

**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:

Michael Chapman

SB. Office/District for which you are running:

State House District 45

**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.

**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.

We need to proceed cautiously when it comes to the use of data, including an individual's likeness. We need to get ahead of this technology before it grows out of control.

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.

We entrust law enforcement officers with a tremendous amount of responsibility. We need to make sure that this responsibility comes along with a sufficient amount of accountability.

**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.**

In 2019, I submitted testimony to Governor Ige, urging him not to veto this bill. I was extremely surprised when he vetoed this measure, and found the explanation incoherent. This reform, if passed, would still allow law enforcement to seize assets while a case was pending. Therefore, it would continue to have the exact same utility as a public safety tool that it currently has. The difference is that law enforcement would not be allowed to sell the assets until the individual was convicted; if the defendant was found 'not guilty,' they would have to return the property to the defendant. In other words, this reform would only do one thing – remove the potential for law enforcement to profit from seizing and selling the property of innocent individuals.

**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.**

Responsibility must come with accountability. Law enforcement have difficult, high-stakes jobs. We should acknowledge this not by giving them special protections, but by holding them to the highest standards.

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.

It is essential that we maintain meaningful oversight to ensure quality in law enforcement.

**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.

Suspensions punish students in a way that ostracizes them. There is a high risk of discrimination in which students are suspended and which are reprimanded in other ways. Education, in many ways, is a self-fulfilling prophecy. If we make students think they're "bad kids," there is a good chance that will come true. We need to give students the help they need, from mental health to peer mediation, to set them on the right path.

**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.

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.

Status offenses of this type often worsen the problem, rather than resolving it.

**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.

Our workers deserve time with their families, especially when that time is most precious. It is time that we provided this as a right.

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.

Paid sick leave is a common sense measure. Our lack of a paid sick leave guarantee incentivizes workers to go to work sick, which not only puts their own recovery at risk, but also risks the spread of disease and viruses to coworkers. It is counterproductive to try to eliminate the productivity losses caused by illness by encouraging more illness. Sick leave should be mandatory and should be accrued separately from other forms of paid leave. Workers should also be able to use this sick leave for healthcare appointments. We need to be smart and value the wellbeing of our workers.

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.

To a millionaire, a \$100 speeding ticket is a drop in the bucket. To a struggling family, a \$100 speeding ticket might mean missing a rent payment or cancelling a family dinner. This is one example of a 'regressive' justice system that disproportionately punishes poverty, creating more poverty in the process.

**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.

If someone is unable to pay a parking ticket, taking away their transportation does nothing to solve the problem.

**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.

If someone is unable to pay a traffic ticket, fines and late fees continue to be layered on top of that ticket – making it even more difficult to pay. Amnesty from these fees would lift a burden from those in the most tenuous economic positions.

**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.

The "war on drugs" has failed, in large part due to our fixation on punitive approaches like incarceration. We have skyrocketing incarceration rates, plagued with disproportionate punishment of minorities, without any positive results to show for it. Addiction is a health problem, and we need to start treating it as such. Locking someone up does not solve the underlying psychological and mental health struggles that led them to substance dependence in the first place. Instead, it separates people from their jobs and families, two sources of stability. This means that they can no longer earn money and provide for their families, which adds instability to the community. This perpetuates a cycle of: poverty leading to emotional trauma; emotional trauma leading to substance abuse; substance abuse leading to incarceration; incarceration leading to poverty. We need to resist these cycles, rather than reinforcing them through our criminal justice system.

**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.

**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.



**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.

The main goal of our criminal justice system is to reduce crime. We cannot reduce crime if we release individuals without re-entry services and throw them straight back into the very situations that led them into trouble in the first place.

**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.

**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.

I cannot say that our criminal legal system is working when Native Hawaiians are over-represented in every phase of the system, from arrests to probation to incarceration. When convicted of the very same crime, white defendants are only 2/3 as likely as Native Hawaiian defendants to receive prison time. In addition, our black incarceration rate doubles our white incarceration rate. According to the 2019 report of the HCR 85 Task Force on Prison Reform, Hawaii would be a top-twenty incarcerator in the world if it were its own country. We send thousands of inmates to a private prison in Arizona, where they are separated from their families and their culture. That means we are giving away millions of dollars in taxpayer money to a private prison corporation. Our criminal legal system does some things right – but with the data listed above, I cannot say in good conscience that it is working.

**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 that the Department of Human Services and various non-profits have assembled some fantastic programs to help individuals experiencing houselessness. That is where the focus should be – on helping. We cannot continue to criminalize poverty and mental illness; doing so is counterproductive and inhumane. We should expand our human services programs, enhance our mental health resources, and continue partnerships with local non-profits.

**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.

In the short term: - Instead of sending police officers to deal with houseless individuals, send social workers to conduct mental health assessments, direct individuals to shelters, and connect them with other resources. In the medium term: - Expand our affordable housing supply, utilizing a range of dwelling options, such as shelters, micro-unit developments, and affordable apartments, and to include housing developments with on-site counselors, healthcare workers, and caseworkers. In the long term: - Develop the economy in a way that benefits our struggling families, in order to diminish the causes of homelessness. Institute an atmosphere of rehabilitation over punishment that seeks to resolve, rather than punish, houselessness.

*END.*

Mahalo for your participation.

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

Aloha!