

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

SPRING TERM A. D. 1975

FINAL REPORT OF THE GRAND JURY

Filed  
November 11, 1975

Circuit Judge Presiding

HAROLD R. VANN

Officers and Members of the Grand Jury

CARSTEN H. LUDDER, Foreman

JOAN MASIN, Vice Forewoman

VIRGINIA McNAUGHTON, Clerk

JUDITH H. GREENE, Assistant Clerk

PHIL C. GALLAGHER, Treasurer

LEONARD ABESS, JR.

AARON ARONOFF

ROGER J. BARRETO

STEPHEN BOLLES

BONNIE COE

BEATRICE G. HUBERMAN

WALTER JURESKI

GEORGE J. KORGE

DELORES A. NASH

MORTON PLAGER

MAX RAFKIN (Excused)

MARJORIE SCHAEFER

ADOLPH SEERTH

JENINE SILVERMAN

SAMUEL SIMON

CHARLES R. WATSON

ELLIOT WITKIND

SANDRA VON ZAMFT

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State Attorney

RICHARD E. GERSTEIN

Assistant State Attorneys

EDWARD CARHART                      JANET RENO

DAVID LEVY

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HONORABLE N. JOSEPH DURANT

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Acting State Attorney

JOSEPH P. AVERILL

\*\*\*\*\*

Clerk of the Circuit Court

RICHARD P. BRINKER

\*\*\*\*\*

Administrative Assistants

ELEANOR M. ROBINSON              MADELINE CAMP

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Official Court Reporter

FRIEDMAN & LOMBARDI

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Bailiff

WALLACE D. CULBERTSON, JR.

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CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
EDELMIRO PEREZ	First Degree Murder Assault with Intent to Commit Murder	True Bill
DAVID MICHAEL HERDA	First Degree Murder Robbery	True Bill
PATRICK JOSEPH CONNOLLY	First Degree Murder Breaking and Entering Dwelling Grand Larceny	True Bill
JOHN LUTHER BROWN	First Degree Murder	True Bill
WARREN WILLIAM BOHN	First Degree Murder	True Bill
JOSE CALZADO	First Degree Murder	True Bill
VERA GRACE PHILLIPS	First Degree Murder	True Bill
LOUIS NOVA	First Degree Murder	True Bill
MANUEL GARZA, JR.	First Degree Murder	True Bill
RAMON BENITEZ	First Degree Murder	True Bill
J. C. HOLLOWAY	First Degree Murder	True Bill
GASPAR ROMERO	First Degree Murder	True Bill
LEROY ALLEN	First Degree Murder	True Bill
RAUL CASTRO	Involuntary Sexual Battery Lewd or Lascivious Assault on a Minor Under the Age of Fourteen Years	True Bill
ROBERT ALLEN McGRIFF	First Degree Murder False Imprisonment and Kidnapping	True Bill
NANCY GASKIN	First Degree Murder	True Bill
BERNARD DONOGHUE	First Degree Murder	True Bill
HUMBERTO ROJAS SANJUDO	Involuntary Sexual Battery Lewd, Lascivious or Indecent Assault in Presence of Child Lewd, Lascivious or Indecent Assault in Presence of Child	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ALBERTO NAVARRO	First Degree Murder Assault with Intent to Commit Murder Assault with Intent to Commit Murder Assault with Intent to Commit Murder Assault with Intent to Commit Murder Assault with Intent to Commit Murder	True Bill
DONALD L. RUSSELL and RONALD K. COOK	First Degree Murder First Degree Murder Robbery Auto Theft	True Bill
EDWARD PINKINS	Sexual Battery	True Bill
LARRY FRANK TROY	First Degree Murder	True Bill
SYLVIA WOJTCZAK, also known as SYLVIA GARBETT	First Degree Murder	True Bill
ARTHUR EASTON BOBBY LEE THOMAS RICHARD STEVENSON GARY	First Degree Murder Robbery	True Bill
LYNWOOD MEEKS, JR.	First Degree Murder	True Bill
PRESTON SHANDS and QUINTON PROSSER	Conspiracy to Rob Robbery First Degree Murder	True Bill
DOUGLAS FRANKLIN WALKER also known as CHARLES POST	First Degree Murder Assault with Intent to Commit Murder Breaking and Entering a Dwelling with Intent to Commit Petit Larceny	True Bill
ARTHUR WILLIAMS	First Degree Murder	True Bill
ROBERT ABRAHAM JANSEN	First Degree Murder	True Bill
JAMES DAVID RODENBAUGH	First Degree Murder	True Bill
TOMMY LEWIS MURRELL	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
CHARLES HOWARD STONE	First Degree Murder	True Bill
RODOLFO MONTE	First Degree Murder	True Bill
WARDELL RILEY	First Degree Murder First Degree Murder Assault with Intent to Commit First Degree Murder	True Bill
JAMES REED	First Degree Murder	True Bill
LAWRENCE STEWART	First Degree Murder Robbery	True Bill
ROBERT LEE MITCHELL	First Degree Murder Kidnapping Possession of Firearm During Commission of Felony	True Bill
ANTONIO MENENDEZ and ROLANDO BARDINA	First Degree Murder Robbery	True Bill
DAVID LEE COLLIER	First Degree Murder	True Bill
RONALD KNAUER	First Degree Murder	True Bill
ROBERTO TORRADO	First Degree Murder	True Bill
KENNETH M. CATES	First Degree Murder	True Bill
ELROY SEYMORE	Sexual Battery Sexual Battery	True Bill
ROBERT B. ESSIX	First Degree Murder Robbery	True Bill
RONNIE LEON POUNCY	First Degree Murder	True Bill
JOSEPH DUKES	First Degree Murder	True Bill
JEAN CASIMIR	First Degree Murder	True Bill

## MUNICIPAL POLICE DEPARTMENTS

The Grand Jury during its six month term received and investigated complaints against three small municipal police departments in Dade County. Our investigation reveals the drastic need to upgrade the standards of such departments in order to achieve sound, professional standards for hiring, training, conduct, utilization and discipline of law enforcement personnel in this county.

The Grand Jury investigated the complaint of a New York visitor and his wife against officers of the Golden Beach Police Department. The visitor was stopped at approximately 2:30 a.m. on March 16, 1975, by the officers and charged with lane straddling. The visitor was ordered to sign a traffic citation. He refused to sign the citation because he felt he had done nothing wrong but he said he would accept the citation. By this time there were three police officers on the scene. The Sergeant on the scene then ordered the visitor arrested for refusing to sign the citation and for disorderly conduct arising out of his refusal to sign the citation. He was frisked, handcuffed and taken to jail. His wife, who is unable to drive, was left on the side of the road at 2:30 in the morning. No effort was made to see that she safely returned to her motel room. The officers were rude and discourteous. The visitor remained in jail until the next morning.

When the community is plagued by a dramatic increase in violent crime and unsolved murders and our jails are overcrowded, this is an absurd misuse of police manpower and the facilities of the criminal justice system.

The police officers involved were given an opportunity to appear before us and give their side of the story. Each refused to waive

immunity. Police officers should have nothing to hide. These police officers' refusal to waive immunity and testify freely and voluntarily before the Grand Jury gives us serious concern. At a time when public confidence in government is at an all time low, agents of the government must be as open and responsive as possible.

The Chief of Police of Golden Beach appeared before the Grand Jury. He testified that the officers should simply have left the ticket with the visitor and not detained him. But the Chief had taken no action to correct the situation. He listened to the visitor but took no steps to personally investigate the matter. He had no standard procedure for reviewing complaints and imposing discipline. He did not appear to know the background of any of his officers, nor was he familiar with one officer's unfavorable record with two other police departments. He could give no explanation as to why three of his ten man department should be involved in a traffic violation case in the early hours of the morning.

The City of Golden Beach Police Department appears to have no sound, professional standards for hiring, training, utilization or discipline of its officers. It appears to be utterly without competent leadership in any of these areas.

The Grand Jury investigated another citizen's complaint of misconduct on the part of two Opa-Locka Police Department officers. Both officers refused to waive immunity. One of these officers had been dismissed from the Public Safety Department for conduct unbecoming an officer. This man was recently promoted in the Opa-Locka Police Department. The Chief of Police said promotions were handled by "politicians." He seemed to have little control over his department and its procedures.



Again, there appeared to be no standard procedure for receiving complaints and imposing discipline.

The lack of orderly internal review procedures made it impossible to determine whether or not the officers were guilty of any crime or misconduct.

Again we were shocked to find police officers who were unwilling to waive immunity and tell the Jury what they knew. We can have no confidence in the ability of officers who refuse to waive immunity to function effectively and honestly in their official positions. We were concerned that so little effort was made to check a person's background before hiring him as a police officer. It seemed irresponsible to us that one police department would hire an officer dismissed from another department for conduct unbecoming an officer.

We were impressed by the attitude of many other Opa-Locka police officers who appeared before us and waived immunity. We believe that if the Department were able to establish and follow sound professional standards without external pressures that the administration of the Department could be vastly improved.

We investigated complaints against the administration of the North Bay Village Police Department. Officer after officer told us of sloppy, lax procedures for handling abandoned or stolen property and property received as evidence. Efforts have been made to improve these procedures but few, if any, sound controls exist to protect evidence and properly dispose of unclaimed property.

We heard testimony that the Chief of Police of North Bay Village returned \$1400 in cash seized from a person arrested on a felony charge after the person had failed to appear at a court hearing and his bond

had been revoked. That defendant has not been seen since and a warrant is out for his arrest. That any police department would return property to a person charged with an offense who is out on bond and who has failed to appear at a court hearing is appalling.

There are 30 police agencies having arrest jurisdiction in Dade County. Twenty-one of those jurisdictions are cities under 25,000 in population.

To remedy the situations we have described and to insure that all police agencies adhere to sound professional standards in the operation of their department, we recommend the following:

1. Police Departments in cities under 25,000 should be consolidated with the Public Safety Department.
2. If a city does not want its police force consolidated, it should be required to give proof that the police salary scale and standards for hiring, training, utilization, conduct and discipline of police officers meet a recognized minimum established by Dade County.
3. No police officer should be hired by any police agency in this County without a complete background investigation being made of the officer. When an officer has been dismissed from or seriously disciplined by another police agency, he should not be hired by the second agency until he has proven the subject of the discipline or dismissal to be untrue.
4. Strict minimum standards for the hiring and promotion of police officers should be established by each department and no deviation from these standards should be made because of friendship, politics or any other reason.

5. Training programs should be established by all police agencies to provide continuing on the job training for all officers.

6. Uniform procedures for receiving and promptly and thoroughly investigating complaints concerning police officer conduct should be established by each Department. These procedures should be posted and published so any citizen may have a proper airing of his or her complaint. Upon proof of any such complaint appropriate discipline should be promptly and fairly imposed.

7. The salaries of all municipal police officers should be adequate to attract qualified persons.

8. Rules and regulations regarding procedures for charging, arrest, detention, treatment of juveniles, handling of property and other matters of routine police concern should be developed and published by every police agency. Those rules and regulations should be made available to every police officer. These rules and regulations should be continually reviewed and updated so that a police officer is properly advised as to the conduct required in any particular situation.

9. These rules and regulations should be filed with the Public Safety Department and the State Attorney's Office. The Director of the Public Safety Department should annually review these rules and regulations to ascertain that each Department is adhering to prescribed minimum standards.

10. Appropriate record keeping systems should be established within each Department.

11. Every police agency should establish a property room with appropriate controls and checks to insure the integrity of any system designed to deal with abandoned property or contraband.

In summary, we believe that Dade County is the ultimate governmental entity responsible for law enforcement. A city may, if it wishes, exceed the standards for law enforcement imposed by the County. But the citizens of our municipalities are citizens of the entire County and should be assured that wherever they live or wherever they travel in this County that there exists a minimum acceptable quality of law enforcement. Tourists should not judge the quality and courtesy of this area's Law Enforcement by one tiny pocket of rude, inept mediocrity.

MIAMI BEACH POLICE PROMOTION EXAMINATIONS

Based upon the many complaints by members of the Miami Beach Police Department, we investigated the method of testing officers for promotion within the Miami Beach Police Department and feel these ought to be re-evaluated by the City Manager, City Council and police personnel as there seems to be such wide-spread discontent.

SALE AND CONTROL OF HANDGUNS

As many past Juries have pointed out, most of the capital crimes presented to us for indictment were committed with handguns, by average citizens who knew one another.

If handguns were not available to people, there would be fewer murders. Disputes between people would be resolved by less deadly means.

We, therefore, support legislation prohibiting the sale of handguns throughout Florida.

The old saying that if "Guns are outlawed only outlaws will have guns" is an irresponsible cliché, but taken in proper perspective it supports our contention that handgun sales should be prohibited. If handgun sales are prohibited, as we prohibit heroin sales, then people who have guns unlawfully can be identified for what they are - outlaws - and dealt with accordingly.

VALUING REAL PROPERTY FOR TAX ROLLS

We heard testimony about equitability and soundness of Dade County tax rolls and the efficiency and fairness of assessment procedures.

We did not conclude this investigation. We strongly recommend that the next Grand Jury continue this investigation as it is a matter which concerns each and every citizen of Dade County.

INVESTIGATION OF ALLEGED ELECTRONIC SURVEILLANCE

During the course of our term, we were called upon to investigate alleged illegal wiretapping and electronic surveillance in Dade County. Since the State Attorney was allegedly one of the victims of this illegal wiretapping, he asked to be disqualified and an Acting State Attorney was appointed. The investigation that followed has proven to be extremely complicated and obviously cannot be completed by this Grand Jury. We urge the Fall Term 1975 Grand Jury to continue this highly sensitive and important investigation.

We wish to commend Acting State Attorney Joseph P. Averill for his efforts in this matter.



ACKNOWLEDGMENTS

JUDGE HAROLD R. VANN

We wish to thank Judge Harold R. Vann for his wisdom and patience. His initial Charge to us was a constant guide and made our task that much easier.

RICHARD E. GERSTEIN, STATE ATTORNEY

Mr. Gerstein is a conscientious and competent public servant who gave us guidance when necessary, and at the same time made no attempt to hinder or influence our deliberations. We find him to be extremely professional and commend him on his fine staff.

JANET RENO & N. JOSEPH DURANT

We wish to thank Janet Reno and N. Joseph Durant for their compassion and patience. The compassion they showed was for many of the people brought before us, victims of assaults on human dignity; and their patience was for us as we asked many questions in our continuing effort to find the truth. We feel sincerely that the people of Dade County are very well represented by these two individuals.

We are quite pleased that N. Joseph Durant is now a Judge. We know he will do a fine job and wish him luck.

EDWARD CARHART, ASSISTANT STATE ATTORNEY

Although we had limited contact with Mr. Carhart, we found him to be extremely competent and thorough in his presentations.

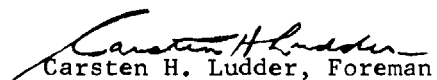
ELEANOR M. ROBINSON & MADELINE CAMP


We are grateful to these two fine ladies for their devotion and care. They watched over us and always made sure we were organized and taking care of business in its proper order.

WALLACE D. CULBERTSON, BAILIFF

We are grateful to Mr. Culbertson for being so courteous and efficient.

Respectfully submitted,

  
Carsten H. Ludder, Foreman  
Dade County Grand Jury  
Spring Term 1975

Attest:   
Virginia McNaughton  
Clerk

Dated: November 11, 1975

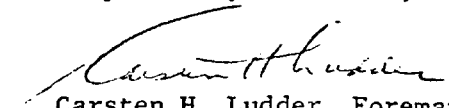
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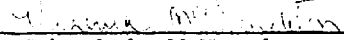
TO THE HONORABLE HAROLD R. VANN, CIRCUIT JUDGE  
OF THE ELEVENTH JUDICIAL DISTRICT OF FLORIDA

This Grand Jury, together with the Acting State Attorney, Joseph P. Averill, has been conducting an investigation into possible illegal eavesdropping in Dade County, Florida. It is not possible that this investigation be finished before the expiration of this Grand Jury's extended term.

Accordingly, this Grand Jury recommends that the Acting State Attorney complete this investigation and report such findings as he may have to the then sitting Dade County Grand Jury.

Respectfully submitted,

  
Carsten H. Ludder, Foreman  
Dade County Grand Jury  
Spring Term 1975

Attest:   
Virginia McNaughton  
Clerk

Dated: January 19, 1976