

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

SPRING TERM A. D. 1969

FINAL REPORT OF THE GRAND JURY

Filed

November 12, 1969

Circuit Judge Presiding

J. GWYNN PARKER

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MARY GRIFFIN HOEVELER, Vice Forewoman

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HAMNER B. McLEOD

EDWARD J. REILLY

JAMES NEIL ROBERTSON

WILLIE MAE ROBINSON

WILLIAM E. STULTZ

State Attorney

RICHARD E. GERSTEIN

Assistant State Attorneys

N. JOSEPH DURANT DAVID GOODHART
JOHN B. ORR, JR. ALFONSO C. SEPE

Assigned State Attorney

ROBERT EAGAN

Special Counsel

DANIEL S. PEARSON
ROBERT C. JOSEFSBERG
DONALD I. BIERMAN

Clerk of the Circuit Court

E. B. LEATHERMAN

Administrative Assistant

ELEANOR M. ROBINSON

Official Court Reporter

JACK W. MALLICOAT

Bailiff

W. RUFUS HOLZBAUR

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CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
JIMMIE LEE DAVIDSON	Rape	No True Bill
JIMMIE LEE DAVIDSON	Crime Against Nature	True Bill
JAMES STUART KISER	First Degree Murder	True Bill
ZEBEDEE JOHNSON, JR., also known as HENRY WILLIAMS and CHARLES MORRIS LESANE	First Degree Murder	True Bill
JESSIE JAMES GAVIN	First Degree Murder	True Bill
JACKIE ECKER WILLIAMS	First Degree Murder	True Bill
ALFONSO WILLIAMS, JR. and MICHAEL ALEX WILLIAMS	Rape	True Bill
NATHANIEL WILSON	Rape	True Bill
NATHANIEL WILSON	Rape	True Bill
BENNY ANDREW WILLIAMS	Rape	True Bill
ERIC M. JIMENEZ	Receiving and Aiding in the Concealment of Stolen Property	True Bill
ANTHONY JOSEPH DELANO	Accepting a Bribe	True Bill
SEYMOUR KANT	Bribery	True Bill
ANTHONY JOSEPH DELANO and SEYMOUR KANT	Conspiracy	True Bill
LARRY D. MOSS and JOHN HENRY BUTLER	First Degree Murder	True Bill
RICHARD ORTEGA	First Degree Murder	True Bill
ANGEL RAPHEL MORALES, also known as ANGEL RAFAEL MORALES, ANTONIO M. GIL, and MIGUEL BARCIA	Rape	True Bill
FRANK S. CILINCEON, CHARLES ROBERTSON and ANTHONY JOSEPH DELANO	Conspiracy	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
CHARLES ROBERTSON	Bribery	True Bill
ANTHONY JOSEPH DELANO and SAM WEINED, also known as SAM WINER, also known as SAM WEINER, also known as "RADIO" WEINER	Conspiracy	True Bill
ANTHONY JOSEPH DELANO	Accepting a Bribe	True Bill
SAM WEINED, also known as SAM WINER, also known as SAM WEINER, also known as "RADIO" WEINER	Bribery	True Bill
TONY GIAMO	Bribery	True Bill
OWEN CUTLER ALLEN, JR., JAMES EDWARD SMITH and JOHN EDWIN GRANT	Rape	True Bill
SAM WEINED, also known as SAM WINER, also known as SAM WEINER, also known as "RADIO" WEINER	Prostitution	True Bill
SEYMOUR KANT, also known as "DOC" KANT	Grand Larceny	True Bill
ANTHONY JOSEPH DELANO	Accepting a Bribe	True Bill
FRANK S. CILINCEON	Accepting a Bribe	True Bill
JAMES MARTIN LOVERN	Rape	True Bill
SEYMOUR KANT, also known as "DOC" KANT, EUGENIO AMARO and BILL DORN	Conspiracy	True Bill
OSCAR ALVAREZ, LAZARO MILIAN and RICHARD TAYLOR	Bribery	True Bill
OSCAR ALVAREZ, LAZARO MILIAN and RICHARD TAYLOR	Conspiracy	True Bill
LARRY PORTEE	Rape	True Bill
STEPHEN WILLIAM BEATTIE	Rape	No True Bill
TEODOSIO BAHADUE	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ANTHONY JOSEPH DELANO, SAM MOSTEL and MILTON SEINFELD	Conspiracy	True Bill
ANTHONY JOSEPH DELANO	Accepting a Bribe	True Bill
MILTON SEINFELD	Bribery	True Bill
SAM MOSTEL	Bribery	True Bill
ELSA GOMEZ, EUNICE COSTA BRANSTRATOR, ROLANDO ORLANDO SERPA, and BERNARD ABEL, M.D.	Conspiracy	True Bill
ELSA GOMEZ, EUNICE COSTA BRANSTRATOR and ROLANDO ORLANDO SERPA	Abortion	True Bill
ANTHONY JOSEPH DELANO, FRANK S. CILINCEON and HENRY RIDGE, also known as HARRY RIDGE	Conspiracy	True Bill
HENRY RIDGE, also known as HARRY RIDGE	Bribery	True Bill
FRANK S. CILINCEON	Accepting a Bribe	True Bill
ANTHONY JOSEPH DELANO	Accepting a Bribe	True Bill
JOSEPH MILSTEIN	Bribery	True Bill
ANTHONY JOSEPH DELANO, FRANK S. CILINCEON and JOSEPH MILSTEIN	Conspiracy	True Bill
FRANK S. CILINCEON	Accepting a Bribe	True Bill
ANTHONY JOSEPH DELANO	Accepting a Bribe	True Bill
EUGENIO AMARO	Accepting a Bribe	True Bill
FERNAND SANTANA y ZORMOSA	Bribery	True Bill
FERNAND SANTANA y ZORMOSA and EUGENIO AMARO	Conspiracy	True Bill
ELMORE FREEMAN	First Degree Murder	True Bill
HERBERT ALONSO EVANS	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
WILLIAM SEALE BAILEY	Rape	No True Bill
WILLIAM SEALE BAILEY	Lewd, Lascivious or Indecent Assault upon a Child under Ten Years of Age, without Intent to Commit Rape	True Bill
HOKE McCLELLAND	Bribery	True Bill
HOKE McCLELLAND, ANTHONY JOSEPH DELANO and SEYMOUR KANT, also known as "DOC" KANT	Conspiracy	True Bill
EDDIE DAVIS, JR. and HERBERT LEE TUFF	First Degree Murder	True Bill
MILTON SEINFELD	Bribery	True Bill
JAMES ALLEN CHESTER and EUGENIO AMARO	Conspiracy	True Bill
JOE STEPHENS, JR.	First Degree Murder	True Bill
MILTON SEINFELD and SYDNEY SCHOENBERG	Conspiracy	True Bill
JOHN C. BOLASH and ANTHONY JOSEPH DELANO	Conspiracy	True Bill
MARSHALL JOSEPH HILL	Rape	True Bill
JOHN HENRY JONES	Rape	True Bill
JAMES ALLEN CHESTER	Grand Larceny	True Bill
JERRY SMITH and LAWRENCE UNIVESTER HARGRETT	First Degree Murder	True Bill
RAYMOND C. McLENDON and WILLIE FASULO	Conspiracy	True Bill
MICHAEL WARD	Rape	True Bill
MICHAEL WARD	Rape	True Bill

CELONA INVESTIGATION

I. Why the Celona Investigation?

- a. This Grand Jury received a recommendation from the preceding Grand Jury that allegations of public corruption by former Deputy Sheriff Charles Richard Celona be investigated.
- b. The undertaking of this investigation was urged by both the Department of Public Safety and the State Attorney's Office.
- c. This Grand Jury in performing its legal duties seeking to rout out any and all violations of the law, be they by public or private parties, deemed it proper to conduct the Celona Investigation.

II. Methods of Conducting the Celona Investigation, including the Reason for Retaining Special Counsel

- a. Allegations were made before the Grand Jury and in all the public press that the Celona Investigation would encompass members of the State Attorney's Office, as well as members of the Criminal Court judiciary.
 1. The Grand Jury felt it would, at a minimum, give an impression of impropriety for the State Attorney's Office to investigate allegations about itself and about the judiciary before whom it regularly appears.
- b. The Grand Jury has desired and endeavored from the start of its term to the conclusion of its term to remain apolitical. This desire and effort should and must be made by every Grand Jury that fulfills its oath. The Grand Jury accepted the gratuitous offer of the Governor of Florida to work with a specially Assigned State Attorney charged with the duty of conducting the Celona Investigation. This acceptance was made

with the understanding that no political purposes would be manifest. It should be noted that neither the Governor, the Assigned State Attorney, nor any source outside of Dade County caused this Grand Jury to start or continue the Celona Investigation. The presence of the Assigned State Attorney was not essential to the Grand Jury's function since the Grand Jury was prepared to and had, in fact, already taken steps, including the retaining of qualified and able Special Counsel, to proceed in the Celona Investigation. The Grand Jury considers its function in the Celona Investigation as being that of the people of Dade County's presenting body.

c. Special Counsel have served this Grand Jury as legal advisers and have also protected this Grand Jury from attempts to change its role from that of a duly constituted investigative and presenting body to a political weapon. Special Counsel have also served an invaluable role as liaison between the State Attorney for the Eleventh Judicial Circuit and the specially Assigned State Attorney from the Ninth Judicial Circuit.

III. Grand Jury Findings

a. The Grand Jury after a full investigation of all allegations made against the Office of the State Attorney and certain of his Assistants, found no evidence to substantiate these allegations of official corruption or malfeasance. The investigation included the taking of testimony from witnesses outside of and within the State Attorney's Office and comparison of such testimony. No material differences were found to exist between the versions of certain occurrences. It should be noted that the staff of the State Attorney's Office came forward freely and responded with candor to this Grand Jury.

b. No evidence involving the Criminal Court bench has been presented to this Grand Jury.

c. Investigation of the Department of Public Safety culminated in the return of numerous indictments as a direct and indirect result of the Celona testimony. They include the indictment of 8 former Deputy Sheriffs or other law enforcement personnel. In addition, certain direct informations were filed by the Assigned State Attorney against other law enforcement personnel. These indictments and charges related to the acceptance of bribes and other abuses of the public trust placed in these officers. The Grand Jury returned indictments against 9 alleged bolita operators for crimes and conspiracies relating to bribery and corruption of public officials.

The Grand Jury also indicted 5 operators of public establishments which allegedly conduct "B" Girl and prostitution operations for crimes involving bribery and the corruption of public officials. In addition to the indictments returned by the Grand Jury, certain direct informations were filed by the Assigned State Attorney. One of these involved a burglary of goods valued in excess of \$500,000 which was thwarted as an indirect result of the Celona Investigation.

d. The Meaning of the Indictments: An indictment is no more and no less than the formal charge by which the people of a community bring the charged party before a duly constituted court and jury for a determination of guilt. These indictments do not prove guilt, but they do state that there is probable cause to believe that crimes have been committed against the people of the State of Florida.

The Grand Jury would point out that many of its indictments deal with the corruption of law enforcement officials and that this corruption when it exists undermines the entire foundation of the American system of law. A government of law cannot exist when the men charged with the enforcement of that law owe their allegiance to individuals and not to the public.

e. The Grand Jury finds that this investigation is not totally completed.

IV. RECOMMENDATIONS

a. The Grand Jury recommends that the indictments returned by it, and the direct informations filed by the Assigned State Attorney, be prosecuted effectively and vigorously.

1. It is recommended that they not be prosecuted by the State Attorney for the Eleventh Judicial Circuit for several reasons:

That the public media has often created an air of suspicion about the conduct of certain prosecutions. If, as is possible in any prosecution, some of these cases were to be lost in Court, the State Attorney for the Eleventh Judicial Circuit might again be the subject of innuendo. The Assigned State Attorney is prepared to prosecute these cases and ought to personally prosecute or supervise the prosecution of each of these cases in order to avoid duplication of effort and to insure a continuity of effort.

2. These cases should be tried in one place and one place alone - a Court of law before a duly constituted

Judge and jury. They should not be tried in the public media by witnesses, witnesses' attorneys, prosecutors, defense attorneys, or politicians.

b. It is recommended that the Celona aspect of this investigation be concluded as quickly as possible.

1. That the incoming Grand Jury consider the retaining of Special Counsel for the limited purpose of giving the Grand Jury apolitical legal advice and serving as a liaison between the State Attorney for the Eleventh Judicial Circuit and the State Attorney for the Ninth Judicial Circuit of Florida assigned for the purpose of this investigation.

2. It is recommended that the Grand Jury hear and heed the advice of any duly authorized prosecuting authority that wishes to appear before them when the incoming Grand Jury feels that said advice is not politically motivated.

c. The Grand Jury has noted that the spirit of cooperation between the Public Safety Department and the State Attorney's Office is not on an optimum plane. The Grand Jury does not seek to place blame, nor is it equipped to. It only recommends to both offices that a united effort is needed in order to combat the common enemy - crime and corruption.

d. The Grand Jury in its investigation of public corruption has become aware of the Statute of Limitations on most crimes. This Statute of Limitations prohibits prosecution for crimes which have occurred more than two years prior to the return of an indictment or information. A certain exception to this

law exists in the case of public officials. That exception is that the Statute of Limitations will not take effect until two years after the public officials leaves office. The rationale for this extension is that a public official, by virtue of his office, can conceal the perpetration of any crime which he has committed while in office. If this rationale be valid, and we believe it is, then it is equally applicable to the private corruptors and co-conspirators of the public officials. The Grand Jury therefore recommends to the Legislature of Florida that the Statute of Limitations be extended in all crimes involving public corruption to two years after the official who was corrupted has left office, with said two year period being applicable to both the public official and his private corruptor or co-conspirator. This extension should apply to both conspiracy and substantive criminal charges.

STATE FIRE & CASUALTY COMPANY

This Grand Jury has determined that the allegations of illegal activity involving the State Fire & Casualty Company are being investigated by several federal agencies and Grand Juries. They are not within our purview.

CURRENT PUBLIC SCHOOL PROBLEMS

The Palmetto Incident

By letter of May 15, 1969, signed by its Superintendent, the Dade County Board of Public Instruction requested the Grand Jury to investigate the nature of the outside influences which contributed to a near riot and disruption of school activities last Spring at Palmetto Senior High School.

Starting with this specific investigation, the Grand Jury proceeded to look into questions relating to school security generally and into other current school problems. The files of the school security force were examined and testimony of the Director of Security was taken. A Jury member and an Assistant State Attorney were directed to attend a seminar on school problems conducted by the Practicing Law Institute, New Orleans, Louisiana.

Further, the School Board, in the company of its Superintendent and Attorney, appeared and testified.

Findings

While there appeared to be some participation by the University of Miami Chapter of the United Black Students and by one or two adult opportunists seeking to promote racial discord, a major contribution to the unrest was made by two faculty members. An investigation conducted by the Director of the School Security Force demonstrated that these teachers, organizers for a teachers' union, had encouraged black students to attend disruptive meetings held during school hours away from the school grounds. They otherwise encouraged students to violate school rules. A fair inference can be drawn that these teachers promoted racial unrest in order to aid them in their organizational plans. The School Board was aware of all these

facts before help was sought from the Grand Jury. Instead of discharging the patently guilty teachers, the administration simply transferred them to other schools.

When asked why they didn't exercise their power to discharge, the members replied that the School Board Attorney had advised that there was insufficient cause. The discharge of teachers under continuing contracts (tenure) is regulated by statute. The grounds listed are:

"....immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or conviction of any crime involving moral turpitude." Ch. 231.36(6).

One Board member testified that the teachers here involved simply subverted the authority of the principal and disrupted the school. He didn't feel this warranted firing the teachers; apparently his colleagues agreed.

This Jury believes conduct so characterized is ample grounds for discharge, and it finds that the School Board failed to use the powers provided by law.

Recommendations

The School Board should adopt a more rigorous disciplinary policy in dealing with disruptions of normal school activity. This should apply to teachers as well as students. Those who interfere with the rights of students to be educated and the obligations of teachers to educate should be expelled or dismissed. The students and teachers should be fully instructed in this policy and in all other school rules. A readily available forum should be provided for all grievances reasonably presented whether by teachers or students, but strikes, walkouts, threats of force, or other disruptive activities must be dealt with resolutely.

School Security Generally

Findings

In looking beyond the Palmetto incident, this Jury finds that a serious situation relating to school security exists.

There are 229 schools in Dade County. Of these, 71 are junior and senior high schools. The average daily attendance by students is 227,000. A security force consisting of a director and 22 subordinates is charged with responsibility of protecting school property and handling all disturbances occurring on the school grounds. Until this school year, the members of the security force had no arrest powers. A special act of questionable validity now gives them power to arrest but limits the power strictly to the school grounds. An offender may simply step across the street and the security officer is powerless to act. Prior attempts to obtain general arrest powers have failed. Director of Public Safety Purdy has refused to deputize the school security officers unless the School Board will indemnify him against claims for false arrest. The School Board has no authority to enter into such a contract.

The Jury has received numerous reports of drinking and use of drugs by students around the periphery of the school grounds. Shootings, knifings, robberies, and other brutal assaults are occurring in and around the grounds of our schools. Riots and threats of riot have disrupted classes and other school activities.

Recommendations

The last Grand Jury, after a thorough investigation recommended several specific steps with respect to school security. These suggestions were ignored. Several School Board members indicated they didn't know of the existence of the Grand Jury Report. Each will receive a copy of this one delivered by certified mail.

The school security force must be substantially increased. Doubling the present force would seem inadequate. These men must have the power to arrest, and this power must not be confined to the school grounds.

Teaching personnel must be instructed in how to maintain order. The State Attorney has offered to conduct a seminar for all instructional and administrative personnel on students' and teachers' legal rights and responsibilities. We suggest the School Board accept this offer.

This Jury is convinced that most of the violence and general lawlessness that is occurring in and around our schools is the consequence of a general attitude of extreme permissiveness that has infected parents, teachers, and administrators. If we are to avoid most disastrous occurrences, as have occurred in other major urban areas, reasonable disciplinary measures must be taken now.

Dues Checkoffs

Findings

Despite the fact that members of the Classroom Teachers Association participated in a walkout or strike which resulted in the closing of our schools last Fall (and despite the recommendations of the last Grand Jury), a majority of the members of the current School Board voted to collect dues for the C.T.A. Three officers of this union and the organization itself were found guilty of criminal contempt of court for their activities in the school walkout and now they are rewarded by the granting of this major organizational tool.

Recommendations

We strongly recommend that the practice of collecting dues for the teachers' union be discontinued.

General Administration of Schools

Findings

Under our present system the Dade County School Board is charged with establishing the policy to be administered by its appointive superintendent. Our school system is the eighth largest in the United States. Its financing constitutes a major portion of our state and county budgets. Our School Board members serve on a part-time basis. Several of them complained to members of this Jury and its staff, that they did not have sufficient information on which to establish policy. Several indicated they were being "spoon-fed" only those facts which the administration wanted them to have.

Recommendation

We recommend that the State Legislature study the feasibility of operating the schools of our large metropolitan areas under policies established by part-time lay school boards. Recognizing the complex financial, administrative, and pedagogical problems that exist in large school systems, one lecturer at the Practicing Law Institute Seminar (a school board member himself) recommended that a board of three full time commissioners with training in finance and business administration as well as pedagogy be established to set policy for our schools. This possibility should be examined.

Drug Abuse

Findings

Reports of widespread use of drugs by the youth of this community continue to be received. Much of this use apparently occurs on or near the school grounds.

Sheriff Purdy is in the process of assembling a larger, and hopefully more effective, anti-drug squad. This should aid in the effort to control the illegal use of drugs, and the County Commission should be commended for making additional funds available to the Sheriff.

Recommendation

This Jury is convinced that the School Board must provide instruction in drug abuse by establishing regular compulsory classes beginning at the sixth grade level. These should be conducted no matter how seemingly traumatic they may be.

The State Attorney has been conducting an effective educational program. Assistant State Attorney Alfonso C. Sepe has done extremely fine work in making over 100 instructional lectures on drug use before civic and educational groups during the past year. He should be especially commended for most of this work has been done on his own time and at his own expense. He probably has more information than anyone in the state on the dangers of drug use; the School Board should consult with Mr. Sepe in establishing instructional courses. Parents also need training on the recognition of drug use by their children. The School Board should provide the leadership in establishing parental instruction courses.

We further urge the private and parochial schools of Dade institute similar programs of compulsory education.

MEDLEY INVESTIGATION

At the direction of the Grand Jury, the State Attorney's Office conducted an investigation into allegations of criminal wrongdoing in the Town of Medley. This investigation resulted in the filing of Informations charging two police officers of the Town of Medley with Aggravated Assault.

During the course of this investigation, it was found that one of the police officers of the Medley Police Department has a lengthy criminal record, including two felony convictions.

Based upon this finding, the Grand Jury recommends that in the future the Mayor and the Town Council of the Town of Medley conduct a more thorough and complete investigation of applicants for the sensitive and important position of a police officer.

CORRUPTION IN HIALEAH

As the result of a number of citizen complaints and an excellent series of articles by investigative reporter, Joseph P. Averill, of The Miami Herald, the Grand Jury directed State Attorney Gerstein to commence an investigation.

Police Car Leasing

Findings

The City of Hialeah entered into a contract for the lease of police cars with Pershing Auto Leasing Inc. This corporation is a wholly-owned subsidiary of Pershing Industries, Inc. Henry Milander, Mayor of Hialeah, is Vice President of Pershing Industries, Inc., and he and his son own 10,455 shares of stock in the company. Hialeah Councilman J. Hosea Smith owns 1,350 shares and Councilman Milton Thompson owns 102 shares. This contract is void under state law (See Attorney General Opinion 069-97 and cases cited therein) and is violative of Section 253 of the Charter of the City of Hialeah. The Grand Jury has no authority to bring a suit to set aside the contract and recover Damages and has no authority to enforce the ordinances and charter of the City of Hialeah.

Further, the State "conflict of interest statute" (Chapter 839, Florida Statutes) appears too narrowly drawn to cover this situation. Under the Hialeah Charter, the Mayor is not a member of the City Council so Section 839.09 does not apply to him. Section 839.07 which applies to all public officials, including the Mayor, relates only to "public works;" the leasing of police cars does not appear to be a "public work" (See Attorney General Opinion 069-97).

Recommendation

We strongly recommend that the next Grand Jury continue the investigation of this matter under the personal direction of State Attorney Richard E. Gerstein and Assistant State Attorneys Durant and Orr.

Zoning Irregularities

At the direction of the Grand Jury, State Attorney Gerstein commenced a thorough probe of zoning practices in the City of Hialeah. Mr. Gerstein reports that he has commenced this investigation and has the complete cooperation of Public Safety Director, E. Wilson Purdy. Mr. Purdy has assigned three detectives to work with the State Attorney's staff. This comprehensive zoning inquiry will take months to complete.

Recommendation

The succeeding Grand Jury should direct that the State Attorney and the Sheriff continue this probe and should furnish funds and such other assistance as is required.

Hialeah Land Deal

Findings

On August 18, 1969, Hialeah Municipal Judge Morriss F. Wolfe entered into a contract for the purchase at a price of \$78,000 by him of 15 acres of land within the corporate limits of the City of Hialeah. He gave his check for \$1,000 to bind the deal. The contract bears the date, August 8, 1969.

On August 21, 1969, Judge Wolfe sent his check for \$6,800 which constituted the balance due of the down payment of \$7,800.

On September 2, 1969, Liselotte Moyer, a close personal friend and client of Charles Kelly, Judge Wolfe's law partner, entered into a contract to sell this same property to the City of Hialeah at a purchase price of \$97,500. Judge Wolfe signed this document

as escrow agent and received the City's check for \$7,800. Mayor Henry Milander executed this contract on behalf of the city. Mrs. Moyer was acting on behalf of Judge Wolfe, herself and others, including Judge Wolfe's partners in the private practice of law.

At the prompting of the City Clerk, but after Mayor Milander's contract to purchase, two allegedly independent appraisals (curiously containing identical language) were obtained; one valued the property at \$90,000; the other at \$93,000.

The sellers agreed to reduce the purchase price to \$93,000.

On September 23, 1969, after a recommendation by the Mayor and the City Clerk, the City Council approved the purchase for \$93,000.

On September 26, 1969, a closing was held by which Mrs. Moyer acquired title to the property which she had already agreed to sell to the city.

Recommendation

We strongly recommend that the next Grand Jury continue the investigation of this matter under the personal direction of State Attorney Richard E. Gerstein and Assistant State Attorneys Durant and Orr.

CITY OF NORTH MIAMI BEACH

This Grand Jury received allegations of possible wrongdoing in the giving of a police examination in the City of North Miami Beach.

These allegations were investigated, at our request, by the State Attorney's Office, and no evidence whatsoever was found to substantiate the allegations.

YOUTH SERVICES

As the direct result of a letter written by a courageous child care worker employed by the County Department of Youth Services, a comprehensive investigation of the facilities and services provided for the delinquent and dependent youths of our community was conducted. Numerous employees at the various facilities were examined under oath; other child care experts also gave sworn testimony; the Judges of the Juvenile and Domestic Relations Court were consulted, and prior studies and investigations were examined.

The Alpha House Debacle

Findings

The Alpha House program was purportedly designed for the treatment of the more emotionally disturbed children originally confined at one of the other youth facilities. The physical structure is located on the grounds at Kendall. Its Director is Myron T. Weiner, a Psychologist. During the period of this investigation, the patients were girls ranging in age from ten to sixteen years. Recently boys have been admitted to the program.

The most salient feature of the program is extreme permissiveness. Absolutely no meaningful discipline is imposed. Except for two hours of class per day for which a special teacher is employed and two group therapy sessions per week, the children have complete freedom. They are permitted to sign out five days a week at noon and while supposed to return at 9:00 P.M., only inconsistently applied room confinement is ordered when they fail to return on time. Many of the girls have remained away for days at a time. On one occasion a young girl left with only the clothes

she was wearing and returned a week later with a suitcase full of clothes and a substantial sum of money. She reported she had been living with a man on Miami Beach. When a child care worker suggested she be tested for venereal disease, Dr. Weiner refused saying the child would interpret this as punishment and instead, she should be praised for coming back. Frequently, the girls returned under the obvious influence of drugs and from time to time drugs and agents used for sniffing have been found in the girls' rooms.

The girls were permitted to have visits whenever they desired from their boy friends and were permitted to entertain them behind locked doors.

All patients were permitted to smoke and were frequently given cigarettes by Dr. Weiner. When this was discussed at staff meetings, Dr. Weiner stated that the law prohibiting minors from smoking was archaic and that the staff could get around the law by saying that the children can smoke when not observed by the staff.

The most vulgar of profanities is commonplace. No limitations on language are placed on the patients in their communications with each other or with staff members.

Bedtime is 10:30 P.M. but generally the children do not go to bed until 2:00 or 3:00 A.M. Frequently, they leave in the middle of the night.

Although unlicensed and underage, children have been permitted to drive automobiles. On one occasion a group returned to the grounds in a 1969 Eldorado Cadillac. The following day they were

permitted to drive the car again. When they admitted that the car was given to them by a boy friend and that they knew it was a stolen car, Dr. Weiner finally made an anonymous call to the Sheriff's Office to report the existence of the car on the grounds.

The sanitary conditions are atrocious. Decomposed food, maggots, roaches and other bugs are frequently found in the rooms; the dining room is generally filthy. The bathrooms are not cleaned regularly and frequently the commodes are stuffed to overflowing with garbage and used sanitary napkins. No rules for personal hygiene are enforced. Children are permitted to bathe and brush their teeth as they please. Children are permitted to sleep in the clothes they have worn for days. Infrequent use of the laundry facilities is made. When these matters of sanitation and personal hygiene were called to Dr. Weiner's attention, he is reported to have replied, "We are not concerned with the children's cleanliness; we're concerned with the children's emotional health."

Dr. Weiner has instructed the staff not to discuss the conditions at Alpha House with any outsiders.

The daily log book kept by the staff has been examined and most of the conditions described herein are reflected in this log. This log has certainly been available to Dr. John Moody Presley, the Director of Youth Services for Dade County, and it must be presumed that he is aware of these conditions which our investigation has revealed existed for months.

Insufficient data has been uncovered to determine the cost per patient for "treatment" at Alpha House. Dr. Weiner is reported to have estimated the cost at \$400.00 per week per patient. This

is probably lower than the actual cost. At last check, 14 County employees were retained to treat 6 children then at Alpha House.

Recommendations

The Alpha House program should be suspended until a more realistic program is created.

There should be an immediate change in the administration and direction of Alpha House.

Temporarily at least, the more seriously disturbed children should be placed under the care of private psychiatrists. The cost to the County would have to be less than it is currently spending on Alpha House, and the opportunity for the disturbed children to receive some help would be enhanced.

Runaways

Under the permissive program created and directed by Dr. John Moody Presley, the incidence of runaways from the County youth facilities has dramatically increased.

For example at Youth Hall for the 17 months period during which William Shapiro was Superintendent (November 1967 to April 1969) there were 18 runaways.

On April 24, 1969, Dr. Presley removed Shapiro as Superintendent and assumed the responsibility himself. He instituted a new "open door" policy. Since May 1, 1969, and through October 27, 1969, 108 runaways have been reported. Many of these youths had committed crimes of violence (murder, rape, robbery, burglary) and several simply walked through the unlocked front door. Several had prior records of running away.

The runaway figures from the other facilities are also alarming.

The Public Safety Department records reflect that from January 1, 1969, through October 27, 1969, 585 children ran away from Kendall and 132 ran away from Parkway Children's Home.

Dr. Presley had agreed to furnish the Juvenile Court Judges with runaway figures each month. These figures furnished to the Judges in no way coincide with those furnished to the Sheriff's Office. For example, during the period that 585 runaways were reported by the authorities at Kendall to the Sheriff, only 203 were reported by the same authorities to the Judges. The same disparity occurred in the reports from Parkway; 132 were reported to the Sheriff, 48 were reported to the Judges.

The Grand Jury has carefully analyzed these reports and while some children appear on the lists more than once, these duplications in no way explain the disparity. The only reasonable inference that can be drawn is that the Department of Youth Services deliberately furnished false and misleading facts to the Judges.

Recommendations

There should be an immediate change in the administration and direction of the Department of Youth Services. This recommendation has been made by the Board of Directors of the Florida State Juvenile Officers Association. The physical and mental health of the delinquent and dependent children and the safety of the citizens of our community demand this action.

We are not convinced that an adequate investigation was conducted of the qualifications, record, and background of the present Director of Youth Services prior to his appointment.

Care should be taken that the extremely permissive program that now characterizes our Department of Youth Services be not allowed to continue.

While the continued separation of the detention facilities from the Juvenile Court seems indicated, the Judges of the Juvenile Court should be consulted before any Director is appointed. We believe it imperative that the man appointed have the confidence of the Judges.

Additional physical security measures must be constructed. Particularly at Kendall where there are absolutely no restraints.

Destruction of County Property

Findings

The permissive approach has been responsible for a great amount of vandalism by the detained children at all the facilities.

The Building and Maintenance Administrator reported that his crew was unable to keep up with the destruction. Windows are constantly being broken, screens and walls pulled down, toilets allowed to overflow, ceilings torn out, walls and doors painted with obscenities, restraining bars pulled out, locks removed and destroyed. At the time of the taking of the Administrator's testimony, five cottages at Kendall were uninhabitable as a result of this vandalism.

The maintenance men report being propositioned by the girls and one crew observed a boy and girl engaging in sexual intercourse in the front lobby of Alpha House. The Administrator testified that during the past year, maintenance work has increased to the

point where he cannot keep abreast of it. All of this has cost the taxpayers of this County untold thousands of dollars, but even worse, the children, instead of being rehabilitated, are permitted to demonstrate their revulsion against authority.

Recommendations

Stricter discipline must be imposed which should include reasonable punishment for acts of vandalism.

Silver Oaks School

Findings

This is the school located on the grounds at Kendall. It is operated by the Dade County Board of Public Instruction. The Principal has been employed in Dade County by the Board since 1946 and has served as Principal at Silver Oaks for the past 13 years.

His total enrollment as of October 3, 1969 was 91 students. He could provide instruction, with his present staff, for 150. The physical plant will accommodate 250.

His present staff consists of 19 teachers and two administrators. Prior to Dr. Presley's taking over of Youth Services, the school was operated on a year around basis. For the past two summers, at the direction of Dr. Presley, it has been closed. Not many children run away during school hours, but the large number who run away at other hours seriously impairs the efficient operation of the school. The Principal reported that the number of runaways had increased within the last two years. Students have reported being beaten and sexually attacked in their cottages at night.

The Silver Oaks School should be returned to year around operations. The vocational rehabilitation program should be enlarged. All children detained at Kendall should be required to attend school for a full school day (many are now required to attend for only 4 hours).

Apparently as the result of discipline required by the School Principal, relatively few difficulties occur during school hours. Perhaps his methods should be studied by Youth Services personnel.

CONCLUSION

The Youth Services program is in critical need of complete overhaul. We strongly suggest that the County Manager and County Commissioners address themselves to the correcting of the conditions reported immediately. The future welfare of our community demands prompt and decisive action.

APPRECIATION

In a democracy there is nothing more important than the conscientious and efficient administration of justice.

We of the 1969 Spring Term Dade County Grand Jury would be truly remiss if we failed to express openly and forcefully our indebtedness to Judge J. Gwynn Parker for his extraordinary and competent assistance in the completion of our responsibilities and duties. We have indeed been fortunate in having his services. We also appreciate the courtesies of Judge Jack A. Falk who served equally well during the absence of Judge Parker.


The advice of State Attorney Richard E. Gerstein has been indispensable and to him and the members of that office we extend our sincere appreciation.

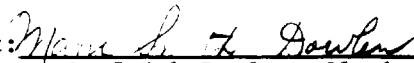
We are indebted to Assigned State Attorney Robert Eagan and Special Counsel Donald I. Bierman, Robert C. Josefsberg, and Daniel S. Pearson. We commend their professional ability in assisting this Grand Jury on the Celona Investigation.

We, likewise, express to Eleanor M. Robinson as Administrative Assistant our respect for her capable devotion to duty and interest in assisting us.

The law enforcement officers, in particular Captain John L. Vermilye and other members of the Sheriff's Internal Security Squad, who appeared before us were able and devoted servants. It is a difficult task, and to them and to the public officials with whom we have had contact, we give our approbation and appreciation.

Respectfully submitted,


Fred C. Slater, Foreman
Dade County Grand Jury
Spring Term 1969

Attest: 
Marie Smith Dowlen, Clerk

Dated: November 12, 1969