

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

SPRING TERM A. D. 1957

FINAL REPORT OF THE GRAND JURY

Filed

November 12, 1957

Circuit Judge Presiding  
HAROLD R. VANN  
Officers and Members of the Grand Jury

JOHN A. BAKER, Foreman

HENRY E. KOPPLOW, Vice Foreman

LATIMER EUGENE MOORE, Treasurer

JOHN A. PAGE, Clerk

FLORENCE B. WARE, Assistant Clerk

RICHARD W. DENMORE  
CARL E. ERICSSON  
PHIL JONES GALLAGHER  
PERRY E. GARY  
MORRIS GOTTLIEB  
JAMES N. HAMMER  
CHARLES B. HANSON  
HERBERT L. JOHNSON  
EUGENE W. McNALLY

ANN SELDEN NICHOLSON  
JOHN P. PRENTICE  
BEULAH R. SAMPSON  
JOE L. SMITH  
EDWARD E. STANLEY  
WAYNE D. THOMPSON  
JOHN Y. VEENSTRA  
MARVIN R. WEEKS  
FRANCES W. LINDEBURG  
(Excused)

\*\*\*\*\*

State Attorneys

RICHARD E. GERSTEIN  
T. E. DUNCAN - Eighth Judicial Circuit

\*\*\*\*\*

Assistant State Attorneys

JOHN C. WYNN  
THOMAS G. O'CONNELL  
G. DAVID PARRISH

EDWARD P. SWAN  
MAX B. KOGEN  
CARLING H. STEDMAN

\*\*\*\*\*

Clerk of the Circuit Court

E. B. LEATHERMAN

\*\*\*\*\*

Administrative Assistant

ELEANOR ROBINSON

\*\*\*\*\*

Official Court Reporter

JACK W. MALLICOAT

\*\*\*\*\*

Bailiff

W. R. HOLZBAUR

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TO THE HONORABLE HAROLD R. VANN, CIRCUIT JUDGE  
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

This Grand Jury, being the last representative of those juries falling in the category of "Blue Ribbon Grand Juries", wishes at the outset to remind the citizens of Dade County of the solemn and deep-rooted responsibilities of all Grand Juries, Blue Ribbon or otherwise. It is this Jury's opinion that there are but few who fully realize or appreciate the important part the Grand Jury system plays in local affairs; or the magnitude of the grave responsibility which rests on the shoulders of each member of every jury.

These juries are empanelled, with uninterrupted regularity, each May and November for the sole purpose of effecting some measure of control over the vices, corruption, violence, and vagaries resulting from human frailty, selfishness, and greed.

This jury wishes to admonish all citizens of Dade County to be diligent in the exercise of the inalienable rights handed down by our forefathers; and to be ever alert for any and all acts or things which would tend to restrict or otherwise impair proper and full freedom to exercise those rights.

This jury also wishes to specifically remind all future Grand Juries, that each member of any Grand Jury has a most solemn obligation to all citizens of Dade County in that the future of this area must be assured by proper and adequate control of those elements tending to undermine, demoralize, or otherwise retard healthy and normal development.

This jury has therefore compiled and respectfully submits this Final Report of their activities, findings, and recommendations to all citizens of Dade County for their enlightenment, with the sincere hope that all will have and take the opportunity to fully digest its contents, as well as the contents of those Interim Reports previously issued, copies of which are attached.

For the convenience of those studying this report, an index is provided.

This Grand Jury was empanelled on May 14, 1957, by the Honorable Harold R. Vann, Circuit Judge. During its term, 70 regular meetings were held and the various committees met at regular and frequent intervals to facilitate jury work.

Following is a list showing the disposition of Capital and Criminal Cases heard by this jury:

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
JAMES RUBY THOMAS	Rape	True Bill
ANNA SCHROEDER	First Degree Murder	True Bill
WILLIE ARTHUR ROBINSON	Rape	True Bill
GEORGE SMITH	Rape	No True Bill
MOSE CHOICE	First Degree Murder	True Bill
EUGENE A. SIMMS	Rape	True Bill
CURTIS RUSSOM	Rape	True Bill
JESSE PAIT	First Degree Murder	True Bill
JULIAN JEROME McCOY ) WILLIAM ALTON McCOY )	Rape	True Bills
SELVEY RANDALL MARCHMAN	Rape	True Bill
LINDA OSTROM	Second Degree Murder	True Bill
WILL CONEY	First Degree Murder	True Bill
ALBERT ERNEST WALDEN	Rape	True Bill
MARGARET ROBERTS	Second Degree Murder	No True Bill
FRANK McDANIEL KELLY	First Degree Murder	True Bill
ESTELLE MASON	First Degree Murder	True Bill
RAY BLACK CARPENTER	Rape	True Bill
JULIAN JEROME McCOY	Rape	True Bill
GENE THOMPSON	First Degree Murder	No True Bill
JOHNNY COLE	Rape	True Bill
LEE DOTHAN WILLIAMS	Second Degree Murder	True Bill
RUFUS RANDOLPH ROWE	Manslaughter (2 Counts)	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
HOWARD B. PICCOTT	Rape	True Bill
ADRIAN EVANS	Rape	True Bill
LAWRENCE J. McCORMICK, ROBERT F. PETERS, RAYMOND EWING, AND JULIAN M. SCOTT	Illegal Purchase of Supplies, Goods and Materials for public use.	True Bill
LAWRENCE J. McCORMICK, RAYMOND EWING, AND JULIAN M. SCOTT	Illegal Purchase of Supplies, Goods and Materials for public use.	True Bill
LAWRENCE J. McCORMICK, RAYMOND EWING, AND JULIAN M. SCOTT	Illegal Purchase of Supplies, Goods and Materials for public use.	True Bill
LAWRENCE J. McCORMICK, ROBERT F. PETERS, RAYMOND EWING, AND JULIAN M. SCOTT	Illegal Purchase of Supplies, Goods and Materials for public use.	True Bill
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LAWRENCE J. McCORMICK, ROBERT F. PETERS, RAYMOND EWING, AND DR. H. J. HOEPPNER	Illegal Purchase of Supplies, Goods and Materials for public use.	True Bill
LAWRENCE J. McCORMICK, ROBERT F. PETERS, RAYMOND EWING, AND DR. H. J. HOEPPNER	Illegal Purchase of Supplies, Goods and Materials for public use.	True Bill
LAWRENCE J. McCORMICK, RAYMOND EWING, AND DR. H. J. HOEPPNER	Illegal Purchase of Supplies, Goods and Materials for public use.	True Bill
WILLIAM J. GERONIMO, JR.	Malpractice by Jailer	True Bill
WILLIAM J. GERONIMO, JR.	Distributing Obscene Literature	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Action Taken</u>
GEORGE B. EVERETT	Issuing a Worthless Check over \$50.00	True Bill
GEORGE B. EVERETT	Issuing a Worthless Check over \$50.00	True Bill
GEORGE B. EVERETT	Issuing a Worthless Check over \$50.00	True Bill
GEORGE B. EVERETT	Issuing a Worthless Check over \$50.00	True Bill
GEORGE B. EVERETT	Issuing a Worthless Check over \$50.00	True Bill
GEORGE B. EVERETT	Grand Larceny	True Bill
GEORGE B. EVERETT	Grand Larceny	True Bill
GEORGE B. EVERETT	Grand Larceny	True Bill
GEORGE B. EVERETT	Forgery Uttering a Forged Instrument	True Bill

## PART I

Part I of this Report is devoted to those items of a general nature of sufficient importance to dictate that attention be directed to them as a matter of public interest.

- A. This jury feels that the Administrative Assistant and Bailiff now employed have each in their respective positions performed commendable service in a most conscientious, efficient, and cooperative manner.

In this connection, it is the recommendation of this jury that those persons or bodies responsible for regulatory legislation covering Grand Jury operations give serious consideration to future provision of some means by which these employees might be allowed normal vacation privileges consistent with present day practices.

- B. While there may be many valid reasons for acceptance of and adherence to the present statute requiring a complete new roster of inexperienced jurors for each six months term, this jury is of the opinion that the resulting inefficiency during the early organizational stages of each jury is detrimental to Grand Jury operations, and that it should be eliminated. It is suggested that those charged with the control of these bodies consider the following recommendations and give serious thought to exerting some effort to improve the efficiency of these operations.

### Recommendations:

As a solution to this problem, it is recommended that existing statutes be revised so as to stagger the selection of jurors to allow eleven members to be empanelled at the beginning of a three month period, and twelve members to be empanelled at the beginning of an

alternate three month period. This would allow each individual juror's term to remain at the present maximum of six months, but would make a provision for a reasonably experienced nucleus to be a part of each jury at all times.

We further recommend that the selection of Jury Foreman and Vice Foreman be made by the Grand Jury members, which selection would require an affirmative vote of 15 jurors.

- C. In order that operations can be conducted with greater efficiency throughout the term of each jury, and to eliminate delay in certain categories, it is recommended by this jury that the State Attorney appoint two competent Assistants to serve the Grand Jury on a full time basis. This would permit at least one assistant to be fully informed and available to serve the jury at all times. Difficulties arising from unavoidable absences of a single Assistant State Attorney could thereby be avoided. It is not the intent of this suggestion to advocate that these two Assistants also handle presentation of capital cases, but that they be assigned exclusively for the purpose of handling other Grand Jury matters.
- D. Despite the differences which have arisen between the State Attorney's office and this jury, we feel that representatives of that office have on many occasions given this body their full cooperation, and have performed their duties in an efficient manner. We wish to express our sincere appreciation for these services.
- E. The importance of news reporting functions in our daily lives, and the necessity for freedom of the press is fully recognized, but it is felt that more effort should be exerted by agencies reporting the news to prevent abuse of these functions.

It is the opinion of this Grand Jury that local news reporting agencies

are often guilty of selfish and indiscreet practices in an endeavor to scoop their competitors and to direct attention to their respective media. As a result, we feel that the public is quite often misled and misinformed. This jury also feels that reporting without full knowledge of the facts contributes in no way to the best interests of the citizens of Dade County.

Inasmuch as all Grand Juries are dedicated to serving the interests of the citizens of Dade County, it is suggested that news agencies serving this area use discretion in reporting all matters pertaining to Grand Jury operations, and recognize that false reports are detrimental to and often seriously retard those operations.

We therefore earnestly solicit full cooperation of all such agencies with future Grand Juries in this regard, so that they both may best serve the general public in an honest, efficient, and straight-forward manner.

- F. During the term of this Grand Jury, innumerable communications have been received from citizens in this area, citing damages suffered at the hands of members of the legal profession. In general, these matters have been referred to The Florida Bar for process of disciplinary action. However, due to the frequency of complaints of this nature, this jury feels that this situation deserves more than passing mention.

It is, of course, recognized that the Grievance Committee of The Florida Bar is undoubtedly making every effort to police their ranks in accordance with good practice. On the other hand, it is also apparent that in the cases involving George B. Everett, disciplinary action has been nonexistent or ineffective measures were taken to control methods and practices which were unethical and possibly criminal.

This jury, therefore, recommends that every effort be made, by the controlling agencies in the legal profession, to expedite handling of all cases of this nature and take prompt action in every case, so that the general public will not be continually subject to abuse.

G. Distribution and sale of obscene literature was brought to the attention of this jury, and after consideration of these matters, the following conclusions have been reached:

1. We realize in order that rigid enforcement of any law controlling publications in this category could be accomplished, official examination of the publication involved would present a problem of great magnitude. This would result from the fact that each issue of each publication would, of necessity, need close perusal; and that there would always exist the strong possibility that one issue of a particular publication could be considered obscene and another might be in good taste.
2. Florida Statute, Section 847.01, as amended by the 1957 Legislature, effective October 1, 1957, clearly states that the injunctive powers of the Court may be brought to bear by any County Solicitor or State Attorney to exercise the provisions of this statute.
3. This jury, therefore, recommends that a sufficient number of copies of this statute be printed and transmitted to each distributor of news, magazine, and/or book publications by the State Attorney, so that they may be fully informed as to the provisions of this statute and the penalty for violations thereof. Also, that copies of this statute be furnished each retail outlet of these publications, so that they too may be fully informed. This procedure would

charge these outlets with the responsibility of restricting distribution and sale of questionable publications in violation of this statute.

It is also felt that if general distribution of this statute was accomplished, the public would become educated in these matters, and realize that complaints registered with the proper authorities would insure prosecution of flagrant violations.

4. This jury also recommends that the Metropolitan Government institute a uniform ordinance which would control distribution and sale of such publications in all areas of Dade County.

This would prevent the possibility of outlets in one area being rigidly controlled and those in another area under no apparent restriction.

5. It was gratifying to note the recent favorable action taken by the Dade County Commission in this matter. We recommend that they reach a final decision on an over-all controlling measure at the earliest possible date, so that progressive steps may be instituted without delay.

## PART II

Part II of this Report is devoted to the activities in specific fields handled by this Grand Jury.

### CRIME

1. As a result of the testimony heard before this Grand Jury in connection with the operation of the Dade County Purchasing Agent's Office, it was disclosed that these operations are antiquated and inefficient in many respects.

It was apparent from the testimony that competitive bidding on items to be purchased through this office, the total value of which is less than \$1,000, is the exception rather than the rule.

It is, therefore, recommended that the Dade County Commission make a thorough study of the report submitted by Morgan, Altemus & Barrs, Certified Public Accountants, entitled "Report of Examination of Procedures--Purchasing Agent--Board of County Commissioners--Dade County--Miami, Florida." It is suggested that all possible steps be taken to improve the operations within this department.

It is also recommended that the Fall Term 1957 Grand Jury follow up this matter in order to determine whether or not corrective measures have been undertaken.

2. Upon learning of the arrest and subsequent conviction of a local yard man in the City of Miami Municipal Court, this jury instigated an extensive investigation of this matter. As a result of this investigation, the following conclusions were reached:

- a. That the presiding Judge in this case was discriminatory in not calling defense witnesses present at the time of the hearing.
- b. That the then acting Assistant City Attorney, who was serving as prosecutor throughout the earlier court proceedings, was permitted to relinquish these duties to assume the role of complaining witness, which procedure is inconsistent with basic principles of justice and fair play.
- c. Although minor details of evidence in this case are conflicting, the fact still remains that the defendant, being ignorant of normal court procedure, was not allowed to completely present his case. It is the opinion of this jury that the presiding Judge should have allowed this defendant time to secure counsel.
- d. This litigation resulted in a sentence of 45 days being imposed on the defendant. However, the presiding Judge saw fit to release the defendant from custody after about three weeks.

This jury is of the opinion that the proceedings and resultant sentence in this case were one-sided, unfair, and arbitrary.

It is strongly recommended that the Civil Service Board of the City of Miami review this case in detail, toward the end to institute proper disciplinary action and future control of such practices.

#### EDUCATION

This Grand Jury has continued earlier investigations made of the Dade County School System operations by previous Grand Juries in an effort to bring these matters to a conclusion. It is felt that the public is not always fully aware that this agency is an organization of huge proportions. Its expenditure of funds amounted to approximately 58 million dollars this school year, which represents approximately 62% of the Dade County Tax Budget. It employs over 10,000 persons, of which over 6,500 are classified as instructional personnel. The following report of our investigation is submitted for the information of the public.

##### 1. General Conditions

The jury investigated general conditions in the Dade County School System and used as its basis of investigation "A Survey Report of the Division of Surveys and Field Services of the George Peabody College for Teachers" submitted to the Board of Public Instruction in 1952, and a "Report and Recommendation of the Visiting Committee on Certain Personnel Problems of the Dade County School System" submitted to the Board of Public Instruction in 1955.

The Chairman of the Board of Public Instruction and the Superintendent of the Dade County Public Schools were asked to make a report to this body stating the actions taken on various recommendations made in the above reports. These recommendations were selected at random by this body and were felt to be representatively valid.

"A Report to the Dade County Grand Jury" dated October 3, 1957, from Dr. C. Raymond Van Dusen, Chairman of the Board of Public Instruction, Dade County,

Florida, and Dr. Joe Hall, Superintendent of the Dade County Public Schools, was received by this body.

In the hope that the public will take time to carefully read this report and take a greater interest in the work of its School System, this Grand Jury therefore, specifically requests the Board of Public Instruction to make public all of this Report.

## 2. The Purchasing System

Previous Grand Jury investigations indicated that there were many irregularities in the purchasing and procurement of supplies and equipment used by the School System. This jury ordered an audit of the Purchasing System by the accounting firm of Ring, Mahony & Arner. This audit failed to substantiate the charges made. It said in part that:

### "Results of Examination

We found that (1) the purchasing system of the Board of Public Instruction of Dade County, Florida is generally adequate, well supervised and is efficiently performing the functions required of it. (2) The system contains sufficient internal control to generally prevent fraudulent practices within the organization."

It did make certain recommendations, however, for tightening the internal control and increasing efficiency in certain areas.

Time obviously precluded an audit of the Cafeteria System inasmuch as the cafeterias were not in operation during a great part of the term of this jury.

It also appears from sworn testimony before the jury that there may be irregular practices in the purchasing of food and supplies for these facilities. We call this to the attention of the Board of Public Instruction.

## 3. Poor Personnel Practices

This jury investigated the allegations of poor personnel practices. Time and the scope of the problem prevented completion of the investigation. A few samples of the discoveries by this body will suffice to point out glaring evidence of poor methods, as indicated by the following:

- a. This jury learned that little effort is made by the Personnel Department of the School System to investigate the past record of its prospective employees. Furthermore, no effort is made to determine by psychological or psychiatric examination whether or not new teachers are emotionally suited to handle children.
- b. Personnel folders are kept in a manner that does not conform with business practices. Folders checked contained papers and documents filed in a manner that is disgracefully sloppy and slipshod. Nothing is permanently fastened in the folders. There was no logical sequence of documents either chronologically or by relative importance. There are no "Index Sheets" or "Summary of Contents Sheets." If any unscrupulous person desired to remove any matter from any file, there would be no way to determine what, or if, documents had been removed.
- c. Personnel records are kept in sub-standard filing cabinets which are not fire or burglar proof.
- d. The following examples show Personnel Practices which are nothing less than grossly negligent:
  - d-1. In one instance, a man accused of child molestation, by the children involved, by the parents, and by the faculty of the school involved, was allowed to resign without any law enforcement agency being notified and his records indicate in effect that he resigned to accept another job.
  - d-2. In another instance, a man charged and booked on a child molestation charge was brought to trial. His case was dismissed. Yet, his records only indicate that he resigned.
  - d-3. In yet another instance, a teacher was accused by a student of improper advances. This man was interviewed by the Principal of the school involved, who recommended a hearing. Even though the

charges were not pressed, there is no indication in this teacher's personnel folder of any such action, or of the findings or the proceedings. This jury feels that there is no valid excuse for neglecting to make a proper record of proceedings of this nature.

#### Recommendations

- A. That the Audit Report of Ring, Mahony & Arner be given careful consideration and study by the Board of Public Instruction.
- B. That the Board of Public Instruction order an immediate audit of the Cafeteria System.
- C. That the Board of Public Instruction confer with the Psychology Department of the University of Miami in an effort to formulate and institute a program of psychologically testing and screening each new employee to determine his or her emotional stability or fitness to teach.
- D. That the Board of Public Instruction immediately institute a firm policy of fingerprinting all present and prospective employees, and that each be checked by the new Metropolitan Police.
- E. That the Board of Public Instruction requisition now and include in future budgets requests for filing cabinets, safe-type, meeting minimum fire requirements for the storage and safety of personnel records.
- F. That the Board of Public Instruction order that the personnel records be permanently secured in folders by standard fasteners, the documents and records contained therein filed in logical sequence, and that records in general be maintained in a manner consistent with good business practices, to all extent possible in a confidential manner, and employ a permanent system indicating the withdrawal of any personnel file.
- G. That the next Grand Jury make a continuing investigation of the Dade County School System, with emphasis on those matters contained herein.

#### FINANCIAL STATEMENT

Although it is physically impossible to compile a final report in this category, this jury feels that the public is entitled to an accurate and factual accounting of disbursements during its tenure.

Contrary to recent unofficial published data on this subject, based purely on misinformation, poor analysis, or conjecture, the following is submitted for the information of those citizens of Dade County interested in the costs incidental to efforts of this body to protect their interests:

The following list includes expenditures up to and including November 1, 1957.

Court Reporting	\$ 3,226.75
Furniture & Fixtures	\$ 694.80
Accounting	\$ 1,125.00
Investigators' Fees	\$ 9,951.19
Counsel Fees	\$ 6,085.43
Miscellaneous	\$ 2,175.20
	<hr/>
Total	\$23,258.37

#### MISCELLANEOUS

During the course of the term of this Grand Jury, the following investigations were made and resulted in actions noted.

#### HIALEAH GARDENS

Operations of the Town Council and Police Department of this community were investigated in connection with practices not commensurate with good government. At the conclusion of certain phases of this investigation, the following Interim Report was issued:

The Spring Term 1957 Grand Jury in connection with its investigation of the Town of Hialeah Gardens, Florida, finds that the Town of Hialeah Gardens maintains and operates a "SPEED TRAP" upon and over that part of State Road 27, also known as Okeechobee Road, which passes through the town.

In support of this finding, the following data is submitted:

FINANCIAL STATUS OF TOWN OF HIALEAH GARDENS

FINANCIAL REPORT COVERING THE SIX MONTHS  
PERIOD ENDING MARCH 21, 1955

For the period covered, Total Cash Received was \$2,354.71, of which \$986.00 represented the amount received from Automobile Inspection Fees.

The total disbursements made by the town for this same period were \$2,650.92. The significance of Total Cash Received and the amount of Cash Disbursed will be most apparent from further reading.

FINANCIAL REPORT COVERING THE FISCAL YEAR FROM  
APRIL 1, 1955 TO MARCH 31, 1956

Utilizing the figures obtained from the Town Accountant, the staggering sum of \$55,354.81 was collected by the town. Of this amount, \$52,422.23 was received from the Fine and Forfeiture Fund and Automobile Inspection Fees.

It, therefore, becomes obvious when comparing the amount of Cash Received for the first period covered herein (\$2,354.71) as opposed to the second period covered (\$55,354.81) that the town suddenly became prosperous. It is obvious that the registered voters of Hialeah Gardens, numbering less than 100, were not the sole contributors to the town's Fine and Forfeiture Fund. The total disbursements for the same period covered were \$30,525.62. Of this amount, approximately \$19,000 was expended on the Hialeah Gardens Police Department operation.

Again, it becomes obvious that the Police Department is supported regally in return for the large amount of fines and forfeitures they are responsible for bringing into the town's treasury.

FINANCIAL REPORT COVERING THE FISCAL YEAR FROM  
APRIL 1, 1956 TO MARCH 31, 1957

The total funds received by the town were \$51,242.24. This Grand Jury is shocked to learn that the town actually collected \$45,900.29 from fines and forfeitures and then expended approximately \$29,000 on Police Department activities. Total expenditures for that year were \$44,202.47.

The Police Department again was the main recipient of that prosperity.

PROPOSED BUDGET FOR PERIOD ENDING MARCH 31,  
1958 (ORDINANCE 142 PASSED AND APPROVED  
MAY 14, 1957 BY THE TOWN COUNCIL)

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Expected Revenue	\$52,250.00
Subtracting Fines and Forfeitures	<u>\$44,500.00</u>
Revenue from Other Sources	\$ 7,750.00

Hialeah Gardens, expecting another banner year, as evidenced by their budget, expects to collect \$44,500.00 from their Fine and Forfeiture Fund from unwary travellers (residents and tourists alike) using a stretch of road 4 1/2 miles long. The Town Council then audaciously allocated the staggering sum of \$27,030.00 for their Police Department expenditure which is quite consistent with the town's policy of a generously high appropriation to their town's Police Department.

CONCLUSION

Comparison of the figures submitted indicates that the Town of Hialeah Gardens has as its primary justification for existence the collection of fines and forfeitures by and through the Police Department. The Police Department receives as its reward generous budgetary appropriation from the town.

The Metropolitan Charter of Dade County has authority to declare State Road 27 (one of two paved roads within the limits of Hialeah Gardens) as an arterial highway and in so doing, exclusive jurisdiction would be assumed by the Metropolitan Police Department and the Metropolitan Court.

It is hereby recommended that the County Commission forthwith take necessary legal steps to have State Road 27, also known as Okeechobee Road, declared an arterial highway, pursuant to Section 1.01 of the Metropolitan Charter.

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Due to lack of sufficient time, this jury could not complete investigation of all matters needing correction in this community, and therefore, strongly urges the Fall Term 1957 Grand Jury to examine our files on this matter and continue to endeavor to correct an unsavory condition.

Also, as a result of these investigations certain indictments were presented to the Court.

This Grand Jury has received a copy of a petition submitted to Sheriff Thomas J. Kelly, dated October 12, 1957, which contained the following request:

"We, the undersigned residents and/or business persons in the Town of Hialeah Gardens, Florida, wish the protection of the Sheriff's Department."

This petition was signed by 73 individuals.

As a result of this petition, we understand that Sheriff Kelly has provided personnel to patrol the area within this community on a full time basis.

#### DADE COUNTY SIGN SHOP

Considerable testimony, taken by others, was reviewed in an effort to determine this matter's importance in this Grand Jury's agenda. Due to the nature of the facts in this case, and the fact that Dade County Ordinances to control such abuses were pending, this Jury felt that other matters of greater importance took precedence. This item was, therefore, deferred and no further action taken.

As a matter of information, a copy of the established policy of the Dade County Commission follows:

"It was moved by Commissioner Ralph A. Fossey that the following policy on outside employment by county employees be adopted:

1. That no County employee shall accept outside employment, either incidental, occasional or otherwise, where County time, equipment or material is to be used or where such employment, or any part thereof, is to be performed on County time.
2. Any County employee may accept incidental or occasional outside employment so long as such employment is not contrary, detrimental or adverse to the interest of Dade County or any of its departments.
3. That any outside employment by any County employee must first be cleared by that employee's department head, who shall maintain a complete record of such employment.
4. That whether or not such employee shall be permitted to accept outside employment should be within the discretion of his department head.

The motion was seconded by Commissioner Charles F. Hall, and upon being put to a vote, was unanimously carried."

## NORTH MIAMI BEACH

The Grand Jury undertook the task of investigating operation of the City of North Miami Beach for alleged irregularities. Due to limited time, the investigation touched only a minor portion of complaints. However, interrogation of City officials did disclose a flagrant situation as to the disbursement of payments to the City Attorney.

The testimony disclosed that the attorney for the City of North Miami Beach, although not on a full-time basis, received approximately \$30,000 per year in fees, in addition to \$720.00 per year as a retainer. His work does not include the prosecution of cases in the municipal court, which function is handled by others.

There is a laxity in the control of payments to the City Attorney. For some unexplainable reason the City Attorney would receive two separate checks in payment for his total services each month. Although the explanation was given that the two checks were to differentiate between the type of services performed, the amounts on the checks did in no instance add up to give validity to such explanation. The bookkeeping department of the City of North Miami Beach which issued the checks could give no sound business reason for two checks being issued in payment for each monthly bill submitted by the City Attorney, except to state that it was told to do so and that the amounts of the checks were given to it by the City Attorney. The City Attorney was the only city official to receive two separate checks for payment of his services.

In fairness to the City Attorney, the investigation disclosed that the City of North Miami Beach is a rapidly expanding municipality with many problems (as are other communities in Dade County) and that his position would compel him to at times work long hours; further, that each month he submitted an itemized account detailing the bill for his services for the prior month. However, the bills were actually approved and checks issued by only two members of the City Council who act as a Finance Committee. Each month's total bill was seemingly

approved by the Mayor and one Councilman and never submitted to the Council as a body at a public hearing in order to pass on its validity and reasonableness.

The investigation further disclosed that despite the fact that the City Attorney had received the approximate sum of \$30,000 in the year 1955, and despite the fact that it was recognized that the municipality of North Miami Beach was growing rapidly, the budget for 1956 provided the total sum of \$15,000 for legal expenses. Even though this budget allowance was only \$15,000, the City Attorney received the approximate sum of \$30,000 for that year.

The testimony revealed that the City Attorney made contributions to the election campaigns of the incumbents who ran in the citywide election in 1957, despite the fact that his appointment is subject to the approval of the City Council. Also, over a period of several years he had loaned money to two members of the City Council, a portion of which still remains unpaid.

It is recommended by this Grand Jury that the investigation of alleged irregularities in the City of North Miami Beach be continued and completed by the Fall Term 1957 Grand Jury.

It is further recommended that the City of North Miami Beach inaugurate a Legal Department under the supervision of a full-time City Attorney, at a compensation fixed by the City Council, but paid by the City in the same manner as salaries of the other city employees.

It is also recommended that the City of North Miami Beach and/or the Metropolitan Government for Dade County pass a law making it illegal for a city official whose appointment is subject to the approval of elected officials to either contribute funds to such officials in election campaigns, or to loan money to elected officials to whom their job is obligated.

It is recommended that in the event the people of the City of North Miami Beach do not approve the organization of a Legal Department under the supervision of a full-time city attorney as encompassed in a proposed charter upon which the voters

of North Miami Beach will have an opportunity to express their opinion in a referendum in January, 1958, that the City Council of North Miami Beach abolish payments to the City Attorney by a two-man Finance Committee; and that all bills of the City Attorney be subject to approval at a public hearing by the entire City Council.

#### PUBLIC WORKS AND INSTITUTIONS

The Spring Term 1957 Grand Jury has made inquiry over the past months into the availability and effectiveness of emergency medical assistance available to the citizens of Dade County.

It becomes obvious from investigation and sworn testimony that there is now existing in Dade County a definite lack of ambulance and emergency hospital facilities; that this lack is two-fold, (1) personnel, and (2) facilities.

The following is submitted for the information of the general public:

1. At the present time there is no central agency or telephone number where a person can obtain emergency medical assistance.
2. At the present time, the personnel of organizations rendering ambulance service do not have standard or regulatory training in first-aid measures needed in cases of emergency.
3. The ambulance service as now available in Dade County is a "crazy quilt of coverage." This is due in large part to the fact that many commercial firms enter into this field on a full or a part time basis. The service available to the colored population is particularly inadequate. The reluctance of political subdivisions to enter into justifiable subsidization of indigents has contributed in a great measure to the deplorable situation now existing.
4. Unnecessary use of sirens on emergency vehicles has caused great confusion on our streets, and coupled with disregard of traffic signals, speed zones and quiet zones often results in terrible tragedy for a patient

being transported, or unwary motorists or pedestrians.

5. The availability of hospital emergency service to the victims of accidents is greatly lacking. At the present time, Jackson Memorial Hospital bears the brunt of this service, but by the nature of its geographical location alone, it is insufficient for countywide coverage.

A few of the private hospitals do commendable work in accepting the general public in their facilities. By their nature as private enterprises, they have been found to have varying degrees of restrictions. This jury recommends the use of public funds to subsidize care for indigent patients receiving emergency care in qualified voluntary private hospitals.

6. The inquiry conducted clearly indicated that the unsatisfactory conditions now existing in connection with emergency facilities was in a large part due to a breach and conflict between the definition of an emergency by a medical person, and the definition by the average citizen. It is hoped that as a public service that any plan of public subsidy entered into with qualified voluntary hospitals would produce a narrowing of the gap by defining "emergency" clearly understandable to the layman and physician.
7. A careful review should be made by all emergency facilities as to their ability to retain emergency patients for observation. At our largest hospital, it is primarily a case of crowded conditions. At the private hospitals, it is a far more serious condition, as admission of a patient for observation after emergency treatment means to admit the patient to the hospital proper. Such an admittance involves employing a physician and providing evidence of the ability to pay for future services. It is recommended that the new Department of Public Safety work out a plan with various hospitals for subsidization of care for indigents to cover

emergency treatment and necessary observation after treatment for said emergency.

8. A necessary incident to police functions is the emergency medical care of persons in custody of police authorities. It is strongly recommended that this particular phase of medical care be the subject of careful study as there appears to be a lack of medical facilities, observation beds, ambulance service, and personnel for this neglected but necessary police function.

#### INSPECTIONS OF PUBLIC WORKS AND INSTITUTIONS

During the term of this jury, visits were made to certain public institutions. The visits were unannounced, and were made for the primary purpose of observing over-all operations and general conditions existing at the various locations, and as a check on recommendations by previous Grand Juries.

1. City of Miami Stockade

Observations during the visit to this location indicated over-all good maintenance for which the personnel are to be commended. However, there is one objectionable feature outstanding with respect to this facility, that being the water supply system. This appears to be very unsatisfactory. There are reported proposals being studied to remedy this condition. We strongly recommend immediate attention be given to this subject, and that corrective measures be instituted without delay.

2. County Stockade

Observations during this visit indicated that operations at this location were in good order, except for the kitchen facilities. Prior Grand Jury reports have indicated deficiencies in the outmoded kitchen facilities, and this condition still exists.

It is strongly recommended that the Dade County authorities take immediate steps to provide modern and satisfactory equipment in this kitchen.

3. Dade County Hospital and Homes at Kendall

Observations during the visits to these locations confirm the fact that these facilities are among Dade County's largest and most important public works. The service given by the hospital and homes has grown with the population of the County, and merits the full support of the Dade County Commission in their efforts to meet the demands for these services.

These institutions are well kept and administered, and it is felt that the operating personnel are to be highly commended for their efforts. The home for colored "Old Folks," long a sore spot at Kendall, has been abandoned and replaced with more suitable quarters.

4. Dade County Jail

Observations during the visit to this location revealed that this facility is operated as well as could be expected under the present conditions. The chief detriment to good operations, other than old age, is its location in the upper floors of a building which is antiquated and poorly arranged. Serious thought should be given by the Dade County Commission to moving the jail to a more suitable location.

One sore point noted was the filthy condition of linen in the male section. Despite recognized budgetary limits in the operation of the jail, there is no valid reason for this shortcoming.

5. Miami Sanatorium

Although not a public facility, the Sanatorium was inspected due to its use for County supported patients.

The owners are carrying on a constant program of maintenance and improvement which was impressive.

6. City of Miami Municipal Justice Building

Observations during this visit revealed that the report of a previous Grand Jury concerning this facility was well founded. It is apparent that the rapid growth of this area will soon make this entire installation obsolete and insufficient for the need.

Constant alterations have been necessary in an effort to provide more space and correct unsatisfactory conditions, and will need to continue if proper use is to be made of this facility.

It is recommended that the Miami City Commission take positive steps to provide modern, efficient and adequate facilities for these functions without further delay.

7. Jackson Memorial Hospital, Emergency Ward

Observations during this visit revealed that plans have been formulated for enlargement and improvement of existing deficiencies.

Services of this facility are taxed beyond present capabilities, and this jury recommends that the plans be put into effect without delay.

WELFARE

The activity in this category was confined to an investigation of the operation and functions of the Dade County Juvenile and Domestic Relations Court and Youth Hall. As a result of this investigation, it was found that although much progress had been made in this field, many phases of their operations were stagnant or had deteriorated to such an extent that immediate corrective measures were indicated. The following Interim Reports were therefore prepared and issued in the hope that sorely needed improvements would be made without delay:

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The Metropolitan Government has proposed a Department of Public Welfare which incorporates a Division of Child Welfare. This new division of the Metropolitan Government will provide housekeepers, homemaker and day care services to children in their homes to avoid their removal under the Home Services for Children Section. Also, under the Foster Home Care Section of the Division of Child Welfare, they will place children in foster homes directly or through voluntary agencies, or the State Department of Public Welfare; provide adoption services; place children needing special treatment or care in County Children's Home, or with other group care agencies

This Grand Jury has given much study to many problems connected with child welfare. This study is continuing, but one definite conclusion has already been reached. There are two major and distinct classifications involving children, namely, delinquent and dependent children.

Delinquent children must, of necessity, be dealt with by the Juvenile Court and their cases adjudicated.

However, cases involving dependent children charged with no crime can, under this Ordinance, be handled in a more expeditious, efficient and humanitarian manner than is now possible under exclusive jurisdiction of the Juvenile and Domestic Relations Court.

As stated above, this Grand Jury has made a thorough study of the Juvenile and Domestic Relations Court and will make a complete report shortly. This Grand Jury, therefore, strongly urges adoption of Section 11.09, Division of Child Welfare of the Public Welfare Ordinance, which will give the proposed Department of Public Welfare concurrent jurisdiction with the Juvenile and Domestic Relations Court in problems concerning dependent children.

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+ The Spring Term 1957 Dade County Grand Jury, after an extensive investigation of the operation of the Dade County Juvenile and Domestic Relations Court and Youth Hall, has reached the conclusion that over-all operation and administration of these agencies has deteriorated to a point where corrective measures are required without further delay.

It is apparent from this investigation, however, that some principles developed through the years for these operations have proven to be well founded, and that provision of buildings and physical facilities for Youth Hall was a desirable move in the right direction. All quarters are kept in a clean and sanitary condition, and the food served at this institution is of good quality, well prepared, and in good balance.

In order that deficiencies in the operation and administration of the Dade County Juvenile and Domestic Relations Court and Youth Hall may be corrected, this Grand Jury strongly urges that immediate action be taken by the Court, in cooperation with the Metropolitan Government, to conform with the following recommendations:

1. Employees of the Juvenile Court or Youth Hall have no job security which is generally provided under Civil Service and, as a consequence, morale of these employees has suffered.

It is recommended that the Juvenile and Domestic Relations Court take steps at its earliest convenience to develop a program which will allow all Juvenile Court and Youth Hall employees to be placed under Civil Service.

2. There are only a few of the Assistant Probation Officers and Youth Hall employees who have adequate educational qualifications or experience fitting them for work involving juvenile and domestic relations problems. Also, there have been occasions when qualified officers have been discharged for no apparent valid reason.

It is recommended that the Juvenile and Domestic Relations Court, in cooperation with the Metropolitan Government, work out a system which will insure proper screening of prospective employees so that only those qualified for this work will be engaged. It is also recommended that a thorough evaluation of all present employees be made at an early date and that those found not meeting recommended national standards be replaced by qualified persons.

3. At present, lack of a sufficient number of Assistant Probation Officers seriously retards and is detrimental to case processing in accordance with modern practice. This condition has resulted in poor handling of investigations even to the point where none is made in many cases. There are only one male and two female negro officers to handle all cases in this category. There is but one officer who speaks Spanish and is capable of dealing with the ever-increasing population of Spanish speaking

families. Those officers handling reports of probationers often have to deal with as many as 150 individuals when the maximum recommended by the National Probation and Parole Association is but 50. Due to present long work shifts, it has been determined that Court employees often become irritable and unstable in their actions. It is recommended that the budget allowances for Juvenile and Domestic Relations Court and Youth Hall operations be increased to allow sufficient additional personnel to be employed to bring the Court and Youth Hall rosters up to a number commensurate with the work load for Dade County, in accordance with national standards.

4. Present methods of compiling, filing, and maintenance of case records is wholly inadequate and antiquated. The present system of operation and control of the Property Room is such that this operation has developed into little more than a junk heap. Facilities for provision of medical and psychiatric care are insufficient for the need. Investigative procedure falls short of best present day methods. The existing set-up for transportation of offenders to Marianna and Ocala is very poor, requiring on occasion an officer to transport an inmate by bus without security because of lack of other means. There appears to be no program for rehabilitation of offenders upon release from custody.

It is recommended that the budget allowances for Juvenile and Domestic Relations Court operations be increased to allow the necessary funds for qualified counsel with regard to establishing modern and efficient methods in connection with the following:

- a. Filing System
- b. Operation of Property Room
- c. Investigative procedures in connection with domestic and criminal problems.

- d. Provision of adequate and specific procedures for medical and psychiatric care of inmates on both a routine and emergency basis.
  - e. Establishment of transportation system which will insure best security and relieve Assistant Probation Officers of this duty.
  - f. Establishment and maintenance of a program for rehabilitation after release from custody.
5. While it is recognized that harsh treatment of offenders is sometimes necessary, it appears as though corporal punishment or strongly repressive measures are excessive. It is recommended that a clearly defined policy be established by the Juvenile Court, or appropriate agencies, with regard to official and unofficial treatment of offenders and their families.
6. It has come to the attention of this jury that receipts are rarely given to local agencies by the Court when receiving confiscated properties from them and there are virtually no case disposition reports furnished local agencies. These methods make it impossible for these agencies to maintain proper follow-up on matters referred to the Court, and as a result, there is repeated confusion in this regard.
- It is recommended that the Juvenile Court be required to furnish receipts covering all confiscated properties placed under their control, and to revise their case handling procedures to insure furnishing a final report to local agencies covering disposition of all cases referred to them by these agencies.
7. Offices of the Juvenile Court are normally closed at night and over week-ends, and other operations of the Court are at a standstill during these periods with the exception of the Assistant Superintendents at Youth Hall. This situation makes it impossible to properly handle cases involving children during these hours and often creates a hardship on children and their families.

It is recommended that these offices be manned 24 hours per day, 7 days per week, to allow ready reference to the Court or its files by local agencies whenever the need arises.

8. It is often the case that dependent children are housed with delinquents, and age groups are not segregated.

It is recommended that the Juvenile Court, or other appropriate agencies, take immediate steps to provide means and establish policies to eliminate confinement of dependents with delinquents, and to allow segregation of age groups at all times.

9. There have been instances where confinement at Youth Hall or the Kendall Home has extended to excessive lengths, without apparent reason.

It is recommended that the Juvenile Court discontinue loose handling of these matters, and that they make an immediate search of their records at both locations in an effort to determine if there are any confinees at either location who should be released.

10. The present method of making appointments to the Visiting Board places the final decision at the exclusive discretion of the Juvenile Court authorities. This Board, in the opinion of this Grand Jury, has become ineffectual and has failed to exercise the powers of control over the operations at Youth Hall and the Kendall Home with which they are vested. This has resulted in over-all deterioration of operations at these locations, which has become detrimental to their prescribed functions, as set forth previously in this report. It is recommended that the Visiting Board as it now exists be abolished and that the powers now vested in this Board be placed under the direct supervision and control of the Dade County Welfare Department of the Metropolitan Government.

11. It has come to the attention of this Grand Jury that there is virtually

no policy existing for the handling of 16 year old male juvenile transients found to be without visible means of support when apprehended by local policing agencies.

It is recommended that this phase of juvenile problems be given specific study by the Dade County Welfare Department in order that children in this category can be properly accommodated.

12. The Family and Child Care Survey Committee of the Dade County Welfare Planning Council has made a survey of the operations of the Dade County Juvenile and Domestic Relations Court and plans to issue a comprehensive report on this survey at an early date.

It is recommended that the Metropolitan Government make a thorough study of this report before designing and enacting ordinances designed to exercise control over handling of domestic and juvenile problems within Dade County.

13. Present Florida State statutes relating to the operations of the Dade County Juvenile and Domestic Relations Court are such that there exists exclusive jurisdiction in this operation, thereby allowing no means for flexible or efficient control.

It is recommended that immediate steps be taken at once to analyze existing laws and instigate necessary legislation to revise the statutes governing operations of this Court in order that over-all operations and procedures will be removed from the closed door methods and policies which have existed for many years.

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A sealed report was submitted to Governor LeRoy Collins on September 12, 1957, recommending action on his part.

This jury feels that there are no other matters of greater importance than the health and welfare of children, and that no expense should be spared in an effort to provide and maintain the most efficient medium humanly possible to administer

this function. Because of the dire need for such an organization that would be operated on the highest level, this jury charges the Fall Term 1957 Grand Jury to examine our file on this matter and to exert every effort to initiate and maintain a close follow-up to insure early action in accordance with the recommendations contained therein.

#### ACKNOWLEDGMENTS

This Grand Jury has been most fortunate in having the Honorable Harold R. Vann presiding over our activities. His counsel and guidance, which he has so willingly rendered, have been of immeasurable value during our deliberations. We wish to express our sincere gratitude and appreciation for these services.

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It is our opinion that E. B. Leatherman, Clerk of the Circuit Court, and his staff, contribute untold assistance to all Grand Juries, without which it would be impossible to function. We have received full cooperation in all matters needing his assistance, and wish to hereby add our wholehearted appreciation for his help to that expressed by others down through the years.


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We also wish to express our appreciation to Governor LeRoy Collins for his prompt action in assigning the Honorable T. E. Duncan, State Attorney for the Eighth Judicial Circuit, in answer to our request for assistance during the last few weeks of our term. We wish to publicly acknowledge Mr. Duncan's efforts in our behalf.

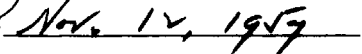
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Acknowledgment of the assistance and cooperation rendered this Grand Jury by the State Attorney and his Assistants, our Administrative Assistant, and our Bailiff, may be found elsewhere in this Final Report.

Attest:

  
John A. Page  
Clerk

Date:

  
Nov. 12, 1957

Respectfully submitted,

  
John A. Baker  
Foreman