

**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](http://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:

Devin Shaw Kealohapumehanaokalani McMackin Sr.

SB. Office/District for which you are running:

State House Representative/ District 2

**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.

My believe is that the use of Facial Recognition is a violation of ones civil rights. As well as my believe is that when using this technology, appropriately, ie a warrant, then yes the use of it is then legal due to the warrant. However, the use of the facial recognition to obtain a warrant is and should always be a violation to my civil rights to privacy. Such laws should be voted on by the local municipality.

**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.

Once again if consent is not given, then it is illegal and should not be aloud. Never should private or government entities be able to do so unless consent is given.

**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.

It's been said that if you have nothing to hide then an officer shouldn't be afraid of the body camera because it will exonerate them from wrong doing. The use of them will help in reducing falsification of documents and statements of all parties.

**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.**

If the property was used in the course of a criminal act then that property should be forfeited to the state for the use of repair or damages done to the city, Ka Lahui o Hawaii, and/or the entity that the crime was upon.

**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.**

Government transparency is paramount in the success and operation of a government. The Government is of the people so nothing should be hidden from the people.

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.

The policing policies should be updated and unilaterally improved throughout a set date such as every three to five years. As new technologies, techniques, and tactics are constantly improved or found to be archaic even outright, unnecessary. As well as setting standards higher so on every island across Hawaii we have the best Policemen in the nation who are in shape, intelligent, great communicators and more importantly members of the community.

**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.

I believe every person is different and every situation is different. With this in mind My believe is if the suspension isnt working then maybe we need to look deeper and find out why this is happening. To just keep up on the "sending them home" or "out of school", this doesn't solve anything always. So let's try mandatory programs for the child, an atleast one guardian, legal or with consent of legal guardian. This will help both the student and the family in learning ways to improve the chances of finding a successful treatment and solution to the truancy.

**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.

This is because if in the case of a crime the officer is there already, no need to wait for a response. Second, he should be certified in at least a college course on education and 9/ or child truancy. As well as he should be influencing the kids to be a productive member of society. His primary job shouldn't be the truancy of children but the support in finding pathways to success with them and their Ohana.

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.

This is because truancy should be tracked and monitored, for the purpose of improving the life of the student not just punishing them. We should be moving toward rehabilitation, rather than punishment. This is our problem that creates more problems due to the criminalizing of children that just don't learn or respond the same as some of the others. We must still try our hardest to uplift them, not step on their back when they're in need.

**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.

Do to the openness of this statement I can't agree or disagree due to the fact that if the law is a blanket then small business will lose out and as they are trying to recover from all the devastation that we have experienced here on Big Island that would cause even more businesses to close or to file chapter 11. So this would have to be looked at from multiple sources independently and via the government to come to a solution, that is best for all the people, then voted on., by the people.

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.

Once again if this is a blanket law then small local businesses would have to file chapter 11 after all the devastation from the past 3 years atleast. Which would even further destroy our economy here on the Big Island. If any type of legislation was to be put in then it would and should be voted on by the people as a whole.

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.

It is important to work more on the Rehabilitation of the person or persons then the punishment. We should be uplifting people not ignoring them when they are down.

**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.

However, if the person is a repeat offender then they would have their case reviewed for the purpose of finding a solution or the root problem for the reason of the fine. We should uplift our people not put them down.

**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 once again if multiple offenses are "racked up" then a review of why the fines could not be paid or why an agreement could not be met. We shouldn't throw our people into the cold, when all that they may need is a hand up, or help in how to find a way to repay for such victimless crimes.

**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.

That's a no to the first part as it's a crime, but we should give people the rehabilitation they deserve, or that their Ohana deserve. So yes as well, to the second portion of the question and you could get the funds from all public offices such as State House Rep, State Senator, Councilman / Councilwoman, Mayors, governor, and Lt. Governor, as well as other voted public offices that are funded by the public. Go include Department of Public Safety directors, Department heads across the board. This job is to serve the public not, self interest. We should feel the honor of the people to trust us to do this job not just for the pay.

**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.

It is for the health of the public, we as a people must try our hardest to uplift even the most troubled of us all. We as the Lahui can do this together for the betterment of our society, thru traditional medicines/treatments and modern medicines/treatment. Together we can come to a solution that benefits us all.

**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.



We must always hold ourselves and those in decision making officers accountable as well as transparent. Why hide something when it for the betterment of our people. No one in government should be hiding anything. Unless private information.

**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 should exhaust all avenues of rehabilitation and review of all persons integrating in to the fabric of society.as to insure they are not behind but still able to be a productive member of 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.

Once again we should be uplifting not shaming or lowering any body. We are a people of aloha and should show this in every way possible.

**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.

We aren't changing anything. But if anything we are either becoming complacent or just down right negligent in the rehabilitation portion of the 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.

Not working - keeping track of those moving here that don't even have somewhere to stay to begin with. Not placing money in the programs an institutions that are working. Working - The individuals at all the organizations that are actually helping all of these people.

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.

Because the bill of rights covers everyone equally already. A bill such as this would be counter productive as it would give only one demographic more or less rights than the other. In this case the demographics is homeless vs not homeless.

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.

Short - working with organizations that actually spend most of their time helping rather than those that just do the bare minimal. Medium - writing legislation that would fund more organizations or expand the existing ones that actually assist homeless persons. Long - Furthering legislation that would promote responsible reform on budgets to help the financial burden this might have on the economy, so as not to raise taxes but lower salaries for government officials. The people need the money not the politicians, this job is a job of servitude and selfless sacrifice to the constituents.

*END.*

Mahalo for your participation.

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

Aloha!