

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

FALL TERM A.D. 1979

FINAL REPORT OF THE GRAND JURY

FILED

MAY 13, 1980

Circuit Judge Presiding

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## DADE COUNTY SCHOOL SYSTEM

### I. INTRODUCTION

During our Term we have seen our school system receive unprecedented public attention. While much of this concern has centered around criminal charges brought against the Superintendent of Schools and his subsequent suspension, other questions have been raised as well regarding the effectiveness of various components and levels of the school system and the way in which they inter related. We have deemed it our responsibility to address these concerns and issues, albeit only preliminarily, and to set forth areas in which questions of effectiveness appear, to us, to exist. Time constraints permit us only to set forth problems we have identified along with some observations. It will become the task of the School Board and, hopefully, subsequent Grand Juries, to ensure that these problems are not only addressed, but that effective solutions are found.

The issues and the problems are as complex as the system itself. With 225,000 students, more than 26,000 employees and an annual budget of over half a billion dollars, we have a school system which is the fifth largest in the nation. Indeed, Dade County Public Schools is the largest employer in Dade in numbers of employees and statewide second only to the State government itself. The size of the system, as well as the critical importance of its function and responsibility, render it absolutely essential that it regain the confidence of the citizens of this community. We hope that this Report will represent a first step toward this goal.

With the very capable assistance of Dr. Robert Simpson of the University of Miami School of Education and Allied Professions, we identified five issue areas presenting problems

needing study and corrective action. These are: (1) structure of the school system as it relates to decision-making, (2) finance management with a focus upon purchasing, (3) educational programs, (4) variations in policy and practice for special programs such as those funded by the federal government, and (5) personnel, with particular emphasis upon administrative staffing. Listing these does not mean that there is not much more good than bad in each. Further, failing to list an item may mean only that time did not allow its inclusion in this preliminary review.

In the following five sections of this Report we will present our findings and recommendations with respect to each of these issue areas.

## II. ISSUES RELATED TO STRUCTURE OF THE SCHOOL SYSTEM

Events and circumstances which culminated in the suspension of the Superintendent lead us to conclude that the Board was neither sufficiently informed nor sufficiently assertive in managing the business of the school system and in demanding accountability on the part of the Superintendent. Adequate checks and balances must exist at three levels in a school system; namely, (1) the Board, (2) the Superintendent and his staff and (3) the school-based managers who are the principals and assistant principals.

We are convinced that adequate checks and balances do not presently exist among the three levels. As an example, we find that the School Board has delegated an excessive amount of its authority for the allocation, expenditure and monitoring of funds, and has permitted the Superintendent's office to establish rules which should have been established by the Board, or, at the least, been approved by the Board.

In reviewing the three levels of management in the school system we studied the three organizational charts that have been used since the 1976-77 school year and the Spring 1980 adaptation. We find that, despite a stated (1977) economy aim of reducing the number of individuals reporting to the Superintendent, (1) the number of top management posts increased from 19 to 26 (+37%), and (2) the number of top administrators formally reporting to the Superintendent increased from five to the present ten (+100%). Management studies indicate that a span of supervision of six to eight administrators is optimal and that ten is excessive.

We see an increasing and unnecessary concentration of power in the Superintendent's office, and a corresponding diminution of the power and authority of the Board. We note that seventeen top administrators have multi-year contracts which contain clauses that specify that their services may automatically terminate in the event of the dismissal of the Superintendent. While such clauses, which state in essence that the administrative cabinet serves only while the executive serves, are not uncommon in the private sector, they are unusual in the public sector and, particularly, in school systems. While the Superintendent has the right to expect loyalty from all staff, it is not to a person but rather to the Dade public school system that this community expects its Board and administrators' loyalty to run.

We must conclude that the School Board has been derelict in permitting these situations to have developed.

Further, the Board is finally responsible for general control and direction of all programs including the creation of discretionary accounts. It must assume responsibility when abuses of policies occur because of inadequate controls. We find that the Board has failed to provide adequate safeguards

and controls in the areas of rule-making, administrative personnel appointment procedures, budget-making and purchasing, and in the control of special programs. These areas will be discussed elsewhere in this Report.

We further find that while the goals of the school system reorganization in 1977 were worthy, the effects have included: (1) a perception of irregularity and lack of objectivity in promotions and transfers, (2) a frequent bypassing of lines of communication established by the organization chart, and (3) a perception by many administrators that favoritism was shown to certain subordinates who had direct, informal access to the Superintendent. These persons were viewed as being loyal to the Superintendent, rather than the system. This perception has caused low morale among administrators at all levels, as expressed by the overwhelming majority of those interviewed during the process of the preparation of this Report.

The principal consequence of this shift of power has been an erosion of the power base of the Board and school-based managers and a reciprocal increase in that of the Superintendent's office. The Board possesses rule-making authority but has invoked this power less frequently during the past three years. Program adoption, employment and purchasing procedures seem to have increasingly varied from established standards during the same period and few Board challenges of these decisions are noted in Board minutes for the past year. An example of a rule which appears to be inconsistent with standard policies and statutes is found in an administrative interpretation that permits special purchasing procedures which circumvent the State's bidding requirement for purchases in excess of \$4,000. The exceptions which are permitted can be and have been interpreted so broadly as to

effectively circumvent the bidding requirements in numerous instances.

Of late, it has been the stated intent of the State and the District to place increased authority and responsibility at the school level, and decentralization is a laudable objective. But this should not suggest that the Board monitoring function should be decentralized or delegated. Controls such as auditing and property management not only must be centralized for efficiency but should also be independent of the chain of command at least insofar as possessing the ability to report directly to the School Board and to the public. Our analysis of the various organizational charts reveals that, other than the Superintendent, only the Board's administrative assistants and attorney report directly to the Board.

The internal audit function should report directly to the Board, and this function should exist independently of the standard administrative structure and channels. Further, the various discretionary funds held by the Superintendent's office and any other administrative units should have all transactions clearly noted in, or as a supplement to, the official minutes of the Board along with a brief statement of justification. Federal and other specially funded projects must specify clear control mechanisms in program, personnel and finance which are, at least, as comprehensive as for regularly funded activities in order to prevent abuses such as those that have now been documented.

The School Board must now resume many of the functions that it has recently delegated. This activity will require independent, expert advice. A full analysis of the checks and balances and the rule-making powers at the various management levels, including the Board, is necessary. This analysis should consider the benefits and liabilities which might result



from a more decentralized power structure, as well as the establishment of a dual or multiple administrative system where more than one administrator may report directly to the Board. This would create an administrative separation of the educational program and the financial support and control roles.

Most importantly, the Board must reassert its autonomy and its initiative. It must realize that it has not only the legal right and authority, but also the solemn public duty, to question any administrative recommendations. The Board should encourage challenges from any source to any order or recommendation not transmitted through proper channels. This does not imply that Board members should be involved in the daily administrative process. But when authority is delegated by the Board, the extent of the delegation must be clearly understood, as well as the procedures and interpretations to be utilized in the execution of the delegation. Furthermore, the Board must monitor the execution of delegated power. To do so effectively, it must receive regular reports presented in layperson's language so as to render them understandable to the Board and to the public.

### III. ISSUES RELATING TO FINANCE AND PURCHASING

We have attempted to identify areas of financial purchasing management in the school system which appear to need more stringent controls to lessen the possibility of misuse of funds.

We find that currently there are no adequate internal controls upon what items can be purchased with discretionary funds at the school and district levels despite the existence of written procedural safeguards. Furthermore, the Superintendent's discretionary requisition power (also known as Superintendent's Authorized Requisitions or "SARs"), intended to

expedite purchases in emergency situations, lacks effective controls. Of approximately 700 such requisitions written during the past year, only 165 met an accountant's definition of "emergency need."

Further, we question why the Superintendent's contingency fund which is already under investigation by the Board's independent auditor was allowed to increase fourfold in three years without Board challenge.

As we have previously mentioned, the Board should and must receive regular reports directly from internal audit offices. Presently, the Board receives piecemeal information in a form difficult for laypersons to understand. The size and capability of the internal audit staff was recently reduced. It appears that past recommendations by the Board's outside auditors relative to the strictness of internal accounting and auditing procedures were virtually ignored. In at least one program audit area, highly qualified personnel are doing menial measurement and reporting tasks.

Other instances which would appear to suggest inadequate internal fiscal procedures include the increase of a food services purchase order for equipment from over \$40,000 to approximately \$700,000 without rebidding to obtain larger quantity discounts even though rebidding rules are printed on the Purchase orders. Also, large requisitions for food services furniture have been issued without the food services director's prior knowledge because a Superior forged her name. The Food Services Director's office estimates that it has not been consulted as to a possible \$5,000,000 in purchases in one year out of a total budget of \$35,000,000. And it has been reported that there is no satisfactory internal audit of the payroll process which involves in excess of \$300 million annually.

State Rules require that a local Board accept bids on most items which cost in excess of \$4,000. Business administrators in the system report that a practice has developed of dividing a purchase into several orders, each under \$4,000, so as to avoid Board review. Policies are in place in the purchase process to prevent issue, yet have been blatantly ignored at all levels. This must be corrected immediately.

While the stated paper flow process for requisitions in excess of \$4,000 appears to be effective, a major problem exists with respect to the number and vagueness of exceptions which are permitted, and the accounting for such exceptions does not appear sufficient. In practice Board policy allows virtually anything to be purchased under SAR procedures. The Board should be notified when necessary exceptions occur. Presenting more than eighty purchase orders of under \$4,000 each, in a total amount of over \$90,000, to a vendor of a special Title I program is, for example, totally inconsistent with the bidding rule's intent.

It is expected that independent auditors presently engaged in a special audit of the Superintendent's discretionary account will reveal many examples of inadequate documentation of steps such as final approval for payment by the controller, as well as evidence of lack of multiple bids and of substantiation for purchases. On the back of the Purchase Orders it clearly indicates that items between \$100 and \$4,000 must have a record of three telephone bids. Such evidence is frequently missing.

We find that it is absolutely essential that stricter audit controls be placed upon all purchases from the initial requisition phase through final inventorying by property control including monitoring of the disposal of any equipment. While exceptions and variations from stated procedure are sometimes

necessary because of single source suppliers or time constraints, this should be clearly noted by internal auditors to the Board.

We further find that an effective internal audits office is essential. That office should be linked with a program ombudsman office which also has direct reporting access to the Board, with the power to initiate investigations and with its job security owing only to the Board. An ombudsman's office exists now but is three levels removed from the Board. Also, a clearer budget report should be presented to the Board and this Report should indicate the status of any account and, upon request, provide a coherent printout of the types of expenditures to date.

Also, special project accounts must be explained at regular intervals. No purchase order or requisition should be possible without the approval of another officer, and all such transactions should be subject to regular random check by internal auditors.

And we find it imperative that an indepth study of the food services expenditures and property management programs be conducted.

The Coopers and Lybrand (the independent auditors employed by the Board) Annual Reports to Management and the annual "Administrative Staff Responses" to the Reports should be studied in depth. These outside audit reports contain fine recommendations many of which have not been implemented, or to which inadequate responses were made.

We find that individuals involved in the purchasing process have been derelict in their duty in that if proper procedures had been adhered to the types of abuses we have found could have been prevented. We recommend that the Board investigate and discipline or dismiss those responsible, consistent with existing law and policy.

We conclude that a half-billion dollar per year school system has been operating without adequate financial controls. We also find that the School Board has not met its stewardship responsibilities in the budget and property control areas. The Board members have accepted difficult to comprehend reports which they have failed to question and thereby have failed to create and maintain an adequate and independent internal audit capability, especially in the area of purchasing.

#### IV. ISSUES RELATING TO EDUCATIONAL PROGRAMS

We are distressed to note that in the 1978-79 school year, 7,200 of 35,500 students aged sixteen and above left the Dade County school system, a dropout rate of over twenty percent, the highest in the four years this measure has been taken. With that troubling statistic in mind, we questioned whether the regular programs of curriculum and instruction are developed, operated and evaluated in a manner that is relevant, fair and efficient for all children.

We are pleased to find that, in general, program standards, materials and procedures appear to be sound. Curriculum procedures and materials are consistent with state law and guidelines as evidenced by District policies. An effective committee process involving citizens, staff and subject specialists is in place and seems, generally, to be functioning well for many parts of the regular school program. An effective model for community involvement in curriculum decision-making was evidenced, for example, by the recent implementation of a sex-education program -- a highly controversial issue that was well-handled. Further, the planning and implementation of the "extended school-day program" (ESP) was efficiently executed and appears to be having beneficial effects for many student participants. Yet, independent evaluation is suggested because many complaints arise relative to this program

as to selection procedures for materials and staff.

We note that the office for measurement and evaluation of instructional programs reportedly has been reduced in staff during the past three years, now limited to only five professionals, one less than a similar office which evaluates only federal Title I programs. The former office, unfortunately, is placed low in the decision-making hierarchy and has been reported to be the second smallest among large city school districts in the nation. Their reports would have to clear three administrative levels before reaching the Board.

We recommend that the instructional measurement and evaluation function should be upgraded and expanded in scope, as well as permitted to make public reports. This function should be tied to the internal audit and ombudsman functions. Subject area consultants at the district level should be given more authority and responsibility to coordinate not only regular educational programs, but also special federal programs in their area of expertise. More coordination is needed between special and regular programs. Also, some type of pilot activity with a clear evaluation component should be required before any program is institutionalized and the Board should be fully informed of pilot test results.

And finally, we find that an indepth study of the causes of the increasing dropout rate is essential in that a twenty percent dropout rate is intolerable. Yet we note that at the same time, pupil achievement has increased according to measures in Title I as well as generally, as evidenced by an increase in the success rate in the State's functional literacy test.

#### V. ISSUES RELATING TO SPECIAL PROGRAMS

Special programs are defined as those that are funded by federal or private funds, as opposed to the regular program

which is funded by state and local revenue sources. One such, federal, program is the Title I Program with a budget for the current year exceeding \$13 million. Pending criminal charges against the Superintendent are based upon allegations of misuse of some of these monies for the purpose of personal financial gain. Yet many educators believe that Title I provides stricter accounting regulations than do other existing special programs.

The school system possesses a special office for evaluating various Title I instructional activities. Yet when asked about an analysis of one such program that has been purchased with Title I funds, the Monterrey program, evaluation personnel were unaware of any such evaluative report. However, our investigation revealed a copy of the District's evaluation of the program showing a significant negative correlation between time spent in the program and achievement, indicating not only that the program was not effective but that it had a negative effect on learning. In short, the longer a child was in the program the less that he or she achieved. Also, two reading consultants reviewed the program and stated that many better activities were available at a substantially lower cost. Nevertheless, the Monterrey program was expanded the following year.

Another program, BHARDS, was purchased with Title I funds through questionable procedures, including multiple requisitions, each less than \$4,000, thus circumventing State bidding requirements and standard local policy. One other program, HILS-Random House, was introduced by administrative fiat without an evaluation or pilot project, resulting in virtually all Title I schools with children in grades 3 to 6 receiving it without any demonstration of need or adequate training of staff in its use.

We find a vital need for increased linkage between special programs such as Title I, the standard curriculum and

such supporting areas as personnel, supervision, evaluation and finance. Special instructional materials must be carefully selected, used on a pilot basis with an open evaluation process built in, and such programs must be accounted for strictly.

A special, clear, budget with monthly status reports should be established for each program. Quarterly and annual reports should include independent evaluation and impact statements for such programs. Again, independent internal controls with occasional outside reviews are as essential here as with the regular school program. Title I and similar projects should not be run as separate entities, except as required by law, and must follow standard educational and financial accounting systems. The result will increase accountability to the Board and to the public.

#### VI. ISSUES RELATING TO PERSONNEL

Personnel and employment practices in the school system constituted the final area of preliminary inquiry. The purpose, here, was to determine whether there existed any indications of practices which were contrary to law or policy.

Our inquiry revealed generally that the District's administrative staff was informed, competent and cooperative. No surplus of administrators relative to other comparable districts was noted. Personnel policies and practices appear to be consistent with all applicable laws. However, the staffing ratio of 1.3 support personnel for each classroom teacher seems high and should be analyzed in depth.

Under current policies appointments to vacant administrative positions are made either by (1) use of the Board-established Administration Selection Process or by (2) direct appointment by the Superintendent. Direct appointment is used in lieu of the Selection Process when a special circumstance



exists, such as time factor requiring an immediate appointment.

The Superintendent may make a direct appointment of a person contrary to the recommendations elicited from the Selection Process. If, for example, the Process recommends three persons to the Superintendent, he may still recommend a different person to the Board for the particular post. Further, where the Selection Process has been used and the Superintendent selects someone not recommended by that process, the appointment still is reflected in Board minutes as a person recommended by the Process rather than a direct appointment. We find this to be a violation of the intent of the policy. We also note that school personnel commonly reflect a perception that the Process has occasionally been misused or circumvented and that this perception results in a morale problem.

Florida laws permit the Board to reject a Superintendent's nomination for a position only upon the grounds of moral or professional shortcomings or a failure to follow its selection policy. While we found no instance, according to this definition, where an unfit individual was selected, or the selection policy not followed, we do find that the process should be examined in light of allegations that insufficient checks and balances exist in the selection process. We also find that the Board should be increasingly aggressive in questioning appointments not only with respect to adherence to the process, but also with respect to any individual's fitness for a specific post.

Reportedly, promotions have been given under the guise of lateral transfers thus bypassing standard selection procedures. We recommend that any lateral transfer that carries an accompanying increase in salary be justified to the Board.

We also recommend that the Board articulate specific circumstances under which the Superintendent may make direct appointments and the Superintendent should be required to provide a justification for all such appointments.

## VII. CONCLUSION

In this Report we have highlighted a number of areas which we believe to be in need of redress in our school system. In identifying our concerns in this initial assessment, we have been assisted by experts in the field of education and accounting along with the complete cooperation and support of Dr. Leonard Britton.

While we have focused upon the shortcomings in the school district, we trust that the programs, policies and personnel are generally fine. Time and other responsibilities, however, caused us to study problem areas rather than provide a complete balanced picture of strengths and weaknesses.

We intend our Report to represent only an initial step in identification of problems and needed corrective measures. We urge the School Board and school administration to accept this Report as only a first step in a process that will take at least several months and that will require the expertise of outside consultants such as have been used by the Grand Jury.

Many matters have surfaced during our Term, and others will undoubtedly continue to surface, involving criminal misconduct. The State Attorney's Office is investigating and will continue to investigate these matters. We request that the State Attorney continue to advise subsequent Grand Juries of the progress of these various investigations.

While the expiration of our term has not permitted us to pursue deficiencies in the school system further, it now becomes the responsibility of the School Board to continue the effort, regardless of whether the findings are critical of the Board itself. And these efforts should be monitored by subsequent Grand Juries. Our school system is, we have found,

staffed generally by capable and dedicated administrators and personnel. It is the wish of all of us that our school system be the very best that any community can provide to its children. We all feel a deep sadness regarding the events that have unfolded over the past weeks and months. Yet we Grand Jurors, as representatives of our community, are confident that by working cooperatively our School Board and school administration should become capable of using these unfortunate events as a point of departure for the creation of a better and more responsive school system for this community.

HIALEAH POLICE DEPARTMENT

Pursuant to the provisions of Florida Statutes Section 905.28, publication of the Dade County Grand Jury Report on the Hialeah Police Department will be withheld until a later date.

## JUVENILE AND CRIMINAL JUSTICE SYSTEMS

### I. INTRODUCTION

Crime and the manner in which we deal with those who commit crimes has been a concern of this community for at least the past quarter century. This continuing concern, as well as the continuing nature of some of the critical issues which underlie the concern, are reflected in the twenty-three prior Grand Jury Reports which have dealt with delinquents, adult offenders and the agencies and institutions created to deal with them. We are dismayed at the persistence of these problems and at how ineffectively they have been dealt with by many of the agencies and institutions responsible for their resolution.

The Spring Term 1957 Grand Jury, for example, found that the operation of the Juvenile Justice System "has deteriorated to a point where corrective measures are required without further delay." Two years later the Fall Term 1959 Report raised, over two decades ago, the issue of the relative merits of incarcerating delinquents as opposed to providing field services when it stated "field service avoids institutional care and causes a dramatic saving of the taxpayer's funds while at the same time accomplishing more good. For example, the cost of institutionalizing one boy for one day can pay for the probation service to that boy for an entire month."

And the Spring Term 1961 Grand Jury Report began with a statement that could have been used as a keynote for the present Report when it stated "The continued growth of juvenile delinquency in Dade County and throughout the country has created a sense of immediacy. The filing of a report or the introduction of a

temporary stop gap measure is not sufficiently responsive to this spreading problem." A Report the following year stated "The total situation in Dade County in regard to the juvenile problem is a monumental one requiring greater effort and concern than has previously been shown."

In 1965 the Grand Jury turned its attention to the adult correctional system and stated its position in no uncertain terms:

The increase in crimes of violence in Dade County caused us to consider current sentencing, bonding and probation practices.

A recently completed F.B.I. study of the hard core criminal revealed that one half of them had at some time in their careers received parole, probation or suspended sentence.

A representative of the Florida Probation and Parole Commission testified that a life sentence in Florida means the prisoner will serve approximately eight years.

The above facts lead us to reject the theory that light sentencing is conducive to rehabilitation. We acknowledge that the proper administration of justice requires concern for the welfare of the defendant, but until we develop improved techniques of probation and parole we cannot experiment and leave to chance the safety of our citizens. We suggest this can best be provided for by Courts following the procedure of giving the convicted criminal the maximum sentence provided by law, and we further recommend that Courts place maximum bonds, especially on second offenders. We feel this will keep those who commit violence behind bars. We view the potential next victim as worthy of more consideration than the criminal who commits the act.

By 1973, the Grand Jury's position regarding treatment of adult offenders had softened somewhat, but the sense of frustration expressed had not:

The present system does not work. Probation is meaningless; prisons are schools for crime. The responsibility for this situation does not rest with any one agency or branch of government. Rather this system reflects the indifference shown by society to the entire question

of correctional reform...Many dedicated people have devoted great time and energy in the areas of offender rehabilitation. The Jury would like to commend those individuals who have chosen employment in this field despite the frustrations of the system.

This 1973 Report acknowledged the feasibility of rehabilitation by endorsing community correctional centers and pretrial diversion of non-violent first offenders to community services and by pointing to the need for "A greater variety of treatment facilities for specific types of offenders" and for "residential facilities as alternatives to prison." The Report was critical of the performance of both adult probation and adult parole. Probation, it stated, "is not effective in Dade County" and as for parole: "Nothing effective is done to assist an offender going directly from prison back to the community."

The Spring Term 1974 Grand Jury concluded that "we have found after consideration of many problems in Dade County none that is as urgent as that of the total Criminal Justice System" and in 1976 the Fall Term Jury quoted the 1973 Report's conclusions that "The present system does not work" and found that "The situation remains unchanged two and a half years later."

Finally, the Spring Term 1977 Grand Jury produced the first Report which acknowledged the relationship between the Juvenile Justice System and the adult courts and corrections system:

The Grand Jury concludes that the most important part of the criminal justice system is that portion which deals with the juvenile offender. It is here that the youthful offender first comes in contact with "the system," and it is at this stage that future patterns of conduct are usually determined. Whether the youngster will be a useful citizen or a future crime statistic hangs in the balance with society and its "system" having the opportunity to influence that outcome.

Despite its critical role the juvenile justice system is the least understood and the most likely to suffer benign neglect at the hands of the community.

That Report concluded by quoting from the 1967 Report of the President's Commission on Law Enforcement and the Administration of Justice:

'The Commission finds, first, that America must translate its well-founded alarm about crime into social action that will prevent crime... (that will) alleviate the conditions that stimulate it...The Commission finds, second, that America must translate its alarm about crime into action that will give the criminal justice system the wherewithal to do the job it is charged with doing. Every part of the system is undernourished...The Commission finds, third, that the officials of the criminal justice system itself must stop operating, as all too many do, by tradition or, by rote...They must be bold.'

The preceding excerpts make it quite clear that the issues are hardly new ones and that solutions seem to have alluded us over decades rather than months or years.

Yet the problems and concerns do persist and this Grand Jury has seen the need to look at our Justice System. Additionally, we saw a need to look at the system as a whole consisting of both the juvenile and adult components. As this Report will indicate, over half of all persons arrested were between the ages of fourteen and twenty-one with the ages fifteen through nineteen representing the peak of the curve. To look at crime is to look, to a very great extent, at youth crime. That the age of eighteen represents a point of transition from the Juvenile System to the adult Criminal Court should not cause us to treat the two systems as separate or distinct. As we shall also see, the eighteen-year old charged as an adult today will probably have been before the Juvenile Court a year before. And, unfortunately, he will probably return to the adult court again in the future.



If it has been documented, as it has, that neither system is operating effectively, and if it has been documented, as it has, that patterns of rearrest begin in the juvenile system and perpetuate in the adult system, then perhaps the two systems share similar shortcomings which might be better understood if they were to be looked at as one system.

We will ask three questions in this Report of the Juvenile Justice System and the adult Corrections System. The questions are (1) Who is arrested? (2) How are they dealt with? and (3) How effectively are they dealt with? From the answers to those three questions we will present our conclusions and our recommendations.

## II. METHOD

In order to address the three questions asked above, we have received the testimony of various representatives of the juvenile and adult correctional systems and, in addition, have reviewed the files of 475 juvenile and adult offenders representing:

- (1) One hundred randomly selected adult offenders arrested in November, 1977;
- (2) One hundred randomly selected juvenile offenders arrested in November, 1977;
- (3) One hundred randomly selected adults paroled from prison in late 1977;
- (4) Fifty randomly selected juveniles paroled from State Training school commitments in late 1977;
- (5) Seventy-five adults placed on probation in late 1978; and
- (6) Fifty juveniles placed on probation (known as community control) in early 1979.

The following three sections of our Report present our findings based upon our review of the files, as well as the testimony we have heard.

### III. CHARACTERISTICS OF THE OFFENDER: WHO IS ARRESTED?

#### Age and Sex

Our survey clearly indicates that offenders tend to be young. Fifty-six percent of those arrested were between the ages of fourteen and twenty-one with crime rates declining significantly for those under fourteen and those over twenty-three. Only eight percent of all those arrested were aged over thirty-five. Three quarters of the juveniles arrested were aged fourteen through seventeen and half of the adults were aged eighteen through twenty-three.

We find that crime is generally a phenomenon associated with youth and, therefore, to deal effectively with crime is to acquire the ability to deal with youth crime.

And we further find that the question of transitional age differentiating juveniles from adults is particularly important since sixteen through nineteen year olds represent those ages with the highest crime rates. In our sample, seventeen year olds represent 17% of all juvenile arrests, certainly a sizeable percentage. The legislation which, several years ago, raised the transitional age for entry into the adult system from seventeen to eighteen, without allocating to the juvenile system additional manpower and resources to deal with this additional burden clearly has had a significant and negative impact upon an already overburdened system.

It will be one of our recommendations that legislation be enacted lowering the transitional age, once again, to seventeen.

And it is essential that no resources be taken away from the juvenile system as a result of this lowering of the transitional age. In making this recommendation we are mindful of the many seventeen year olds who are already recidivists who have not been rehabilitated or deterred by the juvenile system. But we also make the recommendation based upon the present existence within the adult system of a statewide network of Pretrial Intervention Programs which can offer the seventeen year old non-violent first offender the same opportunity for social services and the same chance for a clean record as can the juvenile system. The advent of these and similar programs in the adult system have given that system a flexibility which leaves little justification for maintaining a high transitional age level, and permits us the opportunity to significantly lower the caseloads in the juvenile system.

And while the age data we have collected clearly suggests that the great majority of those who commit crimes are young, the sex data equally clearly suggests that they tend to be males. Eighty-five percent of the juveniles and eighty percent of the adults were males.

#### Race and Culture

Blacks were found to constitute fifty percent of the juveniles and forty-three percent of the adults. Anglos represented forty percent of both groups, and Latins accounted for ten percent of adult, and eight percent of juvenile, arrests.

The disproportionately large numbers of Blacks, and specifically, Black youths in the juvenile and adult arrest populations is a cause for concern and the failure of our correctional systems to effectively address this aspect of the problem is particularly troubling. In the juvenile system,

for example, it is clear from our data that Black youths tend to enter the system earlier and tend to be referred for judicial action more often than either the Anglo or Latin groups, due to their past record or to the nature of the present offense. They also tend to be represented in particularly disproportionate numbers among those youths with the most serious records. For example, while representing fifty percent of total juvenile arrests, Black juveniles represented sixty-five percent of those who were referred for court action, as opposed to being handled non-judicially, and also represented sixty-five percent of those youths who were committed to state training schools for periods of incarceration. And of that latter group seventeen of those twenty-two youths who would later again be re-committed to state school or sent to adult court to be tried as adults were Black.

We will, later in this Report, document what appears to be a dismal lack of social programs, let alone effective social programs, that are responsive to the needs of the youthful offender. It is clear that this lack of a response most acutely affects lower-income Black youth and perpetrates delinquent and criminal activity that is, in turn, disproportionately high within the Black community.

#### Education and Occupation

A sample of the adult offenders revealed that fully two-thirds of the group had dropped out of school before or during high school and testimony heard by us indicates that this figure is identical for delinquents over sixteen.

Another sample of adult offenders for occupation level revealed that eighty percent of the group were either

unemployed or had occupations in either manual labor or unskilled or low skilled jobs.

As will be mentioned later in this Report, those offenders placed on probation or on parole appear to receive at best minimal assistance in obtaining educational or vocational guidance or assistance and the adult files studied are virtually void of evidence of referrals to manpower, educational, or other training programs.

#### Substance Abuse History

One of the more startling conclusions that would seem to emerge from our study relates to the large numbers of arrests of those over eighteen for substance abuse offenses (Possession of Marijuana representing 12% and Possession of Other Drugs 17%, or 29% collectively).

A review of the prior and subsequent arrests of the group in many cases reveals a pattern of arrests for possession of drugs other than marijuana. Discounting marijuana arrests, those offenders with arrest records indicating drug abuse problems number 44% of the total. Nearly half of the sample have been arrested for possession or sale of drugs other than marijuana. One may expect, in addition, that other offenders arrested for crimes unrelated to substance abuse may also have drug problems and that the actual number of substance abusers in the arrest sample is even larger than their arrest histories indicate.

Equally startling, given the apparent magnitude of the substance abuse problems of those studied, is the seemingly inconsequential role played by substance abuse programs. A review of the dispositions of 300 of the offenders studied reveals

that 47 (16%) sentences or parole plans included referral to a drug or alcohol program. Only 18 of the 47 files contain evidence that the offender actually entered the program as ordered. Thirteen of these files indicate whether or not the participant successfully completed the program: of these, twelve did not complete the program and only one person is indicated to have successfully completed a substance abuse program.

#### Charges and Prior and Subsequent Records

Our review of the files of the 104 juveniles (under age 18) and 110 adults (over age 18) arrested in November of 1977 indicates that the following charges resulted in those arrests:

	<u>Juveniles</u>	<u>Adults</u>
(1) Crimes Against Persons:		
Murder or Attempted Murder	1	3
Sexual Battery	0	2
Aggravated Assault or Battery	9	14
Robbery	7	2
Child Abuse	0	1
Arson	2	2
Extortion	0	2
Resisting Arrest	2	1
Leaving Scene of Accident		
Causing Injury	0	1
	<u>21/104(20%)</u>	<u>28/110(25%)</u>
(2) Crimes Against Property:		
Burglary	22	14
Forgery	0	7
Possession of Stolen Property	7	2
Larceny	30	16
Failure to Return Rented Car	0	1
Worthless Checks	0	3
	<u>59/104(57%)</u>	<u>43/110(39%)</u>
(3) Crimes Against Neither Person nor Property:		
Possession of Marijuana	8	13
Possession of Other Con- trolled Substance	0	19
Carrying Concealed Firearm	1	6
Lottery	0	1
Loitering or Trespass	14	0
	<u>23/104(22%)</u>	<u>39/110(36%)</u>

Burglaries (unlawful entry of a dwelling, structure or conveyance), larcenies (theft of money or property by means other than force or violence) and possession of stolen property represent 42% of all the charges (57% of the juvenile arrests and 29% of the adult arrests).

#### Prior Records and Subsequent Records

Of the 104 juvenile files studied, 102 contained the offender prior arrest record and, of these, 35% had no prior record whatsoever, 34% had been arrested but had had their arrests handled non-judicially and 31% had previously been before a Juvenile Court Judge. Thus, 65% of those arrested had had a prior juvenile arrest history and 35% had none.

Of the 110 adult arrest files studied, 56% had prior arrests and 44% had none, exclusive of prior juvenile records.

As to subsequent arrests, the rearrest rate for the juveniles was 62%, meaning that nearly two-thirds of the group arrested in November of 1977 would be arrested again at least once before turning eighteen. The re-arrest rate for the adults, during the same period, was a lower 44%. The re-arrest, or recidivism, findings will be presented in Section V of the Report.

The recidivism rates suggest that many offenders are being reprocessed repeatedly by a system which lacks adequate resources for rehabilitation. Often offenders clearly identifiable as dangerous recidivists receive probation or early parole while the community's safety clearly requires long-term incarceration of these offenders. We deplore judicial lenient treatment or early parole for this category of dangerous offenders.

#### IV. CASE DISPOSITIONS: HOW ARE THE OFFENDERS DEALT WITH?

The profiles of juvenile and adult offenders presented above indicate to us a clear similarity in the characteristics of those over 18 and those below 18 who are arrested and suggests to us that in fact the older group includes a very substantial proportion of adults who, before they turned 18, were members of the juvenile offender group. This conclusion is supported by data which indicates, for example, that half of those youths who were committed to state school were arrested again as adults within the first year and one half subsequent to their eighteenth birthday.

The cycle is, to say the least, a vicious one.

Delinquent youths exhibiting the characteristics described previously, including poverty, substance abuse, and lack of education and marketable skills, are arrested repeatedly first as juveniles and then as adults while the agencies and institutions through which they pass have little impact upon either the characteristics or the recidivism. Since the characteristics remain unchanged it becomes impossible to determine whether or not repeat arrests would be reduced if the characteristics were altered. And we find that the characteristics are not changed because the agencies and institutions appear to be incapable of effecting such change.

In this Section of our Report we will present our findings relative to how offenders are dealt with by the agencies and institutions which comprise our juvenile and adult correctional systems. In the next Section we will attempt to assess how effective their dispositions are.



#### A. Juvenile Dispositions

Dade County's Juvenile Justice System, as is the case in juvenile systems nationally, disposes of the majority of those cases referred to it by non-judicial action (NJA). Unless the offender's past record, or the severity of the present offense, are deemed by the Intake Division of the Department of Health and Rehabilitative Services (HRS) to require court action, an Intake Counselor will generally schedule a conference with the offender and the offender's family and will "warn and dismiss" the offender after communicating the decision to do so to the victim, if any, and the State Attorney's Office, which has the right to override an Intake decision to handle a case non-judicially.

The number of cases handled non-judicially, relative to those referred to court, is said to have diminished significantly over the past several years, with a larger proportion of cases now being referred to court for judicial action.

Of the group of 104 juvenile offenders arrested during July of 1977, 70 were handled non-judicially at this intake level and 34 were referred to court for judicial action and disposition. Juveniles referred to court, assuming the charges are not dismissed, may be placed under the supervision of the Youth Services Division of HRS, legislatively defined as community control. Where community control has not been successful Youth Services may elect the dispositional alternative of commitment of the juvenile to either the Florida School for Boys or for Girls, known as state schools.

Our study reveals the following information relative to the three principal ways of disposing of juvenile offenders:

(1) Non-Judicial Action (JNA): Those cases handled non-judicially consisted of offenders with no prior juvenile

records, or minimal prior records, who were charged with relatively non-serious offenses. As will be seen in the next Section, most of these youths would not be re-arrested, with two-thirds of those having had no prior referrals not being arrested subsequently. Since NJA handling generally appears to be based upon the hypothesis that there exists a sizeable percentage of offenders who will not be re-arrested in any event, and who are in need of neither rehabilitative services nor deterrent sanctions, such handling is usually void of referrals to programs or services and is generally in the nature of a warning. Our study reveals the hypothesis to be valid: there appears to be a proportion of offenders, constituting as many as twenty percent of both juveniles and adults, who are arrested for non-violent offenses and who will not be re-arrested.

On the adult level these cases are diverted, appropriately, to the Pretrial Intervention Program and on the juvenile level handled as NJAs, which we also find to be appropriate in these cases.

We find, however, that while the hypothesis is valid, the ability of the juvenile system personnel to adequately identify those who will not be re-arrested is at best imperfect. Our data equally clearly indicates that another approximately twenty percent of first-time juvenile offenders will become repeat offenders, including violent repeat offenders, who will follow their initial NJA with repeat arrests, commitments to state school and, ultimately an adult criminal record and the inevitable cycle of prison and parole.

We find cause for concern in the relative lack of supervision and services which might otherwise be coupled with NJA handling and which might assist in early identification of

those whose profiles are predictive of probable patterns of re-arrest.

We identified those 23 juveniles in the sample of 52 state school commitments who would be later re-committed to state school for subsequent crimes or who would be waived to adult court or both. Nearly all of them exhibited the social characteristics discussed in the preceding section of this Report. An additional similarity among those in the group was the fact that 19 of the 23 had had their first arrest before their fifteenth birthday (with 18 of the 19 being age 10 through 14) and, of these 19, 13 had subsequently been arrested again within one year of that first arrest and in 11 of the thirteen cases had again had those second arrests handled NJA without supervision or services.

While it may be imprudent to project more than very tentative conclusions from our limited data, the suggestion is clear that this is possibly a critical point at which more intensive intervention, in terms of supervision and services, appears needed. The cases of those juveniles aged 10 through 14 who have had their second referral to HRS Intake within one year of the first referral should be carefully screened and appropriate services and supervision should be made available.

During our Term, it should be noted, we have had occasion to return indictments in the case of a youthful offender who, had he been arrested during the period of our study would have been included in the group of 23, having become one of those who had been repeatedly arrested while a juvenile and who, completing the familiar cycle, would be committed to state school and later waived to adult court. He too was first arrested at age 11 and re-arrested within one year only to have that second

arrest also handled non-judicially seven months later, in 1973. During the next several years he would be arrested fifteen times. An unemployed high-school dropout from a ghetto area, and a substance abuser, he would be referred to vocational and remedial education programs which would reject him based upon his arrest record and to a drug abuse program he would not complete. The youth, Raymond Mitchell, presently is charged with four counts of first degree murder, allegedly brutally and senselessly killing four elderly persons in their homes in the City of Surfside.

(2) Community Control: Over the past year Youth Services probation caseloads have been reduced dramatically to manageable levels of approximately 35 per counselor. This has been due to a new approach to juvenile probation, called Community Control, which emphasizes relatively short periods of supervision coupled with specific and relatively intensive sanctions, such as specified hours of community service.

It is too early to assess the effectiveness of community control although our own study of a limited number of cases placed on community control in early 1979 reveals that three-quarters of these youths were not re-arrested since. The low caseloads are also cause for optimism. Our one reservation, however, is that the short periods of supervision and nature of the sanctions (such as alternative community service) may not permit Youth Services to identify and address underlying problems that, left unaddressed, may result in further delinquent acts.

(3) State School and Parole: For those juveniles for whom neither non-judicial action nor community control have proven

effective, state school, commitment to the Florida Schools for Boys or Girls, is generally the final alternative available to the juvenile system, short of waiver to the adult system. State school is followed by a period of parole, known as aftercare.

Both events are of short duration. Commitments to state school in the 52 cases in our sample were of the following durations:

Less than three months	23%
Three to six months	57%
Six to fourteen months	20%

Thus 80% of the sample spent less than six months in the institutions and only 20% more than six months. Given the cost of incarcerating a youth at State School, \$32 per day or \$5,760 for a six month stay for each of 150 youths in the boys' facility at any given time (\$1.7 million per year for 300 youths), coupled with a subsequent recidivism rate of up to 80% within two years of release, as we will discuss in the following section, the viability of state school as either a rehabilitative or deterrent measure is questionable at best. Furthermore, our sample indicates that one of every five youths committed to state school had previously completed a term of commitment there and an additional one of five would be recommitted for yet another term subsequently.

The parole period (Aftercare) which follows a release from state school is also of short duration (six months or less in three quarters of our cases) and equally questionable in terms of rehabilitation or deterrence given the post-state school re-arrest rate which will be discussed in the following section.

It will be one of our recommendations that state schools as they now exist be phased out and closed and that they be replaced by small local institutions for those youths who must be

incarcerated. We have learned that it is the intent of the State Youth Services Director to adopt this course and we endorse his plan.

We have also learned that Dade County presently has the second lowest per capita number of beds in community based juvenile facilities in the State. The lack in Dade of facilities that would provide alternatives to State Schools as placements for youths committed to the Division of Youth Services results in larger numbers of youths from this community being sent to State Schools than, for example, Jacksonville which possesses three times as many community based facility beds per capita as does Dade. We urge that our Dade legislative delegation take immediate steps to eliminate this inequity.

B. The Adult Corrections System

The dispositions of criminal cases in the adult system include the following:

- (1) Probation: Supervision by the Department of Corrections with probation violators returned to court.
- (2) Dade County Jail (DCJ): For jail sentences of up to one year.
- (3) State Prison (SP): For jail sentences exceeding one year. State Prison sentences are followed by a period of parole unless the offender serves the entire sentence in incarceration.
- (4) Jail or Prison followed by probation.
- (5) Pretrial Intervention (PTI): A rehabilitative program for first offenders in non-violent crimes, started by the State Attorney's Office in 1972.
- (6) Dismissals (Dism): Based on the judge granting a defense motion to dismiss due to illegally seized evidence, the failure on the part of the State to produce the necessary witnesses or to bring the defendant to trial within six months of arrest.

- (7) Nolle Prose: A dismissal initiated by the State.
- (8) Not Guilty (N.G.): Acquittal after a trial.
- (9) Alias Capias (A/C): A fugitive warrant issued when the offender does not appear in court.

The 110 offenders who were arrested during early November of 1977 were dealt with by the criminal courts in the following manner:

Probation:	29%	
PTI:	16%	
DCJ:	6%	
DCJ & Prob.:	12%	21%
SP:	5%	
Dism:	23%	
N.G.:	4%	
A/C:	4%	

With respect to the different dispositions, we would make the following comments:

(1) Probation and Parole: The probation function, ideally combining the functions of supervision and rehabilitation, is administered by the Department of Corrections as is the function of parole supervision of those who have been released from State Prison. As will be documented below, our findings relative to the effectiveness of both the probation and parole functions will be, not unexpectedly, similar.

With high caseloads of offenders characterized by a multitude of problems it is not surprising to discover that re-arrest rates are high, as will be seen in the following section. Yet we find, regardless of the reasons, that probation and parole field supervision are a sham, providing neither supervision nor services. The average number of personal contacts between probation or parole officer and probationer or parolee is a mere seven per year in the files we have reviewed. Parole release plans are at best sporadically complied with. Community vocational and training programs are almost non-existent as components of

probation or parole plans (either due to their unavailability or the failure of probation and parole officers to utilize them if they do exist). Only one successful completion of a substance abuse program was found in all of the files examined, indicating either inadequate programs, inadequate referrals to programs, inadequate case files or a combination of all three. And more energy seems to be expended in many cases in attempts to collect the ten dollars that probationers are required to pay monthly to the Department of Corrections than is spent providing supervision or services.

The inadequacy of parole supervision, we find, makes it impossible to adequately judge the efficacy of early parole of incarcerated offenders. As is common knowledge, offenders sentenced to state prison terms usually serve only part of the imposed sentence. The table below presents the original sentence and the sentence actually ultimately served by the offenders in our sample of randomly selected offenders paroled in late 1977:

<u>Actual Sentence</u>	<u>No.</u>	<u>Shortest</u>	<u>Avg.</u>	<u>Longest</u>	<u>Avg. % Time Served</u>
1 year	5	6m	7m	9m	61%
1.5 years	6	8m	11m	18m	60%
2 years	11	6m	11m	15m	47%
3 years	19	8m	18m	26m	50%
4 years	8	22m	25m	29m	53%
5 years	20	15m	29m	4 yrs	48%
10 years	6	34m	4y7m	5y4m	47%
15 years	2	5y2m	6y	6y10m	40%
20 years	5	3y7m	6y	8y3m	30%

The data is indicative of a wide range in amounts of time actually served, ranging from 18% (a term served of 3 years and seven months on a 20 year sentence) to 72% (twenty-six months served on a 3 year sentence).

The data also indicates quite clearly that the percentage of time actually served decreases with increasing years actually sentenced, from an average of 61% on a one year sentence to 30% on



a 20 year sentence. These offenders who receive lengthy sentences are usually those who have committed the most serious crimes or who have the most serious records, or both. It appears incongruous to us that these offenders are categorically released after serving such short portions of their sentences.

As we will see in the next section, nearly half of those paroled in our sample (44%) would not successfully complete parole and those who were released early would prove to be no more or no less successful than those who completed a longer portion of their sentence. Our recommendations will include an acknowledgment of the need to modify the parole commission matrix so as to incorporate the sentencing Judge's actual term of sentence as a significant factor. Yet the date of parole will remain irrelevant to successful reintegration into the community so long as field parole remains as ineffective at assisting in that transition as it now is.

(2) Pretrial Intervention: In 1973 the Fall Term Grand Jury endorsed the then newly introduced Pretrial Intervention Program for non-violent first offenders. That Program, as we will see later in this Report, continues to provide relatively intensive counseling and services for participants while at the same time removing from the criminal justice system cases which would otherwise further encumber that system's already scarce resources. We find that this Program continues to be worthy of praise.

We see, however, an overall imbalance in services provided by the Department of Corrections, which now administers Pretrial Intervention Programs in Florida as well as probation and parole. Many offenders who are diverted to Pretrial Intervention are clearly among that group unlikely to be re-arrested in

any event. Yet this group receives intensive services while all others under Department of Corrections supervision appear to be seen on an average of seven times per year by their probation and parole officers. We view this as a symptom of a general lack of system-wide planning in the adult corrections system.

V. DISPOSITION AFTERMATH: HOW EFFECTIVELY DO THE JUVENILE AND ADULT CORRECTIONAL SYSTEMS DEAL WITH THOSE WHO ARE ARRESTED?

While there may well be several ways to measure the relative effectiveness of the different dispositions available to the juvenile and adult systems the re-arrest rate, or recidivism, of offenders is probably the most important and has been the index used by us in our study of the two systems.

It is beyond the scope of our Report to take definitive positions regarding such timeless issues as to whether the objective of sentencing should be deterrence or rehabilitation. The dilemma of our correctional systems may lie in the fact that in order to be responsive to our community expectations the dispositional process must incorporate both objectives. As we have mentioned earlier, our study indicates that perhaps one out of every five persons arrested, juveniles as well as adults, are arrested for non-violent offenses and will never be arrested again. Most would agree that it would serve no purpose to incarcerate those who fall in this category. Another one in five, however, is arrested for a crime against person or property who has in the past been convicted of crimes of violence and who in the future will commit further violent crimes. Most would agree that in these instances our corrections system provides no alternative to, and the protection of the community requires, a period of incarceration.

While most observers would be in agreement with regard to the appropriate dispositions of those two out of five offenders, differences of opinion arise as to how the other three, who are not readily identifiable as belonging to either of the two groups, should be dealt with. We have observed significant differences in the sentencing patterns of the various criminal judges. Such differences, within limits, are acceptable as reflective of these philosophical differences of opinion and it is beyond the scope of our Report to study these differences although they have been a matter of concern to us. It is this concern that underlies our recommendation that sentencing guidelines for judges be established and implemented.

In our random study of 1977 arrests, we find that 13% of the 104 juveniles and 21% of the 110 adults were sentenced to incarceration. While this figure is low, our review of the individual files indicates that the cases of obviously inappropriate sentencing were relatively few. But the fact does remain that the great majority of those arrested, juveniles as well as adults, are handled by unsupervised or supervised release into the community. It therefore becomes imperative that the agencies charged with providing supervision and services be evaluated critically, intensively and frequently since those agencies, in today's juvenile and criminal justice system, are the core of that system.

In the remainder of this Section we will present our findings relative to the effectiveness of the various dispositional alternatives which were described in the preceding Section.

A. Juvenile Dispositions

(1) Non-Judicial Action (NJA)

One philosophical premise advanced as justification for

non-judicial handling of juvenile offenders is that the further into the juvenile system an offender proceeds, the less likely it is that he or she will be rehabilitated or deterred from future crimes. The premise seems clearly supported by our data although it is impossible to determine whether the validity of the premise is attributable to (a) the nature of the early diversion out of the system, (b) the ineffectiveness of the juvenile system beyond intake, or (c) the more developed delinquent characteristics of those who penetrate further into the system. In all probability, the validity of the premise is attributable to all three factors.

Of the juveniles handled NJA, more than half (53%) would not be re-arrested during the two and one-half years following their arrest. Of those who were re-arrested, furthermore, only one in three (or 17% of all those who received NJAs) would be re-arrested for a matter serious enough to result in judicial action.

Yet while our study lends support for the Intake process generally, it also suggests the expected conclusion that NJA handling works best with those youths having no prior arrest history, and its effectiveness declines rapidly with repeat usage, absent any supervision or services. Of those in our sample who were handled NJA, 66% of those with no prior arrests would not be arrested subsequently. But this figure dropped to 46% when youths with one or more prior arrests were handled in the same manner. We have, earlier in this Report looked at the early NJA histories of the worst subsequent offenders and our data, here again, appears to suggest the need for Intake to make available increased supervision and services for those youths with second and third Intake referrals. This can be done without

court referral and we commend, for example, the State Attorney Juvenile Restitution Program, which provides counseling and job placements for youths charged with property crimes and which requires restitution to victims on the part of participants who would otherwise merely be warned and dismissed.

(2) Community Control and State School

Yet while only 17% of the total handled NJA were later referred for court action, (with another 25% being re-arrested but handled at the Intake level) this latter group tended to be characterized by relatively serious previous records (an average of six prior arrests) and equally serious subsequent arrests (an average of four each). This data is again supportive of the hypothesis that the further into the system one proceeds, the less likely it becomes that one will be either rehabilitated or deterred. But, again, it is not possible to say with certainty whether it is the ineffectiveness of the system or the nature of the offenders that account for this, or whether it is -- as is most likely -- a combination of the two.

Community control, the equivalent of probation, consists of a period of supervision coupled with "sanctions" which generally include individual or group meetings with counselors, mandatory community service or restitution. As we have mentioned, community control represents a very recent restructuring of field supervision and it is too early to advance more than very tentative conclusions as to its effectiveness. As we mentioned earlier, the concept appears to be an effective one with significantly lower caseloads being one benefit derived from the shorter supervision periods.

We find, however, that it is not too early to reach conclusions with regard to the effectiveness of state school

as a dispositional alternative.

Our study of fifty-two randomly selected juveniles who were committed to, and released from, state school in 1978 reveals the following prior and subsequent criminal histories:

<u>Prior Records</u>	<u>% Cases</u>
None	0
NJA Only	13%
Superv. Only	4%
NJA and Superv.	61%
State School	22%
Total	<u>100%</u>

<u>Subsequent Records</u>	<u>% Cases</u>
None	20%
NJA Only	2%
Superv.	0%
State School	24%
Waiver to Adult Court	28%
State School and Waiver	4%
Case Dismissed and NJA	4%
Arrested, Dispo. Unknown	18%
Total	<u>100%</u>

In the category of subsequent records, Waiver refers to the Juvenile Court Waiving, jurisdiction and sending a juvenile to the adult Circuit Court to be tried as an adult.

All of the juveniles had prior juvenile records, with 61% having followed the usual patterns of at least two prior delinquency referrals with at least one having been handled NJA and at least one subsequent one resulting in supervision. An additional 22% had additionally been sent to State School at least once previously.

With respect to subsequent records, 80% of the sample would be arrested again subsequent to release from State School. Of this group, for the 31 offenders whose subsequent case disposition is known, 26, or 84%, would subsequently be again sent to State School or have subsequent felony arrests sent to adult Circuit Court, or both.

We must add to this bleak picture the fact that the 20% who would not again be arrested as juveniles include some who shortly thereafter turned 18 and would later be arrested as adults. Our data indicates that half of all those in the total group who would turn 18 would be again arrested shortly thereafter as adults.

Given the costs of institutionizing juveniles in State School as balanced against the apparent rehabilitative or deterrent effect of these commitments, a serious question arises as to whether this component of the Juvenile Justice System is justifiable. And since all of the subsequent arrests occurred either while on juvenile parole, or subsequent to the conclusion of what apparently are very short parole periods, one must also question the value and effectiveness of parole supervision which follows furlough from State School.

#### B. Adult Dispositions

Our study of the random group of adult offenders arrested in November of 1977 reveals that of those not still incarcerated as the result of their case dispositions (which dispositions are presented on page 35 of this Report), the same general conclusion can be made that was made of the juvenile group. That conclusion is that the further into the system one proceeds, the less likely it becomes that the offender will be rehabilitated or deterred.

Overall 56% of the offenders in our study had prior records and 44% did not. The percentages of defendants with prior records who were ultimately sentenced to the various dispositions were:

Probation:	65%
Jail:	65%
PTI:	6%
Dismissed:	72%

The offenders were sentenced as follows:

Probation:	29%
Jail:	24%
PTI:	16%
Dismissed:	23%
Other	8%
	<u>100%</u>

The overall rate of re-arrest or probation violation for the group is 44% during the two years since arrest in November, 1977.

The respective re-arrest or probation violation rates are as follows:

(1) By Disposition:

Probation	56%*
Jail	42%
PTI	20%
Dismissed	44%

\*This includes a 34% re-arrest rate with the remainder consisting of probation violations for other reasons.

(2) By Offender Group:

Crimes Against Person	46%
Crimes Against Property	45%
Crimes Against Neither	40%

This data, as limited as it is, suggests the pessimistic finding that, apart from the Pretrial Intervention Program to which those least likely to commit future crimes are generally assigned, the recidivism rates of those offenders who are placed on probation, incarcerated or whose cases are dismissed, are quite similar and quite high. This, in turn, suggests the even more pessimistic observation that little we are doing in corrections has visible impact on recidivism rates either by way of rehabilitation or by way of deterrence.

And we must add to the above figures the finding from our study of the files of one-hundred offenders paroled from the State prison system:



Successful Completion of Parole:	59%
Revocation of Parole:	41%
Re-arrested:	44%

These results were further broken down as to offenders released after serving less than the average length served for the particular sentence and offenders released after serving more than the average length served for the particular sentence. The completion rates are as follows:

	<u>Released After Serving Less than Average</u>	<u>Released After Serving More than Average</u>
Successful Completion:	60%	58%
Termination:	40%	42%

This data would seem to indicate that the likelihoods of successful or unsuccessful performance on probation is not affected by whether or not the offender is released after serving either less or more than the average and that the termination/revocation rate is quite high in either case.

The parole files also support observations made previously regarding substance abuse and employment histories.

In 54% of the files for example, there were indications of histories of substance abuse. Those offenders with such histories appear much less likely to complete parole, and while there are some referrals to drug programs as conditions of parole, the files appear to contain hardly a single case of successful completion of a drug abuse program.

Also, 65 of the files contained data permitting observations regarding employment history while on parole:

Continually employed:	17	
Sporadic employment:	37	
No evidence of employment:	11	74%

The cycle is an obvious and disturbing one: an early release to an environment offering little incentive for success, resulting in a high incidence of failure. Given this cycle, the question that remains to be answered is whether the defect in the parole system is the practice of early release or the failure to attempt to make of the early release a bona fide effort at a successful reentry into society.

With respect to parole, and probation as well, it is not surprising to us that failure rates are as high as they are given the dimensions of the problems presented by those entrusted to the field officers of the Department of Corrections and the lack of initiative or ability on their part to deal with those problems. Our finding that the average number of personal contacts between parole and probation officer and parolee or probationer is a meager seven per year, usually in the officer's office, is but one indication of the futility of the system and of the irony of its misnomer Corrections.

We have learned that the starting salary for Corrections probation and parole caseworkers is \$10,900 per year and that caseloads average 80 to 100. Knowing this, it comes as no surprise that supervision is minimal and the caseworkers turnover rate was sixty percent in 1979.

#### VI. CONCLUSION: FINDINGS AND RECOMMENDATIONS

We are the twenty-fourth Grand Jury to look at Dade County's Juvenile Justice System or its adult counterpart, the Criminal Justice and Corrections System. As did the twenty-three Juries who preceded us, we find many areas of deep concern and, sadly, each of these areas has been identified by our predecessors, repeatedly, over the span of more than two decades. And, no doubt, each will be identified again by Grand Juries who succeed us.

Yet what we have attempted to do in this Report has been to urge that our planners and policy makers look at the two

systems as one and to suggest that to do so may be to find that the similarity of the problems indicates a need for a unified approach to solutions. Based upon the material presented in the preceding Sections of this Report, we make the following findings and recommendations:

(1) The Juvenile and Criminal Justice Systems represent a continuum with today's juvenile delinquent generally destined to become tomorrow's adult criminal. The tendency to ignore this reality contributes greatly to the failures of both systems, and a unified plan for the assessment of our present system and a design for improvement in the decade to come should be undertaken by the appropriate agency, which would appear to be the Dade County Criminal Justice Council.

(2) We find the need to lower the transitional age from eighteen to seventeen. Seventeen year olds represent a large, if not the largest, age group of perpetrators of criminal acts. The adult system is now equipped to provide non-penal diversion alternatives for non-violent non-recidivist seventeen year olds while the overburdened juvenile system's caseload would be reduced by one-fifth by the enactment of this legislation, thus providing more intensified resources for the younger offenders. Yet for the lowering of the age to have a positive impact upon the juvenile system will require that no resources be taken away from that system as a consequence of the lowering of the age to seventeen, and our recommendation is made contingent upon that qualification.

(3) While non-judicial handling of juvenile offenders is in general effective, more intensive supervision and services must be made available to the younger second or third time juvenile referrals whose profiles indicate a likelihood of recidivism. Increased attention must be given by the juvenile authorities to the available data relative to profiles of youths and the availability of resources to meet the varied needs of

those identified as likely repeat offenders.

(4) We find that state school is by far the least effective institution in the juvenile system. At the same time costly and useless in terms of either rehabilitation or deterrence, we find no rationale for their perpetuation. We recommend that, as one component in our planning for the 1980's, these institutions be phased out and closed. The sizeable savings that would result should be directed to community based programs for younger offenders. The older recidivist who would otherwise have been committed to state school should be sent to the Criminal Court to be tried as an adult. And small community based residential facilities should be created for those who are incarcerated in the juvenile system.

(5) In both the juvenile and adult system it is apparent to us that the arrest population is characterized by low skills, low educational achievement, high incidence of substance abuse and high unemployment. It is also apparent to us that effective manpower and training and substance abuse programs either do not exist in this community or, if they do exist, are having little or not impact upon the youthful offenders most in need of such services due either to their own failure to make their existence known to the juvenile and criminal justice communities or the failure of the personnel of those communities to identify them or, as is most likely, a combination of both.

In this regard we acknowledge and commend a new program scheduled to begin in Dade County shortly. The Alternative Youth Employment Strategies Program (AYES), funded and administered by CETA through a grant to the VERA Institute of Criminal Justice, will provide a variety of intensive training and manpower services to hard-core unemployed non-incarcerated 16 to 21 year old youth over the next year and the effort will be followed by a research effort designed to determine what is, and what is not, effective

in preventing recidivism and in addressing the characteristics associated with criminality. Such research is at least fifteen years overdue.

(6) The Department of Corrections, we find, continues to fail to address the inadequacies which are replete and well-documented and which render probation and parole field supervision a sham. Lack of funding and consequent high caseloads do not constitute an excuse for the uninspired and ineffective manner in which this function is carried out. We recommend that the Department of Corrections institute a thorough assessment of its field services and, knowing that this recommendation has been made countless times in the past, we ask that the next Grand Jury pursue this aspect of our investigation. We have specifically found that the starting salary for Corrections caseworkers is woefully inadequate.

(7) We find that, while sentencing patterns among Judges has not been within the scope of this study, that differentials may be overly broad. We recommend that legislated sentencing guidelines be created and implemented as expeditiously as possible so as to create parameters for judicial discretion in sentencing.

(8) We also find it illogical and inequitable that the process by which a parole is granted does not include the Criminal Judge's actual sentence as a determining factor. We recommend that the legislature forthwith revise the parole matrix so as to include that sentence as one of the variables determining a presumptive parole date. We also recommend that the parole guidelines be revised to assure the longer incarceration of habitual criminals, regardless of length of actual sentence. We have found that a percentage of offenders, approximately twenty percent, are arrested repeatedly, released and arrested again and we find that these individuals cannot and do not respond to the rehabilitative components of our justice system.

(9) And, finally, we strongly recommend that the Legislature forthwith address the inequity which is represented by the unequal distribution of juvenile community based facilities in Florida. Dade County, as the principal victim of this inequity, has been allocated only one third as many beds per capita as has Jacksonville and we rank next to last in per capita beds among the eleven districts. We urge effective action on the part of our legislative delegation to correct this inequity.

NURSING HOMES AND ADULT CONGREGATE LIVING FACILITIES

The last Grand Jury requested that its successor continue its nursing homes investigation by examining conditions in adult congregate living facilities. We have received periodic information regarding the Department of Health and Rehabilitative Services monitoring of conditions in these homes.

Additionally, we have been advised of the progress of the HRS Task Force on Nursing Homes and we are hopeful that this Task Force will follow the various recommendations made by the last Grand Jury with respect to long-term care facilities.

We recommend that the next Grand Jury continue to review conditions in A.C.L.F.'s and the work of the regulatory agencies in monitoring these conditions. We wish also to remind the next Grand Jury that it was one of the recommendations in the Nursing Homes Report by our predecessors that an objective agency, or the Grand Jury itself, review the conditions in nursing homes and the effectiveness of the monitoring of those conditions at such time as one year had elapsed since the Grand Jury conducted its evaluation last September.

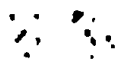
CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
LEWIS HAYES, also known as ROBERT ROBERTSON, also known as LEWIS BOOSE	First Degree Murder Burglary of Structure Robbery	True Bill
FREDDIE LONDON and BARRY EUGENE HARVARD	Attempted Robbery Attempted First Degree Murder Shooting or Throwing Deadly Missile into Occupied Building or Vehicle Second Degree Murder	True Bill
JERRY DEAN MOORE and LESLIE EARL SPRINGS	First Degree Murder Attempted Robbery	True Bill
STEVEN LEON ROLLE, EDWARD G. ROBINSON, TOMMY ANTHONY BIRCH also known as JOHN SANFORD, and FAITH COPELAND COMAR	Robbery Unlawful Possession of a Firearm while Engaged in Criminal Offense Grand Theft Second Degree ("D" Defendant Only)	True Bill
PETER JAMES FULMORE also known as PRESTON JAMES PHILMORE also known as PRESTON JAMES FILMORE	First Degree Murder Possession of a Firearm while Engaged in a Criminal Offense Carrying a Concealed Firearm Possession of a Firearm by Convicted Felon	True Bill
JERRY FRANK TOWNSEND also known as MICHAEL SMITH	First Degree Murder Sexual Battery	True Bill



<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
DARRYL SMITH and RODNEY SAFFORD	First Degree Murder Attempted First Degree Murder Burglary of Conveyance and Assault Attempted Robbery	True Bill
EDUARDO CANALES	First Degree Murder Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
ALEXANDER HARVIN also known as "Zeke"	First Degree Murder	True Bill
EVERETT L. BRADLEY	First Degree Murder	True Bill
MERLE RICHARD STURDIVAN	First Degree Murder	True Bill
ARMANDO HERNANDEZ	First Degree Murder	True Bill
STEVEN LEON ROLLE, MARTIN GLENN DAVIS, and FRED JOE SIMS	Robbery Aggravated Assault Aggravated Assault	True Bill
MARK ANTHONY DINGLE	First Degree Murder Robbery Grand Theft	True Bill
MARK ANTHONY DINGLE	Attempted Robbery First Degree Murder Burglary of a Conveyance Robbery	True Bill
ERNESTO CASTELLANO and ROBERTO GUILLEN, JR.	Robbery Unlawful Possession of Firearm while Engaged in Criminal Offense ("A" Defendant) Unlawful Possession of Firearm while Engaged in Criminal Offense ("B" Defendant)	True Bill
ANGEL LUIS CORDERO and JUAN RAMON CHAPARRO	First Degree Murder First Degree Murder Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
RONALD LEWIS PARHAM	First Degree Murder Unlawful Possession of a Weapon while Engaged in a Criminal Offense	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
VICTOR FELICIANO	First Degree Murder Attempted First Degree Murder 782.04 (1) 77.04 Fel. Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
RUDOLPH COTO and MAURINE MOUNSEY	First Degree Murder Possession of a Firearm while Engaged in a Criminal Offense Conspiracy to Commit a Capital Felony Solicitation to Commit First Degree Murder ("B" Defendant Only) Solicitation to Commit First Degree Murder ("B" Defendant Only) Solicitation to Commit First Degree Murder	True Bill
LUIS AGUIAR	First Degree Murder First Degree Murder Armed Robbery Burglary of Structure Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
JIMMY COY POLLOCK	First Degree Murder	True Bill
TERRELL MILTON THOMPSON and JAMES PETE KING	First Degree Murder Attempted Robbery	True Bill
BYRON DARRELL FLOYD	First Degree Murder Robbery	True Bill
NORMAN PARKER, JR., and ROBBIE LEE MANSON	First Degree Murder Robbery Robbery Robbery Robbery Sexual Battery Unlawful Possession of Firearm while Engaged in Criminal Offense Unlawful Possession of Firearm by a Convicted Felon ("A" Deft. Only)	True Bill
CHARLES EDWARD WILLIAMS	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill



<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
WILLIAM COOK and EDWARD BLOUNT	Conspiracy to Commit First Degree Murder First Degree Murder Possession of a Firearm During the Commission of a Felony ("A" Defendant)	True Bill
BERNARD BOLANDER, JOSEPH MACKER, and PAUL THOMPSON	First Degree Murder First Degree Murder First Degree Murder First Degree Murder Kidnapping Kidnapping Kidnapping Kidnapping Robbery Robbery Robbery Robbery Possession of a Con- trolled Substance ("B" Defendant Only)	True Bill
ROBERT ANDREWS	First Degree Murder	True Bill
WILLIAM EUGENE KEGLEY	Battery Sexual Battery Sexual Battery Sexual Battery Sexual Battery	True Bill
JAN THURSTON	First Degree Murder	True Bill
BILLY WILLIAMS	Sexual Battery Burglary of Dwelling Robbery Aggravated Battery Lewd Assault/Act	True Bill
DOROTHY SHERRI BROOKS, ANGIE PHIFFER, and VERNON BUCKLEY	Armed Burglary Robbery Attempted Armed Robbery Attempted Armed Robbery Attempted Armed Robbery Shooting into Occupied Dwelling	True Bill
WAYMAN NEAL	First Degree Murder	True Bill
KELLY WAYNE JACKSON and ROBERT DALE KEIGH	First Degree Murder Burglary of Dwelling while Armed and Assault- ing a Person Therein	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
SOLOMON BARNES, and JOHNNY L. JONES	Grand Theft-Second Degree	True Bill
DANNY WILLARD PHILLIPS, ANTHONY JOSEPH ROCCO, and RICHARD McMURTRY	First Degree Murder Robbery Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
RAY ANTHONY MITCHELL	First Degree Murder First Degree Murder First Degree Murder First Degree Murder Robbery Robbery Involuntary Sexual Battery Burglary of a Structure Burglary of a Structure Grand Theft (Second Degree) Grand Theft (Second Degree)	True Bill
SANTOS MONTALVO	Burglary Attempted Murder in the First Degree Possession of Firearm During Commission of Felony	True Bill
JOHN HUDSON DOLL	Sexual Battery	True Bill
JULIO ARROYO	Aggravated Battery Burglary of Dwelling Robbery	True Bill
WILLIAM MIDDLETON, JR.	First Degree Murder Grand Theft Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
VIRGIL LEE PAGE and MILTON THIBODEAUX, JR.	First Degree Murder Robbery	True Bill
JOHNNY BAKER	First Degree Murder Robbery	True Bill
CARLOS LUIS ARANGO	First Degree Murder Possession of Controlled Substance	True Bill
JORGE PEDRERA, also known as RAMON GARCIA	First Degree Murder	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
MARGARITA COLON VALERO	First Degree Murder Attempted First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
RAMON RIVERA	First Degree Murder Attempted First Degree Murder Aggravated Assault Possession of a Firearm in the Commission of a Felony	True Bill
CHARLES TAYLOR SCOTT, JR.	Burglary of Dwelling Kidnapping Kidnapping Kidnapping Robbery Attempted Sexual Battery Sexual Battery (CAPITAL)	True Bill
PHILLIP BARTHOLOMEW, MATTHEW BROWN and CHARLES LAWTON	First Degree Murder Robbery Possession of a Firearm while Engaged in a Criminal Offense	True Bill

#### ACKNOWLEDGMENTS

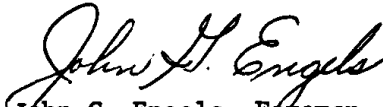
As we come to the close of our term as Grand Jurors we desire to express our enthusiasm for and appreciation of Judge George Orr. Particularly he has been a source of relief from the tensions of our sometimes trying and tedious deliberations by always being available when we needed him and by always greeting us with his generous smile. On occasion he also related some humorous insights into his role as a Judge, which not only relieved us from some of the sordid details of our deliberations but also revealed him to be human, judicial, and humorous.

Janet Reno, the State Attorney for Dade County, has appeared to us as a professional counselor with complete objectivity in her dual roles as prosecutor for the State and interpreter of the law and procedures to us in the complex process of Jurisprudence. She has been consistently balanced and aggressive in her pursuit of truth and justice and has been gracious enough to take us into her confidence and accepting our counsel and advice on matters which she was pondering but which could not be revealed to any other persons or group. We are grateful to her for these confidences and appreciative of her single-mindedness in pursuing her goals regardless of media criticisms or other diversionary influences.

We also wish to note that Assistant State Attorney Tom Petersen performed his trust as our legal guide in the presentation of the State's cases in an exemplary manner. His attention to detail, ready willingness to pursue our inquiries, and professional conduct in our presence has been most appreciated by us.


We cannot complete our term as Grand Jurors without proper tribute to, and wholehearted commendation for our Administrative Assistant, Madeline Camp, and our Bailiff, Sam Karlin. Madeline has been our secretary, Girl Friday and smiling receptionist, and Sam has contributed to our welfare and tranquility with generous coffee and snacks and other niceties when needed.

Respectfully submitted,



John G. Engels, Foreman  
Dade County Grand Jury  
Fall Term 1979

Attest:

  
Thomas C. May, Treasurer

Dated: May 13, 1980