

POLICE COMMISSION  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



RONALD I. TAKETA  
Chair

OUR REFERENCE

February 8, 2016

CHA THOMPSON  
Vice-Chair

The Honorable Gregg Takayama, Chair  
and Members  
Committee on Public Safety  
House of Representatives  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

LUELLA T. COSTALES  
EDDIE FLORES  
HELEN H. HAMADA  
MAX J. SWORD  
MARC C. TILKER

Dear Chair Takayama and Members:

Subject: House Bill 2102, Relating to Training

The Honolulu Police Commission (Commission) appreciates the opportunity to provide comments on House Bill 2102, Relating to Training.

The proposed measure would amend Chapter 52D, Hawaii Revised Statutes, to add a new section that, in part, would require the Commission to establish a training program that includes courses on cultural competency, implicit bias, and racial and ethnic sensitivity for police officers, ostensibly of the Honolulu Police Department (HPD). We respectfully submit the following should this measure be moved out of committee for further consideration:

The Commission does not have the authority to establish such a program for HPD. The Commission's scope of authority is specifically enumerated in Section 6-1605 of the Revised Charter of the City and County of Honolulu (Charter). Such section continues on to prohibit the Commission from interfering with the administrative affairs of HPD except as otherwise provided in the Charter. The development and establishment of any training program by the Commission for HPD, including the proposed cultural training, is not expressly provided for in Section 6-1605 or anywhere else in the Charter and is therefore prohibited.

Thank you for the opportunity to testify.

Sincerely,

DANIEL W. S. LAWRENCE  
Executive Officer

DWSL:ey

c: The Honorable Kirk Caldwell, Mayor  
Louis M. Kealoha, Chief of Police



TESTIMONY IN SUPPORT OF  
HB 2102 – RELATING TO TRAINING

Khara Jabola-Carolus, Lead Organizer  
Hawai‘i Coalition for Immigrant Rights

House Committee on Public Safety  
February 11, 2016, 10:00 a.m., Conference Room 309

Dear Chair Takayama, Vice Chair Yamashita, and Members of the Committee:

On behalf of the Hawai‘i Coalition for Immigrant Rights (HCIR), the immigration arm of Faith Action for Community Equity (FACE), I would like to thank the Committee for this opportunity to testify. H.B. 2102, if enacted, would require police commissions to establish and police officers to complete training programs on cultural competency and implicit bias and racial and ethnic sensitivity. The Coalition recommends several amendments to H.B. 2102, but otherwise supports this bill as an important step toward strengthening community-police relations through impartial policing and procedural justice.

HCIR is the only organization in Hawai‘i that coordinates policy advocacy to advance the rights of newcomers to the state. Through our community work, we know that identity profiling breaks the trust between law enforcement and community that is essential to a safe Hawai‘i. Just last week, HCIR received complaints that individuals within our membership are being stopped, interrogated, and arrested by a particular police officer for no reason other than their perceived national origin, gender, and housing status. We believe that these individuals are victims of discriminatory practices.

In addition, HCIR finds the pattern of gender-based violence by individual law enforcement officers to be genuinely troubling and dangerous to police legitimacy. Gender is a cultural practice. Any training mandated by this bill should include education that sensitizes law enforcement offices to gender concerns.

Finally, any training to reduce the influence of implicit bias should be conducted in a uniform way based on best practices and available science. Success should be measured through the Implicit Assessment Test (IAT) or a similar standard in anti-bias training, as well as a reduction in the number of public complaints to each police commission.

For these reasons, we submit the following amendments to H.B. 2102:

## **“§353C-1. Definitions**

Whenever used in this chapter, unless the context otherwise requires:

. . .

“Gender” has the same meaning as “gender identity or expression” in Section 378-1.

“Implicit bias” means a discriminatory bias based on implicit attitudes or stereotypes that can produce behavior that diverges from the avowed or endorsed beliefs of a person.

**“§52D- Bias and cultural competency training.** (a) Each police commission shall establish [a] an evidence-based training program that includes courses on cultural competency, implicit bias, and racial, [and] ethnic, and gender sensitivity. In developing the training, each commission shall consult with the Implicit Bias Advisory Board established pursuant to subdivision (c). Each officer shall complete [~~a minimum of hours of training every years~~] the minimum hours of training per year as recommended by the Implicit Bias Advisory Board. To ensure measurable success of the training program, each commission shall, on an annual basis, administer the Implicit Assessment Test (IAT) to officers who have completed the training.

. . .

(c) (1) Beginning July 1, 2016, the Attorney General shall establish the Implicit Bias Advisory Board for the purpose of eliminating racial and identity profiling, and improving diversity and identity sensitivity in law enforcement.

(2) The Implicit Bias Advisory Board shall include:

- (A) The Attorney General, or his or her designee;
- (B) The State Public Defender, or his or her designee;
- (C) The Executive Director of the Hawaii Civil Rights Commission, or his or her designee;
- (D) Two university professors who specialize in implicit bias, and racial and identity equity;
- (E) Two representatives of community organizations who specialize in civil or human rights, and work with victims of identity profiling.

(3) Each year, on an annual basis, the Implicit Bias Advisory Board shall review and analyze law enforcement training under this section.

(4) Members of the Implicit Bias Advisory Board shall not receive compensation, nor per diem expenses for their services as members.

(5) No action of the Implicit Bias Advisory Board shall be valid unless agreed to by a simple majority of its members.

(6) The initial terms of Board members shall be four years.

(7) Each year the Implicit Bias Advisory Board shall elect two of its members as co-chairpersons.

Accordingly, we request that your Committee PASS the bill with our recommended amendments. Thank you for the opportunity to provide testimony.

Sincerely,

Khara Jabola-Carolus



[www.facebook.com/cofacan](http://www.facebook.com/cofacan) ; [cofacanhi@gmail.com](mailto:cofacanhi@gmail.com)

Aloha Chair Takayama, Vice Chair Yamashita, and Representatives. Thank you for the opportunity to submit testimony in **SUPPORT**.

COFACAN stands for Compact of Free Association Community Advocacy Network, and we represent an ad-hoc network of individuals from the Freely Associated States of the Republic of the Marshall Islands, Palau, and the four Federated States of Micronesia, Yap, Kosrae, Chuuk, and Pohnpei. We encourage civic participation, and proactively share and highlight the positive contributions of the Micronesian community, combatting negative stereotypes that seek to dis-empower COFA diaspora in the state of Hawai'i and the continental United States.

COFACAN **SUPPORTS** HB2102, which requires the police commission to create a training program for police officers and public safety personnel that includes curriculum on cultural competence, implicit bias, and racial and ethnic sensitivity. We believe this is an important and critical step to ensuring that all individuals and communities in Hawai'i, regardless of ethnic backgrounds, can live healthy, happy, and safe lives.

First and foremost, this step by the police department to acknowledge the need for implicit bias training is an important way to build trust in the capabilities of the police force to enforce rule of law and act as leaders in the community. For many in our Micronesian community, interactions with the police only re-enforce mutually harmful stereotypes and myths. Factual inaccuracies about Micronesians welfare status<sup>1</sup>, bad behavior, and other explicit and implicit biases are perpetuated and left unchallenged by legal professionals, social service agencies, and the criminal justice system.<sup>2</sup> As we work to educate as well as train our community to recognize their own implicit biases and work to correct them, we also need to train our police force and adequately equip them to do their job if we want to ensure that our entire community is safe, free from discrimination, and feel free to work collaboratively and turn to law enforcement to keep our community safe.

Recently, Charles Lawrence, a noted constitutional law scholar in the United States, discussed the ways that implicit biases harm Micronesians, and our entire community. He noted, "here in Hawai'i we claim it is different. We recognize and celebrate our ethnic diversity and multiracial genealogies. We sing songs and tell jokes about our cultural practices, food preferences and accents. Even when we tell stories about the segregation and hierarchy of the plantation it is a nostalgic story of a distant past. Nonetheless, we understand the meaning of [sending a message to the Micronesian community by a requesting a judge to give a harsh criminal sentence]. Although we might seek to distance ourselves from the racist meaning of those words by designating him the perpetrator, the culpable and causal actor, our understanding of his text implicates all of us. We understand his words because they gesture toward and signify a shared understanding about Micronesians, about their blackness, their foreignness, their dirtiness, their scariness, their bestiality, their less-human-than-the-rest-of-us-ness. I use these hard-to-hear words to describe our shared beliefs quite intentionally. They come from a lexicon that Americans have used to imagine and construct my own people. They are words that inhabit and shape the narrative of white supremacy, words and images that at different moments in history meant and signified Chinese or Japanese, that still often mean Filipino, or Samoan or Native Hawaiian, but in this moment in Hawai'i's history we have designated our brothers and sisters from the Micronesian islands to assume the role of blackness. I will not use the "N" word, but you get my meaning."<sup>3</sup>

COFACAN urges you to please **SUPPORT and PASS HB 2102** .

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<sup>1</sup> Contrary to popular belief, Micronesians are not eligible for most welfare benefits, including SNAP (food stamps). Because Micronesians cannot benefit from most programs our taxes pay for, it is Micronesian supporting non-Micronesians through their tax contributions. See infographic available at Hawai'i Appleseed Center, <http://hiappleseed.org/immigrant-rights>

<sup>2</sup> See Honolulu Star Advertiser, December 15, 2014, Remark about ethnicity wins convict resentencing hearing

<sup>3</sup> See Charles Lawrence, Local Kine Implicit Bias: Unconscious Racism Revisited (Yet Again) 37 Hawaii L. Rev. 457 (Spring 2015)

Mark Fujishiro  
Markdf@hawaii.edu  
2/09/2016

**To:** House Conferees: Representatives Gregg Takayama, Chair, Kyle T. Yamashita, Vice Chair and Members of the House Committee on Public Safety

**From:** Mark Fujishiro, MSW Student of the Myron B. Thompson School of Social Work

**RE:** HB 2102, Relating To Training-support

House Conferees, I am testifying in **strong support** of HB 2102.

My name is Mark Fujishiro and I am a MSW student at the Myron Thompson School of Social Work within the University of Hawaii at Manoa school system. H.B. No 2102 provides training opportunities for law enforcement officers in addressing well needed skills in cultural competency and bias identification. Cultural competency is one of the main staples when providing services to clients within social work and is the ability to work effectively in cross cultural situations. With the social work core value of cultural competence comes the ability to identify personal biases that are derived from our own experiences within the life cycle. When identifying these biases, the individual can acquire a sense of self awareness that can be used as a buffer that blocks any feelings or actions that may hinder the effectiveness of the services provided. I believe that these social work values can translate over to law enforcement and the ways in which these officers work with the community.

I, as a social work student, strongly believe that any individual, department, or agency who work with a diverse range of ethnic and cultural groups must continuously educate themselves on effective ways of understanding and communicating with the populations they serve. Honolulu Police Department among all law enforcement agencies in the state of Hawaii work with populations from all corners of the globe. Understanding where these individuals originate from will help to provide effective services and build rapport with the communities these officers took an oath to serve. I as a Master's in Social Work student strongly supports H.B. No. 2102.

Sincerely,

Mark D. Fujishiro