

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:

Jenny Boyette

SB. Office/District for which you are running:

State House of Representatives, District 33

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.

I do not support blanket use of facial recognition software due to privacy issues.

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.

Technology companies should have the expressed written consent of the subject, and not just a sentence or two addressing the issue in a user agreement. It should be asked in a separate area where the individual may opt out an any time.

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.

A blanket decree demanding body camera use by the Federal government is an overreach into municipal governance. It's a jurisdiction issue. City counties and States should be able to enact policies which best suit their community.

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 a tool which law enforcement can use to go after drug dealers, human traffickers and organized crime. Yes there is a possibility of misuse of the power. There should be a reviewing mechanism or body to limit abuse and provide an avenue for the innocent to reclaim what was seized.

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.

The general public should not be able to access that private information at will. There are procedures and policies in place to handle disciplinary actions taken against law enforcement. It would be like having your entire work file on display for the world to see. No one person is perfect. When an officer is implicated in a crime, the court is then in receipt of that information, once entered, it's a matter of public record.

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.

This is not a clear yes or no answer. Yes, there should be legislation which outlines meetings and deadlines, however providing the board additional resources in the age of COVID19 is not a need, it is a want. Sunshine laws regarding board meetings also take care of the citizen oversight point.

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.

School suspension should be made on a case by case basis. There is no one perfect solution, because all children and their circumstances are different.

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.

There should always be some element of security on school campuses. Those folks will be on the front lines should any disturbance occur. It's a safety issue.

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.

In regards to truancy, if a student is not ill, not in home-schooling, he or she should be in class. Students need to understand and learn there are consequences for inappropriate behavior. Again, this is also something which must be considered on a case by case instance. Not all children are the same, there is no cookie cutter solution. The bad behavior is the symptom, not the cause. The issue which must be addressed is are children engaged within their community? Are there activities and centers where they can have a positive reinforcement of values, rather than what ever they may glean from their peers? Are parents checked in or checked out of the raising of their child?

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.

The word I am having trouble with is GUARANTEE. Businesses should not be compelled to do this. There should be incentives for businesses to do this. Businesses in Hawaii already have so much to contend with, another mandate and further regulation by the the State makes it worse. There should be a program where the business receive a break or reduction on their UI taxes if they offer 12 weeks of paid leave.

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.

Again, GUARANTEE. Businesses should not be compelled to provide this. Regulations like this stifle small businesses. This is purely anecdotal, but mandates similar to this is why my father's small business could not hire more people. We could not afford all of the GUARANTEED mandates the state demanded. As a result our family worked on weekends and my father worked 7-days a week. Businesses should be able to voluntarily provide benefits like this to employees. Tax deferment and incentives could also be offered to businesses who do this willingly.

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.

Fines are meant to be deterrents. I do however agree that we should show compassion to people who cannot afford to pay the fines. Some sort of debt payback agreement should be made available and that over a certain period of time the fines are paid in full, instead of all at once. This is also another situation of looking at the symptom and not the cause. Our State must do a better job at promoting financial literacy among kama'aina. A little knowledge goes a long way. It's also very empowering to be able to take control of ones financial future.

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.

I do not support removing stoppers entirely. Stoppers should remain if the person shows no interest in trying to pay the fine or clearing up the debt incurred. If the individual has a payment arrangement set up, once they reach the halfway point of paying off the fine, the stopper should be removed. And if for some reason the person stops paying after the stopper is removed, it goes back on.

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, the amnesty should be available to all economic demographics and it must be a percentage of the fine is still owed. The individual should not be able to have a slate wiped clean without making some sort of effort to rectify the situation.

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.

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.

This question needs to be fleshed out, it is too broad. Do you mean an individual can seek substance abuse treatment and have their medical insurance be able to cover it? For first and second time treatment, yes. Is substance abuse a public health issue? Yes, it affects all facets of the community, not just the individual.

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.

On the surface this sounds like a great idea - but it is far from the truth. What is outlined in House Bill 2749 increases the size of government and is a knee-jerk reaction to the Kealoha scandal. Yes their crimes are terrible and now all of Mrs Kealoha's cases could be up for review based on her deviousness. Transparency is great, yet you cannot legislate what ifs.

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.

That should be paid by the individual released. Inmates should be working while on the inside and getting paid a small wage, which can be used to pay retribution to their victims families. If they are not compelled to provide retribution, the money goes into an account the inmate can use to purchase college courses to better himself or herself. Those funds can also pay for re-entry services, when they are released. It's about building a future for the outside, from the inside.

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.

Employers should be able to make their own decision on whether to assume the risk or not. Again, if a business would like to hire ex-convicts, then the business can be offered a tax incentive to do so.

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.

Our criminal justice system is definitely broken. Rehabilitation means having a job on the inside, whether it be laundry, food service, teaching, sustainable gardening for the facility. As outlined above, the monies earned go toward restitution, college education, child support, and re-entry services. The First Step Act, federally passed in 2018, is a great example at working on fixing our failing 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.

What is not working is building a facility hoping people will use it. it's great to be able to provide some sort of something for those living on the streets, but there are many different groups and reasons as to why folks are on the streets. You have a faction of mentally ill folks who do not know how to ask or seek help. There is a large homeless population which are drug addicts. Another swath of the homeless include families who prefer to live outdoors due to cultural practices. Then there is the working homeless, those who cannot afford rent. Each group needs a specific solution, not a cookie-cutter answer.

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.

Please see above comment. Our current bill of rights addresses all the fundamentals every human being is afforded. Homelessness is a symptom of a very complex socio-economic problem.

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 stated above, identifying the various groups and determining what the needs are which can be provided and accepted. Not all, but some people truly do not want to be helped. Part of the issue is also the group of homeless which are shipped here by other states. That needs to be stopped immediately - especially in the age of COVID19.

END.

Mahalo for your participation.

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

Aloha!