

MAR 13 2013

SENATE 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
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,
31 which are "templates of knowledge that help us organize specific
32 examples into broad categories"; and



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

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

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

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

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

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

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

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

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



S.C.R. NO. 116

1 Public Safety, Intergovernmental and Military Affairs, and Chair
2 of the House of Representatives Committee on Public Safety.

3
4
5

OFFERED BY:

A handwritten signature in black ink, appearing to be "M. Miller", written over a horizontal line.