
HOUSE CONCURRENT RESOLUTION

REQUESTING ALL AGENCIES IN THE CRIMINAL JUSTICE SYSTEM TO
CONDUCT ANNUAL, MANDATORY, IMPLICIT, UNCONSCIOUS BIAS
TRAINING FOR SPECIFIC 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
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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 WHEREAS, implicit, unconscious bias is an important issue
2 in Hawaii, as evidenced by the 2010 Office of Hawaiian Affairs
3 report, "The Disparate Treatment of Native Hawaiians in the
4 Criminal Justice System" and the Native Hawaiian Justice Task
5 Force Report; and

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

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

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

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

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

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

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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,



1 Hawaii Police Chief, Kauai Police Chief, Senate President,
2 Speaker of the House of Representatives, Chair of the Senate
3 Committee on Public Safety, Intergovernmental and Military
4 Affairs, and Chair of the House of Representatives Committee on
5 Public Safety.

