

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

FALL TERM A. D. 1971

FINAL REPORT OF THE GRAND JURY

Filed

May 9, 1972

Circuit Judge Presiding

MILTON A. FRIEDMAN

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HENRY E. CABALLERO, Vice Foreman

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CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charges</u>	<u>Dispositio</u>
THOMAS WAYNE BROWN	Rape	True Bill
ELMER WATSON	First Degree Murder	True Bill
THOMAS ERNEST LOCKWOOD	Second Degree Murder	True Bill
IVORY MARSHALL TAYLOR	First Degree Murder	True Bill
JOHNNY CARL WILLIAMS	Rape	True Bill
MICHAEL MORRIS	Rape	True Bill
JOHNNY CARL WILLIAMS	Rape	True Bill
JAMES VINCENT ROMEO	Assault with Intent to Commit Rape	True Bill
CLIFFORD ALFRED TURNER, JR.	First Degree Murder	True Bill
GEORGE SILVA	Rape	True Bill
GEORGE SILVA	Rape	True Bill
ODELL RUSSELL	Second Degree Murder	True Bill
LOUIS LEMAR SYLVESTER	First Degree Murder	True Bill
KERMIT CLYDE BROWN	Second Degree Murder	True Bill
ROBERT LEE WARD	First Degree Murder	True Bill
RAFAEL ROMAN SANTIAGO	First Degree Murder	True Bill
CHARLES LEE BELLER	Rape	True Bill
RICHARD LEICHTMAN	Rape	True Bill
RICHARD LEICHTMAN	Rape	True Bill
RICHARD LEICHTMAN	Rape	True Bill
RICHARD LEICHTMAN	Rape	True Bill
ORRIS CLEMENTS	Rape	True Bill
BERNARD FLOWERS, TERRY JONES, ADOLPHUS ROOKS	Rape	True Bill
DONALD P. BARMACK and JOHN O'CONNELL	Accepting a Bribe, Conspiracy to Accept a Bribe	True Bill

<u>Defendant</u>	<u>Charges</u>	<u>Disposition</u>
DAVID DARRYL WING	Assault with Intent to Commit Rape	True Bill
RAYMOND A. BRADLEY	First Degree Murder	True Bill
EDDIE C. DAVIS	First Degree Murder	True Bill
GEORGE SILVA	Rape	True Bill
JAMES ARTHUR WOOD	Rape	True Bill
JOHN ROBERT CONNOLLY	First Degree Murder	True Bill
ALVIN LEROY BENEBY	First Degree Murder	True Bill
ISAAC HARRISON	Second Degree Murder	True Bill
DWIGHT BROWN	Rape	True Bill
ROBERT JEROME SOSNOSKIE and RONALD MARVIN HEWITT	Rape	True Bill
WILLIE ROY PIERCE	Assault with Intent to Commit Rape	True Bill
CHARLES E. TURNER	First Degree Murder	True Bill
JULIUS SEAY, JR., LEON BELL and THEODORE R. BROWN	First Degree Murder	True Bill
DENNIS M. COOK	Rape	True Bill
BENNIE STEVE ROLLE	Rape	True Bill
WILLIE L. BRADY	Rape	True Bill
PAUL ROWLES, JR.	First Degree Murder	True Bill
JAMES OTIS DORSEY ARCHIE A. MILLER LEROY ROGERS and LARRY EUGENE CYRUS	Rape	True Bill
ROBERT VEGA	First Degree Murder	True Bill
JOHNNIE L. BAXTER	First Degree Murder	True Bill
AMANDO CRUZ, also known as AMADO CRUZ	First Degree Murder	True Bill
WILLIE LEE GOBER	Second Degree Murder	True Bill
BERNARD FRANKLIN DEBERRY	First Degree Murder	True Bill

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TO THE HONORABLE MILTON A. FRIEDMAN, CIRCUIT JUDGE
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

Our service as members of the Dade County Grand Jury these past six months has been emotionally debilitating, physically exhausting, intellectually challenging and deeply rewarding.

Our insights have been expanded, and our community knowledge has been greatly enhanced. We have been exposed to the sordid and the glorious, and we have searched our conscience and applied our judgment to evaluate each.

We have functioned as a composite body while respecting the individual rights and perspectives of fellow Jurors who have shared this responsibility of citizenship.

On the pages which follow, this Jury has summarized findings and positions accumulated during our term.

CARRY OVER

On November 9, 1971, the outgoing Grand Jury requested that we, its successor body, continue certain investigations and monitor the results of several others which they had completed. As requested, this Jury did bring to a conclusion the investigations related to the Port Authority which had been previously initiated. The separate report covering this matter is contained within this document.

As for Youth Services and the Hialeah Police Department, this Jury did accept the role of monitor. The results of our services in these areas are covered by two separate reports also included in this document.

We found no need to continue the investigation of the Miami Beach Convention Hall. Shortly after our assumption of duties, it became evident that the momentum created by the prior Jury was sufficient to establish the mechanisms required for self-policing. We have been assured that such have been instituted and are functioning.

Among the other legacies received by this Jury was a rash of public pronouncements which stated, in effect, that the system responsible for us created an "establishment" dominated body that was incapable of investigating the establishment. We trust that the lack of substance in this accusation has been proven by our efforts these past six months. We have not hesitated to respect the Charge we were given. We have been motivated by neither fear or favor.

THE DADE COUNTY PORT AUTHORITY

On the 15th of December, 1971, the Foreman of this Jury appeared before the Dade County Commission and delivered the following prepared statement:

".....With proper respect for the interest and fundamental rights of an alerted public, for the members of the Dade County Port Authority and for its operating staff, it is our avowed intention to do all within our capacity to properly complete the investigation of certain matters related to the Port Authority as initiated and unresolved during the term of the previous Spring Term Grand Jury.

And we mean to do so within the term of our service."

This statement was accompanied by a request for \$25,000 in supplemental funds "for the ~~spe~~cific purpose of resolving this investigation." The following week this fund was authorized by the Commission. Our investigation cost a total of \$10,110.23 and the remaining balance has reverted to its source. It is the belief of this Jury that actions proposed by this report will confirm that this money was well invested and that it should return itself many times over.

During the orientation period of this Jury, we carefully studied all previously accumulated testimony and documentation. We also heard testimony from the Special Counsel responsible for its assemblage. The result of this study was our decision to accept the legacy and to do all within our power, once and for all, to resolve the allegations which hovered over the Port Authority executive administration and the Metro Commission. To return indictments if warranted. To exonerate if no indictable offenses were revealed. Our experience has now proven that this was an over-simplification.

Having been propelled into continuance, we established certain procedural standards:

1. All testimony would be initiated by secret Grand Jury subpoenas and all witnesses must be heard within the confines of the Grand Jury chambers.
2. Premature exposure of inconclusive nature must be avoided. We would publish revealed findings not innuendo.
3. We would seek the funding necessary to assure that this investigation would not hamper other commitments of this Jury.
4. We would use Special Counsel unrelated to the previous efforts and unencumbered by the emotional and righteous fervor which, sadly, characterized the inherited phase of this investigation.
5. We would publish our findings.

Our report follows:

STRUCTURE

To start with, the Dade County Port Authority is an extremely complex organism unlike any similar operation in the country. It is veritably a city unto itself and more complex than many. Its composition and operating mechanisms are unique. It was established by Act of the State Legislature in 1945 (since amended) to function under an untried formula. Its growth was inaccurately forecast and it was operationally unprepared for the tremendous expansion it has experienced. Administratively it has a long way to go. Yet, almost despite itself, the Port Authority is extremely successful as an economic entity.

But conceptual and detailed changes are absolutely mandatory if it is to properly fulfill its destiny.

The Port Authority is completely independent of the established offices of county management. It maneuvers within its own orbit supervised by a director and staff who serve exclusively at the will and discretion of a governing and approval body. This governing body is the Metro Commission wearing a second hat. The Port Authority manages its own finances, enters into its own contracts and has unexercised power to levy ad valorem taxes. It largely sets its own rules, procedures and criteria.

It is the hub of the largest business in Dade County with satellite services (airlines, etc.) providing employment for upwards of 80,000 people. The total assets of the Dade County Port Authority exceed \$325 million and last year (1970) it recognized \$8 million in net income from gross revenues of some \$13 million. Its rental contracts produce \$7,600,000 annually and its concessions provide an additional \$668,000. It serves 11 million flying passengers every year.

By any form of measure, the Dade County Port Authority is a huge business complex. It is vital to the present and future economy of Greater Miami and it is sorely lacking in the procedures necessary to assure public responsiveness and to justify public confidence.

HISTORY

(When reading this section it is well to bear in mind this paraphrasing of the words of Shakespeare: "The evil lives after them while the good is oft interred with their bones." As a Grand Jury we have focused our attention to the frailties not the strengths; to dereliction, not achievements; unto evil, not unto good.)

Many of the more serious problems experienced today by the Dade County Port Authority have been inherited. They are now part

of the warp and woof of the operation. The present physical structure (Wilcox Field -- Miami International Airport) was completed under a lame duck Commission in 1958. Many actions taken at that time have set in motion a sequence of favoritism that has been difficult to eliminate in the fourteen intervening years. It was weaned in a climate of wanton disregard for accountability, unbecoming a public body, and a major residue remains to this day.

No rules were established to control graft and the shadow of many questionable dealings still survives to haunt the present administration. Fraternization between staff and concessionaires was commonplace. Grasping and self-serving people took rude advantage of the fledgling operation. The environment became incestuous and self-perpetuating. Too many practices, once established, were maintained by their sheer momentum.

There is no real question but that moral wrongs were perpetrated, deceptions were condoned and political morality was disregarded. There were flagrant flauntings of reasonable codes of propriety and there is considerable indication that indiscretions and instances of conflict of interest did occur. Implications are wide-spread. Rumors fly freely. There is an aura of accusation. But evidence is rare and non-sustainable. We were unable to return any indictments, because the wrongdoing uncovered by our investigation did not fall within the purview of this State's woefully inadequate conflict of interest laws.

During these same early stages there was complete failure, at executive and governing levels to accurately anticipate the growth probabilities. Gross miscalculations resulted in the

setting up of inept, incomplete and insufficient processes for decision-making and record maintenance. The concept of the old-time pilot, flying "by the seat of his pants," became the modus operandi of this multi-million dollar public enterprise. Too many decisions and commitments, based upon less than authoritative information, were spontaneously made by the executive staff and, willy-nilly, were approved by the Metro Commission in their role as Port Authority. Secure systems of checks and balances, and clearly stated rules of operation, were never established. There was an over-reliance upon the judgment of people of moderate talent and knowledge. People whose qualified vision was inadequate to the tasks. The power for influence was vested, by simple assumption, in the hands of too few.

This potpourri of confusions and out-dated mechanisms still maintains its influence over the Port Authority operation.

* * * * *

Since this investigation was opened, the voice of the citizen/voter has been heard. Political reputations have been brutally wounded. A new team has been fielded. The obligation is clearthe task is definedthe time is now.

The days of maverick operation are over. It is high time to draw a sharp line of demarcation between the past and the future. It is essential for the Port Authority to desert the position of self-defensiveness which has been properly imposed upon it and to openly acknowledge that public confidence is at a low ebb, that patience is gone and that it is mandatory for those in power to take the immediate and bold steps necessary to restore public

confidence by achievement not rhetoric!

* * * * *

CONFLICT OF INTEREST REGULATIONS

As big business, the Dade County Port Authority can well benefit from certain procedures created, confirmed and maintained by many big businesses. Namely, the drafting and the adoption of self-policing, conflict of interest policy regulations that are structured to meet the objectives of the preliminary outline below. These regulations are particularly meaningful when the referenced big business is actually a public body.

The need for these restraining regulations has been acknowledged by members of the Port Authority staff and is, in fact, desired by them.

To assure compliance, it will be necessary to establish a Drawing Fund to enable Port Authority officials to handle proper amenities of luncheon checks, and the like, in the normal conduct of official business. Such fund expenditures to be approved by the Director and available for audit by the Metro Commission/Port Authority.

1. The regulations should be immediately adopted as an important means of re-establishing diminished public confidence and creating a firm mechanism for containing future abuses.
2. The regulations should become operating policy equally applicable to all members of the Dade County Port Authority system; staff professionals, employees and the elected public officials who serve as the Authority.
3. There must be absolutely no personnel exceptions.

4. The regulations should be far-reaching and all-inclusive. They should cover everything from the receipt of Christmas gifts and the relative trivia of having luncheon checks picked up.....to major considerations of any kind, and under any circumstances from those who have any business relationships with the Port Authority.
5. The regulations should be stated in such unequivocal phrasing that no exceptions can be countenanced by claims of misunderstanding.
6. The regulations should be so written that failure to comply would cause immediate and appropriately severe disciplinary action administered by the Port Authority. Legal prosecution should be instituted in the event that any statutory conflict of interest laws are violated.
7. All current conflict of interest laws, county and state, should be studied to determine applicability and, where applicable, made a part of this new policy/regulation.
8. A clear statement of mandatory compliance should be included in all future employment contracts and applied retroactively to all existent contracts.

The Port Authority should establish a fixed date by which time such regulations should have been drafted for approval. Adoption and implementation should follow immediately thereafter.

Once adopted, these regulations should be presented in writing for written acknowledgment by all employees, executive staff and related public officials within the Port Authority. All suppliers and all leaseholders should also be made aware of these new regulations. In writing. A statement explaining the

regulations should be included in all future purchase and lease contracts.

Administration of these regulations can be handled under the existing rules and regulations of the Metropolitan Personnel Department. There is a list of qualified attorneys who have volunteered to act as Hearing Examiners when required.

THE MATTER OF LEASES

It bears restating.....

The Dade County Port Authority is not a private enterprise. As a public organism its primary allegiance is to the people. It is answerable to the people for its frailties and it is from the people that it must seek rewards for its strengths. This requires a constant awareness on the part of all those involved in management decisions. It requires the maintenance of a permanent mental attitude attuned to public sensitivity and allows for no deviation. It permits no under-the-table negotiations or sub-rosa commitments. It provides no alternative but compliance.

Traditionally, the legitimate right of the public to be assured of proper safeguards has never been established in the bidding and negotiating practices of the Port Authority. In this vital area, management has neglected to provide for essential public accountability for all of its actions.

The role of the Metro Commission, while ostensibly that of assuring responsible executive supervision, has tended to be too casual. While the role of certain members has tended to establish too intimate a relationship with selected lessors. The net result has been a long fomenting suspicion that leases have been let under the motivation of favoritism, actual corruption, and/or

political chicanery. Fraternization between elements of management and lessors was established as a way of life. Favors were expected and favors were received. Temptation to abuse influence abounded. A bevy of "consultant/advisors" existed on the payrolls of a number of leaseholders while performing no visible duties. Through all of this, there was executive inability, or refusal, to recognize the seriousness of these conditions and to take the aggressive corrective actions which were required.

Perhaps all of this will soon be behind us. The Interim Report issued by this Grand Jury on April 4, 1972, covering the subject of the Port Authority Janitorial Contract, has generated affirmative action on the part of the Director. In essence, he has recommended to a committee of the Authority (the Metro Commission) the cancellation of the contract with Kleen Master and readvertising for bids. His recommendations also include specific and proper bidder requirements and all restrictions as to bid amounts are to be removed. As of this writing, the committee has approved the recommendation for presentation of the Authority. These actions imply substantial improvement.

LEASE RECOMMENDATIONS

The role and mandate of the Grand Jury is to serve as an investigatory arm of the courts and of the citizenry. We do not presume to be either efficiency experts or business consultants and should not be so judged. We have sighted weakness in contracting precedent which have helped to create a cynical and

embittered public attitude. Actions necessary to counter these weaknesses must now be undertaken by Port Authority administration, the executive staff and the Metro Commission.

We add the following suggestions as being worthy of consideration:

1. Flexibility of methods for establishing a base for new contracts and for contract extensions (whether by bidding or negotiation) is necessary for viable management. But any deviations from norm should be clearly documented in advance and available for public scrutiny.
2. As soon as possible, on a one-by-one basis, the procedure of renewing leases by negotiation (rather than by competitive bidding) should cease. This should apply equally to non-exclusive as well as exclusive contracts.
3. In those instances wherein negotiated extension is absolutely warranted, then full disclosure of reasons why and of extension terms should be made known to the public before-the-fact.
4. As a general rule, month-to-month contracts and leases are unwise for they carry the seeds for abusive use of political pressure.
5. For the same reasons stated in number 4 above, we strongly advise that "without reason" contract cancellation clauses, which exist in several of the current leases/contracts, never be exercised and that all future contracts assure that cancellation privilege

can only be exercised "for stated cause." The power to terminate without cause is a dangerous power that can be unscrupulously exercised.

6. A method of systematic and rational periodic review of all leases should be immediately installed.

MAINTENANCE OF RECORDS

It should be pointed out that this Grand Jury, its Special Counsel and Accountancy resources, received complete cooperation in its searchings through Port Authority records. We were, thereby, enabled to determine severe deficiencies in the accounting systems that should be promptly corrected. Following are areas which require strengthening of both internal controls and accounting procedures:

1. LEASE FILING SYSTEM - The filing system in use is bereft of valid internal control as it fails to provide a proper audit trail. Old files are not readily accessible. The more current files are not indexed in a manner that would readily provide identification of a particular file. There is no master filing list to indicate the nature and content of each file and its whereabouts. Such a list is necessary to indicate whether a given file is OLD, NON-CURRENT OR CURRENT.

The individual files of the various leases are not in any systematic or methodical arrangement. Documents, letters, notes, etc. are accumulated in the same files. If a particular document is needed, the entire file must be carefully searched to locate it. The lessee's

files should be arranged in such manner as to provide for a logical separation of leases and documents, notes and correspondence for ready and easy access.

2. REFERENCE TO LEASES - There is no master schedule of leases which would provide a summary of lease terms and conditions for current leases as well as a schedule showing prior leases and their terms. A schedule comparing lease terms and conditions should be provided noting and explaining any substantial differences or incomparability between similar leased space.

A complete file with respect to all leases should be maintained so that a complete history of a given lease is readily available. All bids should be kept on file along with the reasons for awarding a lease to a particular concern, especially when that firm is not the highest bidder.

3. SUB-LEASES - Any sub-lease agreements entered into by the concessionaires must receive Port Authority approval and should be on file with the Port Authority. Information relating to the reason for the sub-lease and its terms and conditions should also be on file for review. Additionally, there should be established set procedures and guidelines for the approval of any sub-leases.

4. TRAVEL AND OTHER EXPENSE ITEMS - There should be a control established over all expenditures for travel and related expenses for each individual commissioner

and Port Authority official. This would facilitate an audit trail which would not necessitate the review of each fund to arrive at the total amount expended for traveling by a given individual.

Furthermore, specific guidelines regarding substantiation of reimbursement requests should be examined for their propriety and, once established, these guidelines should be followed.

As things now stand, there is no central control to accumulate all the travel expenditures which take place in the various funds. It is difficult to ascertain the accurate amount expended by any individual in a given period of time without independent searching through each bond fund and each operating fund.

(Note: Appropriate travel is an essential part of the learning and functioning process in many businesses. This is certainly true in conducting the business of the Port Authority. However, there is a sharp distinction to be drawn between professional travel and self-edifying junkets and this difference must be respected by all involved.)

WHERE DO WE GO FROM HERE

Inherent in the obligations of all public bodies is the responsibility to constantly search for improvements. Improved procedures for operations. Improved methods for assuring progress. Improved management and staff personnel. Improved operational structure. There is little question but what the structure of administration and public answerability currently practiced by the Dade County Port Authority is deficient in several respects. It must be improved. How?

As revealed in extensive testimony before this Jury, there

are many alternatives which should be considered. We list a number of the revelations of this testimony without taking a position in favor of any. The truth may lie in intelligent combinations of methods, or by adoption of a totally new approach. But it is certainly time that a study/analysis was undertaken and decisions were made to assure the greatest potential for responsible expansion. The Dade County Chamber of Commerce has initiated such a study. It has been in developmental stages since last August and it is intended that the results be made known within 60-75 days. This report should provide a fine basis and, it is not unlikely, that some guidance answers will be found therein.

Among those who testified, there was general agreement that some changes must be made regardless of whether Commission control is retained, modified or replaced. However, whatever the changes are, it was agreed that all final budget control must continue to be the responsibility of the Metro Commission whether or not they continue to sit as the Port Authority.

That which follows has been interpreted from testimony and does not represent conclusions of this Jury. They are all ingredients-for-the-mix necessary to evolve an intelligent and viable destiny.

1. General observations (from testimony) of those who believe that the current system is fine:
 - (a) The airline industry, essential to progress, has developed confidence in this system and we cannot risk jeopardizing such confidence.
 - (b) It is only right that the top elected officials

serving within the county assume the dominant responsibility for operation and administration of the Port Authority.

(c) Under this current system, the ballot of the citizenry has its greatest muscle.

(d) The perspective of the Metro Commission is such that they can objectively view and judge the Port Authority as a component of the entire community rather than as an isolated and self-serving entity.

(e) By removal from Commission control there is danger that the privilege of activating additional ad valorem taxes might be abused.

(f) The experience of the Commission is necessary in expansion programs involving Bond Issues which are essential factors of growth.

(g) As the primary elected officials, the Metro Commission is more responsive to the needs and requirements of all forces involved: airlines, Port Authority staff, labor unions, outside contractors, the traveling public and county residents.

2. Proposed improvements (from testimony) of those who believe that the current system is fine:

(a) Metro Commission (sitting as the Port Authority) must make more effective use of the Airport Committee appointed from its membership.

(b) That this Airport Committee should meet on a regularly scheduled basis and follow a fixed agenda of subjects so that all facets of operation are

intimately known by some members of the Commission and then (in summary) presented to all members.

(c) Total reliance upon staff recommendations should be supplemented by deepened involvement of the Commission through the committee method.

(d) Staff recommendations must be carefully studied and additional qualified personnel and required funds should be made available to reduce daily pressures and assure greater professionalism.

3. General observations (from testimony) of those who believe that the current system must be modified:

(a) Operation of the Port Authority is simply too much additional work for Commissioners elected to serve on a part-time basis. Few members are capable of giving the amount of time necessary to comprehend the many ramifications. This is without considering the additional time necessary to interpret, to establish policy and to guide.

(b) The result is that there is far too much reliance upon an over-worked Port Authority staff without meaningful supervision.

(c) The unique skills required to interpret the many technical complexities are simply not attainable by the normal elective processes.

(d) The current Commission structure assigns too many responsibilities to too few people and the airport is too critical a factor of this county to risk having less than dominant attention and supervision.

4. Proposed improvements (from testimony, of those who believe that the current system must be modified:
- (a) Establish a system of an elected membership with ONE responsibility....management of the Port Authority. It could be composed of as few as five and as many as fifteen members who would serve as an Executive Board of Directors.
 - (b) Convert the entire mechanism into another department of county government with the County Manager responsible for appointing the Director and staff.
 - (c) Combine the Dade County Port Authority (airports) with the New Port of Miami (seaports) and operate under a single administration.
 - (d) Same as (c) above but with the addition of the MTA (buses). Thereby, in effect, all public transportation considerations (land, sea and air) would be controlled by one administrative entity, appointed by either the County Commission or the County Manager.
 - (e) Establish the Port Authority as a completely independent Authority serving on a full-time basis with membership composed of appointments from various governmental bodies, county, state and federal. In effect, a blue-ribbon committee.

* * * * *

No Grand Jury has the technical expertise necessary to make a final proposal judgment. However, we must add several observations derived from our investigation:

- * The complexity of the airport operations is of such

magnitude as to be largely unknown by many members of the Commission. We say this without criticism but to emphasize reality.

* Bonding enthusiasm and credit faith is largely the result of airline willingness to support the Port Authority recommendations. It is the commitment of the airlines to, by agreement, underwrite operating deficits of the Port Authority. This relationship is essential to retain the cooperation of the financial and investment world. Industry cannot be permitted to lose confidence.

* Closer and more sustained supervision is required to assure a direct line of responsible control which is ultimately answerable to the judgment of the voters.

* Any deviation from current procedures must be very carefully defined in advance so that membership of any replacement administrative/supervisory body is composed of people of special knowledge, special skills, special vision and sensitivities.

Until such time as an evaluatory study is undertaken and action decisions are made, this Grand Jury urges that the current method be strengthened by adding lay members to the existent Airport Committee of the Port Authority (Metro Commission). Such members would not share the authority of voting on measures before the duly constituted Port Authority, but would share in the evaluation of problems, in the consideration of alternatives and in presentation before the full membership of the Port Authority.

IN SUMMARY

This Jury, while not presenting criminal indictments, finds that there have been far too many actions related to the over-all airport operations which justify the loss of public faith which has resulted. We also believe that these conditions can be rectified by intelligent, responsible and immediate action.

In reaching these conclusions, this Jury disregarded rumor and implication, sound and fury, as proper replacements for reason and evidence. In plunging into the matter we engaged resources of extraordinary competence and we worked on an intimate basis with these resources during the months necessary to qualify this report.

A vast amount of time and energy has been diligently addressed to this task. We have used widely disparate sources of reference and guidance and we have tenaciously tracked down every lead we could find.

In large proportion, we are satisfied that this vital element of our economy is staffed by people of sincerity and honesty, although there is sufficient reason to conclude that there are relatively frequent situations wherein the talents available are not equal to the tasks.

We trust that the investigation of the Dade County Port Authority initiated by the Spring Term Grand Jury and continued by this Grand Jury will conclude with this report.

If it was within our authority, we would DEMAND that the conclusions of this report be carefully studied by all echelons of government who have any responsibility related in any manner

to the Dade County Port Authority. That they recognize the basic implications of these pages; that the public has not been served in an entirely proper manner and that further revelations of indiscretions will not be condoned.

* * * * *

In final note, we express particular appreciation to Messrs. Richard B. Adams and Thomas J. Schulte who served as Special Counsel for this Jury, and to Messrs. Dan Paul and Parker D. Thomson who served the prior Jury and shared their knowledge with us. We also thank Mr. Thomas Merlo and the firm of Haskins and Sells for investigation and consultation in matters relating to accounting research and practices.

YOUTH HALL

It is generally acknowledged that the strongest natural resource of any civilized society is its youth.....its younger generation. The sobering fact that youngsters may have been caught and detained for investigation, or that they may have been legally prosecuted and adjudicated as guilty of a punishable offense, does not grant a community license to provide control facilities and management that echos the dark ages. Over many years, Dade County Grand Juries have repeatedly reported on abuses of the worst order within our Youth Service facilities. As representative of the citizenry, it is with considerable gratitude that this Grand Jury can report a strong reversal of trend and responsible effort to rehabilitate the system.

The Spring Term Grand Jury urged that we monitor corrective actions instituted by the Youth Service Department of Dade County, resulting from Jury findings and their published report. This we have done and we have evidence that substantial progress has been achieved. It is now apparent that, despite the limitations imposed by shortness of time and shortness of funds, much has been achieved by action of the County Management.

There remains the serious question of when the State of Florida (Department of Health and Rehabilitative Services) will be in a position to honor its commitment to take over the administration of these facilities in accordance with its pledge to do so. The scheduled date has come and gone several times without definitive action and the result has been to establish a limbo situation which is not conducive to achievement.

The construction of new Youth Hall facilities also appears

to be bogged down in interminable delays while completed plans are being analyzed and re-analyzed. A problem area is whether or not to include juvenile court facilities within the complex or to build now what can be built and delay the court structure until new funding becomes available. It is axiomatic that the longer construction is delayed, the higher basic construction costs will rise. It is time that the Metro Commission act upon this delayed matter and insist that talk end and building start.

A strong step for betterment of the Youth Services operation was taken in January of 1972 when Arthur J. Foehrenbach was named as Director. This position had been occupied on a temporary basis for 24 months preceding this appointment. Mr. Foehrenbach carries the proper credentials, and the experience of this Jury with him has been reassuring.

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In specific response to the problems underscored by the Spring Term Grand Jury, a definitive series of corrective actions has been taken.

ADMINISTRATIVE STEPS:

1. Authoritative manuals covering the operation and staff responsibilities of each of the three child care institutions have been published. To date, the procedures specified are being followed.
2. All Social and Psychological Services have been centralized so that stronger direction and supervision is now given to social work within all of the institutions.
3. The skills and knowledge of child care workers has been upgraded to improve both quality and productivity of services.

4. A special program for recruitment and training of specially qualified people has been undertaken to better serve the unique problems related to the three juvenile detention facilities.
5. The methodology of record-keeping has been improved at all facilities so as to help anticipate and define recurring problems.

OPERATIONAL STEPS:

1. Staffing at Youth Hall has been improved to provide professional staff coverage on a 24 hour basis, seven days a week.
2. Sanitation problems are now reported on a semi-weekly basis and appropriate corrective action is being promptly initiated.
3. Fraternization between staff and children, always forbidden, is now strictly enforced.
4. Comprehensive medical services to children is being initiated at all facilities in conjunction with the Department of Family Medicine of the University of Miami.
5. Strong steps have been taken, particularly at Youth Hall, to eliminate the problem of importing contraband into the buildings.
6. In further response to the urging of the Grand Jury, the County has initiated an Internal Affairs Unit designed to act as a control element over any future abuses of regulations which may occur. Although not fully operative, it is now functioning on a limited basis while the full structure of the unit is being developed.

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In fulfilling its responsibility, representatives of this Grand Jury took a personal tour of Youth Hall of Dade County, located at 800 N. W. 28th Street. We did so after receiving testimony from Director Arthur J. Foehrenbach, in the Grand Jury chambers. It was the opinion of the Jury that this visit was necessary to confirm many pieces of information.

We reviewed all elements within the Youth Hall complex: male and female dormitory quarters, detention facilities, dining area, kitchen, pantry and storage facilities, interior and exterior recreational facilities, and the structures serving as class and training rooms. Our visit served, among other gleanings, to affirm the previously expressed need for complete replacement of quarters. As of now, Youth Hall is woefully inadequate.

The Jury was impressed with the sincere but moderate efforts made to provide trade and rehabilitative training in such areas as electronics, woodworking, typing, etc.

In formulating our opinions, this Grand Jury would like to commend and also recommend the following:

1. Commend Mr. Foehrenbach and staff for the progress being made to make Youth Hall as livable as possible.
2. Commend the volunteer workers of Dade County (University of Miami, Dade Jr. College, and various individuals) for helping staff an area that needs so much help and attention, the youth of Dade County.
3. Recommend two interior steps to rehabilitate the current structures:
 - (a) The immediate replacement of the ancient water heating system now being used in the buildings and

(b) That new food storage areas be provided or constructed to prevent the accessibility of insects and other unwanted guests.

Recommendations could be listed in volume, but the one that is foremost in the judgment of this Jury is that the newly composed Metro Commission put the construction of a new Youth Hall high on its priority list. Plans have been drawn, submitted and argued for the past couple of years and nothing is being accomplished to replace the worn-out, dilapidated, completely inadequate buildings that are now used as Youth Hall. Perhaps a visit by the Commission to the complex would hasten the action necessary.

We specifically commend County Manager Ray Goode and all those who, while responsible for improvements to date, have not deluded themselves into believing that the job is done. From the perspective of this Jury, their cooperation with our monitoring responsibility was superb.

THE DRUG SCENE

(or...Any Road will Get You There
if You Don't Know Where You're Going.)

Compelled by respect for the potential of man, it was the judgment of this Jury that we had no alternative but to gain some perspective on the usage, influences and controls of drugs in Dade County. No report on this subject has been issued by a Grand Jury since April 8, 1970. From what we sensed, there had been many changes since then. We had to know if things were really as bad as media had lead us to believe. We now know that they are far worse!

No matter has caused this Jury greater torment and anxiety than this awesome subject. In directing our attention to the drug scene, we have imposed upon ourselves substantial frustration and despair, and have been challenged to provide some criteria for valid judgment which may contribute to solutions.

We have received testimony from many witnesses and have had considerable discussion. We have further expanded our understanding by studying published and unpublished reports from various private and government sources.

As man must, we have attempted to convert the irrational into something rational so that our recommendations could benefit from the substance of reason.

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Our resources of more than twenty-five witnesses represented a broad span of influences. We spoke with people who had dedicated upwards of 50 years of their lives to studying the effects of drugs on mankind, and others who were fresh to the subject. We spoke with chief law enforcement officials, and police officers confronting

the daily reality of the streets and the alleys of our communities. We heard testimony from others who must judge the user in courts of law. We spoke with governmental theorists and governmental activists. We spoke with high school principals, some self-deluded and others indicating deep insight. We spoke with people on the dreadful firing line of rehabilitative treatment and others attempting to face the problem with charts, graphs and trend studies.

We experienced a bewildering complex of passion and wisdom.. We learned of conflicts of opinion and differences of emphasis. And, above all, we learned the horror, the agony and the grief of drug usage. We could see its terrifying and monumental proportions, and the appalling human price.

Through it all ran an unnerving thread of consistency. Well-meaning people, honorably motivated, sincerely concerned, seeking no personal reward, yet each revealing a gnawing fear that he is fooling with something too big for him to handle.

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Historically, Dade County was slow to recognize the problem. It was less than five years ago that a minimal drug education program was initiated in the school system. To this date, it has yet to reach the depths of penetration necessary to achieve truly beneficial influence on users and potential users.

Drug education has largely been an experimental activity which dumps a mass of information by random methods and in random sequence. Films, Posters, Booklets, Lectures, Demonstrations. The result, in many instances, has been an informational overload and a learning vacuum. Facts are known but comprehension is rare.

The use of drugs is alien to our traditional values, our

established measures of right and wrong. While there is general agreement within the adult society that something must be done, the belief is often that someone else should do it. And while we've been waiting for "someone else" the tragic toll has mounted. So that today, it is conservatively estimated, there are 3,500 heroin addicts in Dade County! While these pages are being read, or within the next couple of hours, every one of them must be shot full of this poison.

User age is decreasing as most of us stand around and bewail the fact. We co-exist with tragedy that is merely hinted by statistics as parents lose their sons and daughters, their homes, their livelihoods and their dignity. Lives evaporate into despair. In subtle and extreme ways, every life in Dade County is affected by the distorting erosion of drug motivated actions.

There is a blatant and calculated evil in those who measure dollar profits at the price of human destruction. Most incredible of all has been the inability of our community to come to forceful grips with this problem. Citizen involvement remains passive or dormant and political leadership has been vague, faltering and contradictory.

Through it all, many programs have been mounted for rehabilitative treatment of those already addicted or pushing the danger zone. Attempts to fill the void created by the absence of concerted official direction have been made by many volunteer and semi-official bodies. Everyone seems to have an answer (or a piece of the answer), but no one really knows. There are houses of abstinence where 24-hour resident facilities are being used for "cold turkey" treatments. There is a proliferation of Methadone therapy clinics.

There are day facilities which attempt to redirect victims by self-help methods. Within the past several months there has been much progress in the establishment of a central registry to try and get a handle on available and needed treatment facilities. Lots of fingers have been stuck in the dike, but the flood tide is now pouring over the top.

And all the while, confusion and evasion have dominated the decision-making ranks of government as lesser, more tenable, problems are faced. The facilities so necessary for conducting valid research programs have yet to be hinted at. Right now, there is too much uncoordinated action. Too many duplicative, minimally qualified and over-simplified activities. Yet, they all deserve a salute of praise for at least undertaking a campaign of guerilla warfare where massive bombing is necessary.

The effect of narcotic addiction on crime exceeds all comprehension. It is not inaccurate to assume that more than 55% of all reported crimes can be traced to drug-need or drug-use motivations. Crimes committed by people who are not essentially criminal, but who are in the grip of an unrelenting hell.

A good heroin addiction requires five or six "dime" bags every day (\$10 each). The real cost in the sleazy world of distrust, deceit and dishonor can reach \$100 daily. Too often that money is gotten from the re-sale of stolen items worth much more. And robbery is a fraction of the problem. This Jury has presented indictments for murder and rape which have a direct linear relationship to narcotics. As law enforcement techniques become more sophisticated, the available supply diminishes. The price goes up, and more and greater crimes result!

Those who consider narcotic addiction to be a victimless crime are completely self-deceiving.

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This Jury attempted to find out the REASON WHY. To answer the cry of anguished parents: "Where did we go wrong?" Perhaps, by finding some semblance of reason others might be spared.

By digesting what we have heard, and the documents we have studied, certain truths evolved. Youth doesn't plunge into drugs, he is slowly drawn (and pushed) to this magnet of horror against which he has little defense while engaged in comparison shopping for a way of life. He is bewildered, anxious and pressured by a society he cannot comprehend, cannot accept and insists upon questioning. The values which sustained his parents have crumpled. He fears the future. He fears being forced to decide on a career; of searching to find a worthwhile life style. He seeks to be less lonely. He is tortured by uncertainty and he seeks a set of guidelines to reduce the complexity of choices to manageable proportions. All this, while his parents worried about the length of his hair, the patches on his bluejeans and whether he was sneaking off to "R" rated films.

As he seeks to confirm his own existence, he finds it in a world of his peers. The crowd rewards him with warmth, compassion, friendship and approval for as long as he conforms to its pattern. Once started, it's tough to pull out. If he tries, he is ruthlessly punished with rejection and ridicule. And, as any journey must start with a single step, he samples his first "joint" ...and he's enroute. The majority, by far, are content to remain with marijuana. Even they are thereby forced to join a sub-culture of secrecy and

evasion. For a significant number it does not end there. They trade in a collection of lesser troubles for one big problem... and turn to the hard drugs. For a sadly limited time, he simplifies his existence. He has no real idea of the ultimate consequences. In effect, he trades his heritage, his future, his honor and his soul for short-term gain.

And so it grows. As thousands of young people in Dade County are turning to drug induced euphoria, tens of thousands of their parents view them dimly through an alcoholic haze or tame their anxieties with scores of tranquilizers and psychic pacifiers.

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A rapid review of actions now underway in Dade County regarding this overall drug problem presents a disturbingly enigmatic picture. It would appear as though the greatest amount of progress has been generated by fragmented volunteer forces and the energetic commitment of a limited few.

The greatest publicized focus, of governmental nature, has been in the areas of law enforcement, and here the professionalism varies widely from one community to another within our county. There is an increase in the apprehension of pushers and users and the judicial system has been sorely taxed to find alternatives to prison sentence that reflect humane and appropriate citizen responsibility.

Less known, but of far greater importance, are the stirrings of coordination between all echelons of government (federal, state, county and municipalities)...and between government and private efforts. Although a fine start has been made, there is no call for relaxation. The surface has been barely marred.

In the time available to this Jury, and in the welter of other matters with which we have been engaged, it was impossible to attain the technical knowledge necessary to commit itself to many academic decisions. For example: the validity of one method of treatment over another; whether education should start in the 5th grade or the 4th; or whether the fault lies with the breakdown of the family unit, the school system, the churches, the atomic age or the position of the stars. But, our experience has qualified us for some few definite reactions.

From the standpoint of the political structure:

1. It has not provided the leadership, the vision or the funding necessary to solve this problem.
2. Rather than boldly facing drugs, it has shown a lack of awareness, courage and imagination in proportion to need.
3. There has been a terrible waste of manpower, energy, money and time in pursuit of less consequential targets.
4. Time is running out!

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A tremendous amount of attention has been directed to the schools. This is understandable. It is during the earlier school ages that the problem of drugs first appears. Marijuana becomes an active ingredient of the student culture. It is then that parental frustration begins to generate and they look for some source of aid before their youngsters fall victim. And the schools must fulfill their major role in establishing the base for a healthy and adaptive life.

Media has recently exposed the fact that school discipline,

in the area of drug control, is completely ineffective. It's a charade. It is claimed that school officials are simply not adequate to enforce the drug laws without having to convert classrooms and adjacent school grounds into "armed camps." There are those who believe that, if the time necessary for effective enforcement was actually spent in that pursuit, then the processes of formalized education would come to a veritable standstill. Despite these claims, there is no alternative but to sustain the pressure. To follow the regulations established by the School Board and to assure that the disciplinary actions prescribed by the Board are scrupulously obeyed. It takes very few members of the student peer group, committed to corrupting stupidity, to have a negative influence upon many. As distasteful as the prospect may be for those who have chosen the proud profession of teaching, they must seek and properly discipline those few who infect the many.

We recognize the inherent danger in making this recommendation at the very time that the substance of educational methods is being sincerely questioned. But the risk is too great. Discipline and respect for law must be established. Must be maintained.

A recent proposal to the School Board would create a new county-wide office within that body, having the sole responsibility of running the drug education programs in all schools within the system. This critical responsibility is now diffused through many interpretations and maximum benefits are not being realized. This is too valid a proposal to be shunted aside on the basis of limited economics. Dade County must be ignited to

realize that the money involved is capable of saving millions of actual dollars, as well as converting thousands of potential victims into productive and contributory citizens.

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As an aside of great importance, we reference the fact of the "Drug Abuse Task Force" recently activated by the Comprehensive Health Planning Council of South Florida. As of this date, it is the primary mechanism available to Dade County for the coordination of all activities related to the rehabilitation of those already addicted or those dependent upon narcotics. It is mandatory that all local independent rehabilitation operations and governmental bodies relate to this organization before making any major program change decisions or funding allocation decisions. It is only by this facility of coordination that the most beneficial advances can be recognized and facilitated.

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Within recent weeks, Criminal Court Judge Alfonso C. Sepe has made a forthright proposal to the administrative leadership of this county. This Jury considers this proposal to be deservant of the most serious study. Following are specifically edited excerpts:

1. The creation of a drug research and narcotics addiction treatment center in Dade County. This is to be co-administrated by the Division of Corrections and the State Board of Health.
2. Authority given to the courts of criminal jurisdiction to issue voluntary civil commitments for addicts or individuals in imminent danger of becoming addicts,

whether before trial, during trial, after conviction or sentence.

3. The right of an addict to voluntarily commit himself for treatment, and provision for family initiated commitment, for their children under 21, who they believe are now addicts or very likely to become addicted.
4. Provision to authorize the committing judge, who makes final determination that the individual has received maximum care, to erase from the individual's record the proceedings that brought about the institutionalization of the patient.
5. Utilization of psychiatrists, physicians, psychologists, counselors and social workers with particular talents in this complex field.

The cost attendant to implementation of these recommendations are considerable. But the costs of doing without effective treatment, research and rehabilitative facilities are astronomical.

Although there are parts of these recommendations that we believe to be more valid than others, we commend Judge Sepe on the initiative he has taken and hasten to add the weight of this body in urging sober consideration of its contents.

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In summarizing our investigation it is evident that the use of drugs is not a problem with easy and evident solutions. The truth can be neither legislated nor imposed. It must be acknowledged by the moral precepts of people. The most qualified generation that mankind has ever known has placed itself, and the world it

will inherit, in dreadful jeopardy. It has fallen victim to the most evil force ever loosed on a society. The ultimate likelihood is that only youth can solve this problem. And only when they honestly face the fact that they have been bilked, abused and prostituted for the gains of those without the restraints of human conscience. First of all, there must be the acknowledgment that marijuana is a phoney substitute for the real rewards of giving and sharing life. A motivated youthful generation can make such an admission and prove its worth, its responsibility and its capacity for assuming the reins of responsible citizen leadership. It is not hallucination to believe that Dade County can provide the guiding light to this entire nation by demonstrating that its self-respecting youth is capable of complete disengagement from the destructive vulgarity of drugs. This abusive terror should no longer be tolerated by them. No longer condoned or rationalized. It is time to turn the tide and to no longer protect, by some distortion of honor, those who vomit this venom on the innocent.

We urge that which cannot be enforced by the courts: greater family understanding and respect, patience and compassion. Greater willingness to honestly and openly combine the resources of love and responsibility and eliminate, once and for all, the use of drugs. It takes guts. Have our kids got it? We believe that they do.

And, into this maddening malignancy, this Grand Jury injects its bucket of tears....and trust.

HIALEAH POLICE DEPARTMENT

There was a time when the American policeman would be inclined to define his job and role in a very narrow fashion. But law enforcement duties, in the past quarter century, have evolved from simple tasks, requiring simple qualifications, to complex professional operations requiring specialized knowledge and techniques. The police service, which at one time utilized relatively uneducated men to perform simple tasks under close supervision, now is utilizing well educated men carrying out complicated tasks.

Such tasks cannot be effectively supervised by people untrained in professional police operations. In the case of the Hialeah Police Department, under the control of Mayor Henry Milander, this is particularly true. His commands must be obeyed. There is but one source of authority, and any departure is deemed insubordination. Thus innovation, rather than being encouraged, is stifled and creativity is depressed. Success is measured not by professional growth and esteem of professional peers, but by loyal commitment to the Mayor and his philosophy. This not only impairs the efficiency of the entire department, but it adversely affects the morale of the individual police officers and reduces the protection to the community.

As we see it, there is only one solution. The Charter of the City of Hialeah, which gives the Mayor absolute control over the police department, must be amended. We, therefor, strongly recommend that the Hialeah Charter Review Board, which is now in session, submit a proposal to the City Council that the charter be changed as follows:

(1) The Mayor should be divested of any authority or control over the police department.

(2) The Chief of Police should have exclusive authority to operate and direct the police department, subject to the power of the City Council to investigate the department to make certain it is operating on a professional and efficient basis.

We realize that any changes in the Charter must be approved by the voters of the City of Hialeah, and we sincerely trust that if the foregoing changes are submitted to them for approval, they will seriously consider the contents of this report. The welfare and safety of all of the residents of the City of Hialeah is in the balance.

THE RAMPAGE OF VENEREAL DISEASE

We are not prepared to issue an authoritative statement regarding the subject of venereal diseases, but we would be guilty of irresponsibility and immorality if we failed to share what we have learned. Although the testimony we received was limited, we now know, irrefutably that we are in the grip of a destructive epidemic that shows no respect for race, color, age or economics. The spread is international. There is every likelihood that more than 150,000 residents of Dade County, from industrial leaders to day laborers, are now suffering from gonorrhea. Although 30,000 cases were actually reported in 1971 for public record, it is estimated that this figure represents as little as 20% of the real number. Although far less prevalent, some 1,700 cases of syphilis were reported during the same time period.

There are more known cases of venereal disease in Dade County than all other reportable communicable diseases combined. This list includes strep throat, scarlet fever, measles, mumps, hepatitis and tuberculosis.

While gonorrhea is viciously destructive, it doesn't equal syphilis where insanity and death are inevitable if treatment is withheld. Treatment is available; it is simple; it is painless and sure at the earlier stages of each. Yet, an incredible number of sufferers remain untreated and unreported. As unbelievable as it may seem, now in the latter part of the twentieth century, there are still those who consider venereal disease as evidence of the "wrath of God" against sinners, rather than acknowledging it for what it is another communicable disease.

Right now, in Dade County, there are ten Public Health Clinics that handle treatment rapidly and confidentially. This number will

soon be increased to twenty as we join the Federal government in a 5-year crash program. As of today, \$200,000 of Federal funds have been augmented by an additional \$80,000 in state and county funds to initiate this battle.

However, success can only be achieved by knowledge and by the voluntary lifting of the clouds of compacency and reluctance which shroud the issue. People must be willing to face up to this crisis, insist upon the broad dissemination of information and upon the introduction of qualified teaching throughout the entire school system. This means public, private and parochialand it means starting such education in the 7th grade!

For those who believe that they might be afflicted, there are several volunteer facilities, operating on a 24 hour basis, which can supply all required information in complete confidence. One is Crisis Center (379-2611) and the other is Switchboard of Miami (633-7508).

We are pleased to acknowledge the fine informational activities of the news media. The recent series on VD published by The Miami News is an outstanding example. In the same breath, we must point out that responsible cooperation from some segments of the medical profession, in helping to define the perimeters of this problem, is sorely lacking. While physicians are properly treating their patients, many are failing to report cases to a central source so that the patterns of venereal disease through the county can be known and controlled. Under the banner of physician-patient privilege, a community disservice is being rationalized and condoned.

NURSING AND CONVALESCENT HOMES

To set the base: There are, in Dade County today, thirty-nine Nursing Homes with a total of 5,259 beds. As of January, there was a 20% vacancy rate leaving a total of some 4,200 patients. Of this number, approximately 1,500 are private patients. The remaining number (2,700) are supported in part or in entirety, by various sources of public funds. In large part, these are people who have been rendered relatively helpless and totally dependent as the result of the infirmities of advanced years. The facilities available for caring for these patients vary greatly in quality, and the professional staffs serving their needs are inconsistent as to ability and training qualifications.

Motivated by an agonized letter addressed to the Grand Jury by an 81 year old woman, this body initiated an investigation into practices and governing regulations controlling Nursing and Convalescent Homes in Dade County.

Although our investigation failed to produce evidence of dereliction or criminal action, it is apparent to this Jury that the subject area warrants further study. A true profile is difficult to draw because of the very moderate appraisive facilities available within the official County structure.

We were able to reach certain preliminary recommendations regarding the mechanics of inspection operations. Those we list below should be considered in addition to the procedures normally practiced:

1. To assure objective evaluations, it is important that all inspections conducted by the Department of Health and Chronic Conditions be unannounced. Fixed inspection

schedules, or inspections that are proceeded by notifications, must result in the gathering of distorted information because of the opportunity for advance preparation by the Home. An untrue picture can easily result from such visits.

2. All inspections should be conducted by teams of at least two people. These teams should alternate on their rounds so that a given home is inspected by different teams at least every other time.
3. Inspection schedules should be planned to include unannounced visits during night hours and during meal times.
4. Each inspection visit should allow time for interviews with, and observations of, resident patients selected at random by the inspecting team.

Further, we recommend qualified consideration of the following procedural and administrative proposals:

1. A mandatory physical examination by qualified physicians should be made of all patients on the very day that they enter these institutions. A clear course of rehabilitative treatment should be immediately prescribed to maximize chances of returning these people to more normal environments and/or to aid them in achieving easier adjustment to, and relationship with, the particular institution.
2. Establishment of a lay board to serve between institution administration and governmental administration; to act as ombudsman for patients and their families; to interpret and anticipate problems of non-medical nature; and to have

the authority necessary to serve as spokesmen for needs and as a catalyst for solutions.

We are deliberately vague in addressing this message, but this subject should be a matter of increased concern by all proper governmental authorities. This is an area of potential problem. The opportunity for laxity and/or patient abuse is strong. There are documentable instances where this opportunity has been exercised. Affirmative actions should be immediately instituted to prevent these problems from amplifying. As always, it is far easier to avoid trouble than it is to attemptafter the fact....to rectify the system which has generated it.

As a final aside: There is much room for sensitive volunteer service to give the substance of life and cheer to many bewildered, disoriented and rejected elderly people in our midst.

MEDICAL REPORTS OF CRIMES

In the course of hearing medical testimony in cases presented to this Grand Jury, we have discovered that in some instances, information concerning persons being examined at various hospitals who evince signs of criminal injuries or activities is not being brought to the attention of appropriate police agencies.

For example, we heard a tragic case of an infant who had been raped. The mother, unaware of the rape, noticed something was wrong with her child and took her to a hospital where she was examined and treated. The hospital made no report of a suspected rape to the police. In another case, a man checked himself into the county hospital and admitted to three rapes. Two days later, he checked himself out of the hospital and later testimony revealed that he was planning another rape. Once more, no report had been made to the proper authorities.

We realize that doctor-patient confidentiality must be preserved, but we must point out the line between medical ethics and civic responsibility is a tenuous one. In this regard, it is important to note that the 1971 Legislature enacted a law which provides that the physician-patient privilege shall not pertain in any cases involving child abuse. We should also point out that information related to criminal action gathered in a hospital environment, such as an emergency room, is not considered privileged and must be disclosed.

Based on the testimony we have heard, we urge all hospital authorities and personnel to strictly adhere to all Florida Statutes concerning the disclosure of crimes and to adopt regulations or enforce existing regulations requiring that suspicion of criminal injuries or activities discovered in the course of a medical examination be reported to the police.

THE CITY OF MIAMI BEACH ELECTION INVESTIGATION

..... and, once in a while, there is a serious matter which is tinged with wry humor.

A citizen of Miami Beach, via indignant allegations, addressed the attention of the Grand Jury to the possibility of election law violations in the City of Miami Beach. This is traditionally a matter of great concern to the Grand Jury. The right of the American citizen to a fair and honest election should never be jeopardized.

In an effort to accumulate all relevant information, an intense investigation was undertaken by this Jury. In the process, a great number of witnesses were interrogated and a great many documents were studied. The net result of the time, effort and money expended in this sincere undertaking was to determine that the basis of the allegations was unqualified, and that no evidence of willful violations of election laws could be confirmed.

In particular, the allegation of falsification of financial records was proven to be completely off-base. The final evidence revealed that the accuser had, in honest error, mispositioned a critical decimal point in a listing of figures. Conclusion: what was actually a matter of hundreds of dollars (accurately reported by the accused) was inadvertently distorted by the accuser to appear as thousands of dollars!

And, so passeth another chapter as man defends his honor and his proper rights as a citizen.

THE GRAND JURY SYSTEM

In a strange way, the term of our service has been typical of others in that we too have been harassed by much argument and questioning regarding the structure, the substance and the procedures of the Grand Jury system. It differed from others, however, in that during the very hour in which we received the oath of our office, the credibility of Grand Jury selection methods and the capacity for Grand Jury public responsibility were blasted into a major story of the day.

The selection of the methods used and the time chosen resulted in a continuing torrent of accusations which, on occasion, have bordered upon abusive slander, although often they were simply foolish. While respecting those who would earnestly and diligently seek intelligent evaluation of all public bodies, we stand unalterably opposed to those who would create an offensive issue of the Grand Jury for arbitrary or self-serving purposes.

We sincerely trust that the service we have rendered will put to rest the irresponsible charade of the negativists while assisting those who are truly interested in qualifying themselves for sober study and responsible recommendations.

During the past six months, our community role was such that we could not and would not respond to our critics. But, we are duty-bound to add our voice and our experience at this time. The statements contained herein are based upon our accumulation of some 4,000 juror hours while eliciting and evaluating testimony from close to 300 witnesses. We believe they are, consequently, deserving of serious consideration.

Among the questions raised are these five:

1. "WHY THE BIG SECRET ABOUT JURY ACTIONS?"

The law of the State of Florida, and the oath administered to all members of the Grand Jury, commits us all to absolute secrecy regarding: any testimony heard, any statements or opinions articulated by jurors and others who are in proper attendance, and the voting position taken by any member of the Jury. We are obliged to that oath for all time and under all circumstances unless released by some competent Court.

As novice jurors, we had no alternative but to respect this restraint. As experienced jurors, we completely endorse its propriety.

A primary objective of the Grand Jury is to determine the validity of accusations before they are, or are not, formalized into indictments. To achieve this objective, it is essential that the hearing of witnesses be within the confines and privacy of the Grand Jury chambers. Therein, compassionate control is maintained, questioning by all members of the Jury is unencumbered, judgments based upon elicited testimony is intelligently rendered and witnesses and those accused are assured of deliberative dignity.

All people benefit from the protection of this secrecy. By this procedure the specific merits of a serious charge can be carefully evaluated, and those who may have been falsely accused can be effectively protected without being victimized by premature public reaction or media speculation.

The effect of destroying this citizen privilege of privacy would be to convert the solemn environment of inquiry into the furor of an ancient Roman Circus.

2. "THIS IS A JURY OF THE 'ELITE'"

For months, we have been accused of being a Jury of the elite. It is high time that the composition of this Jury was revealed to those who are honestly interested or merely curious.

As a Jury, we speak Spanish, Yiddish and a variety of languages brought from foreign shores. Our intonations reveal the broad spectrum of regional American dialects.

We have the beginning of a high school education and we have studied at the university post graduate level. We read Peanuts and Proust. We listen to rock radio and we support the Miami Philharmonic.

We own businesses ranging from one-man proprietorships to substantial corporate holdings. We rent our modest residence apartments and we own extensive real estate. We work in a barber shop and in complex corporate structures. We engage in banking and finance. We serve as engineers, teachers and volunteers. We sell insurance, paper products, properties, vegetables and professional guidance. We write letters to our grandchildren and we raise our young families. We earn our income from salaries, hourly wages, fees and coupon clipping. We travel by Metro bus and chartered aircraft and we drive our car pools on a fixed schedule.

We live in North Miami Beach, in the southernmost reaches of Dade County, in Hialeah, Key Biscayne, Liberty City, Coral Gables, Coconut Grove, Miami Beach and throughout the city limits of Miami.

And so it goes. Our heritage is contrasting. Our politics differ. Our attitudes reveal the gamut of influences which have

enriched the substance of our nation.

Other than those conditions mandated by law, we share two characteristics in common: each of us has engaged in a disproportionate amount of public service and this prior service has been known to at least one of the 25 members of the Dade County Circuit Court, and we were finally selected by chance from an old grey felt hat.

If being an elite Grand Jury means having these diversities, then we are indeed elite. And proud of being so.

3. "WHY NOT USE THE ADVERSARY SYSTEM?"

As previously implied, the essence of the Grand Jury is to serve as a substantial bulwark for individual liberties. For that purpose, the Jury weighs the specific evidence against the accused and returns an indictment only if the majority of its full membership of twenty-three is convinced beyond reasonable doubt that probable cause does exist. If not so convinced, the prosecution is abated.

The critical words are "probable cause," not guilt or innocence as evaluated by a trial jury.

To qualify its judgment, the Jury has the privilege of delving into all matters bearing direct relevance upon the case in question as may be permitted by applicable law. These interrogations are not interrupted by interjections of the court or counsel. The result of such delving is to reach conclusions without the distorting drama of the melange of claims and counter claims which can beset an open trial.

To propose conversion of the investigative inquiry system into a trial system is to misunderstand the essential nature of

the Grand Jury. In the event that investigation results in indictment, there is time enough for trial procedure and trial environment, but not before a formal charge has been confirmed.

4. "THE GRAND JURY IS NOTHING BUT A RUBBER STAMP"

At face value, when one reviews the proportion of True Bills returned by the average Grand Jury, it is easy to understand how this misimpression can be generated. But, the existence of a True Bill is indication that a minimum of twelve jurors is satisfied that there is sufficient evidence to confirm probable cause and to charge the defendant with that particular crime. Probable cause being defined as reasonable ground of suspicion, supported by circumstances sufficiently strong in themselves to warrant a cautious juror's belief that a particular person is guilty of a particular crime.

The function of representatives of the State Attorney's Office is to carefully present all the evidence related to capital cases and to remain available to explain points of law where such explanation is warranted or requested. In this regard, we have found these functions to be performed in a completely professional manner.

The Grand Jury conducts all deliberations in absolute secrecy with only jurors being present. Exchange of views is free and unrestricted. Differences of position are expressed and expanded. Testimony and evidence is carefully considered. The Jury then positions itself to a particular case with open conscience and deep respect for the consequences.

5. "THE GRAND JURY HAS TOO MUCH POWER"

It is difficult to dignify this accusation with reasonable comment. The passage of time has sustained the need for this

vital citizen forum to continue as an essential part of the check and balance required to assure a responsible criminal justice system.

For valid reasons, the Constitution of the State of Florida preserves the security of those accused by stating that "no person shall be tried for a capital crime without presentment of indictment by a Grand Jury."

As a result of the experiences of time, the Grand Jury forum has been expanded so that now this check and balance system is applied to all matters which can or do affect the health, morals, safety and general welfare of all citizens.

Within the Grand Jury are now vested inquisitorial powers of substantial magnitude. The Jury is not limited to circumstances of criminal nature. The broad scope now encompasses:

- *The power to inquire into civil administration of all communities within our county regardless of whether criminal or irregular conduct is charged.
- *The power to investigate whether or not a public office is being conducted according to law and sound practices.
- *The power to investigate the conduct of public affairs by public employees and officials, regardless of what delinquency may or may not be charged.
- *The power to inquire whether such officials are incompetent or lax in the performance of the duties imposed upon them.
- *In the performance of this mandate, the Grand Jury may investigate County institutions, buildings, offices and

and officers; and may prepare due presentment concerning their physical, sanitary, and general condition.

In other words, the Grand Jury serves as the guardian for the entire community in all areas beyond normal individual reach.

With such powers, the capacity for abuse certainly exists and many safeguards against abuse have been established by statute and precedent.

We do believe that juror orientation can be hastened with the publication of a guidance manual which can be employed as a constant source of reference by members of all Grand Juries. The most recent copy that this Jury has seen is dated March 1, 1964. There appears to be one copy extant, and it is woefully outdated.

A great deal of excellent preliminary work has been started by the Grand Jury Association of Florida, but the finalization should be a matter of the highest priority. We cannot overstate the importance of this recommendation and we urge that this Association request the services of Mr. Joseph Durant, Assistant State Attorney, to complete this task. Mr. Durant's knowledge of matters relating to the Grand Jury is completely qualified.

OBSERVATIONS AND SUMMARY

Without the perspective of time, it is extremely difficult to effectively appraise our term. Nonetheless, in looking backward over this half year, we are confident that we have worked with diligence, with integrity and with sincerity. And this is

half the battle. There are those within our community who would have preferred the drama of explosive conclusions. But that was not our objective. We were not impaneled to provide entertainment for the blood thirsty or the cynical. The conclusions reached by this Jury are not mere speculations. They are based solely upon evidence, testimony and observations properly revealed in our presence. And this is as it should be.

We openly acknowledge that, although a great deal of progress is being made by concerned citizens in all walks of life, there is much more to be done and this will always be so. The momentum of human awareness and technical advances assures us all that, although basic problems never change, attitudes, proportions and priorities do.

As far as this Jury was capable of determining, the greater majority of those who serve in public office do so competently. But, it appears as though competence is far from evenly distributed and is often less than capable of the task. Limited competence rather than actual corruption is a prevalent problem within the many communities of Dade County. All too often, this problem is the result of unwise selection of officials by citizens who vote too casually, vote with ulterior motives, or fail to vote at all. It has been said that: people get the government they deserve.

We have become aware of many examples of splended police work and where this accolade applies we confer it with pride. We are satisfied that, by and large, the quality of police concept and ability is on a definite upgrade. But there are too many exceptions wherein the exercise of appropriate judgment by departments and individuals is not up to par. This could prove to be

dangerous. Skills and sensitivities must be continuously expanded.

We leave with profound appreciation for the integrity and intent of law enforcement. Yet, the very while that we are faced with too many unsolved and brutal murders, and while we are living with the shambles being created by increasing drug traffic, we see some examples of the misuse of the power of the police and courts. The serious implication of any misuse of power is that it depletes effectiveness and diminishes respect.

It has become painfully evident to us that hand gun control regulations must be strengthened. This frightful need must be eventually faced by a realistic society. The random harvest of people spontaneously murdered, accidentally killed or permanently maimed is awesome. As a Jury, we can do nothing more than emphasize the obvious and trust that an enlightened and responsible future legislature will face this "unsolvable" problem with the courage and imagination required to solve it.

Our investigations have ranged widely and include such matters as citizen disregard to the problems inherent in (and created by) disenchanted youth; allegations involving police brutality and ineffectiveness; complaints regarding inequitable tax assessment procedures; operations of the Humane Society. In many instances specific actions taken by the Grand Jury regarding these investigations have not surfaced but have resulted in direct steps to the greater benefit of our county. A mere fragment of the actual work of the Jury is revealed to media, and consequently to the public. We concur with those who believe that this is as it should be.

We believe that the presence of the Jury has been felt in

many areas of Dade County and in many echelons of government. We believe that the fact of this presence has been helpful in many instances where incidental corrective actions were necessary.

As arbitrary criticism is wrong, so is the assumption that all is right within our corner of the world. Although we in Dade County have much to be proud of there is no possible justification for smugness. Questioning must continue. Understanding between people has not yet matured. Anger is still too rampant. Often righteous predispositions and hasty decisions dominate sound judgment.

THE GRAND JURY AND THE STATE ATTORNEY

Reflecting the mood of our times, we entered our assignment as jurors with considerable wariness regarding the influences which might be attempted on our innocence and inexperience by representatives of the Office of the State Attorney. After six demanding months, we are pleased to report that our concerns were unjustified.

These gentlemen served in accordance with the requirements of the courts; namely to make presentments of capital cases and to provide us with required legal guidance. But far more than being mere mechanics, they performed with complete understanding for our co-joined roles and with instant responsiveness to the great volume of requests and assignments which we directed to their attention.

It was far from all sunshine and roses. And this is as it should be. We had many disagreements of opinion, focus and interpretation. These differences were hammered out in open discussion and occasional debate. The dignity and authority of the Jury were never violated. Those responsible for explaining the law did so. Those of us responsible for the maintenance of Jury independence never relinquished this responsibility nor were we challenged to do so. Disagreements were maintained at a reasonably intellectual level and the final judgment of the Grand Jury prevailed in all matters.

We particularly commend the never-failing patience and depth of legal knowledge in diverse matters of Mr. Joseph Durant.....and the academic skill and humane sensitivity of Mr. David Goodhart in his presentations of capital cases. We congratulate the State Attorney, Mr. Richard E. Gerstein, for his selection and development of qualified assistants and for his ardor and willingness to duel with any and all in defense of his convictions and principles.

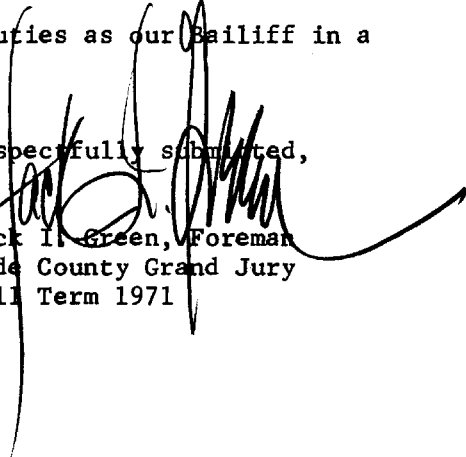
ACKNOWLEDGMENTS

At the beginning of our term, Judge Milton A. Friedman gave us most comprehensive instructions regarding our duties and responsibilities. We are most grateful to Judge Friedman for his cooperation and guidance.

We could not have performed our duties as Grand Jurors without the assistance of Eleanor M. Robinson, our Administrative Assistant. Her dedication, patience and understanding have been an inspiration to us all.

And finally, we express our gratitude to Wallace D. Culbertson, Jr. for performing his duties as our Bailiff in a most courteous and efficient manner.

Respectfully submitted,


Jack H. Green, Foreman
Dade County Grand Jury
Fall Term 1971

Attest: 
Jane Gerlin, Clerk

Dated: May 9, 1972