housing costs, and reverse our regressive tax structure so our lowest income residents aren’t paying the highest share of our taxes. We also have not done enough to maximize affordable housing opportunities that fit within the development plan of each community, under the current legal and regulatory scheme.

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.

As mentioned above in question 21, we need to address the financial and employment needs of our houseless population. We need to address cost-of-living and engage in a multi-pronged approach that will raise minimum wage, lower housing costs, and reverse our regressive tax structure so our lowest income residents aren't paying the highest share of our taxes. We must also develop more affordable housing options. For example, in my district – District 20, which includes Kaimuki, Palolo, and St. Louis Heights, I believe that the Wai'alaie corridor, which is very close to the university, is a suitable location to increase density with mixed-use, mid-level housing with retail on the ground floor. We also need to support and increase funding for infrastructure and financing programs for the development of low-income units for local residents at or near cost – particularly on state land where there exists great opportunities to build at subsidized rates. We should expand and support existing subsidies like the Rental Housing Revolving Fund, which has been successful in providing units for Hawaii's most vulnerable. I think that vertical development on government land in high-density areas - near jobsites, public transportation, educational institutions, parks and malls - holds great promise. I support the availability of leasehold arrangements for residents with a range of incomes in such developments. I am interested and encouraged by affordable housing initiatives that incorporate Hawaii's history and values, like the plantation-inspired Kahauiki Village project by Keehi lagoon – and would like to help replicate the successes achieved there. I also think there is more we can do to support the growth and use of accessory dwelling units, tiny homes, and communal living arrangements.

END.

Mahalo for your participation.

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

Aloha!