

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

FALL TERM A. D. 1972

FINAL REPORT OF THE GRAND JURY

Filed

May 8, 1973

Circuit Judge Presiding

HAROLD R. VANN

Officers and Members of the Grand Jury

WALTER B. ETLING, JR., Foreman

DR. ROYAL W. PURYEAR, Vice Foreman

SHIRLEY H. ROGERS, Clerk

MARILYN TROXELL, Assistant Clerk

PAUL LOSNER, Treasurer

JACK J. BIRT

ROBERT R. BOND

FREDERIC A. BROOKS

ROBERTO J. CHOMAT

JOSEPH O. DAILY

ESTHER L. EHLERT

JAMES C. ELLENBERG

ABE S. GOLDMAN

EDWARD M. GROUT

RALPH D. KRESGE

CURTIS A. LEWIS

A. C. MANSFIELD

JOHN MARTENS, JR.

HARRY N. RATH

R. B. RIVES

DR. RICHARD L. SCHWARZ

LAWRENCE TIFT

HOWARD A. TYLER

State Attorney

RICHARD E. GERSTEIN

Assistant State Attorneys

N. JOSEPH DURANT

EDWARD CARHART

Clerk of the Circuit Court

RICHARD P. BRINKER

Administrative Assistant

ELEANOR M. ROBINSON

Official court Reporter

FRIEDMAN & LOMBARDI

Bailiff

WALLACE D. CULBERTSON, JR.

INDEX

<u>SUBJECTS</u>	<u>PAGES</u>
INTRODUCTION	1
DISCIPLINE IN THE PUBLIC SCHOOLS	2-5
NORTH MIAMI INVESTIGATION	6-7
SUNLAND TRAINING CENTER	8-11
COUNTY WELFARE PATIENTS	12
MIAMI SHORES POLICE DEPARTMENT	13-14
WATER CONTAMINATION	15
ACKNOWLEDGMENTS	16-17

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ROOSEVELT VAMPER	First Degree Murder	True Bill
RICARDO CONSTANTINE MILLER	First Degree Murder	True Bill
JOHN LEE MOORE and MAURICE WILLIAMS	Rape	True Bill
ED HOLLIS BROWN	Rape	True Bill
ABRAHAM PARSON	Second Degree Murder	True Bill
ERRICK HOLMES	Second Degree Murder	True Bill
PATRICK DELANEY	First Degree Murder	True Bill
DAVID VALENTIN ERNEST CHARLES WISE and PHILIP CONTINI	Robbery Assault with Intent to Commit Murder in the First Degree	True Bill
LARRY GUTHRIE	Rape	True Bill
LARRY GUTHRIE	Rape	True Bill
LARRY GUTHRIE	Rape	True Bill
JOHNNIE DAVID RANDOLPH	First Degree Murder	True Bill
BETTY JAN THOMAS	First Degree Murder	True Bill
THOMAS WALKER	First Degree Murder	True Bill
LEONARD WILLIAMS	First Degree Murder	True Bill
LEROY SMALL	Assault with Intent to Commit First Degree Murder Aggravated Assault Unlawful Possession of Firearm while Engaged in Criminal Offense Possession of Stolen Motor Vehicle	True Bill
PEARL THOMAS DIXON CARL VERNON LESTER and ANTHONY SAWYER	First Degree Murder	True Bill
CARL W. STERN	First Degree Murder First Degree Murder Assault with Intent to Commit First Degree Murder	True Bill

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ROOSEVELT VAMPER	First Degree Murder	True Bill
RICARDO CONSTANTINE MILLER	First Degree Murder	True Bill
JOHN LEE MOORE and MAURICE WILLIAMS	Rape	True Bill
ED HOLLIS BROWN	Rape	True Bill
ABRAHAM PARSON	Second Degree Murder	True Bill
BRICK HOLMES	Second Degree Murder	True Bill
PATRICK DELANEY	First Degree Murder	True Bill
DAVID VALENTIN ERNEST CHARLES WISE and PHILIP CONTINI	Robbery Assault with Intent to Commit Murder in the First Degree	True Bill
LARRY GUTHRIE	Rape	True Bill
LARRY GUTHRIE	Rape	True Bill
LARRY GUTHRIE	Rape	True Bill
JOHNNIE DAVID RANDOLPH	First Degree Murder	True Bill
BETTY JAN THOMAS	First Degree Murder	True Bill
THOMAS WALKER	First Degree Murder	True Bill
LEONARD WILLIAMS	First Degree Murder	True Bill
LEROY SMALL	Assault with Intent to Commit First Degree Murder Aggravated Assault Unlawful Possession of Firearm while Engaged in Criminal Offense Possession of Stolen Motor Vehicle	True Bill
CARL THOMAS DIXON CARL VERNON LESTER and ANTHONY SAWYER	First Degree Murder	True Bill
CARL W. STERN	First Degree Murder First Degree Murder Assault with Intent to Commit First Degree Murder	True Bill

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
RICHARD LEON SHEPPARD	First Degree Murder	True Bill
RIGOBERTO KEYES	Second Degree Murder	True Bill
WILLIAM WARREN FILES, also known as WILLIAM T. AUSTIN, and WILBERT ADAMS	First Degree Murder Assault with Intent to Commit First Degree Murder	True Bill
JACK DEMPSEY PHILLIPS	First Degree Murder Assault with Intent to Commit First Degree Murder	True Bill
RICHARD ALFONSO CAMPOS	First Degree Murder	True Bill
JESUS MEDINA	Breaking and Entering Dwelling and Unlawfully Assaulting Person Therein Rape	True Bill
CHARLES CARNELL REARDON	First Degree Murder	True Bill
JAMES McKNIGHT	First Degree Murder	True Bill
ENONDRUS EUGENE JONES	Rape Assault with Intent to Commit Rape	True Bill
BENJAMIN WARREN JACKSON	Assault with Intent to Commit Rape	True Bill
ALMINDIO LAYA	First Degree Murder	True Bill
SAMUEL LEWIS FULLER	First Degree Murder	No True Bill
MICHAEL WASHINGTON	First Degree Murder	True Bill
MANUEL PENA	First Degree Murder	No True Bill
ALEJANDRO JOSE GONZALEZ	First Degree Murder	True Bill
ROBERT HOUGH, ANTHONY DeLUCCA and WILLIAM VALENTINE	Conspiracy to Solicit a Bribe Soliciting a Bribe	True Bill
ROBERT HOUGH, ANTHONY DeLUCCA and WILLIAM VALENTINE	Conspiracy to Solicit a Bribe Soliciting a Bribe	True Bill
THOMAS WILLIAM McINTOSH	First Degree Murder	True Bill

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposit</u>
LARRY RICHARD DIGMAN	Rape Assault with Intent to Commit Murder in the First Degree False Imprisonment and Kidnapping	True Bil
ROBERT HOUGH and ANTHONY DeLUCCA	Conspiracy to Solicit a Bribe Soliciting a Bribe	True Bill
ROBERT HOUGH and ANTHONY DeLUCCA	Conspiracy to Solicit a Bribe Soliciting a Bribe	True Bill
JOE SMITH	Rape Breaking and Entering Dwelling and Unlawfully Assaulting Person Therein	True Bill
MOSES BROOKER	Rape	True Bill
CHARLES CARNELL REARDON	First Degree Murder	True Bill
INEZ CONDE	Second Degree Murder	True Bill
CHARLES TOWNSEND	Rape	No True B
WILLIE NICHOLSON	Second Degree Murder	True Bill
HENRY BLACKBURN MOSBY	First Degree Murder	True Bill
LARRY JONES	Rape Aggravated Assault	True Bill

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

This report to our peers and fellow citizens of Dade County comes after six months of honest and conscientious effort on behalf of all the people of our community. We trust our recommendations will be well received.

Once again during our tenure, the Grand Jury and the Grand Jury system has come under attack from various elements in the community. Almost without exception, the basic thrust of these criticisms shows a painful lack of knowledge by the critics of the very system itself, and also a failure to recognize the manifold good this watchdog of the community has accomplished over the years.

Specifically, it should be re-emphasized that the Grand Jury cannot by its very function convict anyone. It may only indict. As a matter of statistics, the three previous Grand Juries handed down indictments in capital matters that resulted in conviction in 85% of the cases.

The record will show that this Grand Jury and its predecessors have vigorously pursued official corruption.

The Florida Grand Jury Association believes a "Blue Ribbon" type of selection is preferable to selection of Grand Jurors from the registered voter lists. We agree with this position.

We spent much of the last six months looking into our area's educational problems and procedures. It well might be a good idea to set up an educational program for the area's news media on the function of the Grand Jury.

This Grand Jury deemed it inappropriate to respond to the actions and statements of some law enforcement officers in the Market Investigation. Time, however, is sure to bring some of these actions and statements into much sharper focus.

DISCIPLINE IN THE PUBLIC SCHOOLS

The Grand Jury has investigated violence and lack of discipline in the public school system. We have taken testimony from members of the School Board, teachers, representatives of the Classroom Teachers Association, and concerned parents. We have reviewed studies and extensive correspondence. Our investigation indicates that we are approaching a crisis situation in many of the public schools. The following are a few examples of lack of discipline in the public schools:

Stabbing of teachers and attacks on teachers and students

Gang beating of students

Disrespectful attitude of students toward teachers

The following statistics of assaults show that they are on the increase: (Many assaults go unreported.)

1971 660 assaults on students

1972 767 assaults on students

1971 181 assaults on teachers

1972 199 assaults on teachers

In order to have an atmosphere conducive to learning, you must have teachers and students who are not afraid for their lives, can walk the halls or go to the bathroom alone without fear of being assaulted and robbed. The situation demands immediate action. The Grand Jury, therefor, makes the following specific recommendations:

1. Principals of each school should be held accountable for the safety of students and personnel. They should be required to provide a security plan for safety. Use should be made of county security officers, local police officers, volunteers and whatever other resources are deemed necessary.

The Principal having full responsibility for implementing plans will motivate the faculty to take an active role in discipline. Removal of Principals for failure to provide adequate discipline will convince others to establish firm, active programs.

Seminars or in-service training for principals and teachers should be held on the subject of student behavior and discipline.

There is a need for a more exact record-keeping system of incidents that have occurred. Better communication must be established between the Administration, the Board, principals and teachers. A formal reporting system should be installed and monitored so that precisely what is occurring is available. The School Discipline Record should follow the pupil when he transfers or is promoted.

We must emphasize at this point that district superintendents have an obligation to give supervision, guidance and constructive suggestions to the principals in their district schools.

2. The Dade County Security Services Department seems to have been more concerned with protection of property than personnel. The Grand Jury recommends that the highly trained men in this Department should be assigned permanently to districts where they would become aware of troublemakers. They must establish greater rapport with teachers and students. Personnel to deal with vandalism of school property need not be trained police officers.

3. We strongly recommend that School Resource Officers be assigned to every school in Dade County. In those schools which already have them, we have found the S.R.O. has become a counsellor and a friend. Violence and discipline problems decline. Another advantage of having uniformed S.R.O. on campus is that their presence discourages outsiders from entering the schools, causing disruption,

and committing acts of violence on school property. We recognize that there is a financial problem for local police agencies to furnish officers for the S.R.O. program in every school in Dade County. In areas where the problem exists, Dade County security men should be utilized in a similar manner.

A program supplementary to S.R.O. is in use at one of the Dade County Junior High Schools. This is the use of a supervisory type of schedule for the time when students are on the grounds (lunch hour, between classes, etc.) staffed by Assistant Principals, counsellors and parents assigned to specific locations to act as monitors. The students at this school see that there is supervision and behave accordingly.

4. The Grand Jury recommends that the suspension system should make continued use of social adjustment classes to remove unruly students out of the regular classroom rather than on the streets. The cost of suspension in loss of State funds in the September 1971-September 1972 period was approximately \$150,000 representing a total of 73,488 days at \$2.20 per pupil. These figures do not take into consideration the loss of learning to the suspended students. Repeat serious offenders should be dealt with by suspension or expulsion.

5. Our final analysis finds the primary responsibility for maintaining discipline and thereby creating a proper atmosphere for learning rests with the Superintendent of the Dade County School System. It is apparent to the Grand Jury that the present Superintendent must take positive action to combat the serious discipline problems uncovered by our investigation.

Our most urgent recommendation is for Dr. Edward L. Whigham

to take immediate steps to implement the recommendations of this Grand Jury.

The School Board has the responsibility for making the tools available for the Administration to carry out these recommendations.

In conclusion, it has rightfully been said "As the school goes - so goes the community." When the citizens of this community accept the fact that a discipline and educational crisis exists in our schools, they will demand that the responsible officials stem this tide of violence.

NORTH MIAMI INVESTIGATION

The Grand Jury was presented with new evidence in a long continuing probe into alleged irregularities in the conduct of the public's business in the City of North Miami.

After listening to this evidence, we voted four Indictments charging three members of the City Council with crimes involving their public office.

In addition, three persons who hold state office were named as co-conspirators for their alleged involvement while they held public office in North Miami. They were not charged in the Indictments as the Statute of Limitations had expired prior to the obtaining of evidence against them.

The Grand Jury was dismayed at the apparent widespread abuse by some North Miami officials of their public trust in the past years. Also discouraging, was the apparent ease with which crimes such as soliciting a bribe can be committed, the difficulty in obtaining witnesses and evidence, and the willing participation of "legitimate" businessmen.

It was clear from the evidence presented that the public has paid a high price for the actions of some of its officials in North Miami in terms of dollars, shoddy construction and the destruction of trust in elective government.

This investigation is a prime example of effective cooperation between the State Attorney's Office and successive Grand Juries. This cooperation and the judicious use of immunity has exposed corruption in North Miami from the lowest levels of government to the top echlon.

RECOMMENDATIONS

The Grand Jury is satisfied there are additional matters which bear intensive investigation in the conduct of public business in North Miami and recommends that this investigation be continued by our successors.

SUNLAND TRAINING CENTER

We have conducted an intensive investigation into the operation of the Sunland Training Center. We were ably assisted in our investigation by representatives of the Dade County Public Safety Department. We have also received the full cooperation of Dr. Bruce H. Hobler, the recently appointed Superintendent, and other members of the Sunland staff.

Dr. Hobler is well qualified for his position. He holds a B.A. degree in Psychology, a Master's degree in Social Work, and a Ph.D. in Child Development. He served as Clinical Director of Great Oaks Center, Maryland's first Regional Center for the mentally retarded, prior to coming to the Dade County Sunland Training Center. He has progressive ideas and plans to build on the positive aspects of the existing Sunland program. Dr. Hobler stressed the fact that the past is over and his only concern is with the future. Because Dr. Hobler has been at Sunland for a very short time (approximately three months) many of his plans are not yet in operation. We believe one of his best plans is to make a comprehensive assessment of each resident and prospective resident to determine what development program is best suited for him. He hopes not only to train the retarded, but also their families in the best ways to care for them. Hopefully, many retarded individuals may, with the proper guidance, remain at home and not require institutional care.

In order to assist Dr. Hobler, we make the following findings and recommendations concerning certain aspects of the over-all operation of Sunland Training Center:

1. Two cottage parents should be on duty at all times in each cottage covering night and day shifts.

2. The Human Rights Committee composed of parents of patients and other interested persons from the community is already operating at Sunland to protect the rights of the patients. We endorse this Committee and feel it should be encouraged in its endeavors.
3. We encourage the use of volunteers from the community who are interested in the field of retardation as well as relatives of the residents.
4. Supervision and security measures must be strengthened for the safety of the residents.
5. A Doctor should be on duty in the Infirmary at all times. The night shift - 10:30 P.M. to 8:00 A.M. - is covered by only one nurse. If an emergency occurs, a Doctor must be called in from his home.
6. Narcotics should be dispensed to residents only by a registered nurse or Doctor. Presently, cottage parents pick up narcotics from the Pharmacy and take them back to the cottages to the residents. There is no effective way to check on whether the residents actually receive their required medication under this procedure.
7. Cottage parents should be trained in behavior control. At present, there is no such training available for cottage parents.
8. Detention rooms should be removed from the cottages. Because of the locations of detention rooms in the cottages, it is not always possible to know exactly how long an unruly resident may be left in a detention room.

At present, there is an unused new building on the compound. We recommend that this building be used for the Director of Cottage Parents and his staff and the detention rooms be centralized in this building. This would remove the detention rooms from the cottages where they have a detrimental effect on the residents of these cottages and places them in a central location where they can be monitored by the Director in Charge of Cottages.

9. Abuses of residents and incidents of crime must be immediately reported to the Public Safety Department and cases should be vigorously prosecuted.
10. A policy should be adopted to require cottage parents to report adverse conditions to supervisors. In turn, supervisors should be required to submit periodic reports of cottage life problems to the Superintendent.
11. There should be stricter supervision of the keeping of log books in cottages.
12. Matters involving internal strife should be systematically and swiftly acted upon by the Superintendent with a wide latitude of powers, including the power to discharge incompetent employees without being over-ridden by a higher authority in Tallahassee.
13. There should be thorough investigations and background checks of each employee and applicant for employment at Sunland Training Center. No one who has a criminal record of such nature that would make him undesirable to work with the mentally retarded persons and children should be

employed. Employees at Sunland have not been screened carefully enough in the past.

14. Salaries of cottage parents should be raised. Because of the low salaries, there is a constant shortage of staff. Not enough men are attracted to the job and 85% of the cottage parents are women. Many times there is only one cottage parent to cover an entire shift in a cottage. This is particularly undesirable when one woman has to care for a group of teen-age boys or grown men.
15. The Diagnostic and Evaluation Program is inadequate and should be improved.
16. Each parent should be made to assume responsibility for his own child. This must include monthly payments to the Center based on the parent's ability to pay. Before a child is admitted to the center, his parents should be required to produce a copy of their income tax return so that a fair financial figure can be determined. If this admission policy was established state-wide, it would produce an income of over three million dollars.
17. Qualifications for the Director of the Division of Mental Retardation and the Superintendents for each Center should be raised rather than lowered as was done in the past.

Over-all, our impression of the Sunland Training Center was favorable and positive. We join Dr. Hobler in hoping that the Sunland Training Center troubles of the past can be forgotten. We look forward to the future progress that can and should be made at this institution. We hope the citizens of Dade County will become aware of the vital and important contributions Sunland Training Center is now and will be making in the future in the field of Retardation.

COUNTY WELFARE PATIENTS

We have investigated the practice of putting county welfare patients into the emergency ward at Jackson Memorial Hospital until they can be placed in a nursing home. Our investigation revealed that at times as many as 25 to 30 sick and elderly patients have been required to exist in wheel chairs in the emergency ward, and some of these unfortunate individuals have expired while waiting for room in a nursing home. In order to rectify this deplorable situation, we make the following recommendations:

1. The State Legislature should enact legislation based on the Wisconsin plan for nursing homes. This would divide the state into regions and establish a rate structure that will recognize the difference in the calibre of nursing homes and payments will be based on services to be rendered.
2. The State Legislature should increase the level of funding for Medicaid.
3. The Dade County Commission should enact an ordinance providing for increased payments to nursing homes and for stricter supervision of these homes.
4. We urge the nursing homes in this area to cooperate with our state and local governments and refrain from treating county welfare patients as something less than human.

In concluding this segment of our Final Report, we must emphasize that our investigation revealed that unless the State Legislature and the County Commission enact the foregoing legislation, many nursing homes will be forced to close their doors, and, in that event, a crisis in caring for our sick and elderly citizens could develop.

MIAMI SHORES POLICE DEPARTMENT

During the months of November and December, 1972, there were reports of serious morale problems in the Miami Shores Police and Fire Departments. Problems included "lack of civil service, grievance procedures, inadequate police budget, poor living quarters for firemen on duty, and outmoded facilities for police officers."

The feud between Miami Shores public officials and members of their police and fire departments came to a head when Officer Daniel Hughes was suspended for his part in bringing the controversy before the public.

State Attorney Richard E. Gerstein, believing the suspension of Officer Hughes to be unjust, contacted officials of the Miami Shores Village and brought the matter to the Grand Jury for its consideration.

The Grand Jury made the following findings:

1. A Grievance Committee should be established.
2. The general morale of the Police Department was good. Only a few officers were dissatisfied.
3. Slush funds in any municipality in Dade County are undesirable.

We are pleased to find that many of the problems have been remedied:

1. On February 20, 1973, the Miami Shores Council passed an ordinance establishing an appeal board of five members selected from business people in the community. The function of this committee is to hear any grievance that any employee of Miami Shores may have.
2. The morale in the police and fire departments is improved, due, in part, to the following changes:

(a) A new addition has been added to the rear of the Village Hall for the fire department. This addition includes an office, a bedroom, a bathroom, a day room, and a fully equipped kitchen.

(b) The squad room for the police department has been considerably enlarged. The police have also been provided with new full length lockers, new kitchen equipment, and an additional bathroom.

3. The Christmas slush fund was discontinued and checks on hand were returned to donors on December 15, 1972. A notice has been posted in the City Hall that a Christmas slush fund, or any similar fund, is prohibited.

A slush fund is a fund consisting of financial contributions by citizens in a community, which is divided between the personnel of the police and fire departments - usually just before Christmas. These monies are ostensibly given in appreciation for service rendered by public employees.

However, such a fund bears a distinct resemblance to "payola" and cannot be condoned by this Jury. We, therefore, recommend that all municipalities follow the example of Miami Shores and prohibit the use of slush funds, or any other funds from which public employees receive compensation other than that to which they are lawfully entitled.

WATER CONTAMINATION

This Grand Jury conducted an investigation of contaminated drinking water in the South Dade migrant labor camp and in the City of Miami Beach. In this investigation, we took lengthy testimony from Dr. Milton S. Saslaw, Director of the Dade County Health Department. The facts lead us to the following recommendations:

1. When Dr. Saslaw finds that drinking water in any given area of Dade County is dangerously close to being contaminated, he can only recommend corrections without adequate power to enforce them. Legislation should be enacted to give the Dade County Health Department greater authority to enforce rules and regulations governing the sanitary level of drinking water in our community.

2. The budget of the Dade County Health Department should be increased so that additional personnel can be retained. This would enable the Department to conduct more frequent examinations of the sanitary conditions of our drinking water and to more effectively carry out its rules and regulations.

3. Each municipality must give greater priority to the condition of its drinking water. This should include the permanent installation of chlorinators.

4. The water supply in the migrant labor camps should be restructured following the guidelines publicly stated by Dr. Saslaw.

ACKNOWLEDGMENTS

Dade County is fortunate in having among its public servants many distinguished Jurists. One of the wisest and most respected is Judge Harold R. Vann. We appreciated the opportunity of having Judge Vann as our guide and counsel. His charge, his patience, and his wisdom were of inestimable help during our term of service.

Richard E. Gerstein has been the subject of praise and commendation by prior Grand Juries and we join our predecessors in according in our own behalf a special thank you to our Chief Prosecutor.

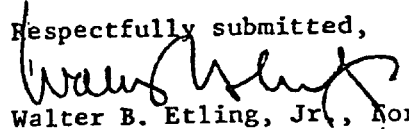
N. Joseph Durant, Assistant State Attorney, is a sensitive professional. His competence and understanding helped the Grand Jury perform to the best of its ability. He is another man in law enforcement of whom all Dade citizens can be proud.

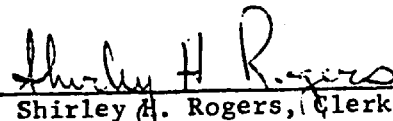
Other Assistant State Attorneys, Douglas Williams and Edward Carhart, and Chief Investigator Martin F. Dardis did workmanlike and professional jobs in presenting a complex matter to the Jury. Their hard work and diligence is appreciated.

If there is a special award available for competency, efficiency and dedication, every member of this Grand Jury casts his ballot for Administrative Assistant Eleanor M. Robinson. During her long tenure with Dade County Grand Juries she has made a significant contribution to the entire community.

We also wish to thank Bailiff Wallace D. Culbertson, Jr. for his competent and courteous performance of his duties.

Respectfully submitted,


Walter B. Etling, Jr., Foreman
Dade County Grand Jury
Fall Term 1972

Attest: 
Shirley H. Rogers, Clerk

Dated: May 8, 1973