

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

SPRING TERM A. D. 1961

FINAL REPORT OF THE GRAND JURY

Filed

November 14, 1961

Circuit Judge Presiding

ROBERT H. ANDERSON

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DAVID L. BOSWORTH, SR., Vice Foreman

MARTHA TODD ALLEN, Clerk

SELMA L. DUNCAN, Asst. Clerk

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TO THE HONORABLE ROBERT H. ANDERSON, CIRCUIT JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

The Spring Term 1961 Dade County Grand Jury was impaneled on May 9,
1961, and the following oath was administered 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."

We were instructed as to our duties and we have faithfully endeavored to
abide by the oath administered, and follow the instructions given to us by the
Court.

We have carefully considered all criminal cases and other matters which
were presented to us or came to our attention, and having concluded our work,
we now make this our Final Report to the Court.

* * * * *

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
RUBIN PERRY	First Degree Murder	True Bill
CAREY PARKER	First Degree Murder	True Bill
JOHN HAYES, also known as JUNIOR; JOSEPHINE MONROE, also known as JOSEPHINE MONROE GORDON, also known as TINA; and ROBERT GORDON	First Degree Murder	True Bill
JOSEPH SHARPE, also known as BUZZARD	First Degree Murder	No True Bill
THOMAS JAMES	First Degree Murder	No True Bill
LARRY FISHER BOND BROWN	Second Degree Murder	True Bill
VINCENT FRANK GALLO	Rape	No True Bill
MERVIN LEE SCOTT AND EVANS JAMES HUGHES	First Degree Murder	True Bill
NATHANIEL ROBINSON	First Degree Murder	True Bill
EDMUND DEMERRITTE, also known as EDMUND RANDOLPH DEMERRITTE	First Degree Murder	True Bill
ARTHUR JONES	First Degree Murder	True Bill
VICENTE ALICEA REYES	First Degree Murder	True Bill
JAMES SMITH, SR.	Manslaughter (2 Counts)	True Bill
DANIEL GRANT	First Degree Murder	True Bill
EMILIO DIAZ	First Degree Murder	No True Bill
CLARENCE A. BEDSOLE	Rape	No True Bill
MARVIN SMITH	First Degree Murder	True Bill
WALTER R. EDMONDSON	Assault with Intent to Commit Rape	True Bill
ROLLIA DAVIS, JR.	First Degree Murder	True Bill
CHARLES HOWARD VEBER	First Degree Murder	True Bill
JAMES RASKIN	Perjury	True Bill
S. TRAVIS PHILLIPS	Requesting, Soliciting or Accepting Bribe	True Bill
S. TRAVIS PHILLIPS	Perjury	True Bill
SAMUEL DEWITT JACKSON	First Degree Murder	True Bill
MAUREY L. ASHMANN	Perjury	True Bill

DEPARTMENT OF OFF STREET PARKING
OF THE CITY OF MIAMI

This Grand Jury conducted an extensive investigation of the operation of the Department of Off Street Parking of the City of Miami and certain members thereof.

At the request of the City of Miami, the Florida Legislature passed enabling legislation which permitted the creation of an Off Street Parking Department. The City of Miami then formed the Department which is operated by a Board of five citizens approved by the City Commission. They are the policy making and negotiating body in all matters concerning parking meters and parking garages operated by the City of Miami. The Department employs a staff which includes a Director whose duty it is to implement the decisions of the Authority. The Department also employs a consultant to advise on technical matters. Members of the Board receive \$50.00 per year token payment. They meet from time to time at the request of the Chairman. Should a vacancy exist, the replacement is named by the Board with approval of the City Commission.

The location of the parking garage under discussion is Biscayne Boulevard, between First and Second Streets, Miami, Florida. This location is known to the Off Street Parking Department as Site "Y" and the garage constructed on the location is known as Garage "Y".

Site Location and Purchase

The Department acted upon advice of their consultant in selecting the site for Garage "Y". The original recommendation was for the area on N. E. First Street between Second and Third Avenues. As a result of alleged legal difficulties, the Department abandoned its efforts to acquire that site. In place of the prime recommendation, the Board selected the present site which is in the general vicinity of the original recommendation made by the consultant.

The Board first became officially aware of the availability of this property when in September, 1959, a letter was received from J. J. Shepard advising that he held an option to purchase a tract of property on Biscayne Boulevard from the Clover Club

site to the Miami Colonial Hotel. In addition to the aforementioned option, Shepard and his wife held a 25% interest in a corporation which owned the adjoining property. He indicated a willingness to negotiate for the sale of both parcels. The Board upon receipt of Shepard's letter requested their consultant to make an economic feasibility study of that area, and ordered one appraisal of the property in question.

The consultant reported to the Board that the area was economically feasible but recommended that only 75' be acquired on Biscayne Boulevard, going straight through to N. E. Third Avenue. The Board thereupon accepted the recommendation of its consultant and purchased 75' of the tract. The property recommended for purchase was part of the parcel upon which J. J. Shepard held an option. The Board failed to have the site, which it finally purchased, reappraised.

In determining what price to pay, the Board used the figures contained in the appraisal of the entire tract as the base from which to pro-rate the proper price for the lesser included tract. As a result of this formula, the Department paid \$3500 per front foot for the Biscayne Boulevard frontage. Yet, shortly thereafter, the Clover Club property, immediately adjoining and part of the original appraisal, was sold to private parties for \$3250 per front foot. This, alone, amounted to \$18,750 which might have been saved had two appraisers originally been used and had a reappraisal of the purchased property been made.

The Board did not appear to pursue the businesslike approach to this transaction that they would have extended to a private transaction of their own interest. They did not inquire into the price that Shepard was to pay for the optioned property he was selling to the Board so that this information could be furnished to the appraiser. The Grand Jury discovered that Shepard used the proceeds of the transaction with the Department to exercise his option to purchase. This was a simultaneous transaction and considering that Shepard paid no fee for the option rights and exercised his option with the monies paid him by the City, he displayed considerable business acumen in showing an approximate \$96,000 gross profit in the transaction.

There was no evidence brought to the attention of the Grand Jury which would

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indicate that Shepard knew of the Board's interest in this property prior to the time he acquired an option to purchase it. The evidence reveals that Shepard originally acquired an option to the property intending to construct a bus terminal and private parking garage, and only after being unsuccessful in this endeavor, did Shepard advise the Board of its availability.

The Grand Jury is of the opinion that certain of the actions of the Parking Board were unbusinesslike in the acquisition of this site and makes the following recommendations:

1. It is the duty of the Board to inquire into all of the terms and conditions of any options held by a seller and make this information available to its appraiser.
2. The Board should at all times have at least two independent appraisals before it acquires any property.
3. Where the Board desires to purchase only a portion of a large tract originally appraised, it should obtain a reappraisal of the portion involved.
4. In order to avoid the possibility of windfall profits in property sites, the Board should not reveal in advance the site it is interested in acquiring for parking purposes.

Construction Contract

The Department of Off Street Parking called for bids returnable October 14, 1960 for the construction of Parking Garage "Y". The low bid was submitted by Harry F. DiFrancesco Co., Inc. The consultant and architect recommended to the Board that it accept the low bid of DiFrancesco, if he were financially qualified, and would post a 100 per cent performance and payment bond with a reputable and qualified surety company.

The construction company submitted a financial statement that was not certified by a public accountant and the information contained therein was misleading and false.

Neither the Board, its Director, nor any of its employees made any investigation whatever to determine the accuracy of the financial statement. The contractor was bonded by a reputable surety company who has taken over the completion of the job since the default of the contractor. An investigation was not made to determine the qualifications or responsibility, by job experience, of this construction company to build a project of the magnitude of a multi-storied parking garage. Various Board members admitted that they were aware that the contractor was poorly qualified and could not possibly do the job for the price submitted, but nevertheless awarded him the contract. They stated that as long as the contractor was properly bonded and the job was supervised by its architect and city inspectors, they did not consider it necessary to make further inquiry.

Under the terms of the contract, the job was to be completed in approximately 186 days and the garage available sometime during July, 1961. From the inception, the contractor was constantly behind schedule in building performance and in arrears in payments due material-men and sub-contractors. Work had virtually reached a standstill in March, 1961, but the Board did not declare the job in default until June 14, 1961, at which time the surety company assumed responsibility for the completion of the installation. As a result of the delay, caused by the contractor, the garage is not yet in operation today. The more than four months delay has deprived the Department of the revenue that would be forthcoming from the use of the facility.

The contract between the Department and the contractor provided for liquidated damages to be recovered by the Department in the event of a default by the contractor in the performance time. Although the amount would not compensate the Department for the loss of revenue, our investigation reveals that there has not been any attempt to recover the liquidated damages from the surety. The Director, S. Travis Phillips, without the apparent consent or approval of the Board, has attempted to relieve the surety of any possible responsibility to pay liquidated damages. This matter should be submitted to the City Attorney for legal determination and the Jury is unable to understand why the Board has not taken any action in that regard to date.

In connection with the matters herein set forth, the Jury makes the following recommendations:

1. That the financial responsibility of any contractor dealing with a Department or any branch of city government be investigated fully prior to the award of a contract. The ability to obtain a performance bond is not a sufficient requisite.
2. That the Department and the City of Miami take immediate steps to recover liquidated damages for their loss of revenue from the surety if legally feasible.

George W. DuBreuil

The Grand Jury inquired into an allegation that Harry F. DiFrancesco directly or indirectly loaned George W. DuBreuil, or a company with whom he was connected, \$5,000 in consideration for DiFrancesco receiving the construction contract.

The evidence reflects that a loan was made to a company with whom George W. DuBreuil was connected, but that the loan was made at the request of other officers of the company and was not made with DuBreuil's knowledge. There is no evidence to substantiate the allegation that the loan was consideration for the construction contract.

Mechanical Elevators

In 1959 and 1960, S. Travis Phillips, Director of the Board, and Maurey L. Ashmann, Chairman of the Board, and from time to time other members of the Off Street Parking Board, studied various parking garages using mechanical elevators in different areas of the United States. During this time, they became acquainted with Paul Riebenfeld, the President of Bowser Parking System, Inc. one of the largest mechanical parking garage builders in the United States.

As a result of these inspections and visits, Phillips and Ashmann recommended that the City construct a mechanical elevator parking garage for its project "Y".

The parking consultant for the Board, Ramp Consultant Services, Inc., is of

the opinion that ramp type self-service parking garages (non-elevator) are the best type operation and the most feasible from an economic standpoint. The consultant has recommended that a mechanical parking garage be built only where the site would permit no other type parking garage.

The Minutes of the Board meeting reflect that on February 25, 1960, Chairman Ashmann, and Director Phillips, recommended to the Off Street Parking Board that Bowser elevator equipment be used in its next parking garage. On March 7, 1960, Ashmann as Chairman sent a letter to Bowser Parking System, Inc., advising them that they would receive a contract for the next mechanical parking garage. Thereafter, the Board had its consultant and architect prepare specifications for the construction of the mechanical elevators. Then, it called for a public bid. It is to be noted that Bowser had been advised that they would receive the contract before the Board ever called for public bids. Under these circumstances, the request for bids was a sham.

Two companies bid for the mechanical elevators - Bowser bid \$374,750, and the Alliance Machine Company bid \$296,750. When the bids were opened, the lower bid of the Alliance Machine Company was rejected and the contract was awarded to Bowser Parking System, Inc. During the discussion on the acceptance or rejection of the lower bid, the consultant, Ramp Consultant Services, Inc., advised the Department and the City of Miami that Alliance had never before constructed an installation of the type being undertaken by the City and therefor, could not meet the job experience requirement of the specifications. The consultant advised, that under the bond ordinance, he had the duty of recommending to the bondholders the approval of payments in connection with the construction of this garage. He stated that he would not approve the payment of any bond funds based on a contract awarded to the Alliance Machine Company.

The Board, faced with this dilemma, awarded the contract to Bowser, the high bidder. The bid offered by Bowser was the highest price ever requested by them for elevator construction. It was approximately \$10,000 per unit more or \$40,000 total greater than previous cost experience in construction of mechanical elevators

anywhere in the United States. City Commissioner Joe X. DuMond, Jr. recommended at that time that all the bids be rejected and the matter be resubmitted for new bids. This advice was rejected and the Off Street Parking Board entered into a contract with Bowser for \$374,750.

It was improper for the Off Street Parking Department to give prior notice to Bowser that it would receive the bid, before bids had even been submitted. It would defy credulity to assume that this knowledge did not affect the price submitted by Bowser adversely to the interests of the people of the City of Miami. The cooperation and understanding that existed between Bowser and Miami public officials Phillips and Ashmann was not maintained in the relationship between Bowser officials and the Dade County Grand Jury. The Bowser officers refused to appear to testify at our request or pursuant to our subpoena. It required extradition proceedings in New York to force their appearance in Dade County.

In connection with the matters herein set forth, the Jury makes the following recommendations:

1. That no firm ever be advised prior to bids being opened that it will receive a contract which is submitted to public bid.
2. That the decision as to the type of installation be made subsequent to the purchase of the site and after obtaining technical advice from the consultant. Where the Board predetermines a preference for mechanical elevator garages, without benefit of knowledge of the location or consultation with their expert, they are not operating in logical sequence.
3. That when an occasion arises wherein it may be necessary to reject a low bidder, the Board re-advertise for new bids unless there are circumstances which would adversely affect the City in following this practice.

S. Travis Phillips

In November, 1958, S. Travis Phillips was appointed as Director of the Off Street Parking Department of the City of Miami.

Although Phillips had an employment background with various governmental bodies, he had no previous experience in this specialized field of off-street parking. Phillips was apparently held in high regard by a majority of the Board. The recommendations made by him and the Chairman, were seldom questioned and rarely disapproved.

This investigation commenced originally as the result of an allegation that S. Travis Phillips had received money from parties with whom his Department was doing business. Harry F. DiFrancesco alleged that he had given S. Travis Phillips the proceeds of a \$9,000 check from Bowser Parking System, Inc. Phillips appeared in the State Attorney's Office and denied under oath that he had ever received any money from DiFrancesco or Bowser, for any reason whatsoever. At the time of Phillips' scheduled appearance before the Grand Jury, he handed a letter to a member of the State Attorney's Office wherein he retracted his prior denial and admitted that on October 28, 1960, DiFrancesco gave him \$9,000 in cash. Phillips did not state the purpose for which he received the money.

The evidence reveals that Phillips was in New York on October 27 and engaged in conferences and conversations with Paul Riebenfeld, the President of Bowser Parking System, Inc. At that time, Phillips acquired a check payable to DiFrancesco in the sum of \$9,000 with the notation on the check that it was a loan. Phillips called DiFrancesco prior to returning to Miami and asked him if he would cash a \$9,000 check for him. Upon the receipt of an affirmative reply, Phillips came to Miami, brought the check to DiFrancesco, had DiFrancesco cash it, and accepted the sum of \$9,000 which was the amount of the check. When Phillips appeared before the Grand Jury, he refused to waive immunity and testify on the grounds that it might tend to incriminate him.

Since the Jury has returned indictments against S. Travis Phillips, it is not necessary to discuss this matter any further.

Maurey L. Ashmann

The evidence revealed that during the month of November, 1960, Maurey L. Ashmann, Chairman of the Off Street Parking Board, asked Harry F. DiFrancesco, General Contractor on Garage "Y", to repair the roof of a warehouse that Ashmann was using for one of his companies located at 29 S. E. Fifth Street, Miami, Florida.

Harry F. DiFrancesco hired Atlas Roofing Company to repair the roof and paid \$3,000 for this service. As of this investigation, DiFrancesco has never requested repayment from Ashmann who in turn has neither paid nor offered to pay for this service. Ashmann claims that he did not know the work was done and that the repair job was valueless. It is inconceivable to this Jury that Ashmann did not know the work was done since between eight and eleven men worked on the roof on different occasions for approximately one week to prepare the roof for resurfacing and then repaired the roof. It is difficult to understand why the remaining Board members and the City of Miami have never inquired into this matter to determine whether any conflict of interest or impropriety existed.

The acceptance of such a gift, by a municipal official, is reprehensible. Ashmann has been indicted for perjury in connection with his testimony on this matter.

Operation and Conduct of the Off Street Parking Department of the City of Miami

In 1955, the Legislature created and established an agency and instrumentality of the City of Miami to be known as the Department of Off Street Parking of the City of Miami, and provided that the Department should not commence business until the City Commission shall by ordinance declare the need for such department. The City Commission did thereupon declare such need and created the Department of Off Street Parking of the City of Miami.

The Board members are generally upstanding, public spirited citizens who are to be commended for undertaking so onerous a task. To perform their duties properly would require an expenditure of many man hours of study of the problems relating to garage and meter parking. This Board was dominated by Chairman Ashmann and

Director Phillips. The acts of Ashmann and Phillips were ratified without adequate deliberation. Major decisions of the Board were reached by telephone communication between Ashmann and Phillips and these decisions were, in many cases, confirmed, by a majority, by this same medium of communication. Board meetings were not held on a predesignated date each month, but were called irregularly, on short notice. For most of its existence, the Board did not have a regular place to conduct its business, thereby making it difficult for the public to take up any business with the Department. The agenda for the meetings was generally prepared by the Director and the Chairman but not submitted to all members prior to the meeting. Records of the meetings reflect that the members rubber stamped the suggestions and recommendations of the Director and Chairman. We are aware that the members are volunteer citizens who are not expected to devote full time to the Department. Nonetheless, by assuming this duty they are charged with the responsibility of proper performance. These responsibilities cannot be ignored, delegated, or lightly assumed. Considering the magnitude of this operation, the Board was ill prepared to provide leadership. None of the members could even venture an estimate of the yearly or monthly revenues of the Department.

The Grand Jury further determined that an adequate check and balance system was not maintained in connection with the collection of the coin boxes from the parking meters. Highly skilled maintenance men were being used as collectors, and paid at a skilled labor wage. This practice resulted in the maintenance men having access to the compartment containing the coin boxes. There are two compartments in each parking meter. The upper compartment can be opened by a separate key for the purpose of maintenance, and the lower compartment containing the coin boxes can also be opened by a separate key. The use of the same person for both maintenance and collection results in access to both parts of the meter. Although we do not intimate that there was any dishonesty on the part of any of the maintenance men collecting the meter funds, we consider it to be a poor business practice both from an economic

and a check and balance standpoint. The evidence further revealed that these coin boxes were turned into a bank where they were counted and deposited by a bank employee, without supervision or control by any member of the Off Street Parking Department. Again, we do not intimate that there was dishonesty on the part of the bank employee, but consider it a poor business practice.

We further discovered that there is no up to date, accurate inventory of the number of meter boxes. There are thousands of empty surplus meter coin containers, which could be substituted for a coin box containing meter money. This situation should be rectified.

The Department of Off Street Parking paid approximately \$5,600 to the bank for the service of counting and depositing its funds for a twelve month period. There was no request by the Department that the various banks in the community submit bids to be compensated for this service. While G. James Hughes was a member of the Board and President of the Metropolitan Bank of Miami, the Department used the Metropolitan Bank as its depository for this service. Shortly after Hughes left the Metropolitan Bank and assumed his position as President of the Pan American Bank of Miami, the Department decided that it would be more convenient to use the Pan American Bank for this service and transferred this account and service to the Pan American Bank. When the Metropolitan Bank first undertook this service, it hired an employee of the City of Miami, who was one of the two persons counting these coin collections for the City, before the Department decided it would be more economical to permit the bank to do this service. The bank paid the employee \$75.00 per week. The charge to the Department for this service is approximately \$10.00 per week. When the Department changed its depository from the Metropolitan Bank to the Pan American Bank, this same employee was then hired by the Pan American Bank from the Metropolitan Bank to perform the same service at the same salary of \$75.00 per week.

By law, the Board is required to make appropriate rules and regulations governing its operation and procedure. This regulation has never been complied with and

accounts for many of the problems which have resulted. The Minutes, for example, do not reflect that the Board ever approved ordinary expenditures by the Director before they were paid.

The accounting system in force and effect up to the time this investigation was commenced has been inadequate. A cost accounting system and a financial breakdown of the operation of each facility is necessary to understand the true operational picture. Inasmuch as the street parking meters have always produced a net profit, the true return on a parking garage can only be determined by a separate accounting analysis of each garage. A cost accounting system does not exist and a breakdown of each facility does not exist, although the Auditor has made such recommendation. Previous recommendations made by the Auditor to the Board were neither brought to their attention by Director Phillips, nor were they complied with.

The Jury further determined that there has not been an adequate attempt by this Department, which is competing with private industry engaged in the parking business, to cooperate with private industry.

Evidence presented before the Jury indicates that most cities operating parking garages have found this operation to be unsuccessful. As a result, many cities have turned the garages over to private enterprise on a management lease basis for operation. The Grand Jury recognizes the need for parking facilities in the downtown business district and in other areas of the city, but is of the opinion that the type of operation presently conducted is an unnecessary encroachment upon private industry.

In view of the foregoing, the Grand Jury makes the following recommendations:

1. That if legally feasible the present Off Street Parking Department be abolished and its duties and functions assumed by the City Commission. The City Commission should constitute itself the parking authority. This would establish a chain of responsibility wherein any wrongdoing could be corrected either administratively or by the citizen voter.
2. That if the Department is abolished as set out above, the City should

through its power of condemnation acquire such property as may be necessary for parking facilities. After construction of the parking facilities, the operation could be turned over to private industry on a management or lease basis. Nation wide experience has demonstrated that private enterprise has been more successful in operating parking garages than have municipalities. The legislative changes necessary to accomplish these recommendations should be sought.

That if the foregoing are not legally feasible, we recommend:

3. The Department and its Board should reorganize themselves, enacting rules and regulations for their operation. The Board should establish a set time and place for a regular monthly meeting.
4. That the Board completely familiarize itself with all of the facets and operations of the Department.
5. That adequate auditing controls be established and the recommendations of the outside Auditor be followed stringently.
6. That the recommendations of the Auditor be submitted not only to the Director, but to every member of the Off Street Parking Board.
7. That a cost accounting system, by facility, be installed.
8. That a proper system in accordance with the recommendation of the Auditor be installed with reference to meter collections and the counting and depositing of the same.
9. That a proper inventory be kept of all coin boxes on a regular basis and a monthly spot check made of collectors and inventory control.
10. That a member of private industry engaged in the parking business be added to the Board officially or ex officio.
11. That if the Department is retained, the chairmanship should be rotated annually among the Authority members.

JUVENILE COURT, YOUTH HALL AND THE CHILDREN'S HOME AT KENDALL

On July 6, 1961, the Grand Jury issued an Interim Report on the Youth Hall and the Children's Home at Kendall. Our conclusion at that time was:

"The facilities of Youth Hall and their present use fail to provide a proper adjunct to the operation of Juvenile Court and fail in aiding the children detained therein. The massive overcrowding of troubled children in premises that are maintained under sub-standard safety conditions is not conducive to the rehabilitation of these delinquent children. Youth Hall is neither equipped, staffed nor was it planned to serve as a rehabilitation center and as such should serve only as a receiving center prior to disposition by the Court."

We restate that conclusion and take note of the fact that many other Grand Juries and fact finding agencies have reached similar conclusions. The continued growth of juvenile delinquency in Dade County and throughout the country has created a sense of immediacy. The filing of a report or the introduction of a temporary stop gap measure is not sufficiently responsive to this spreading problem. A long range plan involving new facilities and new approaches is necessary for both Youth Hall and Kendall. This will require study, effort and money. We believe that this project has the scope for which Metropolitan government is particularly geared.

Reports from the County Manager and the Judges of the Juvenile Court reflect that most of the recommendations of our Interim Report are being implemented.

The overcrowding of inmates at Youth Hall has been somewhat alleviated by the reactivation of housing quarters at Kendall. Compliance is being made with the Miami Fire Department and Electrical Department recommendations to eliminate the previously existing fire hazards at Youth Hall. In addition, a fire evacuation plan has been established and a fire resistant storage site has been built for combustible materials.

The Jury found the Children's Home at Kendall to be a well functioning institution considering the extreme budget limitations within which it operates. We are favorably impressed with the plans offered by the County Manager to promote the educational, group work and recreational programs. We also approve the proposal to adequately develop the Foster Home Program.

Despite the fine efforts by individual officials, we find a need for greater cooperation and consultation among the departments and officials involved. The senior

Juvenile Court Judge, who serves as administrative officer of the Court, should institute regular meetings with representatives of the agencies which control the inmates and the physical properties. Similarly, formal conferences should be held between the two Judges of the Juvenile Court, as well as with their staffs. To fully utilize the abilities of both Judges, the senior Judge should serve on a rotating yearly basis.

There is a need for the senior Juvenile Court Judge to reactivate the County Board of Visitors. This group, consisting of Dade County citizens, was created by the Florida Legislature for the purpose of inspecting facilities and reporting to the Juvenile Court. Power of appointment to this group lies with the senior Juvenile Court Judge. A group such as the Board of Visitors can be of particular aid considering the complexities inherent in our juvenile delinquency problem. The medical needs, housing facilities, family welfare, education and judicial decisions relating to these problem children are all determined by separate county agencies. A continuously operating Visitors group might provide the needed objectivity and awareness that could result in a fully coordinated program. Should the Board of Visitors fail to function, a similarly operating group should be organized to be responsible to the County Manager.

CONCLUSION

Continued progress has been made in combatting juvenile delinquency. We find, however, that the delay in reforms cannot match the speed of the decay. Committees and studies will not alone be sufficient. The community must be ready to support a proper program and our governmental leadership must be adequate to educate the community to the needs and costs.

RECOMMENDATIONS

In addition to the proposals outlined in our Interim Report, we recommend a priority action on the part of Metropolitan Government in the development of Youth Hall and the Children's Home at Kendall.

The reactivation of the Board of Visitors by the senior Judge of the Juvenile Court should take place immediately.

We recommend that legislation be enacted to rotate the position of senior Judge on a yearly basis.

The obligation for carrying out the recommendations contained in this report is the responsibility of the County Manager, the Juvenile Judges, and the Dade delegation to the State Legislature. We expect them to fulfill their obligations.

CRANDON PARK ZOO

The Crandon Park Zoo has been operated for eleven years as part of the Dade County Parks Department. Robert Matlin has served as Director since 1956. During the last two years, several investigations have been conducted concerning the operation of the Zoo. On two occasions, in 1959 and in 1961, the County Manager requested that the Parks Department examine these charges. In the 1961 investigation, the Dade County Commission failed to complete their inquiry and requested that the Grand Jury preceding ours make further investigation. Inasmuch as sufficient time to make full exploration was not available, it was our predecessors' request that the present Grand Jury complete this investigation. The information gathered by the Grand Jury was either in possession of the Dade County Commission or available to them during their two previous investigations.

The Grand Jury is available for investigation of the operation of governmental affairs and is subject to call for such investigation. The Grand Jury, however, is not to be used where an arm of government determines it to be politically expedient not to make decisions or distasteful to reach conclusions in areas of public controversy. It is our opinion that the County Commission could have completed this investigation but chose to do otherwise.

Many charges have been made as to the improper operation of the zoo. Although our comment is in brief, we have examined each of the charges at length.

1. It has been alleged that improper diet has resulted in malnutrition and in many cases caused the death of several animals. In addition to local witnesses, we have contacted three of the leading zoos of the United States and made available to them the allegedly insufficient menus. Analysis by authorities at each of these zoos does not warrant any conclusion that the menus provided at Crandon Park Zoo have resulted in malnutrition or are inadequate in any manner.

2. Several examples of mistreatment of animals were cited by witnesses. The destruction of a pig and goat was unnecessarily prolonged by a zoo employee's

inability to properly handle weapons. Admittedly, this was done in an unprofessional manner, but can be attributed to inexperience.

3. A special gun to propel sedatives into an animal so that it can be immobilized and properly examined also resulted in injury to some animals. This is a new method of treating animals and the malfunction of the weapon was due to a faulty propellant which has been corrected.

4. Testimony on the feeding of animals to both reptiles and members of the cat family was contradictory. Assuming that such practice did exist, it appears to be an accepted practice in the feeding of reptiles and not an unusual practice in regard to the cat family.

5. There were several other charges made, all of which were thoroughly investigated. In each of these instances, we found no wrongdoing on the part of those in authority.

CONCLUSION

We are impressed with the honesty and sincerity of the complaining witnesses. We are convinced that the facts they testified to are accurate and that their motives were unselfish and for the best interests of Crandon Park Zoo. We do believe, however, that the conclusions they reached were not generally warranted.

We find no evidence to indicate that Crandon Park Zoo is either operated improperly or that animals are mistreated. Any judgment errors or lack of experience in the past have been apparently overcome inasmuch as all the witnesses testified that presently the zoo is being adequately maintained, and properly operated. It should also be noted that since these charges were brought to the public's attention, a full time veterinarian has been employed in place of a part time, "on call" veterinarian.

While every governmental agency ought to be prepared for full public scrutiny, we cannot envision the proper development of Crandon Park Zoo where its operation is constantly being subject to harassment over minute matters. The operation of a zoo requires extremely technical knowledge. In addition to the problems heretofore

mentioned, there are many decisions that must be made concerning the manner in which a zoo operates. These include the type of exhibits; the purchase and sale of animals; personnel standards and other questions involving the almost \$200,000 yearly budget. All of these might best be answered in consultation with a group of knowledgeable volunteer citizens possessing backgrounds that would enable them to advise the Zoo Director and county officials as to proper actions to be taken in behalf of the zoo. Its membership might be obtained from the Florida Zoological Society and other competent citizens. This has been practiced in other communities and information as to its operation would be available upon inquiry by the County Commission.

RECOMMENDATION

The Dade County Metropolitan Board of Commissioners should establish a Crandon Park Zoo Advisory Board to consult with and advise the Zoo Director and the County Commission as to policy, procedure, budgeting and personnel.

CHARGES MADE AGAINST OFFICERS IN THE PUBLIC SAFETY DEPARTMENT
REGARDING ALLEGED THEFT OF BOLITA MONEY

The Grand Jury conducted an investigation into charges made by Criminal Court Judge Ben C. Willard that officers of the Department of Public Safety had taken money confiscated in a bolita raid. As a result of what he believed to be improper conduct by police officers, Judge Willard dismissed the criminal cases against the defendants.

During the course of our investigation, Judge Willard advised us that the original information supplied to him later proved to be erroneous. This was confirmed by denial under oath, by the defendants and their attorneys, that any money had been taken.

While we are confident that Judge Willard acted in good faith in this matter, we certainly believe that he acted precipitously. Had the trial been continued and an orderly investigation conducted, the accused defendants would not have been prematurely freed.

COMPLAINT AGAINST OFFICERS OF THE PUBLIC SAFETY DEPARTMENT OF
ALLEGED MISTREATMENT OF A MURDER SUSPECT

The Grand Jury at the request of the Director of the Department of Public Safety, inquired into the complaint of Benigno D. Ocasio that he had been beaten and mistreated by officers of the Department.

Ocasio complained for the first time several hours after he had been brought to the Department of Public Safety and approximately 45 minutes after he had been placed in a cell in the County Jail. He was then sent to Jackson Memorial Hospital for examination. A doctor examined him and found slight lacerations requiring no more medical attention than the application of an Ace bandage. The doctor was of the opinion that the injuries were consistent with having been self administered and inconsistent with a violent beating.

The subject also complained that he had been struck about the head and that a pistol had been used on him. The doctor found no evidence of any injury to Ocasio's head or evidence that a pistol had been used. Ocasio described a beating which allegedly included hands, fists, a yardstick, and violent and forceful kicks to the body and chest area. The injuries were completely inconsistent with this recital.

Ocasio had a witness who allegedly saw the beating commence in the parking area of Kendall Hospital. This witness identified a law clerk who had absolutely nothing to do with the case, the Department of Public Safety, or law enforcement, as the person who first beat the subject. This witness' identification was completely erroneous and his description of the so-called attack was in conflict with Ocasio's description.

The complainant himself viewed a lineup and identified an officer as the person who allegedly beat him. This officer was not even on duty and was at home asleep at the time of the alleged incident.

This Jury finds no evidence to substantiate the complaint of Benigno D. Ocasio.

DEPARTMENT OF PUBLIC SAFETY

The Grand Jury inspected the new Jail and Department of Public Safety Building. Construction of the new Criminal Courts Building was still in progress at the time of our inspection. When this building is completed, it will connect directly to the new Department of Public Safety Jail. This will eliminate the present procedure of having to transport prisoners from the Jail to the County Court House for trial. This will save money and time and offer greater security in this operation.

The Grand Jury was impressed with the Criminal Investigation Laboratory of the Department of Public Safety. This laboratory has the most modern equipment for the investigation of criminal cases. During our inspection, we noted other governmental agencies seeking help from the Department of Public Safety in analyzing evidence of crimes and other problems peculiar to their jurisdictions.

The Grand Jury recommends that all law enforcement agencies in Dade County avail themselves of these new scientific facilities as an aid toward a more efficient administration of justice.

The Grand Jury inspected the Communications Division of the Department of Public Safety. This facility also has the most modern equipment. The location of every radio car using this system can be determined by a glance at a lighted board enabling the officer taking complaints to dispatch the nearest radio controlled car to the scene of the complaint.

At the present time, nine of twenty-seven municipalities use the communication facilities of the Department. The other municipal law enforcement agencies either have their own communications networks or use the facilities of another city.

We approve the rehabilitation and religious programs being made available to the inmates in the new jail.

It is recommended by this Grand Jury that all law enforcement agencies within the County adopt the necessary procedures to unify the communication networks so that duplication can be eliminated and the citizens of Dade County may be better served.

DADE COUNTY PUBLIC WORKS DEPARTMENT
AND FLOOD CONTROL

This Grand Jury made inquiry of the county government to determine compliance with the recommendations of the Spring and Fall Term 1960 Grand Juries relative to flood control and the Public Works Department.

The Spring Term 1960 Grand Jury recommended:

1. That the local maintenance force be expanded to include, if necessary, a ready reserve made up of public employees from other departments of government to combat flood conditions in this county when they occur.
2. That the Central and South Florida Flood Control Program be expedited by our county officials so that a fair share of monies will be expended in Dade County.
3. That local public officials provide the necessary county funds to supplement the South Florida Flood Control Program.
4. That adequate drainage structures, approved by competent engineers, be provided under existing roads which now act as dams.
5. That local public officials remain alert to the flood control problem and never permit it to die out when we dry out. If necessary, that a Water Control Authority be created, either appointive or elective, which will keep this problem well before the public.

The Fall Term 1960 Grand Jury stated that they were shocked by the deplorable condition of the Flood Control Program. That Jury made the following recommendations:

1. We adopt the recommendations of the Spring Term 1960 Grand Jury and strongly urge that they be carried out.
2. We further recommend that the Board of County Commissioners look into and fully examine the entire operation of the Public Works Department, and direct the County Manager to take such action as needed to correct its faulty operation and improve its efficiency.

3. We further recommend that a system of cost accounting be adopted by the Public Works Department so that the Board of County Commissioners may determine whether or not private enterprise could perform some of its present duties at a savings to the taxpayers.

CONCLUSIONS

We are pleased to report that there has been substantial compliance with the prior Grand Jury recommendations. A system of cost accounting has been established to record the actual costs of performing various services and projects of the Public Works Department. This will enable the Public Works Department to compare their cost of operation with private industry and should bring more efficiency to county construction projects.

The Water Control Branch of the Public Works Department has been reorganized under the direction of a full time Water Control Engineer. The duties of the personnel have been defined as to functions and responsibility.

This Department has also formulated plans for emergency action whereby needed manpower and equipment can go to the immediate relief of a flooded area. To further facilitate this, notices will be issued to this work force to correspond with Weather Bureau advisories. In addition, the county now has its own rain and stream gages, including an automatic telephone stream gage to enable the department to predict trouble areas in advance.

At present, the Water Control Branch is preparing an inventory of existing culverts. This will aid in determining where new culverts are needed and where standard size culverts could or should be used. The Public Works Department will be able to keep a more accurate check on the maintenance of these existing culverts.

All truck drivers, gage readers, and other Water Control Branch personnel now have a duty to inspect the culverts and to report local conditions when they are traveling from one job site to another; and periodically, the Water Control Engineer and Water Control Operations Supervisor tour the county to keep appraised of conditions.

Work is in progress to complete the program of the Central and South Florida Flood Control District and the County Commission has given specific instructions that the most seriously affected area, that is, Cutler Drainage Project, is to be given first priority among all public works projects.

County officials have reached an informal agreement with the local railroad officials so that each party will exchange information in advance on any further construction which might affect drainage to the end that the construction in the Howard Glade by the railroad will not be repeated to the disadvantage of the local community.

This Jury believes that the public officials, particularly those directly concerned with the operation of the Public Works Department, are conscious of the public's demand for efficiency in this department, and have taken the initial steps to correct the previous inadequacies.

Canal and Rock Pit Drownings

Every year, particularly in the summer, a large number of drownings occur by people who either drive, fall or slip in the drainage canals and rock pits in our county. Children swimming there for recreation are frequently among the victims.

A system of permanent barricades and more adequate permanent warning signs relative to the dangers of the drainage canals and rock pits should be instituted to protect the public.

We recommend that this system of permanent signs and barricades be coordinated with an educational program, particularly to school children, to alleviate this serious situation.

MISCELLANEOUS COMPLAINTS AND INVESTIGATIONS

Each Grand Jury receives numerous complaints relating to various matters which do not require full scale investigations. Many of these complaints are matters over which the Grand Jury has no jurisdiction to investigate, including complaints of a purely political nature. Some of these complaints would have resolved themselves without being referred to the Grand Jury.

A request for an investigation relating to the City of Opa-Locka was resolved by a subsequent election and action of the City Commission.

A complaint that safety glass used in automobiles in this State did not meet the requirements of Florida law was resolved when the Grand Jury was advised by H. N. Kirkman, Director of the State Department of Public Safety, that such glass does meet the requirements of State law.

We received complaints relating to the procedures of the Dade County Zoning Appeals Board. These complaints dealt mainly with the lack of notice to property owners affected by appeal cases, the expense of such appeals, and the failure to provide an adequate transcript of record. Pending our investigation of this matter, the Board of County Commissioners adopted a new ordinance to improve zoning procedures and correct these deficiencies.

We also received many complaints from citizens who based their accusations on a misunderstanding of the facts, or of the law.

We received the usual number of unsigned complaints and complaints from persons who repeatedly plague each Grand Jury with their personal grievances.

We mention the above matters to let the people of Dade County know that all complaints referred to the Grand Jury receive appropriate consideration and attention.

IN APPRECIATION TO THE COURT

We wish to express our sincere appreciation to the Honorable Robert H. Anderson, Circuit Judge assigned to this Term of the Grand Jury. When we were impaneled, Judge Anderson gave the Grand Jury an impressive charge in which he instructed us fully as to our duties and responsibilities. We found this able and distinguished Jurist to be considerate and courteous, always maintaining dignity and decorum in keeping with the highest tradition 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.

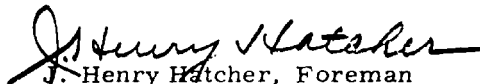
ADMINISTRATIVE ASSISTANT - BAILIFF

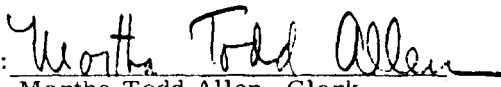
The Grand Jury's work was expedited and facilitated by the efforts of its Administrative Assistant, Eleanor M. Robinson, and its Bailiff, W. Rufus Holzbaur. Both are to be commended for their efficient manner and cooperative attitude in the performance of their duties.

RICHARD E. GERSTEIN - STATE ATTORNEY

We wish to commend Richard E. Gerstein, State Attorney, and his staff for their valuable advice, assistance and complete cooperation during our term. We feel they have helped immeasurably in our consideration of the matters brought before us, and we were impressed by their ability and dedication to their phase of local law enforcement. We wish to express our appreciation for this opportunity of close association with the State Attorney and his Assistants.

Respectfully submitted,


J. Henry Hatcher, Foreman
Dade County Grand Jury
Spring Term 1961

Attest: 
Martha Todd Allen, Clerk

Date: November 14, 1961