

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:

Kukana Kama-Toth

SB. Office/District for which you are running:

State House 51

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.

It seems that the technology has a bias that needs to be fixed within its system. I would be interested in learning more regarding the pros and cons of this technology.

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.

Depends what they are using it for. They are a private entity who can operate freely but if civil rights are being disregarded then we would need to have the discussion about the affects of such usage.

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.

This technology can and will help with transparency.

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.

I support the reform. Why should law enforcement have the right to seize personal property without a crime being committed? If a crime was committed in connection to the personal property then that is justifiable for seizure. Why veto such a straight forward bill as this?

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.

I support it because that's part of 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.

Its clear this is a need since it went through the process of becoming law. Is this being poorly funded? I chose not to reply until I can better understand why this group has only met twice since its creation in 2018.

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.

The long term suspensions for our school aged children are ridiculous and is a disservice to our keiki of Hawaii. Suspensions of this magnitude only encourages more TV time, more potential opportunities to be caught up in poor scenarios and is a complete missed opportunity for a positive reform for the student. Factors need to be considered regarding the environment our keiki is growing up in. There are other alternatives that can be made through collaboration with student, students family, the school and other community entities. This can be done on a case to case basis. Throwing a 90 day suspension on a student seems more of a cop out to me then truly finding ways to help the student learn from his or her mistake.

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 believe some schools are in need of peace keepers especially the schools that have a lot of physical altercations. Every student should feel safe in their learning environment. But if there are peace keepers whose behaviors are inappropriate then that is something that should be considered from a legislative perspective.

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.

I support reforming the status offenses for youth. This could actually be a tool to help our students instead of just labeling them. The context of these labels are usually left out and that's the most important part when understanding the environment of each student. We need to be able to get to the root of the problem and understanding the environment of that student is the key. I think this "status offenses" are being used in a wrong way. It could mean a new approach needs to be created to get this right.

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.

Shouldn't ALL workers of Hawaii receive this extended/guaranteed 12 weeks of paid family leave if needed? Everyone has a family that may need additional caring for. Having supports like this will surely keep a happier home but also an economy that can continue to flow without breaks in employment making it a win win for the employee as well as the employer.

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.

Yes I support this. Getting ill is an unplanned and unexpected situation and bills still continue even when you are ill. Having a buffer of support such as this would be helpful to a working society that already has a high cost of living.

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.

I believe some judges consider this when making their decisions in court. I've seen it practiced at the Honolulu traffic courts and I believe that a blanket practice of this will lessen warrants issued and less driver license stoppers for our residents because of the inability to pay fines/court fees.

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.

Thank you for raising awareness to this. This has been an issue of mine for quite some time. This current practice does more of a disservice to our working families than anything else. It forces working parents to take risks of driving their kids to school, doctor appointments and work with a stopper on their license. Many families are having to choose between paying a traffic bill and food on their table or electricity and water in their homes in an already high cost of living state. These added pressures are harmful on a family and an individual. Yes, I support legislation that would end the use of "stoppers" for non payment of traffic and parking fines.

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.

With Hawaii having approximately 300,000 outstanding licenses and registration stoppers a traffic ticket amnesty program would surely ease the burden.

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.

What kinds of savings would come out of legislation of this sort? I'm all for budget improvements for community-based drug treatments. Decriminalizing possession of small amounts of dangerous drugs could in fact keep our jails less compacted but what "savings" would come from this kind of legislation?

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.

The effects of substance use can surely impact entire communities in areas of homeless/housless that impedes on the public accessibility to our parks, beaches, homes and businesses. Substance use could also contribute to domestic violence that may put communities at risk especially in the event of where the domestic violence may take place (ex. in the car, on the road, in a store, in a park etc.). How is it being treated now?

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.

Transparency is key

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.

Is \$200 really enough to survive after being released from prison, especially here in Hawaii?

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.

We all get stuck in a hard spot and may need help.

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.

Every thing has room for improvement including the criminal legal system in Hawaii.

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.

I believe there is good intentions behind what is currently being done but I believe more localized services should be the strong suit for advocacy. These service providers located in their communities work directly with the population of homeless and houseless already. Centralized services like IHS seems to receive the bulk of the funding available for this community. In my own community advocacy here in Waimanalo I've learned that support systems already exist in the areas our houseless and homeless call home. To relocate them to another town/city creates more barriers for an already struggling population. If each community's non profits or service providers were able to be funded and work directly with that community within the communities they live it would serve a better purpose. Also, creating safe zones for "rehabilitation" through a place based approach may help encourage this community to be successful contributors to it. giving each a sense of belonging and responsibility.

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.

This is a community whose rights continue to be over looked. Homeless is a consequence of a broken system and attention needs to be given to it.

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.

It has to be a team approach. There are good things being done. We do not need to reinvent the wheel but we should be focusing on Localized services like I shared in the previous explanation and that is in regards to all areas (short term, medium and long term). For the communities who have health centers located in them they should have localized case managers following each of their housless/homeless helping to create the wrap around service approach, and for better understanding of their situations. Afterall, that is where they receive their medical care. If these towns/city does not have a health center then a community non profit whose focus is in this area should be handling the case management piece, linking this community of people to the resources needed. Sweeps NEED TO STOP. In order for case management to be successful the service provider needs to know where to locate them. Emergency shelters need to be more localized with funding funneling through the local (community)non profits that already service this community. We need more Transitional homes in more parts of each island. The only transitional housing available recently closed and a new entity is in transition but during this transition a large family slipped through the cracks and ended up on our beach here in Waimanalo so again, more transitional housing is needed. An educational factor is a must to help with paper obtainment for medical resources, ID's, Social Security, SNAP help and benefits etc. And This "one way in" approach through the VI-SPDAT? Again the intent is good but it encourages homeless/houseless to relocate out of the communities they call home encouraging them to trade one support for another. This happens because of funding to one main source (IHS). If these monies were given based upon the homeless/housless time count then why not have more localized help/efforts receive the funding to serve that community? I am only one individual but through collaborative efforts and idea sharing more can be done to find solution. I also believe in a safe zone area where this community can take part in not only housing but also in the rehabilitation of self through belonging and having responsibility on the land as well as being compensated for their contribution to such a community. There are many barriers to cross when speaking about this area of need but I am committed to working to find solution(s).

END.

Mahalo for your participation.

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

Aloha!