

Winter 1992

## Addendum to the Report and Recommendations of the Florida Supreme Court Racial and Ethnic Bias Study Commission

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### Recommended Citation

Florida Supreme Court Racial and Ethnic Bias Study Commission, *Addendum to the Report and Recommendations of the Florida Supreme Court Racial and Ethnic Bias Study Commission*, 19 Fla. St. U. L. Rev. 665 (1992) .

<https://ir.law.fsu.edu/lr/vol19/iss3/3>

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# ADDENDUM TO THE REPORT AND RECOMMENDATIONS OF THE FLORIDA SUPREME COURT RACIAL AND ETHNIC BIAS STUDY COMMISSION

## I. LEGISLATION<sup>1</sup>

In response to the Commission's Report and Recommendations, the Legislature unanimously approved Committee Substitute for Committee Substitute for House Bill 1431. The bill, which was signed by Governor Lawton Chiles on May 9, 1991, does the following:

1. Mandates a minimum representation of three minorities or women on the state's judicial nominating commissions, which are responsible for making recommendations to the Governor on possible appointees to Florida's judiciary.

2. Mandates a minimum representation of minorities on both the Commission on Juvenile Justice and the Juvenile Justice Standards and Training Council. These organizations are responsible for developing the state's policies and training curricula in the juvenile justice area.

3. Creates a Civil Rights Division in the Attorney General's Office and vests the Division with the authority to investigate alleged violations of civil rights secured by the Florida Constitution and by Florida law. The Division may sue to enjoin such harassment or to recover damages, including civil fines of \$10,000 per violation and attorneys' fees from the violator.

4. Mandates a minimum of eight hours of basic training and an additional eight hours of continuing education on racial and ethnic relations—emphasizing awareness of cultural differences—for law enforcement officers. Courses dealing with areas of interaction between officers and racial and ethnic minorities such as use of force, stops, and interpersonal interaction must include up-to-date instruction relating to minority issues.

5. Requires the Criminal Justice Executive Institute to report annually to the Legislature describing the needs of criminal justice executives in racially and ethnically sensitive areas and how those needs are being met through training by the Institute.

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1. Ch. 91-74, 1991 Fla. Laws 567; *see also* Florida Supreme Court Racial and Ethnic Bias Study Commission, Summary of CS/CS/HB 1431, 1991 (on file at Fla. Sup. Ct. Archives, Tallahassee, Fla.).

6. Requires the Criminal Justice Executive Institute to conduct research projects using the community colleges and universities to improve law enforcement interaction with minorities.

7. Mandates an annual review of compensation and race and gender employment policies of county and circuit court personnel and employees of state attorneys and public defenders to eliminate salary discrimination based on race or gender.

## II. ADMINISTRATION<sup>2</sup>

In addition to the recent legislation, state agencies have undertaken specific actions to reduce the effect of racial and ethnic bias in Florida's legal system:

### A. *Judicial System Work Force Composition and Training*

#### *The Commission's Findings: Judges*

1. Minorities comprised 5.5% of judges.
2. Four out of five appellate courts had no minority judges.
3. Minority females comprised 1% of all judges.
4. No appellate court had a minority female judge.
5. Minorities comprised 9.2% of members of judicial nominating commissions.
6. Four out of five appellate judicial nominating commissions had no minority members.
7. No African-American attorney had served as a member of a judicial nominating commission.

#### *Implementation*

1. On August 1, 1991, Governor Chiles appointed twenty-three African-Americans and one Hispanic to the state's judicial nominating commissions, thereby increasing minority representation on the commissions to 23.4%.<sup>3</sup>

#### *The Commission's Findings: Court Employees<sup>4</sup>*

1. Minorities comprised 9% of all state court employees.
2. No minorities served as administrators, and only 3% of all professionals were African-American.

2. See Florida Conference of District Court of Appeal Judges, Key Findings of First Report and Efforts Toward Implementation, 1991 (on file at Fla. Sup. Ct. Archives, Tallahassee, Fla.).

3. Press Release from Gov. Lawton Chiles, Aug. 1, 1991 (on file at Fla. Sup. Ct. Archives, Tallahassee, Fla.).

4. See *supra* note 2.

### *Implementation*

1. The Florida Supreme Court significantly improved minority representation in professional positions.
2. The Florida Supreme Court implemented a strict policy of advertising all positions in the minority press.
3. The Florida Supreme Court appointed an Equal Employment Opportunity (EEO) Coordinator and continues to seek funding for a full-time EEO Office.
4. Cultural sensitivity training is offered to circuit judges at the annual judges' conferences.
5. Some individual circuits are actively developing their own cultural training programs for court employees.
6. EEO training is offered to all court administrators at a judges' conference.

### *B. Law Enforcement Interaction with Minorities<sup>5</sup>*

#### *The Commission's Finding*

1. The relationship between law enforcement and members of minority groups has been adversely affected by cultural misunderstandings.

### *Implementation*

1. The Criminal Justice Training Advisory Group has been created by the Florida Department of Law Enforcement to monitor the implementation of the recent legislation.
2. Local law enforcement agencies have held training seminars.

### *C. Juvenile Justice System<sup>6</sup>*

#### *The Commission's Findings*

1. Policies of the juvenile justice system result in minority juveniles being treated more harshly by the system.
2. Opportunities for informal processing and diversion are not equally accessible to minorities.

### *Implementation*

1. Individual circuits, such as the Ninth Judicial Circuit, are conducting juvenile justice cultural training seminars for all juvenile

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5. See *supra* note 2.

6. See *supra* note 2.

justice professionals in the area. The juvenile justice judges have given their full support.