
HOUSE 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
5

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
9

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
18

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
23

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
27

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,



1 which are "templates of knowledge that help us organize specific
2 examples into broad categories"; and
3

4 WHEREAS, implicit, unconscious bias is an important issue
5 in Hawaii, as evidenced by the 2010 Office of Hawaiian Affairs
6 report, "The Disparate Treatment of Native Hawaiians in the
7 Criminal Justice System" and the Native Hawaiian Justice Task
8 Force Report; and
9

10 WHEREAS, the task force found that disproportionate
11 representation of Native Hawaiians in prisons suggests implicit,
12 unconscious bias against the native population by law
13 enforcement, courts, and corrections employees; and
14

15 WHEREAS, there are compelling reasons to believe that
16 prosecutors unwittingly display implicit bias at a variety of
17 decision points, and in the aggregate, the harm of these biases
18 is quite substantial; and
19

20 WHEREAS, the Hawaii Judiciary has conducted unconscious,
21 implicit bias training for all judges; and
22

23 WHEREAS, justice should not wait, and the search for
24 fairness in the criminal justice system must continue with both
25 a moral compass and a thirst for emerging social-scientific
26 knowledge; and
27

28 WHEREAS, properly defining and identifying bias-based
29 profiling is essential for the advancement of civil rights; now,
30 therefore,
31

32 BE IT RESOLVED by the House of Representatives of the
33 Twenty-seventh Legislature of the State of Hawaii, Regular
34 Session of 2013, that all agencies in the criminal justice
35 system are requested to conduct annual, mandatory, implicit,
36 unconscious bias training for employees who have direct contact
37 with offenders or individuals in the criminal justice system;
38 and
39

40 BE IT FURTHER RESOLVED that certified copies of this
41 Resolution be transmitted to the Attorney General, Director of



1 Public Safety, Chair of the Hawaii Paroling Authority, Honolulu
2 Prosecuting Attorney, Maui Prosecuting Attorney, Hawaii
3 Prosecuting Attorney, Kauai Prosecuting Attorney, Honolulu
4 Police Chief, Maui Police Chief, Hawaii Police Chief, Kauai
5 Police Chief, Senate President, Speaker of the House of
6 Representatives, Chair of the Senate Committee on Public Safety,
7 Intergovernmental and Military Affairs, and Chair of the House
8 of Representatives Committee on Public Safety.

