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# HOUSE CONCURRENT RESOLUTION

REQUESTING ALL AGENCIES IN THE CRIMINAL JUSTICE SYSTEM TO  
CONDUCT MANDATORY AND ONGOING IMPLICIT, UNCONSCIOUS BIAS  
TRAINING FOR ALL EMPLOYEES.

1           WHEREAS, bias-based profiling is an action or decision  
2 based solely on a trait common to a group, including but not  
3 limited to race, ethnicity, gender, sexual orientation,  
4 religion, economic status, background, age, or culture; and  
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6           WHEREAS, the absence of facts, suspicious activity, or  
7 specific criminal information is what separates bias-based  
8 profiling from legitimate criminal profiling; and  
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10          WHEREAS, the implicit bias phenomenon is being explored in  
11 many phases of the criminal justice system and is not limited to  
12 law enforcement; and  
13

14          WHEREAS, implicit bias is being studied in judicial  
15 decision making, such as jury selection, jury instruction, and  
16 sentencing decisions, as well as in hiring and promotion  
17 decisions within criminal justice agencies; and  
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19          WHEREAS, outside of the criminal justice field, the topic  
20 has been examined in the fields of education and medicine, as  
21 well as in chief executive officer selection at Fortune 500  
22 companies; and  
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24          WHEREAS, a discussion on implicit bias must start with a  
25 brief explanation of how the brain sorts, relates, and processes  
26 information; and  
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28          WHEREAS, much of the day-to-day processing is done at an  
29 unconscious level as the mind works through what Professor Jerry  
30 Kang of the University of California, Los Angeles calls schemas,  
31 which are "templates of knowledge that help us organize specific  
32 examples into broad categories"; and



1  
2 WHEREAS, implicit, unconscious bias is an important issue  
3 in Hawaii, as evidenced by the 2010 Office of Hawaiian Affairs  
4 report, "The Disparate Treatment of Native Hawaiians in the  
5 Criminal Justice System" and the Native Hawaiian Justice Task  
6 Force Report; and

7  
8 WHEREAS, the task force found that disproportionate  
9 representation of Native Hawaiians in prisons suggests implicit,  
10 unconscious bias against the native population by law  
11 enforcement, courts, and corrections employees; and

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13 WHEREAS, there are compelling reasons to believe that  
14 prosecutors unwittingly display implicit bias at a variety of  
15 decision points, and in the aggregate, the harm of these biases  
16 is quite substantial; and

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18 WHEREAS, the Hawaii Judiciary has conducted unconscious,  
19 implicit bias training for all judges; and

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21 WHEREAS, justice should not wait, and the search for  
22 fairness in the criminal justice system must continue with both  
23 a moral compass and a thirst for emerging social-scientific  
24 knowledge; and

25  
26 WHEREAS, properly defining and identifying bias-based  
27 profiling is essential for the advancement of civil rights; now,  
28 therefore,

29  
30 BE IT RESOLVED by the House of Representatives of the  
31 Twenty-seventh Legislature of the State of Hawaii, Regular  
32 Session of 2013, the Senate concurring, that all agencies in the  
33 criminal justice system are requested to conduct mandatory and  
34 ongoing implicit, unconscious bias training for all employees;  
35 and

36  
37 BE IT FURTHER RESOLVED that certified copies of this  
38 Concurrent Resolution be transmitted to the Attorney General,  
39 Director of Public Safety, Chair of the Hawaii Paroling  
40 Authority, Honolulu Prosecuting Attorney, Maui Prosecuting  
41 Attorney, Hawaii Prosecuting Attorney, Kauai Prosecuting  
42 Attorney, Honolulu Police Chief, Maui Police Chief, Hawaii  
43 Police Chief, Kauai Police Chief, Senate President, Speaker of  
44 the House of Representatives, Chair of the Senate Committee on



# H.C.R. NO. 134

1 Public Safety, Intergovernmental and Military Affairs, and Chair  
2 of the House of Representatives Committee on Public Safety.  
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OFFERED BY: \_\_\_\_\_

*Kal Thrush*

MAR 13 2013

