

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
OF FLORIDA IN AND FOR THE COUNTY OF DADE

SPRING TERM A. D. 1954

FINAL REPORT OF THE GRAND JURY

Filed

November 9, 1954

Circuit Judge Presiding

GEORGE E. HOLT

Officers and Members of the Grand Jury

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RAYMOND H. BATTY, Vice Foreman

BEDFORD F. WEAVER, Treasurer

BENJAMIN L. HUNT, Clerk

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CHARLES BENN

EARL SCHRYER

MICHAEL ROSA

MICHAEL YURKO

LARRY DUGAN

## INDEX

A Grand Jury's duty extends beyond the consideration of capital crimes. It should investigate other crimes and matters which affect the morals, health, sanitation, and general welfare of the County. The following is an Index of this report which presents our major findings resulting from investigations conducted within one or more of these areas of our duty.

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A very considerable volume of related material has been accumulated in the Grand Jury files, where it will remain available to future Grand Juries.

# LEGISLATIVE RECOMMENDATIONS INDEX

Our investigations and findings resulted in several recommendations for new or remedial legislation. For the convenience of Dade County's busy legislative delegation, we present the following index of such recommendations made in this report:

<u>PAGE</u>	<u>GENERAL SUBJECT</u>	<u>RECOMMENDATION</u>
<u>5</u>	MOTOR VEHICLE INSPECTION	State-wide, uniform, compulsory motor vehicle inspection law.
13	X FEE SYSTEM	To be no longer used as limitation upon Sheriff in meeting law enforcement responsibilities.
13	X REWARDS	Law enforcement officers to be prohibited from taking. (Sec. 838.06)
13 & 14	X BEVERAGE BUSINESS	Municipal police officers to be prohibited from engaging in. (Sec. 561.25)
17	TESTIMONY BEFORE GRAND JURIES	Public officials and employees to be required to sign Waivers of Immunity.
18-20 & 15-16	CRIMINAL BUREAU OF INVESTIGATION	Additional funds for employment of qualified pathologists, additional homicide investigators, and identification clerks. (Ch. 27019 - 1951)
20-21	X WEAPONS LAWS	General Revision of Ch. 790 F.S.A.
24-31	X REORGANIZATION OF LAW ENFORCEMENT AGENCIES	Creation of Metropolitan Police Force under Miami-Dade County Public Safety Commission.
31 33	X BEVERAGE LICENSES:	Higher qualifications for licensees. (Sec. 561.15)
33		Better investigation, fingerprinting, photographing, etc. (Sec. 561.18)
33		Licenses for liquor-handling employees
33		Tighten provisions regarding renewal of licenses. (Sec. 561.15)
33		Annual recheck of zoning compliance and revocation where fraud discovered on original application. (Sec. 561.29)
34		Liaison between Beverage Department and County Tax Collector on renewal licenses. (Sec. 561.27)
34		Higher pay to Beverage Director and field staff. (Secs. 561.05 & 6)
35		Merit System for Beverage Employees
35		Prohibit retail sales of package liquor on credit except by hotels and bona fide private clubs.
36		Limitation upon number of beer and wine licenses.
36	GRAND JURIES	Quarterly impanelling to provide for hold-over Grand Jurors.
13	ASSISTANT STATE ATTORNEYS	To be appointed by State Attorney. (Sec. 27.22)

TO THE HONORABLE GEORGE E. HOLT, CIRCUIT JUDGE  
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA:

We, the Grand Jury in and for Dade County, Florida, for  
the 1954 Spring Term of the Circuit Court of the Eleventh  
Judicial Circuit of Florida, present this our Final Report.

On May 11, 1954, we were impaneled by the Honorable  
George E. Holt, Circuit Judge. The Grand Jury held thirty-  
three official meetings of the full body, and various committees  
met to facilitate the work. A list of capital and routine  
criminal cases considered by this Grand Jury is presented here-  
with, indicating the action taken thereon:

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
RUBIN HENRY HOLT	Carnal Intercourse with Imbecile	True Bill
CHARLES DROZEWSKI	First Degree Murder	True Bill
SAMMY LEE MOORE	First Degree Murder	True Bill
JOSEPH WALTON WHITE	Rape	True Bill
WILLIE HAYWOOD SANDERS	First Degree Murder	True Bill
LAWRENCE C. ANDREWS	Rape	True Bill
PEDRO PENA	Second Degree Murder	True Bill
ALBERT EILAND	Rape	True Bill
JOSEPH H. ASHER	Rape	True Bill
CHARLES ADDISON	First Degree Murder	True Bill
JOHNNIE WILL HOWARD	First Degree Murder	True Bill
JOSEPH ROBERSON	Rape	No True Bill
JOHN DAVID BOYKIN	Manslaughter	No True Bill
LEWIS THOMPSON	Rape	No True Bill
WILLIE JAMES	Rape	True Bill
PHILIP HANKS	Rape	True Bill
EVELYN L. WILSON	First Degree Murder	No True Bill
WESLEY AKRIDGE )		
EUGENE MASON )		
ROOSEVELT HADLEY )	Rape	True Bill
ROOSEVELT NEWBOLD )		
CHRISTOPHER ROBERTS )		

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
STEVE RUCCIO	Rape	True Bill
ALBERT H. MOURADIAN	Forgery	True Bill
RUTH ANN BROUGHER	First Degree Murder	True Bill
WILLIAM RODRIGUEZ	First Degree Murder	True Bill
ALBERT GINSBERG	First Degree Murder	True Bill
CHARLES WILLIAM LAWRENCE ) LEWIS RICHARD KILLEN )	First Degree Murder	True Bill
JOHN HENRY OVERBY	Rape	True Bill
GRANTZ DANIEL DUNKUM	Rape	True Bill
MARY HAWK SMITH	First Degree Murder	True Bill
DAVID PATRICK WILLIS	Rape	True Bill
GEORGE JOHNSON	First Degree Murder	True Bill
WALTER JACKSON	First Degree Murder	True Bill
JAMES T. ROBERTS ) JOHN DOE AND/OR ) MARY ROE )	First Degree Murder	True Bill
LYDIA G. KINSMAN	First Degree Murder	True Bill
THEODORE WILLIAM DARCY	First Degree Murder	True Bill
SAM HIRSCH	Perjury (2 Indictments)	True Bill
CARLOS MOLINA	Statutory Rape	True Bill

#### PART I

#### COMMUNISM

This Grand Jury, under the controlling provisions of Chapter 876 of the Florida Statutes, as Amended, has cited before it forty-two (42) persons alleged to be members of the Communist Party of the United States. Of these persons, only six (6) fully disclosed their membership in the Communist Party to the Grand Jury. Thirty-four (34) of said persons were found guilty of contempt of the Circuit Court, and the Grand Jury, for their refusal to answer questions propounded to them in the Grand Jury Room. Sentences of from three (3) months to twelve (12) months were imposed by the Circuit Court. All of these persons prayed an Appeal to the Supreme Court of

Florida, which said appeals are still pending as of the date of this report. The Grand Jury also returned two indictments charging one of said persons with the crime of perjury.

This Grand Jury wholeheartedly commends State Attorney George A. Brautigam for his untiring efforts, and recommends continued action against all Communists, and subversive persons in Dade County, to the end that they and their activities may be duly and legally exposed, and that the full penalty of the law be imposed upon all such persons found guilty of violating any or all of the provisions of said Chapter 876, known as the Subversive Activities Law of Florida.

## PART II

### PUBLIC HEALTH AND WELFARE

#### 1. Dade County Jail

No formal inspection was made of this facility because the reports of several predecessor Grand Juries had repeatedly called attention to its unsatisfactory condition. Recent inspections by technical experts made it perfectly clear that our County Jail is inadequate as to design, inferior in material, overcrowded, and that a new jail is essential.

Our responsibility was to determine whether the responsible authorities realized this necessity and whether they were inclined to take remedial action. We found that a committee had been appointed to consider the jail along with other county space problems, that the jail appears to be only a portion of a long-range plan which includes criminal court rooms and other facilities, and that in the opinion of the committee chairman, a bond issue would be required to finance the project. Mindful of the fatality record of bond issues at the hands

of the voters in recent years, we cannot be optimistic that the projected program will result in a new jail for Dade County in the near future.

We recommend that because of urgency, the new jail be built at the earliest possible time.

2. General inspections were made of other jail facilities including the City of Miami Jail, Miami Beach, Coral Gables, Florida City, Homestead, Surfside, North Miami, North Miami Beach, South Miami, Hialeah, and the Colored Precinct Station.

Inspections were also made of the Dade County Hospital, Old Folks' Home and Children's Home at Kendall, Florida. The operation and maintenance of these institutions is to be particularly commended. Due to its inadequacy and general state of disrepair, this Grand Jury again recommends that the Colored Home for Old Folks be replaced.

Other county institutions inspected were the new City Stockade which is ably administered, and a definite improvement over the one previously in use, the County Stockade, and the Youth Hall and Juvenile and Domestic Relations Court.

3. Miami Sanitorium

It is our belief that much better and closer management of this institution is in order, and cannot at this time advise the public that the existing conditions are satisfactory. It is the recommendation of this Jury that the County Commission investigate the possibility of providing another facility for those patients now being referred to the Miami Sanitorium.

4. Jackson Memorial Hospital

We can particularly commend the general operation of this hospital and the service being rendered to Dade County through its operation. However, we agree with its administrative staff that the Emergency Department is the problem which requires the attention of the general public



insofar as a bond issue to increase the staff and the required space to care for patients handled in this department.

A new Out-Patient Clinic building is now under construction and scheduled for completion in March of 1955. It will be a modern facility with sufficient potential capacity to meet the needs for many years to come and will relieve the load, to a moderate extent, in the Emergency Department.

Another problem existing at this hospital is the housing of resident physicians and internes. Here again, it appears that a bond issue will be necessary to meet this capital improvement need. Also inadequate, according to hospital authorities, are the morgue facilities.

To meet the needs of our steadily growing population, the above-mentioned problems should receive attention on the part of the citizens of Dade County.

#### FLOURIDATION

Investigation of the subject matter disclosed that flouridation of the public water supply is beneficial to the residents of this area. Further investigation of the operation of the Water Department of the City of Miami revealed flourides are added in proper amounts according to standards recommended by the United States Public Health Service and the State Board of Health.

#### MOTOR VEHICLE INSPECTIONS

This Grand Jury made a thorough investigation into the motor vehicle inspection system in effect in 20 of the 23 municipalities of Dade County. The conclusions reached from this investigation were that the methods used by the various communities were not uniform, and in most cases, were completely inadequate to protect the motoring public. As an

example, it should be noted that the most widely used piece of brake testing equipment is a block of wood which is placed under the brake pedal of the car. If the pedal can be depressed until it touches this block of wood, then the car may be rejected as unsafe. This "block of wood" system disregards the balance of the braking power on each wheel, and the condition that the brake bands may be in.

There is no uniformity as to the requirements for brakes, cracked or broken glass, condition of tires, brightness or elevation of head lights, requirements for tail lights or stop lights, or leaky mufflers.

More important than this, the standard of inspection as to what can be rejected or passed differs so widely that in Miami, Miami Beach, Coral Gables, and several other communities, a car must be in perfect condition, while in other communities, the Grand Jury investigators observed complete wrecks being approved. These old automobiles so approved were obviously unsafe. Human nature being what it is, the motorist with the defective car hunts from one municipality to another until he finds a lax system of inspection and obtains his sticker from that station.

In several communities the inspection of motor vehicles and issuance of stickers thereon is merely a revenue raising effort in the disguise of a safety measure. Communities which fall in this category issue "franchises" to garages and filling stations outside of their borders and provide little, if any, supervision over these "franchised" inspection stations. These stations have been known to sell stacks of inspection stickers to used car dealers, although they themselves never see the cars on which the stickers will be placed.

It is very important to note that all police officials contacted believe that the only solution is a state-wide, uniform, compulsory motor vehicle inspection law.

It is the recommendation of this Jury that our legislators introduce and attempt to pass such legislation through the Florida State Legislature.

RECOMMENDATIONS TO THE DADE COUNTY PORT AUTHORITY  
PERTAINING TO AIRPORTS FOR PRIVATE AND BUSINESS AIRCRAFT

This recommendation pertains to private and business aircraft up to and including a DC-3 in size, but excluding airline and military aircraft.

Reasons for the Investigation into Lack of Airports  
for the above-mentioned Type of Aircraft

Several citizens of Dade County and one organization interested in this problem approached members of the Jury on this problem separately and independently one from another. The Public Welfare Committee was appointed by the Grand Jury to make a preliminary investigation to determine if a full investigation should be made. The preliminary investigation disclosed that a full investigation should be made and the Public Welfare Committee was authorized to do so.

Among the reasons for making a full investigation was the fact that while the number of airports described above had decreased in Dade County, the number of aircraft in the United States which would use these airports had consistently and steadily increased in numbers, in use, in size, and in cost.

A comparison between airline planes and private and business planes is given briefly below, although the Grand Jury used much more detailed statistics:

Airlines - Total 1,477 aircraft  
Non-Airline Civilian - Total 91,336 aircraft  
Miles flown by the airlines in 1953 - 525,000,000  
Miles flown by private and executive aircraft  
on business only - 903,000,000

From statistics of the nearby Ft. Lauderdale International Airport in nearby Broward County, which encourages private and executive type aircraft, it was shown that Dade County is losing

considerable income by not providing adequate facilities for this type of aircraft.

The reasons that the petitioners to the Grand Jury could not receive relief from the agency in charge of this problem, the Dade County Port Authority, will be brought out under "Findings of the Committee."

#### Type of Witnesses Called

During the preliminary investigation, much testimony was taken from private pilots, business pilots, aircraft owners, and fixed base operators. A fixed base operator is a business man who operates the services on an airport such as new plane franchises, repairs to aircraft engine and radio, sale of supplies, gasoline, oil, tie-down and hangar service, and the many other supplies and services necessary to successfully operate an airport. Also interviewed were Civil Aeronautics Administration and former Civil Aeronautics Administration officials, airline officials, and employees of the Dade County Port Authority. No military officials were interviewed.

In the Grand Jury session, due to lack of time, fewer witnesses were questioned. These witnesses who were questioned under oath were the entire Dade County Port Authority and its employees, Mr. Leonard Thomson, Assistant Director, and Mr. Allen Stewart, Aeronautical Assistant, two successful private airport operators, and an airline official.

In addition, correspondence was used to obtain opinions and facts concerning similar communities with similar problems.

#### Findings of the Committee

The committee found from its preliminary investigation and from the sworn testimony given by witnesses to the Grand Jury that Sunny South Airport was closed in 1952, Opalocka Airport was closed when reactivated by the Navy, and Miami Aviation Center, just north of the Broad Causeway on Biscayne Boulevard, was closed in 1950. This leaves Tamiami Airport

which is located on the Tamiami Trail 12 miles from downtown Miami, Brown's Airport on Highway No. 1 in South Dade County, and Miami International Airport for the use of private and business aircraft. The testimony revealed the following about each of these airports:

1. Tamiami Airport

Tamiami Airport is the only airport operated for private and executive type aircraft by the Dade County Port Authority. It has the following disadvantages:

- (a) It is too far from Miami considering the fact that most owners and operators of the finer type of aircraft live in the northeast and southeast areas of the city or on Miami Beach.
- (b) It offers no public transportation to town. A Pilot and passenger landing at Tamiami Airport are practically stranded upon arrival.
- (c) The field floods at certain times under certain conditions.
- (d) The fixed base operators are inadequately financed and cannot offer complete airframe engine and radio service.
- (e) There is very little hangar space available and that hangar space which is available is in very poor condition.
- (f) The restrooms and other facilities for comfort and convenience of arriving and departing pilots and passengers are very inadequate when compared to those offered to the flying public at other airports of this type.

It has the following advantages:

The runways and lighting are adequate.

All the unsatisfactory conditions could be eliminated except two of the most important, i.e., the distance from Greater Miami, and the location of the airport which makes it impossible to attract adequately financed fixed base operators. Without these first rate fixed base operators, an airport cannot be successful.

2. Brown's Airport

Brown's Airport should be disregarded as any solution to this problem of lack of airports. Brown's is a very short sod field without public transportation, and it is in a fast growing area. It is believed that it will soon be closed due to the high value of the land for other purposes.

3. Miami International Airport

Miami International Airport has excellent repair facilities and more than adequate runways for the private and executive type aircraft. However, in order to discourage

this type of aircraft, a landing fee is charged to keep them away. It is one of four tax supported airports in the country which charges landing fees to private aircraft. This charge is part of the general attitude of the Dade County Port Authority toward private and business aircraft owners and this will be discussed further.

Other findings of the Jury from the testimony are listed below:

- (1) The high price of land anywhere east of Miami International Airport, within reasonable distance of Greater Miami, makes an airport for private and executive type aircraft impossible for the private airport operator to obtain. This means that any future airports of this type must be provided by the public through the Dade County Port Authority and the Budget Board.
- (2) Only very few locations which are not further away than Tamiami Airport remain. These locations are:
  - (a) Virginia Key
    1. The population would be safeguarded due to the fact that all takeoffs and landings are over water only.
    2. It is within ten minutes of downtown Miami.
    3. Public transportation is provided.
    4. Testimony shows that it would be a financial success.
    5. All witnesses agreed that the noise factor of the private and executive type aircraft is negligible and would not be a major objection to planes of this type.
    6. It would not take any beach away from the colored citizens, but rather would be an additional attraction.
    7. At a location such as Virginia Key, fixed base operators would invest heavily in return for a lease from the Port Authority.
    8. For this type of aircraft, a runway only 4,000' long and 100' wide is perfectly adequate.
    9. The Civil Aeronautics Administration will approve Virginia Key for an airport. It is not in the traffic pattern of any other airport.
    10. A disadvantage of Virginia Key is the vulnerability of this location to hurricanes.
    11. Certain witnesses believed that pilots taking off from Virginia Key would buzz the bathers on Biscayne Key beaches. This, of course, is a violation of the C.A.A. regulations and punishable by them.

(b) Graves Tract

The Graves Tract is located east of Highway No. 1, just south of the Sunny Isles Road. It is presently contemplated that a huge Pan American Trade and Cultural Center will be placed on this 1100 acres. An airport in this location would be greatly advantageous, not only to the general population of Dade County, but of great assistance to manufacturers and sellers of aircraft supplies and components.

(c) Opalocka Marine Air Station - The Section formerly known as "Master Field."

The Dade County Port Authority advised the Jury that it was attempting to move the Navy and Marines off Master Field so that this field could be used for private and executive type aircraft and cargo airline operations. The Marines would be moved to another State, and the Navy "Week End Warriors" would move to and operate from Opalocka Airport, which is directly adjacent to Master Field, slightly to the north and slightly to the west. Military aircraft taking off from Opalocka would cross over Master Field on their takeoffs. The Port Authority told the Grand Jury that their experts advised them that this operation could be made safe by the use of interconnected traffic control towers. It should be noted here that when the Marines are moved from this area so that Master Field can be used, a 5000 man payroll will also be moved from Miami.

There was a wide disagreement among witnesses as to when the Marines would move from Opalocka Airport, varying from 18 months to not in the "forseeable future."

It is interesting to note that the fixed base operators advise that at least a \$250,000 investment is necessary by each fixed base operator to adequately serve his airport; and these witnesses compared the 4,000' long by 100' wide runway to a road or street provided by the public, and that they would furnish the hangars, restaurants, repair facilities and other services necessary in the same way that merchants and businessmen place their stores on either side of a public road or street. The only difference is that when their lease expires, the fixed base operators' improvements revert to the County.

It is further safe to state that the Public Welfare Committee discovered a general feeling among the private and executive pilots and aircraft owners that an employee in an executive position in the Dade County Port Authority was attempting to discourage them in every way from coming to Dade County.

Recommendations:

1. That the Port Authority take immediate steps to improve Tamiami Airport.
2. The Port Authority take immediate steps to provide small airports on Virginia Key and the Graves Tract, or similar locations.
3. In spite of assurances of the experts as to the safe use of Master Field in conjunction with the Navy at Opalocka Airport, it is strongly urged that prospective users of Master Field be consulted before any decision is made.
4. The Dade County Port Authority and its employees encourage private and business flying, and let it be known to the entire country that these aircraft are welcome in Dade County.

PART III

PUBLIC EDUCATION

This Grand Jury recommended and approved the hiring of a Business Manager, as an Assistant to the County Superintendent of Schools, to coordinate all business departments of the Dade County School System.

Also recommended and approved was the hiring of one or two certified public accountants to head the Finance and Bookkeeping Department of the School System.

A recommendation was made for the installation of a perpetual inventory system covering all capital equipment for each school; this inventory to be physically checked at least twice a year.

The first and second above recommendations have been effectuated. The Grand Jury has been advised that the third recommendation is being progressed and assumes that the public accountant will effectuate same in a workmanlike manner.

PART IV

LAW ENFORCEMENT AND RELATED PROBLEMS  
IN  
DADE COUNTY

This Grand Jury noted that the several County law enforcement officials newly elected and installed in 1953 were enforcing the criminal laws to the best of their ability and within the



means, manpower and facilities available to them in discharging their responsibilities in this rapidly growing community. However, on many occasions in which our inquiries brought us into contact with law enforcement procedure and methods, we noted some deficiency in organizational structure, in liaison, or cooperation, or in the legal implements available for use.

Accordingly, we devoted much time to studies of law enforcement problems and organizations in Dade County, affected as they are by State legislative and constitutional provisions, by Court decisions, and by sundry administrative practices which, good or bad, have come to be incorporated in police and law enforcement procedure. The following comments and recommendations are based upon such studies.

#### SECTION A

1. Fee System: The law enforcement responsibilities imposed by law by Dade County's growth and by modern public expectancy of service, have long ago outstripped the Sheriff's income from the antiquated "Fee System." We recommend that the fees continue to be collected from private litigants, but that they no longer be used as a criterion or limit upon the Sheriff's organization or equipment to meet his responsibilities.
2. Appointment of Assistant State Attorneys: We recommend that Section 27.22 be amended so as to permit the State Attorney to select his own assistants.
3. Rewards provoke controversy between agencies, and rivalry between enforcement officers. To eliminate such confusion it is strongly recommended that the collection of rewards by law enforcement officers be prohibited.
4. Sheriffs and other officers exercising state police power are prohibited from being employed by or engaging in a beverage business. (Sec. 561.25) The reason is obvious. Municipal police should likewise be placed under this prohibition.

5. The Grand Jury made a thorough examination of the effect of budget cuts upon the Miami Police Force and was of the considered opinion that, while some of the cuts were justified in the interest of economy, the \$239,000 cut did not permit the very moderate expansion of personnel as recommended by the Grand Jury. It was felt that police service in Miami was adequate, but by no means in excess of needs and that the department should have some increase to keep pace with its rapidly expanding requirements.
6. As a result of this Grand Jury's interest in the adequacy of law enforcement, the County Road Patrol's 1954-1955 budget was increased approximately \$105,000 to perform law enforcement in the rapidly growing unincorporated areas.
7. For such use as it may be to officials concerned with law enforcement budgets, the following schedule is presented:

POLICE PAY SCALES (As of October 21, 1954)

<u>Department</u>	<u>Number of Uniform Patrolmen</u>	<u>Starting Pay</u>	<u>Patrolmen 1st Class (Top Grade) Monthly Salary Rate</u>
Miami Beach	103	\$ 320.00	\$ 398.00
Coral Gables	40 (Approx.)	256.00	357.00
Bal Harbour	3		350.00
Surfside	7		350.00
South Miami	10	260.00	350.00
Florida Hwy. Patrol	12	275.00	350.00
Miami Shores	13		350.00
Dade County Road Patrol	77	255.00	350.00
Miami	400	263.00	349.00
North Bay Village	3		325.00
Golden Beach	5		325.00
North Miami Beach	11		325.00
North Miami	26	260.00	320.00
Hialeah	37	265.00	320.00

(Cont.)

<u>Department</u>	<u>Number of Uniform Patrolmen</u>	<u>Starting Pay</u>	<u>Patrolman 1st Class (Top Grade) Monthly Salary Rate</u>
Miami Springs	17		\$ 315.00
Homestead	10	\$ 250.00	301.00
El Portal	2		300.00
Bay Harbor Islands	5		300.00
West Miami	3		300.00
Dade County Police (Will be adjusted to match Road Patrol pay scale.)	49	255.00	300.00
Biscayne Park	2		250.00
Indian Creek Village	4		210.00
		Average	\$ 322.50

8. The Criminal Bureau of Investigation, as authorized by Florida's 1951 legislature, (Chapter 27019) was attached to the Sheriff's office and was intended to provide not only a "crime laboratory" with skilled and experienced personnel to investigate felonies in Dade County, but also to constitute a central identification bureau within which would be accumulated a vast amount of information regarding the criminal history of persons arrested and convicted here and elsewhere for misdemeanors as well as felonies. This information is available to all county law enforcement agencies without cost.

Identification records of the Sheriff's office were meagre compared to those already accumulated by the police departments of Miami and Miami Beach. No transfer of such information has as yet occurred. Nor do these police departments when accomplishing current registration of convicted felons furnish a copy of such registrations to the C.B.I. As a result, the Criminal Bureau of Investigation is not the central pool of identification information for

rule changes where required, and their administrative officials have committed themselves to vigorous disciplinary action.

The Grand Jury recommends that legislation be adopted, at the state and local level, requiring all elected officials, appointees, and employees be required to sign an immunity waiver when called before a Grand Jury, to answer questions concerning his official acts as a condition precedent to his continued employment.

This recommendation is based on the premise that all such persons hold their employment as a public trust and should freely divulge to a Grand Jury a full and complete report of their public service.

10. The Grand Jury recommends that more intelligible budgetary systems be installed in both Dade County and the City of Miami to the end that budgets can be more easily understood as to services provided therein; and that not only can budgeting officials know for which funds the money is to be used, but also clearly know what services are to be denied when funds are withheld. Qualified budget directors should be retained for the purpose of preparing budget estimates and supervising expenditures of funds throughout the fiscal year.

11. Transmitted with the original hereof is a booklet prepared as of October 1, 1954, by First Research Corporation of Florida entitled:

"An Economic Study  
of the  
Costs of Crime and Accidents"

This study was prepared because there appeared to be some misunderstanding among certain public officials concerning the economic cost of crime and the economic savings which adequate crime prevention measures should provide.

The protection of life and property is the first duty of any government. In the rapidly growing areas of Dade

County, which are not included within any municipal limits, it has become necessary to provide police protection comparable to that provided by municipalities. The enclosed study demonstrates the disparity of approach to this problem between those who control the County machinery of law enforcement and the average of Dade County's 24 municipalities.

Copies of this study have been distributed among Dade County officials and others most directly concerned.

#### SECTION B

##### COUNTY-WIDE MEDICAL EXAMINING SERVICE AND STATE ATTORNEY'S HOMICIDE INVESTIGATION SQUAD

1. Noting the several hundred unattended and accidental deaths which occur annually in Dade County, the Grand Jury sought opinion concerning those which might have been caused by circumstances warranting either investigation by law enforcement agencies or prosecution as homicides. Competent opinion was that:

- (a) One of every five unattended or accidental deaths should be investigated because of circumstances indicating the possibility of either crime or negligence.
- (b) One of every ten might well result in autopsies.

Very obviously, only a trained medical examiner, alert to the possibilities of crime or negligence, should be an early arrival upon the scene of an "unattended" or "accidental" death. Should the circumstances of such death then appear to warrant, he should have the power of arrest, coupled with the authority to summon assistance to preserve the scene in undisturbed order, and to call thereto experienced homicide investigators.

To this point of the investigation, the authority and organization of the Sheriff's office, if adequately manned, should suffice. It is recommended that the Sheriff's budget be increased for two (2) Pathologists and two (2) Medical Examiners.

In those cases wherein culpable homicide is indicated by the preliminary medical examination and investigation, it is likely that autopsy should follow. Thereupon the prosecutor should enter and view the scene, take decision concerning autopsy, and guide the investigation henceforth. To this end, it is suggested that the senior Pathologist above recommended to be employed by the Sheriff's office, be placed on duty with the State Attorney, subject to his immediate direction, and accountable to him primarily in all homicide investigative matters, while remaining the coordinator of the Sheriff's Medical Examiners and Pathologists.

2. Likewise, in the investigation, preparation, conservation of evidence, and prosecution of homicide cases, the coordination and legal guidance of medical examiners and homicide investigators by the prosecutor becomes imperative. To this end, mindful of the measured responsibilities and capabilities of Dade County law enforcement agencies as they presently exist, and pending formation of a Metropolitan Police organization, this Grand Jury recommends that:

- (a) That the Sheriff's budget for County Bureau of Investigation be enlarged sufficiently, and independently of the so-called "fee" system, to permit the employment of five (5) additional qualified homicide investigators, and that they be placed at the call of, and when on call under the direction of, the State Attorney for homicide investigations.
- (b) That the Miami Police Department furnish three (3) detectives for homicide investigations at the call of, and when on call under the direction of, the State Attorney for homicide investigations.
- (c) That other police departments in Dade County, when investigating, making charges, or bringing to prosecution any homicide cases, should closely coordinate their efforts with the appropriate prosecuting officer, seek and accept his guidance in the matter of investigation and evidence, and place themselves and their facilities at his disposal throughout the period of the prosecution.

### SECTION C

#### LAWS RELATING TO SALE AND OWNERSHIP OF DANGEROUS WEAPONS

Firearms (where used) in Dade County homicides during recent years, were often found to have been purchased shortly before the crime.

No State law exists establishing restraints upon dealers or upon the types of persons qualified to purchase guns (except minors), or requiring registration of their ownership. Certain law enforcement officials having been outspoken in advocating stricter laws on the sale and ownership of firearms and other dangerous weapons, this Grand Jury circulated among a representative group of Dade County officials a questionnaire asking for expression of opinion on the several phases of weapons regulations. Our suggestions are in part based upon their replies.

This Grand Jury recommends that in order to utilize and take advantage of present day advances in law enforcement practice, a uniform up-to-date firearms act should be adopted. Such features as centralized firearms information records, available to municipalities as well as other states, and an efficient administrative structure for statewide processing of license provisions are desirable.

Legislation should include the following:

- (1) Manufacturers and dealers in firearms and other dangerous and deadly weapons should be licensed and thereby regulated.
- (2) License should be issued only after fingerprinting and investigation of moral character and responsibility as a citizen. Law enforcement facilities in the locality wherein an applicant proposes to conduct his business should be fully used in conducting investigations of applicants.
- (3) A limited class of dealers should be permitted to handle firearms, with pawnbrokers excluded from this field.
- (4) A uniform and efficient State licensing authority should be set up with a centralized information and records bureau.

- (5) All licensed dealers should be required to take and forward fingerprints of all firearms purchasers, together with verified names and addresses.
- (6) All transfers of ownership of firearms, whether from a dealer or private owner, should be fully reported to the State licensing authority, together with verified name and address of purchaser and accurate physical description of the firearms involved.
- (7) Weapons such as switchblade knives, blackjacks, sling shots, metal knuckles, etc., should be prohibited from being sold since they serve no legitimate, useful purpose.

#### SECTION D

#### SEARCH AND SEIZURE IN FLORIDA

In its 1954 investigation of law enforcement organizations and problems in Dade County, the Grand Jury was impressed with the small number of convictions resulting from a large number of arrests for vice, such as gambling, prostitution, illegal liquor traffic, and narcotics. A survey led to the conclusion that neither the police officers, nor the prosecuting agencies were derelict in the matter, but that the situation resulted primarily from the great difficulty they encountered in presenting evidence acceptable to the courts. While the evidence was often valid as to the guilt of the accused, its use was denied because of legal technicalities involved in the securing of such evidence.

On 71 search warrants obtained in a recent twelve-month period by the local State Beverage Office, convictions were obtained on 28 (39.42%), warrants were held insufficient in 8 instances (11.26%), and various other outcomes recorded as to the remainder.

Of 114 defendants arrested by our Dade County Sheriff's office during 1953 and charged with "vice" crimes, only 34 (29.8%) were found guilty. Fifty-one defendants (44.7%) were turned loose on defendant's motion to quash the evidence, in nearly every instance the ground being alleged defect in the search warrant or in the procedure of procuring or serving same.



Of 59 other "vice" arrests by the Sheriff in 1953 on search warrants, the County Solicitor refused to prosecute on 77%.

Of 13 search warrants issued by Peace Justices in Dade County during the twelve months ending August 1, 1954, convictions were obtained in two cases (15.3%).

On 33 search warrants issued by the municipal judges of Miami Beach during a recent twelve month period, convictions were obtained in 15% of the cases.

These experiences follow a pattern similar to statistics compiled in certain other States in which the courts have established limitations upon search and seizure similar to those in effect in Florida.

Local police officers frequently maintain, "In order for us to procure a search warrant we must offer evidence which would be admissible in the trial of the case. If we have that, we have no need for a search warrant!" This attitude, perhaps in part warranted, has severely restrained law enforcement officials in the use of search warrants and thus has effectively "moth-balled" a weapon which should be readily at hand.

The very nature of "vice" crimes emphasizes problems of search and seizure. Organized prostitution, organized illegal gambling, and organized distribution of narcotics cannot thrive in the face of vigorous law enforcement effort unless police officials are frustrated by legal loopholes granted by the Courts in favor of lawbreakers where search and seizure is involved.

This Grand Jury is conscious of the vital necessity of preserving all of the constitutional rights of our people and has not the least intention of subordinating those rights. However, the decisions handed down by Judges from time to time have resulted in imposing upon the law enforcement machinery obstructions not specified in the Constitution as written, nor as intended. This is proving a serious obstruction in the administration of justice and the furtherance of law and order.

There is no objection to the present basic rules governing search warrant procedure.

There are two philosophies in regard to this matter now being used by the judiciary in the United States. One is the "admissibility" doctrine which holds that evidence of guilt, regardless of methods by which it was obtained, is admissible in proof of guilt. It takes the position that the trial of the defendant is a case between the defendant and the public. If any police officer is remiss in his performance of duty, it is an offense outside of the case being tried, and is made the subject of separate investigation and action as necessary.

The second doctrine is called "exclusionary." Under such doctrine, no matter how guilty the evidence shows the defendant to be, he cannot be convicted on evidence where there is an illegality or irregularity in its procurement. Under this rule, the case becomes a legal contest between the attorneys, with the public's interest largely lost sight of. Often, it is the law enforcement officer who is placed on trial, rather than the defendant.

The "exclusionary" rule holds that evidence illegally taken may not be used against a defendant. Such rule was never the law of England, or the Colonies, or of any state until more than 100 years after the Revolution. Yet we are frequently and glibly told that it is a fundamental right! At present, it is the rule in one-third of the states, including the State of Florida and the Federal Government. On the other hand, two-thirds of the states used the "admissibility" rule.

The growth of restrictive decisions in search and seizure cases was enormously stimulated during the prohibition era. Organized bootleggers had the funds and the incentive to litigate all the way to appellate courts and employ most persuasive attorneys. Prohibition was an increasingly unpopular law, and it may well be that the appellate courts, as well as courts of original jurisdiction, bent their opinions in what they conceived

to be the direction of popular will. Criminals of all types benefitted from the steady expansion of their right to operate behind closed doors which resulted.

The primary argument to sustain the "exclusionary" rule is that it restrains the police officer from the use of illegal procedure, whereas it has in practice the opposite effect. With the "exclusionary" doctrine in effect, few convictions can be obtained, and the only way the police have to keep vice under control is by harassment. Raids and arrests are made where there is little chance of conviction with the hope that wrongdoers will be discouraged and restrict or abandon their activities. Such a procedure has at least four serious objections:

1. It is extravagant in manpower, effort and expense.
2. There is no penalty for repeated infractions.
3. It exposes the conscientious law enforcement officer to civil suit for false arrest.
4. It creates the habit of arbitrary police power which can lead to serious evils.

This Grand Jury also recommends:

That all local law enforcement agencies be encouraged to achieve greater familiarity with rules and procedures of search and seizure and the use of search warrants.

That courses of advanced instruction be established in the police training academies for "in-service" instruction of detectives and key officers.

That the County Solicitor and other prosecutive agencies cooperate in providing some of the instructional staff and material for search and seizure classes.

#### SECTION E

#### REORGANIZATION OF LAW ENFORCEMENT AGENCIES

Our investigation has highlighted a substantial number of confusions and conflicts in law enforcement organization and activities in Dade County, ranging all the way from traffic signs and regulations to the responsibility and facilities for homicide investigations. Extreme lack of cooperation between certain law enforcement agencies has been revealed, as well as

frequent breakdowns of liaison.

There exist 24 separate municipal police departments in Dade County, as well as the Sheriff's Criminal Department, the Criminal Bureau of Investigation, the Road Patrol, the County Police, certain personnel of the State Highway Patrol, and five Constables with their deputies. A total of 1515 people are employed in the above categories.

The problem of cooperation, coordination, and required liaison is virtually insoluble under present circumstances as to those problems of law enforcement which are continuous and which transcend the boundary lines of the various municipalities and districts.

Our studies and investigations have been made in the constant awareness that the Metropolitan Miami Commission, formed in 1953 for the study of metropolitan problems, inclusive of law enforcement, is sitting from time to time and has been directed to file its recommendations prior to the 1955 legislative session. To this Metropolitan Commission, a number of practical suggestions should be made. Unless some such suggestions are offered, the Commission may not conduct adequate investigation of the specialized problems in law enforcement and thus be unaware and unfortified when dealing with certain vested interests who will strongly present their case in any suggested county-wide reorganization.

It is imperative that responsible public groups take strong initiative in following through certain phases of the Metropolitan Commission's responsibilities. If this does not occur, the inherent desire for speed, coupled with the possibility of head-on collision with vested interests, will result in either negation of any useful proposals at the polls, or in the narrowing down of these proposals to extremely minor accomplishments. It is unlikely that the Metropolitan Miami Commission will be able to sponsor and obtain the adoption of broad scale revisions of our local administrative practices in one legislative package at one legislature. It is hoped that civic organizations interested in

these matters will rally their forces for sustained effort which may require three or four legislative sessions to finally effectuate. The following comments, however, are necessarily limited to law enforcement matters:

1. Some law enforcement matters such as traffic, communications, record keeping, organized vice, juvenile delinquency, and certain problems springing from social relationships between races, are county-wide in character. Likewise, a proper enforcement of the beverage law and ordinances sufficient to give this metropolitan community an adequate voice in determining the limits within which beverage licenses may operate or be penalized, can best be approached on a county-wide or area basis.
2. In the suggestions which follow, it will be noted that a metropolitan police organization should be gradually formed, staffed as its growth requires, and that functions rather than organizations should be taken over. This would avoid head-on collisions with organizational units, their chiefs, and their sponsors, and in the beginning could be justified by taking over those functions which are obviously county-wide in character.
3. The so-called "democratic process" should be fully used with respect to the taking over of functions normally regarded as within the area of local police responsibility. In other words, each municipality could arrange a transfer of these responsibilities to a metropolitan police force upon vote of its governing board and not otherwise.
4. Area: The suggested metropolitan police force should have an area co-terminus with Dade County. This over-all area should be divided into four "zones" which need not necessarily represent compact geographical

areas, but which would instead be descriptive of the police service to be delivered within each area.

- (a) Zone A would consist of those areas in which the metropolitan police force would be charged with all police responsibilities and no municipal police department would exist.
- (b) Zone B would be the areas of Dade County in which municipalities exist, and where those municipalities decide to retain their local police departments for purely local police functions.  
  
(Municipalities would have the right to change from Zone B to Zone A classification at any time.)
- (c) Zone C would be areas lying outside of incorporated municipalities in which population density was such that police service of a character provided in adjacent municipal areas would be required.
- (d) Zone D would be the remaining portion of the county consisting of areas of very small population density, farm lands, and the Everglades.

The annual ad valorem tax levied for the support of the Metropolitan Police Department would, of course, vary in each of these zones according to category, because the cost of delivering police services would vary.

5. Formation of Miami-Dade County Public Safety Commission:

- (a) Should include fire protection as well as police functions.
- (b) Should be a Board of 5, one elected by and from each district.
- (c) There should be an Executive Secretary directly responsible to the Commission. He would direct a small staff, handle budgets, retirement fund transfers, liaison with public bodies and keep the Commission's official records.

6. Concerning Employees: All rules and procedures should be devised with the thought foremost that employees work to serve the public interest. All devices calculated to "cement in" the employees irrespective of their ability, integrity and spirit of service should be rejected. With this in mind certain elements are suggested:

- (a) Pay well, but choose carefully, demand high-quality performance.

- (b) Keep efficiency records, which include information about an officer's arrests and convictions. Minimize the chances of automatic promotion irrespective of merit.
- (c) Civil Service entrance and eligibility-for-promotion lists should be compiled only after both written and oral examination. The staff officer in charge of the function to which a candidate is to be assigned should take part in the oral examination but not in the grading thereon. This will permit a more accurate evaluation of the applicant's real fitness.
- (d) The Police Chief should, wherever a sufficient number of candidates possessing minimum qualifications are available, have at least two choices for a promotion. Should he choose one of lesser grade as rated by the Civil Service list, his decision could be appealed directly to the Public Safety Commission.
- (e) The Police Chief himself, and his eight or nine staff officers, should hold their positions at the discretion of the Commission. In no other way can the Commissioners control the policies of law enforcement.
- (f) The Police Chief himself could be selected from the ranks of the Metropolitan Department, and his 8 or 9 staff officers should be so selected. In the event the Commission decided to terminate the services of the Chief or any of the staff officers, and where no disciplinary action involving separation from the department is involved, then the officer involved would remain as an employee, reverting to the grade he occupied when appointed as Chief of Staff Officer, with appropriate credit for service and promotions warranted by intermediate eligibility examinations.
- (g) An "Employees' Appeal Board" would have authority only to hear appeals from disciplinary action taken by department heads and make recommendations to the Commission thereon.
- (h) Collection of rewards by employees should be prohibited. Gifts or gratuities should be acceptable only under rules established by the Commission.

7. Transfers of Personnel from Existing Law Enforcement Departments:

It is suggested that the new Metropolitan Police Department should not spring full-blown into being with all police functions thrust immediately upon it in any area, but should instead take over functions one by one as it arrived at a state of readiness. This will permit a small organizational nucleus to be initially set up, the tools of organization to be readied, and the requisite personnel to be selected as the functions multiply.

Priority in all respects should be given to law enforcement personnel already on duty in Dade County and in the several municipal police departments. They have training and experience too valuable to throw away. However, there should be absolutely no thought of taking over existing police establishments lock, stock and barrel. By doing so, one of the principal benefits to be gained by forthright reorganization would be discarded.

Competent men should be interviewed; they and their records should be examined. Arrangements would be made to transfer their existing pension rights. They would be taken in at the same relative grades they occupied on a permanent basis up to three months prior to date of transfer. This would prevent wholesale up-grading in anticipation.

8. Suggested Time Schedule for the Assumption of Police Functions by the New Metropolitan Police:

The following schedule is suggested on the assumption that the 1955 Florida legislature would provide the enabling legislation to establish a Metropolitan Police Department capable of assuming, and directed to assume, police functions in an over-all area co-terminus with Dade County. The months of June through September, 1955, would be required for preparatory activities on the part of the board or commission created to supervise this Police Department, including the holding of required referenda.

Funds for the operation of the department would begin to accrue from and after October 1, 1955, the beginning of the next County budget year.

As of October 1, 1955, the Metropolitan Police Department should begin to discharge the following functions:



- a. Administrative:--Records and files, reports, correspondence and liaison; preparation of departmental regulations; setting up nucleus of training organization; recruitment of personnel and investigation of applicants.
- b. Licensing and investigation of firearms dealers in Dade County; licensing and investigation of private investigators, patrols, guards, armored cars, etc.

As of January 1, 1956, the Metropolitan Police Department

should assume the following functions:

- a. Operation of Sheriff's Road Patrol.
- b. Operation of present County Police (Parks and Airports).
- c. Operation of the County Bureau of Investigation, taking over the Crime Laboratory, Identification Bureau and Criminal Registration Records, and including all investigative and criminal work now done by the present Sheriff's Department.
- d. All police radio communication facilities in Dade County.
- e. Traffic and Transportation Planning and Engineering Departments.
- f. Safety education, Safety Patrols and school crossing guards.
- g. County wide civilian defense and emergency coordination.
- h. Juvenile aid coordination.
- i. Vehicle inspection and registration.
- j. Animal licensing and registration.
- k. The Road Patrol and Sheriff's vehicle maintenance shop.

As of October 1, 1956, the Metropolitan Police Department

should take over the following functions:

- a. Uniformed traffic control throughout Dade County (the Sheriff's road patrol having been taken over nine months previously).
  - b. Harbor Patrol and Sheriff's Air Patrol.
  - c. Uniformed patrol service in Zone A.
  - d. Department of Corrections (Jails and Stockades).
  - e. Establishment of training facilities for personnel (this would consist primarily of training facilities already in existence).
9. Residual Functions to be Retained by Various Law Enforcement Agencies:
- A. The Sheriff's Office would still have to provide service of process in criminal court cases, bailiffs, and serve process in civil cases.

- B. Those municipalities which had not elected to come under Zone A of the police functions would retain patrol service and virtually the same police functions which they now discharge, with the exception of traffic control on the principal thoroughfares passing through such municipalities.
- C. The City of Miami, if incorporated under Zone A, in which all police functions would be discharged by the Metropolitan Police Department, would still have use for certain of the Police Officers not deemed useful to the new organization. For example, the city now uses uniformed police personnel for the following purposes peculiar to the City of Miami: Mayor's driver and chauffeurs; Miami convention functions; Orange bowl parades; Official greeter; F.E.C. Crossing Guards; funeral escorts; construction projects; off-duty assignments (banks and stores); guarding public buildings; Bailiffs and court liaison. In addition, Miami would have continuing use for detectives to perform the following functions: Civil Service investigations; investigations of claims against the city; special investigations; Permits - parades, charity; and Service of warrants.

#### SECTION F

##### BEVERAGE LICENSES

The Grand Jury undertook to investigate the matter of liquor licenses when it was realized that many major crimes, especially crimes of violence, originated in retail liquor establishments, or that such establishments played some part in the affair. It became obvious that improperly operated liquor bars were often breeding places of crime. The question arose as to whether the bars were being operated by responsible persons and as to whether they were being effectively policed.

Early in the investigation, it became apparent that an undesirable situation existed which was so wide-spread and so deep seated that the whole system of control of licensing should be surveyed from top to bottom. To attempt to attack the problem by bringing in individual indictments would be for the Grand Jury to expend its term of office having scratched only the surface. It was therefore decided to direct the investigation over a broad front; to search out the general causes and administrative failures which had permitted such a situation to develop and to seek general reforms that might have widespread beneficial effects. The investigation has endeavored to:

1. Establish the facts.

2. Reach conclusions as to the reason such facts arose.

3. Suggest remedial measures.

In general, the facts established that the public will and the intent of the State Legislature, when it set up controls for the retail liquor traffic, has to a large extent been defeated. Undesirable characters are in the retail liquor business. The intent of the statutes is often circumvented by obscured ownership and legal juggling in the transfer of licenses. The mere license to operate under such a lax system of rules and supervision is often valued at \$10,000 or more, with the public expected to pay dividends on and repay such investment.

The Miami District Office (for Dade, Broward and Monroe Counties) has about 5% of total State Beverage Department personnel to supervise about 40% of the licenses and collects about 45% of the State's beverage and cigarette tax revenue. Employees having "enforcement" duties spend 85% of their time on "moonshine" cases. State Beverage enforcement officers are underpaid.

Zoning regulations, one of the few local restraints enforceable against licensees, are sometimes circumvented. One lone Miami detective is that city's contribution to surveillance of beverage establishments for the purpose of enforcing state laws.

Illegal sales of packaged liquor are made with relative impunity in the City of Miami if the seller adopts the simple device of breaking the seal. State Beverage Agents rightly disregard this obvious subterfuge, make arrests and obtain convictions.

It is recognized that we are here commenting upon a business or industry aggregating immense capital, large annual revenues, many owners and employees, as well as substantial political influence. We are constrained to point out, however, that the great majority of people dispensing alcoholic beverages should recognize danger to their livelihoods and their investments if the general

public becomes fully aroused about unsavory conditions. Those who are instinctively law-abiding should welcome a cleaner and more vigorous tone to beverage law enforcement. Our recommendations, most of which suggest new legislation, follow:

1. Standing orders should be issued to the personnel of all law enforcement agencies requiring a record to be made and action taken on all beverage law violations which come to light in the investigation of major crimes, such reports not to hinder investigation or prosecution of major crimes.
2. Ambiguity concerning qualifications for license should be eliminated from Section 561.15 covering qualifications for license. The provisions of New York's Alcoholic Beverage Control Law are suggested for guidance (Subsections 110 and 126).
3. Licensees should be citizens of the United States. Application forms should be amplified to broaden, extend and facilitate investigation of applicants. Fingerprinting and photographing of applicants should be made mandatory. (Sec. 561.18)
4. In considering license applications, the narrow dictionary definition of "moral turpitude" should be abandoned in favor of the much broader series of definitions enunciated by many courts.
5. The principal categories of liquor-handling employees should be licensed, under qualifications equal to those required of proprietors. (See New York law, Subsection 102, Sub-par. 2).
6. A provision should be inserted in the law permitting the Beverage Director to take into account circumstances which may have developed after the last prior issuance of a license, or any circumstance which may have been concealed or overlooked in connection with any prior issuance of a license. (Sec. 561.15).
7. If re-examination of a licensed location shows that it no longer qualifies with basic zoning and/or sanitary requirements, or that perhaps fraud was perpetrated in obtaining

the original license in that basic requirements were not complied with in the first place, the local authority shall notify the Beverage Department and an automatic suspension of license should occur until the deficiency is corrected. If fraud has occurred, then the licensee should be penalized by revocation, after hearing, and should be blacklisted as to any other licenses in this State. (Sec. 561.29)

8. Closer liaison between Beverage Department and County Tax Collector must exist with respect to revocations, suspensions, and pending charges which affect the issuance of renewal licenses. (Sec. 561.27)
9. All violations cognizable under the beverage law should be filed as complaints with the Beverage Department by municipal and county police departments, the constable, the Sheriff's Department, and any Metropolitan Police Department when and if established. Such complaints should be filed without delay after any arrest is made. The Beverage Department should likewise notify local law enforcement of cases originated by the Department against licensed beverage establishments in the respective local jurisdictions.
10. Since Sec. 561.25 prohibits Beverage Department employees "or sheriff or other officer with state police power" from becoming interested in businesses licensed under the beverage law, it is obvious that this same inhibition should extend to municipal police officers and officers in any Metropolitan Police Department when and if established. (Sec. 561.25)
11. Key personnel in the Beverage Department are grossly underpaid, considering the discretionary authority which some of them exercise, the magnitude of economic investment and turn-over with which they deal, and the character of many of the persons with whom they must contend.

Recommendation:	<u>Annual Salary</u>
Director	\$ 10,000
District Supervisors	6,500
Roving inspectors, state at large	6,000
Senior enforcement inspectors	4,800
Junior, or probationary "super- visors" (depending on qualifi- cations and length of service)	3,300 to 3,900

12. A merit system tending to reduce the wholesale discharge of qualified and experienced employees should be adopted. Under no circumstances should all those employed as of a given date be "blanketed in". Adequate job qualifications should be established, merit points be given for training and experience, examinations on beverage law and related subjects be conducted and a probationary period be established. A period of at least one year should be allowed after the effective date of such a merit system during which the same may be carefully established. Thereafter, the Director should have the right in his discretion and not for cause to discharge in any one fiscal year not more than 30% of his personnel.
13. Training of personnel should occur before assignment to duty, and in-service training should follow. Beverage Department personnel should be made available for the training of other law enforcement personnel in beverage law enforcement.
14. The staff of the Miami District Office should be increased until it bears some reasonable ratio to the total departmental personnel and the volume of licensees which it must supervise. Where practical, enforcement field personnel should be rotated or shifted among district offices.
15. We deplore the growing practice of selling packaged liquor on credit, particularly by stores and bars ~~on~~ on the fringe of the negro areas. Attention is called to New York law prohibiting this practice. Suitable exception is made for bona fide clubs and hotels. (Sub-sec. 110, par. 5 and Sub-sec. 99-C).

16. Dade County's zoning resolution No. 6190 should be amended to prohibit licenses for "on-premise" consumption of alcoholic beverages within 1500 feet of private schools having 30 or more pupils attending the first or higher grades.
17. Indiscriminate licensing of beer and wine taverns without regard to their number in relation to population should be discontinued.

#### PART V

##### RECOMMENDATION FOR "HOLDOVER" GRAND JURORS

The Grand Jury made a study of possible methods for improving the efficiency of Grand Jury operations. As a result, it recommends to our legislators an amendment which would make possible some form of "holdover" system under which a nucleus of experienced Grand Jurors from each term would be carried over into the subsequent term. This would assure the presence of experienced Jurors on the panel at all times; would eliminate a great deal of lost motion in getting each new panel organized and under way; and would allow continuity in undertakings which would require longer than a single six month term for successful completion.

Of suggestions received, the Grand Jury favors the one which would impanel half of the Jury every three months (alternating 11 and 12 members) instead of a completely new panel every six months.

#### PART VI

##### DORA PINDER MURDER CASE

The matter concerning the Dora Pinder murder case and all of its involved facts were submitted to us on three occasions. The Grand Jury devoted many hours to this case, heard numerous witnesses, investigated the testimony, and ascertained therefrom that nothing new was presented to the Grand Jury of any kind or character which would justify action thereon.

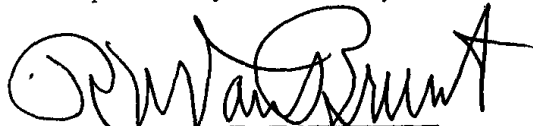
ACKNOWLEDGMENTS

This Jury wishes to express its appreciation to the Honorable George E. Holt for his splendid cooperation and courtesy and helpfulness in advising and counselling this Jury in matters having to do with the proper procedure of the Jury during its term.

This Jury also expresses thanks to State Attorney George A. Brautigam and his Assistants for their diligence and willingness at all times to fully and properly assist this Jury in the transaction of its business.

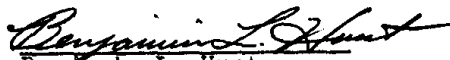
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Respectfully submitted,



Raleigh W. Van Brunt  
Foreman

ATTEST:

  
Benjamin L. Hunt  
Clerk