

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

SPRING TERM A. D. 1959

FINAL REPORT OF THE GRAND JURY

Filed

November 10, 1959

Circuit Judges Presiding

VINCENT C. GIBLIN
PAT CANNON

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TO THE HONORABLE PAT CANNON, JUDGE OF THE ELEVENTH
JUDICIAL CIRCUIT, IN AND FOR DADE COUNTY, FLORIDA

This Grand Jury was impaneled on May 12, 1959, and administered the following oath by the Court:

"You, as grand jurors for the body of this County of Dade, do solemnly swear that you will diligently inquire, and true presentment make, of all such matters and things as shall be given you in charge; the counsel of the State of Florida, your fellows and your own, you shall keep secret, unless required to disclose the same by some competent court; you shall present no man for envy, hatred, or malice, neither shall you leave any man unrepresented for love, fear, favor, affection, reward, or hope thereof, but you shall present things truly as they come to your knowledge, according to the best of your understanding. So help you God."

Thereafter, the Court charged the Grand Jury as to its duties. We have faithfully endeavored to abide by our oath and to follow the charge given to us by the Court. We have sought and received legal advise and assistance from the State Attorney and his staff.

Pursuant to our oath of office, we have worked diligently and heard many matters which came before us, and we now make this our final report to the Court as follows:

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
FRANCIS WILLIAM SCHISSLER	First Degree Murder	True Bill
MIAMI BEACH SUN	Publishing Name of Party to Bastardy Proceedings - Section 742.09, Florida Statutes	True Bill
SOLOMON WESTBURN ADAMS	Second Degree Murder	True Bill
GEORGE THOMAS STANLEY	Rape	True Bill
KENNETH EARL TRUMP	Rape	No True Bill
ROY JOSEPH ADAMS	Rape	True Bill
JOSEPH MARTINEZ	Assault & Battery	True Bill
THEODORE MAXIE JAMES DAVE GETER THEODORE ROOSEVELT WILSON	First Degree Murder	True Bill
SAMUEL GETZEN FORD	First Degree Murder	True Bill
JOSEPH F. SHEA	First Degree Murder	True Bill
FREDERICK GRIFFIN, also known as FRED GRIFFIN	Manslaughter	True Bill
VIRGINIA H. HENDERSON	First Degree Murder	True Bill
OSCAR CHARLES THOMAS, JR.	First Degree Murder	True Bill
ALFRED S. BARTHOLEMY	First Degree Murder	True Bill
MURRAY SILBERMAN	Acceptance of Unauthorized Compensation for Performance of Duty as a Municipal Officer - Section 838.06, Florida Statutes	True Bill
CHARLES E. WENTZ	Rape	True Bill
TOMMY ROSS FERGUSON	First Degree Murder	True Bill

SCHOOL BOARD INSURANCE PROGRAM

The Grand Jury made an extensive investigation into the insurance program of the Dade County School Board.

Jurors Fred W. Diestelhorst and Lester K. Horn voluntarily withdrew from deliberating or voting upon the following report because of their association with the insurance industry.

The School Board at the present time has a budget for the payment of insurance premiums of approximately \$700,000. This insurance is placed through a servicing agent. We find that there is an inadequate check upon the servicing agent, as follows:

1. The valuation placed on school properties
2. The amount of insurance coverage to be carried on school properties
3. The type of insurance coverage
4. What company will write the insurance, and
5. Whether the risk should be insured.

While members of the School Board profess to follow an opinion by their Attorney (based on the Florida Constitution), holding that they cannot do business with a mutual insurance company, testimony reveals that the Dade County School Board, in fact, carries some insurance with mutual companies. This may surprise members of the School Board. As to the legality of doing business with mutual insurance companies, subsequent to the opinion rendered by the School Board Attorney, the County Attorney gave an opinion to the Board of County Commissioners to the effect that under certain circumstances, they may do business with mutual insurance companies. The County Attorney's opinion is similar to an opinion on the same subject by the Attorney General of the State of Florida. A considerable saving resulted from the County Commission's new program of doing business with mutual companies. Therefore, we recommend that the School Board seek a court decree to determine the legality of their dealing with mutual insurance companies.

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Under the present program, the School Board limits the percentage of commission which the servicing agent may receive. The remainder of the commission is split among approximately 180 local insurance agents. To be among the favored insurance agents receiving the commission, for which virtually no service is rendered, one only has to be a friend or political supporter of a School Board member. We do not approve of doling out this business on a political patronage basis.

In defending the present system, the Grand Jury heard speeches in favor of the free enterprise system by the various officials concerned. But, the Grand Jury fails to see the connection between the free enterprise system and the political patronage passed out by our School Board.

In direct contrast is the County Commission's new insurance program. Formerly, the County Commission operated its insurance program in exactly the same manner as does the School Board, in fact, with the same servicing agent. In making their change, the Board of County Commissioners first hired an insurance expert. This expert reviewed the valuations placed on the buildings by the former servicing agent. He did this using an expert appraiser in the Tax Assessor's office, at no cost to the taxpayers. This appraiser discovered that two-thirds of the buildings owned by the county had improper valuations (both over valued or under valued). It was further discovered that there were buildings which had no insurance coverage. Next, an opinion was obtained from the County Attorney that it was permissible to do business with mutual insurance companies who operate on a non-assessable basis. The County Insurance Department then made a detailed study as to the type of insurance needed. For example, at Jackson Memorial Hospital, it was determined that if a \$50,000 deductible policy over the entire plant were used, a savings of approximately \$19,000 a year could be effected in premium cost. This means that the county is self-insured for the first \$50,000 in damage to the plant. However, the county is protected as it has had \$500,000 in a reserve fund for this purpose for some time.

Armed with proper valuations and the opinion of the County Attorney, the Dade County Insurance Department set up a system of competitive bidding, providing

safeguards as to the type of company which may submit bids. Savings to the taxpayers of Dade County under this new program are considerable. Prior to the establishment of the Insurance Department by the county, the Dade County Auditorium was covered by fire and windstorm insurance based on a valuation of \$750,000 at a cost of over \$12,000. Under the new program, a revised valuation of over \$1,500,000 was placed on this same auditorium. Then, it was determined that a \$1,000 deductible policy would be used. Under the competitive bidding system, the premium is now approximately \$9,000 with the probability of a \$3,000 dividend. Had the old system been continued, under the new valuation, the premium would have cost approximately \$21,000. For less than half the cost, the county now receives twice the coverage it did under the old system. The county is further protected as the old policy had an 80 per cent co-insurance clause. With the property valued at approximately half its real worth, the county would have been penalized 50 per cent should any loss have occurred.

Another example of the progressive approach of the County Insurance Department is at Jackson Memorial Hospital where bids without the deductible clause were received and ranged from a high of \$154,000 to a low of \$52,000. Under the prior County Insurance Program, the only figure which could have been used would have been the \$154,000 figure. Even if mutual companies were excluded, the lowest competitive bid by a stock company was \$58,000. Therefore, competitive bidding would still have saved almost \$100,000.

The criticism has been made that by using competitive bidding, out of state insurance companies bid directly rather than through local agents, thereby taking taxpayers' money out of Dade County. While it is true that some out of state insurance companies do bid directly, savings which this effects outweigh other considerations. At Jackson Memorial Hospital, commissions to the few local favored agents would have amounted to some \$39,000. Subtracting this figure from the savings gathered by accepting the low bid, \$63,000 remained in Dade County in the hands of the taxpayers. An additional benefit to the county

under the competitive bidding system is that we are receiving for the first time fire engineering surveys conducted by insurance companies free of charge. An extensive survey was recently conducted at the Miami International Airport resulting in recommendations which, if followed, will lower insurance premiums. For example, at one paint shop, the cost of the premium is presently \$4.00 for every \$100 in insurance. The engineers recommend that a sprinkler system be installed, which will reduce the rate to 45¢ per \$100 insurance.

Had such a survey been made of our schools, the engineers would have discovered the lack of fire wells or fire hydrants at seven schools in Dade County. This condition existed until the prior Grand Jury caused an inspection to be made and brought this matter to the attention of the School Board.

Future planning by the County Insurance Department includes a program for increasing reserves to cover losses which will enable the county to begin a limited self-insurance program. Provision would be made for excess loss insurance to cover catastrophies. This program has been installed by many large local industries.

As a result of this investigation, we recommend:

1. The establishment of an Insurance Department within the Dade County Board of Public Instruction; such department to be headed by a full-time, salaried employee, trained and qualified in the insurance field. The feasibility of combining this insurance department with that of the already existing County Insurance Department should be fully explored.
2. That the purchase of all insurance be on a competitive bid basis.
3. That the School Board attorneys be instructed to file a court action to resolve the legality of the purchase of non-assessable mutual insurance.

4. That wherever possible, existing appraisal facilities of county agencies should be used to determine property values.
5. That a limited self-insurance program be established with provision made for excess loss insurance to cover catastrophies.
6. That the present system of awarding insurance contracts on the basis of political patronage be discontinued completely.
7. That the recommendations contained in this Report be adopted forthwith by the School Board.

PROPOSED PURCHASE OF MIAMI TRANSIT SYSTEM

At the request of the Board of County Commissioners of Dade County, the Grand Jury made an investigation into the proposed purchase by the county of the Miami Transit Company, Miami Beach Railway Company, and South Miami Coach Line to determine the truth of reports that bribes, unauthorized compensation or commissions had been solicited, offered, or paid in connection with this pending transaction.

We find nothing to support the truth of these reports and uncovered no facts which indicate that any member of the Board of County Commissioners, or anyone else connected with this proposed purchase of the bus lines, has been guilty of any violation of the law or wrongdoing whatever. We found no basis to support the report of bribes, unauthorized compensation or commissions being solicited, offered or paid by anyone.

We believe that the members of the Board of County Commissioners and other county officials, as well as the owner of the bus lines, have acted in good faith in this matter. It appears that some members of the Board of County Commissioners have not been fully apprised of all of the facts and details relating to the purchase of the bus lines. A misunderstanding resulting from

incomplete knowledge of what was involved in a transaction of this magnitude, tended to lend some credence to these unfounded reports and brought about this investigation.

We do not agree with the manner in which these unfounded reports were handled. This matter and any evidence to support any violation of the law or wrongdoing on the part of public officials and other persons doing business with public officials should have been brought to the attention of the Grand Jury, the State Attorney, or other appropriate law enforcement agency. The handling of such matters by first making public statements, alerts all of those who may be guilty or who have knowledge of guilt on the part of others, and greatly hinders the efforts of law enforcement agencies in obtaining the true facts in the event a criminal violation or other wrongdoing has taken place.

The making and dissemination of public statements which cast suspicion on the integrity of public officials tends to destroy confidence in our government, and may do irreparable injury to an innocent public servant. If an official is guilty of wrongdoing or violation of the law, it will usually nullify the chances of a successful criminal prosecution.

We strongly urge all citizens who have information or evidence of wrongdoing or guilt on the part of a public official to immediately bring the same to the attention of the Grand Jury, the State Attorney, or other appropriate law enforcement agency before it is made public.

County Commissioner Ben McGahey, chairman of the committee named by the Board of County Commissioners to inquire into the proposed purchase of the bus lines and negotiate this transaction on behalf of the County Commission, performed his duties well and is deserving of commendation.

POLICE OFFICERS ACTING AS BODYGUARDS OR SECURITY OFFICERS FOR PRIVATE PERSONS

During our term, the Grand Jury investigated the then existing practice of police officers being employed by private persons to furnish protection or act as bodyguards for extended periods of time. We found this practice to be contrary

to public policy and the best interests of the community, as the dual capacity in which such police officers work could result in a conflict of interest between his official duty to the public and his loyalty to his private employer.

An Interim Report was filed by the Grand Jury in which we recommended that rules and regulations be adopted by all law enforcement agencies in Dade County prohibiting any law enforcement officer from acting as bodyguard or security officer for any private person for a period of more than 72 hours. However, where an emergency exists for a longer period of time, and where a person's life is actually in danger, then protection could be furnished upon approval of the Director of Public Safety or other official of comparable authority in a municipality.

This Interim Report resulted in the Director of Public Safety of Dade County and the City Managers of the City of Miami and the City of Miami Beach, and other municipalities adopting such regulations. It should also be noted that as a result of this report, Miami Beach policemen serving as private bodyguards for the former President of Venezuela were relieved of that assignment. We wish to express our commendation of those public officials responsible for effecting these changes.

IRREGULARITIES IN SAFETY INSPECTION OF MOTOR VEHICLES

The safety inspection of motor vehicles and the issuance of inspection stickers were called to the attention of the Grand Jury, and after a comprehensive investigation of these matters, we filed an Interim Report in which we found a lack of uniformity to exist in the methods used by the twenty-three municipalities in Dade County for safety inspection of automobiles.

On July 1, 1958, Dade County began safety inspection of motor vehicles and issuance of inspection stickers and took over these functions in cooperation with most municipalities in the county, with the notable exception of the City of Miami Beach. Under the then Dade County system of operation, the county would enter into a contract with the various municipalities whereby the municipality owned the testing equipment and provided the inspection station, made the inspection of motor

vehicles, issued the metro inspection stickers and paid all costs of the operation. The county furnished the application forms and metro inspection stickers which were printed in accordance with county regulations. All revenue derived from motor vehicle inspections was kept by the municipality operating the station and the county was reimbursed by the municipality for printing the metro inspection applications and stickers.

The Grand Jury inspected each of the safety inspection stations operated by municipalities under the direction of the county, including the equipment, facilities and method of operation of each inspection station. Most safety inspection stations were found to be well operated, but such operations were not uniform. They varied from an excellent operation at Miami Shores to a very poor operation at Sweetwater. We found that the safety inspection station as operated by the Town of Sweetwater was nothing more than a device to collect money from the citizens of this county, and that many motor vehicles were issued safety inspection stickers when the vehicles to which the stickers were issued had never been inspected.

In our Interim Report, we made the following recommendations:

1. That the Dade County Metropolitan Government take over the operation of all motor vehicle inspection stations and discontinue contracts with municipalities for operation of same.
2. That uniform equipment be provided at all safety inspection stations.
3. That adequate standards and regulations be adopted for the operation of all safety inspection stations.
4. That motor vehicle safety inspection stations be established at a location as convenient as possible to the motoring public, not necessarily in municipalities.
5. That each motor vehicle safety inspection station be manned continually by at least two persons, one being an inspector and the other a cashier. The station be arranged so the cashier

can observe motor vehicles going through the inspection line and receive the money and issue the inspection stickers upon completion of inspection. Also the cashier shall place the safety inspection sticker in a glue machine and give it to the inspector to place on the windshield in order to avoid a person using an inspection sticker on a different motor vehicle.

6. That all persons applying for motor vehicle safety inspection stickers be required to produce motor vehicle registration or title certificate to identify the car inspected.
7. That a sufficient number of employees for the operation of all motor vehicle safety inspection stations be provided by the county, to be under the supervision and direction of a competent administrator in the Department of Public Safety.
8. That inspection at a Dade County safety inspection station and the issuance of an inspection sticker therefrom be required of all persons in the county, including Miami Beach, even though Miami Beach or any other municipality refuses to cooperate with the county and continues to operate their own motor vehicle inspection stations.
9. That the Board of County Commissioners pass an ordinance making the possession of a motor vehicle safety inspection sticker, by any person receiving the same, without having his motor vehicle properly inspected and meeting the requirements of the county rules and regulations for inspecting such motor vehicles, a criminal offense and providing a penalty therefor.
10. Strict enforcement of all county ordinances, rules and regulations relating to the operation of motor vehicle inspection stations and the issuance of inspection stickers.
11. We suggested that the citizens of the town of Sweetwater seek

the abolition and dissolution of that municipality, which can be done by majority vote of the electors of the town, under the Dade County Metropolitan Charter, by an election called by the Town Council, or under State law by an election called upon petition of one-third of the registered voters of the town.

The Board of County Commissioners approved the reppening of the motor vehicle safety inspection station at Sweetwater and it is now in operation.

L. C. Reeve, Automobile Inspector, who is in charge of the Sweetwater safety inspection station, is doing an honest, conscientious job in the operation of this station. However, he does not have full control over this station at all times. It is our opinion that if all safety inspections of motor vehicles were properly conducted at the Sweetwater station, the existence of this station would not be economically feasible as other safety inspection stations in that section of Dade County are located nearer populated areas and are giving as good, or better service.

Since the filing of our Interim Report, some of our recommendations have been put into effect and we trust that in time the county will adopt the remainder. We again strongly urge that the Dade County Metropolitan Government take over the operation of all motor vehicle safety inspection stations and discontinue contracts with municipalities for operation of such stations. That inspection at a Dade County safety inspection station and the issuance of a metro inspection sticker from such station be required of all motor vehicles in the county, including those in Miami Beach.

METROPOLITAN COURT

During the early part of our term we made a complete investigation into the new system installed and procedures adopted for the Metropolitan Courts. The new court system and court procedures were recommended by the American Bar Association.

At the time of our investigation we found that a considerable amount of

misinformation about the new Metropolitan Court procedures had been disseminated to the public. As a result of this misinformation, many people were not disposed and appeared unwilling to give the new traffic court system a fair and reasonable opportunity to prove its worth.

Upon conclusion of our investigation we filed an Interim Report in which we stated that the new Metropolitan Court was a progressive step toward the fair and uniform enforcement of traffic laws in Dade County, and made the courts corrective and educational rather than "revenue-raising." We called upon the citizens of this county to give the new system their full cooperation and support, and thus afford the American Bar Plan an adequate opportunity to prove itself over a reasonable length of time. We stated that if changes are needed in the new system they could be determined by trial and error and corrected accordingly.

We are exceedingly pleased that the Interim Report filed by this Grand Jury in the early part of our term contributed to clearing the air of considerable misunderstanding which had arisen immediately following the installation of the new system by the Metropolitan Court. In our earlier report of the investigation of Metropolitan Courts, we said:

"The field of traffic control can be divided into engineering - enforcement - and education:

"Good traffic engineering requires a program of safety planning, proper routing of traffic, and adequate safety control, signals, signs and other devices.

"Good enforcement requires alertness, courtesy in dealing with the public, and qualitative enforcement of traffic laws, rather than quantitative enforcement by traffic police officers. It is more important for a police officer to be selective and endeavor to observe the more dangerous traffic violations which are likely to cause serious accidents resulting in death, personal injury and property damage, than to concentrate on a quantity of arrests for minor traffic infractions.

"Education of the motor vehicle driver is most important in any program to reduce violations and traffic accidents. By bringing into court all moving violators, the Judge is given an opportunity to explain to the driver the seriousness of his violation and the necessity for observing the traffic laws. It also provides more uniform administration of justice and provides the offender with a fair trial where he may be acquitted if not guilty; whereas if the offender is not required to come to court, he is given no trial, but sends in payment of a fine for a violation of which he has been accused. In court, the Judge has an opportunity to weigh all the facts and where needed, send an offender to a Traffic Violators School, there he can be instructed in the proper manner of driving an automobile. We believe this to be a definite improvement over "cash and carry" justice.

"The City of Miami has successfully maintained and used a Traffic Violators School for several years, and Dade County should establish and maintain such a school. Sending an offender to a Traffic Violators School in many cases is more effective than imposing a fine. The entire program to reduce traffic violations and accidents could fail because of lack of education of the driving public.

"The new court procedures are producing results. In the unincorporated area of Dade County, the County Road Patrol issued only 954 traffic tickets during the first 20 days of July, while operating under the new system, as compared to 1,780 issued during the first 20 days of June. It is also interesting to note there were no traffic accidents in Dade County, resulting in death, during the July Fourth holiday week-end.

"Much of the success of the new Metropolitan Court system depends upon the police officers doing a good job, using sound judgment and

discretion and treating the public with courtesy. We are hopeful that traffic officers and their superiors will enforce the traffic laws of this county with emphasis upon serious traffic violations which may result in death, personal injury or property damage, and will not unnecessarily harass the public by issuing a great number of tickets for questionable minor infractions of traffic laws. The latter type of enforcement can only serve to embarrass the new system and create hostility on the part of the public."

We wish to commend those Dade County officials who are responsible for establishing and maintaining the Traffic Violators School, in accordance with one of the recommendations contained in our earlier report. In many cases, the sending of an offender to a traffic violators school is more effective than imposing a fine. It is a vital and necessary part of any good traffic educational program.

J. I. Jackson, the Director of the Citizens Safety Council of this county, in a recent public statement, said that the motor vehicle accident rate in Dade County had been greatly reduced since the new system and court procedures for the Metropolitan Court were established and put into effect. This is further evidence that the new procedures are working and producing the desired results.

It is noteworthy that a number of large counties in several States throughout the country have become interested in the operation of the Dade County Metropolitan Court, and are observing and studying its operation with the purpose in mind of establishing a similar court.

It is now an established fact that the Metropolitan Court of Dade County has proven its worth to this community, and is producing the results desired in the field of traffic safety control.

The procedure of the Metropolitan Court requires bench warrants to be issued for the arrest of all violators who fail to come to court for trial pursuant to a written Promise to Appear. Several process servers have been employed to

serve these bench warrants, but no provision has been made to furnish them with a means of transportation necessary to the performance of their duties. Consequently, these bench warrants are not being served and a backlog of traffic cases is accumulating in the Metropolitan Court. We recommend that the county authorities take immediate steps to alleviate these conditions by furnishing transportation for process servers so that the trial calendars of the court can be kept current.

The general statement made by Metropolitan Judges at the opening of court prior to commencing trials is an excellent procedure. However, we feel that the Judges should make these statements more complete. Also, that such opening statements should be made by the Judge prior to the beginning of each trial calendar.

The space and physical facilities provided in some Metropolitan court rooms is inadequate, resulting in crowding and confusion. The acoustics are poor, making the proceedings inaudible to most of those present, and the decor is horrible. We recommend that adequate space be provided for court rooms and that court rooms and other facilities be renovated and redecorated and the acoustics corrected.

We wish to commend the judges for presiding with dignity and maintaining decorum in the Metropolitan Court, and recommend that all persons assigned to this Court, in whatever capacity, govern themselves accordingly so that the Court will continue to operate on a high standard.

We again call upon the citizens of this county to give their full cooperation and support to the Metropolitan Court, which will assure its future successful operation.

PARATHION AND OTHER TOXIC SPRAY INSECTICIDES

In recent years, there has been a tremendous increase in the spraying of poisonous insecticides, especially in the urban areas. In the past three years, several persons in this county have been poisoned as the result of the use of

Parathion and other poisonous insecticides producing illness in some cases and death in others.

The Grand Jury investigated this matter and found a growing tendency to use more deadly poisonous chemical compounds for insecticide spraying, some of which are so highly toxic as to constitute a menace to the health of the people of this community.

There are no laws in this state regulating the use and application of highly toxic poisonous chemical compounds as insecticides, and the laws which relate to the sale of such chemical compounds are totally inadequate. The State Board of Health has recognized and made a study of this problem and has proposed rules and regulations governing the spraying of lawns and ornamentals with highly toxic poisonous pesticides in residential areas. The State Board of Health has authority under the laws of this state to adopt and promulgate these proposed rules and regulations, which upon adoption will have the force and effect of law.

The Grand Jury filed an Interim Report in which it found this problem to constitute a dangerous menace to the people of Dade County and the remainder of the state. We recommended the adoption and promulgation of the rules and regulations proposed by the State Board of Health, together with certain amendments and additions thereto.

We reaffirm our former recommendations and further recommend that the Board of County Commissioners provide similar rules and regulations for Dade County by the enactment of a metropolitan ordinance, in the event the State Board of Health fails to adopt its proposed rules and regulations.

FIRE PREVENTION, CONTROL, AND EMERGENCY FACILITIES AT MIAMI INTERNATIONAL AIRPORT ---

We investigated and inspected the facilities for prevention and control of fires and the handling of emergencies at the Miami International Airport. Our investigation and inspection revealed these facilities to be deficient in respect to the following:

1. The supply of fire trucks and other fire fighting and emergency equipment is inadequate. The county has recently purchased additional fire trucks and equipment for the airport, and even with these additions, the fire prevention, control and emergency facilities will remain inadequate.
2. Inadequacy of water supply to the main runway, and inadequate outlets for connecting fire fighting equipment in case of disaster, or emergency at distant locations at the airport. Additional water mains and wells are now being constructed. However, these additions will not relieve the inadequacy on the main runway.
3. The Fire Department at the airport is understaffed. Three men are needed to efficiently handle a fire truck, but at present only two men are provided for this purpose. Additional men are also needed to handle the new fire fighting equipment and should be employed and trained in advance of its arrival. The present operation requires all fire trucks to answer an alarm at the scene of the fire, leaving nothing in reserve at the fire house to answer subsequent alarms. At present the Fire Department has only one 500 gallon pumper - 1941 model - and one old pumper loaned to the airport by the United States Air Force. In addition to the newly purchased fire trucks and equipment, there is need for a new 750 gallon pumper and a CO2 truck with a capacity of 6,000 pounds.
4. There is an urgent need for a rescue truck for use in case of emergency landings, especially as there are no ambulances at the airport.
5. A new fire station is needed and we understand money has been appropriated for its construction.

Although the need for additional fire fighting and emergency facilities at the Miami International Airport is apparent, we found a conflict of opinion among

those in authority and who work in this department as some thought these facilities to be adequate. Our finding that the fire prevention, control and emergency facilities are inadequate is supported by a recent report of the Civil Aeronautics Administration based upon their inspection of these facilities.

We wish to thank William T. Norton, Chief of Security at the airport, and the members of his staff for the fine cooperation given us in our investigation and inspection, and commend them for the excellent job being done with the inadequate facilities provided.

We strongly urge and recommend to the Dade County Board of Commissioners that immediate steps be taken to acquire sufficient fire trucks, other equipment, and additional personnel to correct the existing inadequacies, and provide fire and emergency protection in accordance with the standards and requirements set by the Civil Aeronautics Administration.

ARRESTS AND HANDLING OF PRISONERS BY POLICE OFFICERS

The rash of civil law suits filed against Dade County and various municipalities in the county, charging police officers with alleged false arrest, false imprisonment, and mistreatment of prisoners, while under arrest, has prompted us to take cognizance of this problem.

We commend police officers for zealously performing their duties, and realize that in dealing with vicious and dangerous criminals the police officer cannot take unnecessary chances and at time must resort to strong measures in order to protect the public and his own life.

However, we note that many of these civil law suits arise out of arrests for traffic violations. The traffic offender is usually a law-abiding citizen who, without any criminal intent, violates a traffic regulation, and he should not be treated in the same manner as a criminal.

We strongly urge and recommend that police officers be courteous and exercise discretion and sound judgment in dealing with traffic offenders, and be

alert at all times to see that the constitutional rights and liberties of the citizen are protected, and that the officer performs his duties in a legal manner.

CONTRACTORS' CERTIFICATES OF COMPETENCY

The Grand Jury has made an investigation into the Metro Ordinance requiring certificates of competency for contractors, sub-contractors, master journeymen, and maintenance personnel engaging in certain trades and businesses.

This Ordinance creates and establishes six examining boards, each consisting of nine voting members appointed by the Board of County Commissioners, as follows:

- (1) Building Contractors Examining Board
- (2) Engineering Contractors Examining Board
- (3) Plumbing Contractors Examining Board
- (4) Electrical Contractors Examining Board
- (5) Mechanical Contractors Examining Board
- (6) Liquified Petroleum Gas Installation Contractors Board

The members of each Board are required to be proportionately representative, as nearly as possible, of the trade or trades related to the subject matter concerned in the examination and qualifications. Professions within and connected with the particular trades concerned are to be represented.

Members of the examining boards receive no compensation for duties involved, except that each member is paid \$15.00 for each meeting attended to cover necessary expenses incurred in the performance of his official duties.

The examining boards give written examinations to applicants, and issue certificates of competency to those who qualify by passing such examinations.

A "grandfather" clause contained in this Ordinance protects those persons who engaged in such trades and businesses prior to the enactment of this Ordinance.

This is an excellent Ordinance, well drafted, and contains the thoughts of many of the outstanding people of Dade County who are engaged in or connected with this field.

In our opinion, the practicable application of this Ordinance has been entirely satisfactory, and is rendering great service to the people of this county by assuring them of competent contractors and tradesmen with whom to do business.

There has recently been an effort to prohibit contractors and tradesmen, who are members of these examining boards, from contracting with or performing work for Dade County on the ground of "conflict of interest." In order for the examining boards to properly function, and this law to be properly administered, it is necessary that the membership of such boards consist of the best men in this county who are engaged in the trades and businesses regulated by this Ordinance. If the members of these boards are prohibited from doing business with Dade County, it will be impossible to get the best qualified men to serve on such boards.

We strongly urge and recommend that no changes be made in this Ordinance and that it be given a fair trial, over a sufficient period of time, to prove its worth to the people of this county. We further recommend that the members of the various examining boards be permitted to do business with the county.

SLUM CLEARANCE

Late in this term, the Grand Jury received complaints as to conditions in the slum areas in the City of Miami. A preliminary investigation was begun and, while no specific evidence of any criminal act was uncovered, a cursory examination of the slum areas reveals that our Slum Clearance Program has been a failure. In place of single family shacks, large numbers of which have been cleared, we are getting pastel colored monstrosities. In addition, the areas surrounding these new buildings are being littered with trash. Unless the Slum Clearance Program is conducted with planning, and unless the health, zoning, and sanitation laws are vigorously enforced, the heart of downtown Miami will become an overcrowded, disease-spawning jungle.

HUMANE SOCIETY OF GREATER MIAMI

This Grand Jury investigated the Humane Society of Greater Miami following the receipt of complaints charging inefficiency and the unsafe handling of sick animals.

Considering the number of animals handled by the Humane Society, the few cases for complaint speak well for the operation. The most serious charge, that of misdiagnosis of sick animals, will be corrected when a full-time Veterinarian is hired by the Humane Society. This is presently contemplated.

INSPECTION OF PUBLIC BUILDINGS AND FACILITIES

MIAMI INTERNATIONAL AIRPORT

Inspection of the Miami International Airport by the Grand Jury reveals that many of the former problems, as related in prior Grand Jury reports, have been eliminated and effort is being made to eliminate others.

The approach to the airport facilities has been aided by a new entrance on LeJeune Road. New entrances have been provided on the parking lots, reducing the distance from the old entrance to the airport building. Plans are under way for double-decking the parking area.

Inside the terminal the escalators have been slowed down to run at a safe speed. Additional sheltered walkways are being constructed to aid the passengers on arrival and departure to and from the planes. New runways are being constructed to enable the airport to handle the larger jet aircraft. Diligent effort is being made to reduce the noise level at the airport.

Cooperation between federal officials and local officials is at a high level. Electronic safety facilities are installed, maintained and operated by the federal authorities at a cost of \$1.00 per year to the Port Authority. Federal authorities make every effort to use electronic equipment of the latest design, and their payroll for operating this service at the airport amounts to \$417,555 annually.

The airport authorities have entered into an agreement with the U. S. Coast Guard whereby two Coast Guard helicopters are available for call to aid in rescue operations where aircraft is forced to land in the Everglades. The local Airboat Association and the airport authorities are working out a program whereby private airboat owners will also be on call for such rescue duty.

At the present time the airport is policed by the Metropolitan Department of Public Safety, which assigns police officers to the airport on a thirty-day rotating basis. We recommend that the Department of Public Safety establish a precinct station at the airport to be staffed with non-rotating personnel especially trained for work at the airport.

We wish to commend Port Director Alan C. Stewart and the members of his staff for the excellent job being done at the Miami International Airport.

JUVENILE & DOMESTIC RELATIONS COURT
AND YOUTH HALL

We visited the Dade County Juvenile & Domestic Relations Court and Youth Hall and made a complete inspection of the physical facilities.

The Chief Probation Officer and the Superintendent of the Youth Hall guided us on a tour. We observed the Court in action, as well as the functioning of the other procedures for handling juveniles. The Court operates in an informal manner, although proper decorum is maintained at all times. All of the other departments appear to be efficiently run by competent and courteous personnel.

We were impressed by the fact that the children in the Youth Hall are taught in cooperation with the Dade County Department of Public Education and given full credit for their school work.

The buildings are well kept, and we found the kitchens, dining rooms, dormitories, and recreation hall to be exceptionally clean. The heating facilities have been condemned by the Fire Department, and we recommend and strongly urge that this condition be immediately corrected and adequate heating provided.

Two years ago the National Probation and Parole Association, in conjunction with the Dade County Welfare Planning Council survey, recommended the addition of eighteen probation officers and case work supervisors to meet the minimum recommended requirements, and since that time the case load has been doubled. We recommend that sufficient additional probation officers and case work supervisors be employed to meet the requirements of the national standard.

We believe the feasibility of establishing a full time child guidance clinic, as well as a full time child psychiatrist, should be thoroughly examined, as the present facilities are inadequate.

The entire operation of the Juvenile & Domestic Relations Court and Youth Hall is a credit to Dade County, and we wish to commend Judge Walter H. Beckham, Judge Wm. R. Culbreath, Jack Blanton, Chief Probation Officer, Vincent M. O'Dea, Superintendent of Youth Hall, and J. E. King, Maintenance Superintendent, for the fine work they are doing.

COUNTY HOSPITAL - KENDALL

The Grand Jury inspected the Dade County Hospital at Kendall where we received the full cooperation of the hospital staff.

We found the hospital exceedingly clean and well kept. The morale of the staff and employees was very high, and the hospital appeared to be operated in a most efficient manner.

We wish to commend the hospital staff for doing an excellent job.

DADE COUNTY JAIL

The Grand Jury inspected the Dade County Jail located in the courthouse. The jail facilities, while obsolete, were clean; wholesome food was served, and the menus appeared to be well balanced. The Medical Clinic was spotless and well stocked with medications.

The men's quarters were overcrowded even at this off season of the year. However, this condition should be eliminated when the new jail building now under construction on the old Country Club property is completed. We recommend that the mattresses in the men's quarters be cleaned more often, particularly in the negro men's section. The morale of the officers at the County Jail is good.

DADE COUNTY STOCKADE

The Grand Jury inspected the Dade County Stockade, which we found to be well kept and in good condition.

The prisoners' quarters were very clean. The menus were excellent and the food served was well prepared. The morale of the prisoners appeared to be good.

At the time of our inspection we found only one armed guard on duty, and recommend that two or more guards be kept on duty at all times.

CITY OF MIAMI STOCKADE

The Grand Jury inspected the City of Miami Stockade and found the stockade grounds to be neat and clean and the stockade efficiently and properly operated.

IN APPRECIATION OF THE COURT

We wish to express our sincere appreciation to the Honorable Vincent C. Giblin and the Honorable Pat Cannon, Circuit Judges assigned to this term of the Grand Jury. When we were impaneled, Judge Giblin gave the Grand Jury an impressive charge in which he instructed us fully as to our duties and responsibilities. Judge Giblin retired from office during our term, and his alternate, Judge Cannon, succeeded him in the assignment to the Grand Jury. We found these able and distinguished jurists to be considerate and courteous, always maintaining dignity and decorum in keeping with the highest traditions of the judiciary.

E. B. LEATHERMAN - CLERK OF THE CIRCUIT COURT

The Honorable E. B. Leatherman, Clerk of the Circuit Court and his deputies have been cooperative and helpful to this Grand Jury and we wish to express our appreciation to them.

ADMINISTRATIVE ASSISTANT - BAILIFF

The Grand Jury's work was expedited and facilitated by the efforts of its Administrative Assistant, Eleanor Robinson and its Bailiff, W. Rufus Holzbaur. We are appreciative of the excellent manner in which their duties are performed.

HONORABLE RICHARD E. GERSTEIN
STATE ATTORNEY

The Honorable Richard E. Gerstein, State Attorney, gave us his full and complete cooperation, and his services were of such high caliber and efficiency, and without prejudice, that it was unnecessary for us to even consider the employment of special legal counsel.

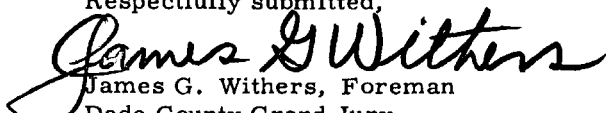
We were highly impressed by the constant enforcement of the Oath of Secrecy by the State Attorney, and his attention and alertness to the aims of the Grand Jury.

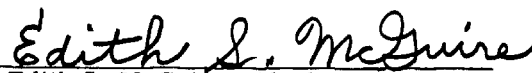
All matters coming before the Grand Jury, and the facts relating thereto, were fairly and honestly presented by the State Attorney, who was present with us at all times. He always zealously sought to extract the full truth, and was particularly capable of bringing out the material and pertinent facts.

Richard E. Gerstein is a dedicated public servant, and his devotion to the duties and responsibilities of his office, as State Attorney, is apparent at all times. He is an outstanding and able lawyer, and his legal services and advice were invaluable to the Grand Jury. We are proud to have had this opportunity of close association with our State Attorney.

We wish to commend Richard E. Gerstein and the members of his efficient staff who assisted the Grand Jury; namely, John C. Wynn, Chief Assistant State Attorney, and Messrs. George Eadie Orr, Irwin J. Block and Thomas J. O'Connell, Assistant State Attorneys, and express our appreciation of their untiring efforts.

Respectfully submitted,


James G. Withers, Foreman
Dade County Grand Jury
Spring Term 1959

Attest: 
Edith S. McGuire, Clerk

Date: November 10, 1959