

GRAND JURY
REPORT
Fall Term, A. D. 1946

for

Dade County, Florida

Filed

30th JANUARY, 1947

IN THE CIRCUIT COURT
OF THE
ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA

IN AND FOR THE
COUNTY OF DADE

FALL TERM, A. D. 1946

Norman Pancoast—Foreman

A. J. Cleary—Vice-Foreman

Ben H. Cocroft—Clerk

G. L. Aydelotte

Carl Forcier

Edward A. Kerr

Charles E. Bragg, Jr.

Charles L. Collins

Clifford D. Fossey

L. P. Ireland, Sr.

Morris E. Kantor

James Cameron

Uius B. Everett, Jr.

John H. Jernigan

Martin Avery, Jr.

Albert M. Clark

Alexander M. Jeppeway

L. P. Ireland, Jr.

Glenn C. Mincer, State Attorney

Samuel O. Carson, Assistant State Attorney

Report of the Grand Jury

TO THE HONORABLE JUDGES OF THE ABOVE STYLED COURT:

We, the Grand Jury, duly impaneled and sworn to inquire in and for the body of the County of Dade, impaneled at the Fall Term, A. D. 1946 of the Circuit Court of the Eleventh Judicial Circuit of Florida, respectfully report to the Court and make the following recommendations.

CAPITAL CASES

We have considered the capital cases against six persons and have returned the following indictments, to-wit:

MURDER IN THE FIRST DEGREE	3
MURDER IN THE SECOND DEGREE	1
RAPE	1
NO TRUE BILLS	1

HOSPITAL CONDITIONS

After taking a great deal of testimony from various experts and persons who are thoroughly familiar with the hospital conditions in Dade County, it is readily apparent that there is now a serious shortage of hospital beds which it is estimated will reach 1500 by the year 1950. Regardless of the proposed plans of two eleemosynary institutions to help alleviate the situation, there will still be a shortage of 1000 hospital beds. Notwithstanding the desire of this Grand Jury, the City of Miami or any other persons to increase these facilities, the City of Miami is not financially able to carry any additional burden along this line. The logical step, we believe, would be for Dade County, which has a broader tax base, to take over Miami owned Jackson Memorial Hospital, operate and expand the hospital by not less than 500 additional beds, together with the necessary facilities to put the same into efficient operation.

In spite of the fact that the care of the sick and indigent at Jackson Memorial Hospital is costing the City taxpayers more than \$600,000 per year, the City Commission refuses to turn the Jackson Memorial Hospital over to Dade County.

The Constitution of the State of Florida provides that "the respective counties of the State shall provide for those inhabitants who, by reason of age, infirmity or misfortune, may have claims upon the aid and sympathy of society," which we interpret to include the sick and indigent. This obligation is generally recognized by the Dade County Commission who are authorized by law to charge for hospitalization according to the ability of the patient to pay.

We recommend that the City Commissioners and the County Commissioners have a round table discussion with the welfare of the sick and indigent at heart, and work this problem out for the benefit and betterment of the people of Dade County, and without being influenced during their discussions by any other unrelated problems that may have arisen, upon which agreement has been heretofore impossible.

We wish to call to the attention of the City and the County Commissioners that the voting freeholders of Miami at the election of May 8th, 1946, voted inside the City of Miami 17,419 for and 2,473 against, and outside the City of Miami 10,786 for and 1,370 against the taking over of the Jackson Memorial Hospital by Dade County. This Grand Jury considers this vote to be a mandate by the voters.

MEDICAL AND DENTAL SCHOOL

The 1945 Legislature enacted a bill providing for a medical and dental school in the State of Florida. No appropriation was made, nor has a location been selected. The Dade County Delegation of the 1947 Legislature will introduce a bill to provide a location and also an appropriation for such school. We believe that Dade County is the logical place for the medical school by reason of its large population, location, climate and hospital facilities. We urge that the County Commission, the City Commissions of all of our various municipal governments, the Dade County Medical Society, the Dade County Dental Society, all civic, church and fraternal organizations immediately organize and give the solid backing to our Dade County Legislature in obtaining these schools. Time is the essence.

\$2,000,000 BOND ISSUE

A \$2,000,000 bond issue was submitted by the County for the specific improvement of Jackson Memorial Hospital. This bond issue did not pass simply because a sufficient number of freeholders failed to vote on the issue. Therefore, it is apparent that the "stay-at-home" voters control the issuance of bonds rather than the majority vote. We recommend that the Constitution be changed insofar as it applies to Dade County and give Dade County the power to issue bonds after the same shall have been approved by a majority of the votes cast in an election in which at least 30 percent of the freeholders who are qualified electors shall participate.

CONSOLIDATION OF OFFICES

We believe that the offices of State Attorney and County Solicitor are somewhat over-lapping in their function in the prosecution of crime. Greater efficiency and less expense would result from the consolidation of the State Attorney office and the office of the County Solicitor.

We find there are other political subdivisions which might be consolidated, with particular reference to the cities and the county each having separate Tax Assessors and Tax Collectors. As a result, the taxpayer finds himself muddled and inconvenienced and sometimes resulting in the loss of property. We, therefore, recommend that the Dade County Legislative Delegation sponsor such legislation as will make it possible to consolidate all the tax assessing offices into one. We believe that the legislation should be drawn in such a way that each city could decide for itself whether or not it desires to avail itself of the advantages of this legislation.

INSPECTION OF INSTITUTIONS

The Jury made a visit to the Miami City Jail located in the Court House in Miami, and found the conditions there to be wholly unsatisfactory, unsanitary, unhealthy, revolting and not a fit place for human habitation. It appeared to us that the food used and served in the Miami City Jail was far inferior to the food served in the County

Jail. We cannot recommend too strongly that steps be taken immediately by the City Commission and the City Manager to correct this situation.

We further recommend that the County health authorities make frequent inspections of all municipal and county institutions and use every effort possible to keep all the sanitation and health standards at a high level.

We visited the County Jail, County Stockade and County hospital at Kendall and found them to be in excellent condition and well managed. The Jackson Memorial Hospital, under its present management, is rendering excellent service to the people of Dade County but is in a dangerously over-crowded condition.

THE TARDUCCI CASE

On the early morning of the 20th day of September, 1946, one Betty Jane Davidson, female, was run over and killed by an automobile on Biscayne Boulevard at approximately 128th Street. It was determined by the Investigator that the deceased had come to her death by reason of an automobile driven by one Sam George, residing at the Corsair Hotel, Miami Beach, Florida, who was without fault. Later, Karl Engel, Chief of Police of North Miami, took into custody and questioned one Orlando Tarducci concerning the death of Betty Jane Davidson. The questioning took place in the North Miami Police Station. One continuous session of questioning lasted for a period of more than forty hours, and a few days later another such session lasted for more than 32 hours, both taking place in the North Miami Police Station. The only furniture in the room was three chairs and the suspect was not permitted to sleep during either of said continuous sessions, although he was given food and water. As a result of the questioning, Tarducci made at least three separate confessions. No useful purpose would be served by further reciting either the confessions or the facts surrounding the killing of Betty Jane Davidson.

This Grand Jury was requested by the Circuit Court to investigate the conduct of the officers in making the investigation and

in questioning the suspect. We believe that the officer in this case, Chief Karl Engel, acted with an excess of official zeal, and far exceeded his authority in questioning the suspect for a continuous period of more than 40 hours.

Lack of sleep is a severe strain, and a high degree of force working on the minds of men. By such treatment, if continued long enough, the most innocent of people can be induced to confess to crimes which they have not committed. Our law doesn't contemplate that such methods be used, and as the Court has said, such confessions can never be accepted as being freely and voluntarily given. The officer involved merits the public reprimand and rebuke of this arm of the government in order that no law enforcement officers of this county may in the future be tempted to use such obsolete methods in obtaining so-called confessions from suspects.

We wish to commend Circuit Judge George E. Holt for his courageous and prompt action in this matter and in calling these wholly unacceptable methods of law enforcement to the attention of the Grand Jury in order that hereafter any person, whether guilty or innocent, may be protected from the over-zealousness of the law enforcement officers.

There being no further business pending it is our hope that the Court will dismiss and discharge this Jury upon the rendition of this unanimous report, provided, however, that the members of this Grand Jury are willing to return upon request of the Court to take care of any emergency should it arise during this Fall Term of 1946.

Respectfully submitted,

DADE COUNTY GRAND JURY
FALL TERM, 1946

By NORMAN PANCOAST
Foreman

BEN H. COCROFT
Clerk

DATED the 30th day of January, A. D.
1947.