

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

FALL TERM A.D. 1978

FINAL REPORT OF THE GRAND JURY

FILED

MAY 8, 1979

Circuit Judge Presiding

GEORGE ORR

Officers and Members of the Grand Jury

REV. J. RICHARD SOULLIERE, Foreman

JANICE G. VOSBURGH, Vice Forewoman

WILLIAM M. CLEIN, Clerk

JANE W. SWAIM, Assistant Clerk

LARRY EARL JACKSON, Treasurer

MARY G. ABREU

EDITH BLANCHFIELD

NICK BREWER

REVA CLAY

FLOYD DOUGLAS

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ROBERT EARL MARTIN

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Official Court Reporter

FRIEDMAN & LOMBARDI

Bailiff

SAM KARLIN

I N D E X

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NURSING HOMES

I. NURSING HOMES IN DADE COUNTY: A BACKGROUND:

This Grand Jury is not the first to express concerns regarding conditions in nursing homes in Dade County.

The Fall Term 1971 Grand Jury found that the state of nursing homes "should be a matter of increased concern by all proper governmental authorities" and that "the opportunity for laxity and/or patient abuse is strong." Specifically, that Jury's recommendations indicated misgivings regarding the manner in which inspections were conducted. This Grand Jury, seven years later, has heard identical misgivings expressed and it appears that few, if any, of the recommendations made then were acted upon.

In its Final Report, the Spring Term 1976 Grand Jury stated "the potential for abuse or neglect of patients is often a palpable reality" and "The State, through its executive agencies, is not forcefully insuring that the rights of nursing home residents are fully protected." That Grand Jury Report made reference to the need for "a clear and detailed set of standards, based on patient comfort and welfare, to replace the current confused and inadequate regulations" and recommended the institution of published ratings of the quality of care in the various nursing homes. The Report further recommended minimum qualifications for aides, auditing of all cost reports submitted by nursing homes and the creation of a single unit responsible for inspection and enforcement. Again, three years later, this Grand Jury has learned that the same concerns continue to be expressed today. And, again,

it appears that few, if any, of the recommendations of that Grand Jury were acted upon.

Media reports of recent weeks, and this Grand Jury's own observations, indicate clearly that the issue of quality of life in nursing homes remains an open one. Those directly affected, the elderly residents who must spend months and years within the confines of these institutions, are most often too isolated or too feeble to make themselves heard. It therefore becomes the responsibility of those of us capable of making ourselves heard to look at the nursing home industry in Dade County today.

And it should be kept in mind that the issue of quality of life within nursing homes may be expected to become an increasingly visible one. Persons over the age of sixty-five represent fifteen percent of Dade County's population today. It is estimated that the numbers of persons in that age category will increase by sixty-five percent by the year 1990. And the elderly may be expected to remain those most economically deprived among us, as well as at the same time those most in need of physical and mental health care.

In 1971, 4200 persons resided in nursing homes in Dade County. Today 5383 persons occupy the thirty-eight nursing homes in this community.

II. THE GRAND JURY INVESTIGATION: FINDINGS AND RECOMMENDATIONS

We are the third Grand Jury in this decade to express concern at the conditions in nursing homes here.

The Grand Jury has received testimony and materials describing the complex dynamics of the nursing home "industry." We visited some nursing homes and subpoenaed the patient care

and financial records of others. We quickly became aware of the difficulty of our task: in order to evaluate nursing homes it is necessary to look at their operations, collectively as well as individually, from at least three perspectives.

First, it is of course essential that we look initially to the quality of care in nursing homes: Is the facility clean and safe? Are physicians readily and consistently available? Are the nurses skilled and caring? Are nurse's aides trained and competent? Is physical therapy available? Are psychosocial programs in existence? Are tranquilizers and physical restraints prescribed excessively? These and many similar questions must be asked in order to attempt to evaluate the quality of life of the residents. The Grand Jury has heard that, all too often, the answers to these questions are unsatisfactory.

Secondly, an assessment must include a review of the financial aspects of nursing home operations. The peculiar nature of the economics of nursing homes -- private for profit businesses generally totally reimbursed by government funds -- has generated persistent allegations of inaccurate or fraudulent cost reports submitted for Medicaid and Medicare reimbursement. The Grand Jury has learned, for example, that one nursing home applied for, and received reimbursement for an airplane hanger fee, liquor purchases and bronze dinnerware sets. Equally persistent are indications that nursing home operations solicit and receive legally prohibited contributions from families of residents. And it also appears all too easy for owners or administrators to illegally misappropriate their patients' personal trust funds.

And third, an assessment of nursing home operations must include an evaluation of the existing standards for nursing homes contained in federal and state law, as well as the manner in which those standards are enforced by the authorities having the responsibility of regulating nursing homes. We have heard convincing indications that the existing standards may fail to address important aspects of the quality of life in nursing homes, that those standards which do exist lack adequate enforcement mechanisms, and that the enforcing authorities may be less than diligent in performing their inspection and enforcement functions. In addition, the various authorities responsible for regulation appear to be poorly integrated and their efforts consequently appear not well coordinated.

To address these three aspects of nursing home operations in Dade County, for nursing homes collectively as well as for individual homes, will require extensive time and a substantial commitment of resources. This Grand Jury finds that there exists the need for such an inquiry and the required commitment of time and resources. Our efforts have merely identified some of the problems and some of the concerns. We must leave to the next Grand Jury the decision as to whether or not this investigation should be pursued. This Grand Jury feels strongly that it should.

We would recommend the following specific areas on investigation:

- (1) The quality of life and the quality of care in nursing homes in Dade County must be comprehensively assessed.
- (2) A determination must be made as to whether present federal and state standards adequately measure critical indicia of the quality of life and the quality of care in nursing homes.

In making this recommendation we echo a concern expressed by our predecessors who sat on the Spring Term 1976 Grand Jury.

(3) The effectiveness of the enforcement of existing regulations, and the efficacy of enforcement sanctions, must be assessed.

(4) The procedures for auditing and verifying data included in cost reports submitted for Medicaid and Medicare reimbursement should be evaluated.

(5) The role of nursing homes within Dade County's health care system as a whole should be looked at, and the availability of alternatives to long-term nursing home care should be explored.

(6) The State Attorney's Office should be encouraged to continue the commitment it has made to investigating the quality of life in nursing homes and the next Grand Jury should support this commitment by allocating those resources and funds which this commitment will require.

(7) State legislation must be proposed and enacted which will address the problems and defects which may be expected to be identified as the result of the foregoing assessments.

COMMENTS AND CONCLUSION

I.

It was with great dismay and concern that we viewed the increasing number of juveniles being indicted for capital offenses. During our term they ranged in age from eleven to seventeen years. And our concern arose not from the fact they were being treated as adults as the result of their criminal behavior, but because they had such a long list of crimes committed previously, crimes that were sometimes committed with a frequency of several times weekly. And this accounts only for that small percentage of offenses for which they have been caught. The number of crimes that they had actually committed and for which they had not been apprehended can only be surmised.

Their total lack of responsibility for their actions was also a source of concern. It was evident that they start off with petty offenses such as purse snatching and then rapidly accelerate to major felonies such as burglary with weapons and finally to murder with complete disregard or compassion for their victims.

We, the members of this Grand Jury, a diverse group and representative of the various ethnic and social groups of Dade County, feel that they should have been identified and dealt with by either rehabilitative programs or heavier penalties earlier in their criminal careers. It is obvious that the juvenile court system must provide earlier and more severe deterrents as disciplinary measures, or a demonstrably effective alternative of rehabilitative programs.

II.

We would also like to recommend that the number of Jurors selected be increased from the current 18 to 21. Unforeseen illness, accidents, and other circumstances take their toll among those selected for Grand Jury duty as it does among the other members of our society. Sometimes we barely reached the required quorum of 15 Jurors in order to call our session to order and process the work before us. Failure to meet the quorum results in unutilized time, delays and changes in plan for attorneys, witnesses, detectives, and all those whose presence is necessary to the work of the Grand Jury. It is estimated that failure to meet a quorum would result in a work loss to at least fifty other people outside of the Grand Jurors themselves.

III.

The responsibility of a Grand Juror is great. The Juror is required to be sincere, honest and diligent in his pursuit of the truth and in his judgments, judgments that affect the lives of those whose alleged misbehavior has been brought to his attention. He has to protect the innocent and adjudicate for indictment those where there is probable cause of criminal offense. And it is with this in mind that we echo the cries of our predecessor Grand Juries concerning the inadequacy of the ten dollars per day salary permitted by Florida Law. The number of hours spent in the Jury chambers plus the number of hours spent at home reading essential documents and background material necessary for intelligent familiarization with topics under investigation makes this daily wage a glaring defect in the system. For many, it did not cover expenses necessary to their being present in the Jury chambers, in their

attempt to perform their public duty.

IV.

The last Grand Jury noted the large numbers of homicide cases in which handguns were the murder weapons.

We also computed the numbers of homicide cases in which handguns were involved and find that two-thirds of the murders presented to us involved handguns as murder weapons.

We reiterate the concern of the last Grand Jury and join them in calling for handgun controls and legislation at the local, state and federal levels which might reduce the availability of handguns.

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
SAMUEL POLK	First Degree Murder First Degree Murder	True Bill
McARTHUR BREEDLOVE, also known as, McARTHUR JENKINS	First Degree Murder Attempted First Degree Murder Burglary Grand Theft Petit Theft	True Bill
HANSEL TYRONE CLARKE	First Degree Murder Unlawful Possession of Firearm in Commission of Felony	True Bill
LESTER PENDER	First Degree Murder	True Bill
VICENTE DIAZ	First Degree Murder	True Bill
HENRY AMOS	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
JEAN ST-AMAND	First Degree Murder	True Bill
ALLAN LLOYD MARTIN, also known as, DIRT	First Degree Murder Aggravated Battery	True Bill
NORMAN PARKER, JR. and ROBBIE LEE MANSON	First Degree Murder Robbery Robbery Robbery Robbery Involuntary Sexual Battery Unlawful Possession of Firearm while Engaged in Criminal Offense Unlawful Possession of Firearm by a Convicted Felon	True Bill
JOHN BENTON	First Degree Murder Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
JOHN HENRY STREETER	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
LOUIS HOBERMAN	Bribery Unlawful Compensation or Reward for Official Behavior Unlawful Compensation or Reward for Official Behavior	True Bill
CHARLES EDWARD RILEY	First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Possession of a Firearm while in the Commission of a Felony	True Bill
KEITH EVANS	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
GARY HENRY TRAWICK, EDDIE MANUEL MILLER, ANTHONY MILLER JOHNSON, and ROOSEVELT DAILOR GEORGE	First Degree Murder Robbery Attempted First Degree Murder Attempted Robbery Attempted First Degree Murder Aggravated Assault Unlawful Possession of a Firearm while Engaged in a Criminal Offense Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
FELIX LUGO, RODELFO ALBELO, also known as, VALENTINO, and RUBEN PEDRERA	First Degree Murder First Degree Murder Attempted First Degree Murder Possession of a Firearm in the Commission of a Felony	True Bill
JEFFREY VENNISEE	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
FRANK DAVID PATRICK	Involuntary Sexual Battery Kidnapping Involuntary Sexual Battery	True Bill
DORSEY McCLOUD	First Degree Murder Possession of a Firearm in the Commission of a Felony	True Bill
JOSEPH RAHMING	First Degree Murder	True Bill
CECIL BENJAMIN CARTHY, also known as, ROY ANDERSON	First Degree Murder Robbery Unlawful Possession of Firearm while Engaged in Criminal Offense Unlawful Possession of Firearm by Convicted Felon	True Bill
TIMOTHY JEROME KEMP and RAYMOND ANTHONY FEGINS	First Degree Murder	True Bill
GARY REID	First Degree Murder Attempted Robbery Possession of a Firearm while Engaged in a Criminal Offense	True Bill
JORGE CARLOS PEREZ	First Degree Murder Possession of a Firearm in the Commission of a Felony	True Bill
JAMES EDWARD JENKINS	First Degree Murder Robbery Robbery	True Bill
CLODOBALDO RAFAEL SOSA	First Degree Murder Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
JORGE ALBERTO FIGUEREDO	First Degree Murder Possession of a Firearm while Engaged in a Criminal Offense	True Bill
LEONARD JOHNSON and DANIEL JONES	First Degree Murder Attempted Robbery	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
BRUCE HALL	First Degree Murder Burglary of Dwelling	True Bill
CHARLES LAWSON	Lewd Assault	True Bill
JOSEPH ALPHONSO LAROCCA and DOROTHY MELENE WRIGHT	First Degree Murder	True Bill
WILLIE SMITH, GERNIE ALDEAN HOLLIS, and LARRY COLLINS	I. First Degree Murder II. First Degree Murder III. First Degree Murder IV. Kidnapping V. Kidnapping VI. Kidnapping VII. Robbery VIII. Robbery IX. Robbery X. Aggravated Assault XI. Aggravated Assault	True Bill
ERWIN HUNTER, also known as, LITTLE SHORTY, EVE POSTELL, also known as, MARY, CRAWFORD LEE GROOMS, also known as, LEE LEE, MATTIE AKINS, and ANTHONY DeLOACH, also known as, BLIND	First Degree Murder Burglary Robbery	True Bill
LUIS GARCIA	First Degree Murder Use of a Firearm in the Commission of a Felony	True Bill
JOSE HILERO LOPEZ	First Degree Murder Attempted Robbery Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
ALLAHZAR GOD ALLAH	First Degree Murder	True Bill
JAMES LAYFIELD	First Degree Murder Aggravated Battery Aggravated Battery	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
LOUIS JARMON and HARRIS FRENCH	First Degree Murder	True Bill
RUBY LEE	First Degree Murder	True Bill
WILLIE JAMES BOLTON	First Degree Murder	True Bill
RICKY STEPHENSON, WILLIE MADISON, JR., also known as SHOESHINE, RANDY WASHINGTON, TYRONE WIMES, CARL GRIGGS, MARK HANKS and PAUL JENKINS	Burglary Robbery Robbery Kidnapping Kidnapping Sexual Battery Sexual Battery Sexual Battery Sexual Battery Sexual Battery Sexual Battery Unlawful Possession of Firearm while Engaged in Criminal Offense ("A" Defendant Only) Unlawful Possession of Firearm by Convicted Felon ("A" Def. Only)	True Bill
LEONARD JOHNSON	First Degree Murder	True Bill
ERIC PARKER, and ADRIAN MARTIN	Burglary of a Structure with Assault Robbery Attempted First Degree Murder Unlawful Possession of a Firearm while Engaged in Criminal Offense	True Bill
ERIC PARKER, VIRGIL HARRIS, GREGORY HOWARD, and RODERICK STRACHAN	Burglary of Structure Robbery Robbery Robbery Robbery Attempted Robbery Attempted Robbery Unlawful Possession of a Firearm while Engaged in Criminal Offense	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ERIC PARKER, RODERICK STRACHAN, and GREGORY HOWARD	Robbery Robbery Attempted Robbery Unlawful Possession of a Firearm while Engaged in Criminal Offense	True Bill
ERIC PARKER, and VIRGIL HARRIS	Robbery Attempted Robbery Attempted First Degree Murder Shooting or Throwing Deadly Missile into Occupied Building or Vehicle Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
ROBERTO VASQUEZ	First Degree Murder Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
MARIO ABELARDO VAZQUEZ	First Degree Murder Unlawful Possession of a Firearm by a Convicted Felon Unlawful Possession of a Firearm while Engaged in Criminal Offense	True Bill
ROY ALLEN STEWART	First Degree Murder Robbery Sexual Battery Burglary	True Bill

ACKNOWLEDGMENTS

We would like to take this opportunity to express our gratitude to Judge George Orr for his gentle guidance, his understanding and his availability during our term as the Dade County Grand Jury.

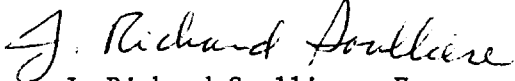
We were fortunate to have had the services and legal counsel of the State Attorney, Janet Reno. We found her to be sincere, objective, very capable and dedicated in her efforts to attack crime and corruption, so that the welfare and living conditions of those citizens living and working in Dade County might be improved.

We would especially like to commend Tom Petersen, Chief Assistant for Administration to the State Attorney. We found him to be patient and extremely well-prepared as we developed and pursued our investigations. Also, we would like to commend George Yoss, Assistant State Attorney, who we found to be most informative and clear in his presentation of capital cases which had their origin in the State Attorney's Office. We would also like to mention Norman Gerstein, Special Assistant State Attorney, whose background and experience was of a great aid to us, and to the other Assistant State Attorneys and staff for their participation in one of our investigations.


Our acknowledgments would not be complete without thanking Madeline Camp, Administrative Assistant to the Grand Jury, and Sam Karlin, the Bailiff, during our term. Their efficiency and extreme kindness made our Wednesday sessions most memorable.

We found that our membership on the Dade County Grand Jury has been a very enlightening public duty. We were honored to have been selected and we would like to commend it to the citizenry of Dade County.

Respectfully submitted,


Rev. J. Richard Soulliere, Foreman
Dade County Grand Jury
Fall Term 1978

Attest:



William M. Clein
Clerk

Dated: May 8, 1979

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INVESTIGATION OF THE
NATHANIEL LaFLEUR INCIDENT

We of the Dade County Grand Jury received testimony and evidence in the case involving Mr. Nathaniel LaFleur.

We did so as eighteen people selected randomly by computer to speak for our community. We believe that we are representative of this community, which has been upset and divided by the LaFleur incident. Nine of us are men, nine of us are women. Eleven of us are White and seven of us are Black. Three of us are Latin. We are employed as housewives and secretaries, students and retired persons, government employees and employees in private industry. One of us is a union representative. The Foreman is a priest.

From our various backgrounds and perspectives, we listened intently as State Attorney Janet Reno advised us of our possible options, including the option to indict, to issue a report or to take no action at all. We were repeatedly advised by the State Attorney of our right to obtain a special prosecutor to present the LaFleur evidence to us, and we chose not to do so.

Having been advised of our options we heard the testimony of four out of five of the policemen involved and each one described his recollection of the events of February 12, 1979. Three of these officers voluntarily appeared and waived immunity prior to testifying and we gratefully acknowledge their willingness to do so. Each officer was, in turn, questioned by us.

We then heard the testimony of Mr. Nathaniel LaFleur, of his son Hollice, and of Ms. Loretha McCray as they, in turn, described their actions and their recollections of the actions

of the officers. They too were questioned by us.

Mr. Merrett Stierheim, the County Manager, appeared and related to us his concerns and his authority to review the actions of the Director of Public Safety.

E. Wilson Purdy, Director of Public Safety, also appeared and presented us with his reasons for the disciplinary actions he had taken and for those he had not taken. He, too, was questioned by us.

We reviewed all the medical reports describing the injuries to Mr. LaFleur.

Based on all the evidence and testimony, these are our findings:

The officers went to the wrong house by mistake. The officers arrived at Mr. LaFleur's house not knowing they had come to the wrong address. They believed they were acting properly. There is no justification for this mistake but while this mistake reflects poor training and inadequate preparation and supervision, it does not constitute a crime.

Mr. LaFleur testified he heard a knock at the door, asked "who is it?", could not hear the answer and then went to the door and opened it. He saw a police officer in uniform with a gun. Mr LaFleur stated he knew it was a police officer and recognized the Public Safety Department uniform. But he said nothing to the officer and gave the officer no chance to say anything. Instead, according to Mr. LaFleur, he "slammed the door and locked it." He tried to wake up Ms. McCray who was asleep on the couch in the living room, telling her the police were there. He could not wake her up and he then went to his bedroom and locked the bedroom door behind him. Mr. LaFleur

says he did this because he was afraid because of a prior experience with police officers. However, he recognized none of the officers involved in the incident of February 12 and the officers had had no contact with Mr. LaFleur prior to that night.

The officers at that point believed they were executing a search warrant for drugs at the correct address. When they observed Mr. LaFleur slam the door and lock it, they thought he was either trying to dispose of the drugs or get a gun. Believing they were at the correct address, they entered the house to serve the search warrant by forcing the front door and subsequently the bedroom door. Upon entering Mr. LaFleur's bedroom, the first officer saw LaFleur standing beside the head of his bed. The officer said, "freeze, police," but again Mr. LaFleur ran, ignoring the officer, and hid in the closet. Two officers pulled him from the closet and put him on the bed. One officer turned to see what Mr. LaFleur might have been doing in the closet. The other officer checked the back door. The officer checking the closet turned and thought he saw Mr. LaFleur start to move up the bed toward the point he had been at when the officer first entered the room. Thinking he was going for a gun or trying to dispose of drugs because he had now run from them three times, the officer said, "grab him." Another officer, entering the room, saw Mr. LaFleur's hand down beside the bed, heard the other officer say, "grab him," and thinking also that he was going for a gun lunged at him to pull him back. This officer had his gun in his hand and as he lunged, Mr. LaFleur was hit on the side of his head with the side of the handgun. The officers continued to believe that they were in the right house and that their lawful efforts were being met

with unlawful resistance. For this reason we cannot say that the officers acted criminally and we cannot say that the physical force was criminally unjustifiable. But while the use of a firearm in this manner may not be a crime, in a situation involving two or three officers and one unarmed man, it may well reflect a lack of training.

After Mr. LaFleur was subdued and seated in the living room, his son, Hollice, became involved in a separate confrontation with the officers at the front door. Hollice LaFleur stated that he was struck by the officer without provocation. Witnesses from the neighborhood, who were friendly to the LaFleurs and who observed the incident, finally admitted that Hollice started the fight by pushing one of the officers. While we understand Hollice's concern for his father's well-being, we cannot find that the officers committed a crime in the struggle outside the doorway.

We also heard testimony concerning the way in which Loretha McCray was treated by the officers. We heard Ms. McCray tell us how one of the officers held a gun to her head and addressed her with profanities and with racial slurs. The officers who testified denied they made such slurs or that a gun was held to her head. We are unable to identify which officer, if any, is responsible because of conflicts in testimony. Based on all the evidence we can also understand how Director Purdy could not identify the officer and therefore could not discipline him, if in fact the statements were made. The LaFleurs and Ms. McCray refused to give statements to the Public Safety Department. Had they been willing to do so immediately an early identification might have been made while events were fresh in everyone's mind. We urge anyone having a complaint

against the police to cooperate with investigators so that the complaint might be pursued immediately. It is our feeling that the use of profane and racial slurs by police is not isolated and contributes much to the tensions between police and community in minority areas.

We do not find that the officers committed criminal acts. We find evidence of negligence in approaching the wrong house, of inadequate training and of police administrators who lack effective options for meaningful discipline. None of these are crimes but all of them must be recognized and addressed. All of them are inexcusable and all of them can be avoided.

We find a need for training. It is inconceivable to us that properly trained police officers may arrive at a wrong address to serve a warrant. Furthermore, we believe that properly trained police officers might well exercise more caution in subduing an unarmed man. We, again, find that racial slurs used by police officers are intolerable. Proper police recruitment and training should identify officers who harbor feelings of racial bigotry.

A review should also be conducted of the range of disciplinary options available to the Director of the Public Safety Department, as we have heard testimony that these options are so restricted as to make meaningful disciplinary action impossible.

Director Purdy told us that he had not exonerated the officers but that he felt he had insufficient evidence to discipline them further. The Director told us that he is limited in disciplinary action he can take because his decisions to suspend or dismiss are reviewable by a hearing examiner who can recommend that his decisions be reversed or modified. These hearing examiners are often lawyers in private practice who have

no experience with the criminal justice system. Director Purdy points out that he has to justify his decisions to suspend or dismiss to this hearing examiner and that he has the burden of proving he is right. If Director Purdy is going to be held responsible for discipline in his Department, then he should be able to impose that discipline subject only to review by the County Manager or a Court on the grounds that the decision was arbitrary or unreasonable. The Director states that because of these limitations, he has been cautious when suspending an officer for fear of reversal because of lack of evidence. Reversals of his decisions cause real problems of supervision in the Department. If Director Purdy thinks someone should be disciplined and he believes he has cause, he should proceed with the discipline and fight every step of the way to have it upheld. Since we are told the hearing examiner only recommends to the County Manager, the County Manager should certainly scrutinize the recommendation before approving a reversal or modification of the Director's decision. The burden should be on the police officer to prove the Director wrong. Director Purdy should be authorized to take limited disciplinary actions without review.

All police departments should step up their efforts to recruit and hire members of minority groups. This effort will require long range planning and contacts and programs in the schools to encourage young people to consider a career in law enforcement.

Investigators assigned to investigate complaints against the police should be trusted in the community and care should be taken to have sizable minority representation among such investigators.

The public is entitled to know what actions are taken in response to a complaint against the police and why the action was taken. Police Departments must be accountable.

We regret what happened to Nathaniel LaFleur, to Hollice LaFleur and to Loretha McCray. While we eighteen Grand Jurors have reacted to this incident with the same range of emotions and viewpoints as has our community as a whole, we speak as one in asking our government officials, our police and our community to begin to address the issues and the emotions that this incident has uncovered.

The public also has a duty to treat police officers with dignity and respect - often they risk their lives to safeguard our well being. This incident could have been ended at the LaFleur doorstep had Mr. LaFleur engaged the officers in conversation and not slammed the door.

One of the predecessor Grand Juries left a motto:

"Seek ye the real truth for without it
Justice cannot prevail."

We have tried to keep this motto in mind as we have pursued our work.

Respectfully submitted,

J. Richard Soulliere
Rev. J. Richard Soulliere, Foreman
Dade County Grand Jury
Fall Term 1978

Attest:

W. M. Allen

Dated: 5/8/79