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

FALL TERM A.D. 1986

FINAL REPORT OF THE GRAND JURY

FILED

JULY 17, 1987

Circuit Judge Presiding

HERBERT M. KLEIN

Officers and Members of the Grand Jury

 $\begin{array}{ll} \text{MARK J. HOLIHAN, SR.} \\ \text{Foreperson} \end{array}$

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ROBBIE FUTCH Clerk

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Official Court Reporter

JOE TROIANO, INC.

Bailiff

GEORGE BARNES

I N D E X

SUBJECT	PAGES
PUBLIC HOUSING	1 - 8
FIRE PREVENTION	9 - 12
POLICE SHOOTINGS FATALITIES	13 - 14
TOWN OF MEDLEY	15
NUMBER OF GRAND JURORS, QUORUMS AND REIMBURSEMENTS	16
INDICTMENTS	17 - 24
ACKNOWLEDGMENTS	25

PUBLIC HOUSING

We have returned a report on public housing that has not been published pursuant to Florida Statute 905.28 which provides that no report relating to an individual shall be made public until the individual concerned has been furnished a copy thereof and given 15 days to respond.

However, since preparation of our report, we have read in the press that the proposed County budget for the next fiscal year contains no monies for repairs to public housing required under the order entered by Judge Wetherington in the civil action filed by the State Attorney against Dade County to force the County to make repairs and to comply with its own housing code. If such a budget was passed it would be an outrage against the citizens of this County. We call upon the County Commission to provide the funds to bring its own public housing into compliance with its own building and minimum housing codes. For the County to do less than it expects of its citizens is just plain wrong.

FIRE PREVENTION

Few areas of government have greater impact upon human safety than fire safety and prevention. During our term, two fires of significant concern occurred; the San Juan DuPont Plaza and an apartment building in New York City. Both of these fires resulted in numerous deaths and serious injuries. In both cases the injuries could have been prevented if the buildings had complied with the building safety and fire codes in their respective jurisdictions.

We set out to explore whether or not such needless tragedies could occur here in Dade County. They can. Every high-rise, multi-resident building is vulnerable to fire. We learned that government can do more than it presently does in two regards: (1) in fire prevention enforcement; and (2) in itself complying with fire prevention codes in public buildings.

We toured several buildings located throughout Dade
County. Three of the buildings were owned by Dade County.
They were the Dade County Courthouse, the Metro-Justice
Building and Robert King High Towers, a Dade County HUD
residential high-rise for the elderly. We were shocked
to learn that many of the violations we observed had been
repeatedly cited and ignored for ten or fifteen years.
Neither the Metro-Justice Building nor the Dade County Courthouse have the legally required fire alarm systems. Both
buildings lack an adequate exit system in case of a fire.
Additionally, at the Metro-Justice Building, we observed a
failure to provide any vertical separation between floors
which would prevent the rapid spread of smoke and fire.
Proper vertical separation is a key technique in fire control. Fire officials pointed out that an open door leading

to the next floor probably caused the loss of life in the Avondale Hotel fire of 1976. Recently, the City of Miami Fire Department cited the County for this violation. Construction has begun which should eliminate this glaring defect.

County government has known of many of the existing hazards in the Metro-Justice Building since as early as 1966. With respect to the Dade County Courthouse, the Fall Term Grand Jury of 1976 issued a report on fire prevention and stated, "The Grand Jury is deeply concerned to learn that the building in which it sits, the Dade County Courthouse, is without a fire alarm system and that its exit system is not adequate in case of fire." Those conditions continue to exist today, which not only concerns but also angers us.

Literally thousands of people work in or visit the Metro-Justice Building and the Dade County Courthouse each day. Yet, until recently, the County has done little to insure compliance with fire safety standards. Requests for county monies to install the requisite alarm systems were apparently denied. At the close of our term we were assured that plans had been initiated to remedy these violations. For the sake of so many of Dade's citizens, we hope this is true.

Local government has not adequately enforced fire prevention measures. We worked closely with fire chiefs from various fire departments in Dade County. They are knowledgeable and dedicated individuals. They are also frustrated in their efforts to enforce fire prevention standards. A lack of staff, a lack of resources, a lack of unified fire code requirements in the South Florida Building Code and the present fire code and a lack of speedy retrofitting of fire safety devices in older buildings all combine to endanger the lives of Dade's

citizens and make the job of prevention that much more difficult.

The limitations of the Dade County Fire Department are representative of the hindrances experienced by all the fire departments in Dade County. The Dade County Fire Department has nine fire prevention inspectors to cover over 2,000 square miles. Their department records are not automated which greatly compromises the accuracy of their record keeping system and makes annual inspections impossible. The County, similar to other jurisdictions feels it lacks the "legal teeth" to make a violator comply, short of criminal prosecution. No fire department in Dade County has the number of sufficiently trained staff to adequately insure regular and thorough inspections of safety fire standards. In addition to Dade's nine inspectors, Miami has eight inspectors, Coral Gables has three inspectors, Miami Beach has four inspectors and Hialeah has six inspectors.

Ironically, many of the frustrations expressed by the fire chiefs were addressed by the Spring Term Grand Jury in 1985. Many remain still unresolved, and we, therefore, make the following recommendations:

The records of every fire department in Dade County should be automated to provide readily accessible information which can assist firefighters at the scene of a fire. This information should provide an accurate history of a building including structural layout modifications, types of fire prevention measures undertaken and a record of past violations and inspections. A sufficient allocation of staff and materials will be required to continually update the records. Given the scope of such a venture a single unified computer link should be implemented by all departments.

- 2. The proposed South Florida Fire Prevention Code is an attempt to provide the unified fire code now lacking in Dade County. Conflicts between the fire safety requirements of the South Florida Building Code and the South Florida Fire Prevention Code must be addressed and corrected. Experts and private industry are currently reviewing the Fire Prevention Code. We urge that this review occur as quickly as possible so the County Commission can begin implementing the South Florida Fire Prevention Code and modifying the South Florida Building Code to insure human safety in Dade County.
- 3. Every fire department should be adequately staffed to insure regular and thorough inspections of human safety fire standards.
- 4. Dade County must bring its buildings into code compliance immediately. The alarm and early detection systems must be installed as soon as possible in the Metro-Justice Building and the Dade County Courthouse. This holds true for any other public buildings either owned by municipalities or Dade County which do not presently have such a system.

POLICE SHOOTINGS FATALITIES

Community concerns have been expressed regarding the number of police shootings that have occurred this year. During our term, an inordinately high number of police shootings occurred within less than a three month period of time. Between January 4, 1987 and March 2, 1987 seven persons died as the result of police shootings. In contrast, ten persons died as a result of police shootings for the entire year of 1986.

We learned that the common thread among these incidents was drugs. To our alarm, we discovered that each and every one of these seven 1987 fatalities had cocaine in their systems at the time of their deaths. Of the ten victims who died in 1986, only three had cocaine in their systems. Through medical testimony we heard that individuals who have cocaine in their systems may be unusually violent, irrational and unpredictable. Representatives from the police departments advised us that confronting cocaine users and dealers has become a common fear for all police personnel.

These police shootings underscore the war that drugs, particularly cocaine, has waged on this community. The Grand Jury preceding ours performed an in-depth study on the impact of drugs, particularly cocaine, on this community. The police shooting statistics were not available to our predecessors but the following alarming statistics were reported:

Sixty-four percent of Florida's homicides are drug or alcohol related. $\,$

In Dade County, between May 1 and September 15, 1986, 25% of all deaths due to other than natural causes were caused by or associated with cocaine.

In Dade County, 90% of a sample of arrestees had drugs other than alcohol in their system at time of arrest. Cocaine was discovered in 70% of all cases.

Fifty-six percent of the first-degree murder cases heard by the Grand Jury were drug related. Of those cases, 77% involved cocaine.

Over 9,000 drug related arrests were conducted between January 1, 1986 and October 31, 1986 by the Metro-Dade and City of Miami Police Departments. Estimates are that over 80% of these arrests were for cocaine.

Drug related deaths, murders, robberies, and burglaries continue to escalate. Drug and alcohol abuse is the most overriding affliction plaguing this community. We join our predecessors in stating as strongly and emphatically as possible that every level of government and the private sector must take immediate, forceful and well planned action to meet this drug crisis.

We urge all police departments to continue to review their procedures used in drug investigations and arrests to make sure that arrest situations are carefully controlled to avoid the use of weapons and deadly force whenever possible. Departments should further develop procedures for subduing with as little force as possible subjects under the influence of cocaine and other substances.

The police use of deadly force must always be a critical issue for this community, and we urge monitoring of all such use of force. We also urge police departments to meet regularly with community and neighborhood groups to address questions from the community and resolve community concerns.

TOWN OF MEDLEY

This Grand Jury inquired into numerous complaints relating to the town of Medley and the use of public employees and public equipment for private use. We believe the issues presented by our inquiry to be of importance to our community. Our findings and recommendations are as follows:

- 1) That from 1984 to 1987, public employees and public equipment were improperly utilized for private use which inured to the benefit of specific individuals residing within the town of Medley.
 - 2) That said complaints included the following:
 - The use of public equipment and public employees to clean, clear and mow private property;
 - b) The use of public employees and public equipment to tear down a carport on private property;
 - c) The use of public employees and public equipment to install sewer drains on private property;
 - d) The use of public employees and public equipment to haul and dump gravel on private property;
 - e) The use of public employees and public equipment to haul and dump fill on private property;
 - f) The use of public employees and public equipment in the delivery and installation of private mobile homes on private property.
- 3) Although these incidents do not rise to the level of action warranting criminal prosecution, they are disturbing to this body and undermine the public's confidence in its political bodies.
- 4) That poor record keeping, and lack of supervisory control by the town of Medley, contributed to the environment which fostered the misuse of public employees and public equipment.
- 5) That since this inquiry began, the town of Medley has improved its record keeping by creating a system of work orders. We encourage the town of Medley to continue to improve its record keeping, including requiring supervisory approval and accountability for all jobs in which the town's work force will be utilized, and/or town commission approval of all major projects. These measures will help to guarantee the proper use of the public work force in the town of Medley.

NUMBER OF GRAND JURORS, QUORUMS AND REIMBURSEMENT

During the last decade, numerous Dade County Grand Juries have urged and pleaded for legislative reform in the requisite number of jurors selected and necessary for a quorum. Sadly, these pleas have fallen upon deaf ears. The Legislature has charged us with numerous responsibilities and duties. We willingly accept these tasks. Yet, the Legislature has not adequately equipped us to perform our duties free of unnecessary hardship.

Several of this Term's jurors, including the foreperson, unexpectedly relocated to areas in Central and North Florida. Obtaining the requisite weekly quorum resulted in great personal hardship for the foreperson and other jurors in order to attend. Other jurors were forced to attend despite illness and family difficulties. A simple legislative change would minimize this unnecessary hardship. Additionally, for those jurors who are self-employed or retired, ten dollars (\$10) a day for their service is totally inadequate compensation. The Grand Jury Association of Florida, Inc. supports these changes as have all our predecessor Grand Juries. We urge the following:

(1) Increase the number of Grand Jurors from eighteen (18) to twenty-one (21). (The additional three (3) jurors could serve on a stand-by if needed basis).

OR

(2) Alternatively, if the number of Grand Jurors remains at eighteen (18), then decrease the presently required quorum of fifteen (15) to thirteen (13) members.

AND

(3) Increase the present per diem rate of ten dollars (\$10) to thirty dollars (\$30) per diem per Grand Juror or, at the very least, authorize the County to supplement the per diem up to the thirty dollars per day.

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

Defendant	Charge	Disposition
TRACY LAMAR WILLIAMS	First Degree Murder Attempted Armed Robbery Possession of a Firearm while Engaged in a Criminal Offense	True Bill
EDILIO REYES	First Degree Murder Armed Burglary Armed Kidnapping Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
JOHNATHON SEGARS	First Degree Murder Armed Burglary of Dwelling Attempted Armed Robbery Conspiracy to Commit Burglary	True Bill
CHRISTOPHER JOHN HANNA	First Degree Murder Robbery Burglary Shooting or Throwing Deadly Missile into Occupied Building or Vehicle Unlawful Possession of Firearm while Engaged in Criminal Offense	True Bill
OSCAR VALDES, JR.	First Degree Murder First Degree Murder Attempted First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense Shooting into an Occupied Vehicle	True Bill
HARRY DUNHAM	Aggravated Child Abuse First Degree Murder	True Bill
LAVORACE SIMMONS	First Degree Murder Armed Burglary Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
KEITH DENARD MIMS	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense Possession of a Firearm by a Convicted Felon	True Bill
EVELYNE PIERRE	First Degree Murder Aggravated Child Abuse	True Bill

Defendant	<u>Charge</u>	Disposition
SAMUEL RIVERA		
and ALBERTO RIVERA	I. First Degree Murder II. Armed Robbery III. Armed Robbery IV. Attempted Armed Robbery V. Armed Burglary VI. Burglary VII. Grand Theft VIII. Carrying a Concealed Firearm IX. Possession of a Firearm while Engaged in a Criminal Offense	True Bill
ROBERT ERNEST ROSIER,		
also known as NEARIAH ISRAEL	First Degree Murder First Degree Murder Attempted First Degree Murder Unlawful Possession of a Firearm during the Commission of a Felony	True Bill
JOSE MANUEL SUAREZ	First Degree Murder Shooting into an Occupied Dwelling Unlawful Possession of a Firearm while Engaged in a Criminal Offense Armed Burglary	True Bill
DANNY RAY PRICE		
and JUNIOR BROWN, also known as BERNARD HAYLES	First Degree Murder Armed Burglary Armed Trafficking in Cocaine Unlawful Possession of a Firearm while Engaged in a Criminal Offense Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
DANIEL GRANT, JR.	First Degree Murder Armed Robbery Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
EDDIE LAMAR TAYLOR	First Degree Murder Aggravated Child Abuse	True Bill
HARVEY C. YOUNG	First Degree Murder Aggravated Child Abuse	True Bill
DORA ELAINE BUSH		
and		

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Defendant	Charge	Disposition
PHILLIP STURDY HARRISON, also known as STURDY HARRISON	First Degree Murder Armed Robbery Shooting or Throwing Deadly Missile into Occupied Building or Vehicle Unlawful Possession of a Firearm while Engaged	m p.'12
WILSON FRANCOIS, also known as TONY WILSON, also known as MAGONEY	in a Criminal Offense First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill True Bill
ADRIAN SEYMOUR, also known as ADRIAN SEYMORE	First Degree Murder Robbery Burglary Grand Theft	True Bill
TROY MARTIN, also known as TYRONE WILLIAMS, also known as MICHAEL COOMBS	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense Unlawful Possession of a Firearm by a Convicted Felon	True Bill
VERNON LEON CLARK, DARRYL ZANUCK SMITH, and RANDY BERNARD BROWN	Armed Burglary Armed Robbery First Degree Murder Aggravated Battery Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
LAUDELL ALLEN	First Degree Murder Armed Robbery	True Bill
JAMES CAMPBELL	First Degree Murder Attempted First Degree Murder Robbery with a Deadly Weapon Armed Burglary of a Dwelling Battery on a Police Officer Possession of a Weapon during the Commission of a Criminal Offense	True Bill

Defendant	Charge	Dispositio
RIGOBERTO SANCHEZ-VELASCO	First Degree Murder Sexual Battery Robbery Burglary	True Bill
MIGUEL ROSALES	First Degree Murder Unlawful Display of a Weapon while Engaged in a Criminal Offense	True Bill
EDILIO REYES		
and FEDERICO SUAREZ	First Degree Murder Armed Burglary Armed Kidnapping Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
JUAN ORENOS		
and ROGER CRUZ	First Degree Murder Kidnapping Attempted Sexual Battery Aggravated Assault with Deadly Weapon	True Bill
JOSE IGNACIO VELEZ	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
JOSE A. VALDES, RICHARD A. ROMANO, JR.	First Degree Murder ("A" & "B") Trafficking in Cocaine ("A" & "B") Conspiracy to Traffic in Cocaine ("A" & "B") Shooting within Occupied Dwelling ("A") Possession of a Firearm during the Commission of a Criminal Offense ("A")	True Bill
LLOYD COLIN CAMPBELL	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
ROBERT ROSIER, also known as NEARIAH ISRAEL	First Degree Murder Burglary Grand Theft	True Bill
ROBERT ROSIER, also known as NEARIAH ISRAEL	First Degree Murder Armed Burglary	True Bill
ANGEL CASTRO	First Degree Murder Unlawful Display of a	

Defendant	Charge	Disposition
DANIEL GRANT, JR.	First Degree Murder Armed Robbery Unlawful Possession of a Firearm while Engaged in a Criminal Offense Unlawful Possession of a Firearm by a Convicted Felon	True Bill
HECTOR DOMINGO PEREZ	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
PATRICK LEE JONES	First Degree Murder Robbery	True Bill
GERALD MITCHELL McKIRE,	SR. First Degree Murder Aggravated Child Abuse	True Bill
WALTER CURTIS LAMBERT, also known as "BOOTSEY"	First Degree Murder	True Bill
BORIS McKINNEY		
and WILFRED GAITER	I, First Degree Murder II. Use of a Firearm and in the Commission of a Felony III. Robbery IV. Kidnapping	
	V. Burglary of a Conveyance VI. Grand Theft	True Bill
MICHAEL ANTHONY MORRIS	First Degree Murder Armed Robbery Armed Burglary	True Bill
REYNALDO PRIETO, also known as ALEJANDRO VIQUEIRA, also known as ROBERTO MIRANDA	First Degree Murder Use of a Firearm while Engaged in a Criminal Offense Attempted Robbery	True Bill
ALFONSO JOHNSON	Conspiracy to Traffic in Cocaine First Degree Murder Grand Theft-First Degree	True Bill
ANTONIO VALENTI	First Degree Murder	True Bill
RUSSELL SCOTT HUDSON	Murder-First Degree Grand Theft-Second Degree Grand Theft-Second Degree Grand Theft-Second Degree	True Bill
TOMAS M. JIMINEZ	First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill

Defendant	Charge	Disposition
CARLOS PAZ, JR.	I. First Degree Murde II. First Degree Murde III. First Degree Murde IV. Armed Robbery V. Shooting within an Occupied Dwelling VI. Unlawful Possessio a Firearm while E in a Criminal Off	r r n of ngaged
MANUEL PARDO, JR.		
and ROLANDO GARCIA	I. First Degree Murde II. First Degree Murde III. Robbery IV. Unlawful Possession a Firearm while E in a Criminal Off V. First Degree Murde VI. First Degree Murde VII. Robbery VIII. Unlawful Possession a Firearm while E in a Criminal Off IX. Robbery X. Robbery XI. First Degree Murde XII. First Degree Murde XII. First Degree Murde XIII. Unlawful Possession a Firearm while E in a Criminal Off XIV. First Degree Murde XV. First Degree Murde XV. First Degree Murde XVI. Unlawful Possession a Firearm while E in a Criminal Off XVII. Forgery-Credit Carx XVIII. Uttering a Forged Credit Card XXI. Grand Theft Second XXI. Grand Theft Second XXII. Forgery-Credit Carx XXIII. Forgery-Credit Carx XXIV. Uttering a Forged Credit Card	n of ngaged ense r r n of ngaged ense d Instrument- Degree d Instrument- Degree d
ORLANDO IRIVA-DIAZ, also known as ORLANDO IRIBA, also known as ORLANDO IRIVAL, also known as ORLANDO YRIVAL	First Degree Murde Aggravated Battery Unlawful Display o Weapon while Enga in a Criminal Off	r f a ged
DARRYL C. DRIESSEN	Armed Robbery First Degree Murde Unlawful Possessio a Firearm in the mission of a Felo	n of Com-

Defendant	Charge	Disposition
RAMON MARTINEZ, also known as PEDRO MARTINEZ, also known as RAMON BARROZO, also known as BARROZO MARTINEZ	First Degree Murder Use of a Firearm while Engaged in a Criminal Offense Aggravated Assault	True Bill
DUDLEY BACQUIE, MORTIMER JOHNSON, RONALD BOATMAN, and		
PAUL McCARTNEY I III III III III III III III III III	First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Armed Robbery Armed Burglary Unlawful Possession of a Firearm while Engaged in a Criminal Offense Trafficking in Narcotics	True Bill
JORGE LUIS LAMAR	First Degree Murder Armed Burglary Aggravated Assault Use of a Firearm while Engaged in a Criminal Offense Possession of a Firearm by a Convicted Felon	True Bill
WILLIE JAMES PAISLEY, JR.	First Degree Murder Attempted First Degree Murder Armed Robbery	True Bill
VICTOR CASTRO also known as VICTOR RODRIGUEZ	First Degree Murder Unlawful Possession of a Weapon while Engaged in the Commission of a Criminal Offense	True Bill
WILLIE JAMES PAISLEY, JR., also known as DONKY KONG, TORRENCE LAWTON, also known as POOKIE, and KEITH LAPELL BIGGINS	First Degree Murder Attempted First Degree Murder Armed Robbery Accessory after the Fact Grand Theft	True Bill
NATHANIEL ALLEN BUTLER, JE	R. First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill

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Defendant	Charge	Disposition
JESSIE EDWARD SPRY	First Degree Murder Attempted First Degree Murder Armed Robbery Armed Robbery Shooting in Occupied Dwelling Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
JESUS AVILA, also known as JOEY	First Degree Murder First Degree Murder Use of a Firearm while Engaged in a Criminal Offense Unlawful Possession of a Firearm by a Convicted Felon	True Bill
HARVEY CRONICAN and		
LINDA ELLIS	First Degree Murder Burglary Conspiracy to Commit First Degree Murder and/or Burglary	True Bill
ISAAC SANDERS, JR., also known as IKE SANDERS	First Degree Murder Unlewful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
ANGELO MAURICE REDDICK	First Degree Murder Attempted First Degree Murder Shooting into an Occupied Dwelling Possession of a Firearm during the Commission of a Felony	True Bill
RAFAEL ANDRES	First Degree Murder	True Bill
CARLOS CHAVEZ ALFARO	First Degree Murder Possession of Firearm while in the Commission of a Felony	True Bill

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ACKNOWLEDGMENTS

On the morning of November 12, 1986, we were chosen to serve as Dade County Grand Jurors for the 1986 Fall Term. We would like to express our thanks to His Honor Herbert M. Klein, Chief Judge Gerald Wetherington, and State Attorney Janet Reno. We are especially grateful to the many dedicated individuals who helped us carry out this awesome responsibility; specifically Katherine Fernandez Rundle, Chief Assistant State Attorney, whose dedication and capable assistance greatly simplified our work; Madeline Camp, our Administrative Assistant, for her efficient and professional handling of an enormous volume of work; and our Bailiffs, Stanley Brown, Sal Carbone and George Barnes, for always looking after our needs.

During our Term we heard numerous capital crime cases. We acknowledge the professionalism of all the Police Departments, including Metro-Dade, City of Miami, Hialeah, Miami Beach and North Miami in the performance of their duties.

Our review of the police shootings has lead to an understanding of another aspect of the plague that drugs, particularly cocaine, has brought upon our community. We strongly support law enforcement efforts to wipe out this disease. In addition, we appreciate the insight from the fire officials on the building safety and fire codes in their respective jurisdictions.

Our Final Report on Public Housing would not have been possible without the work of many of the State, County and City inspectors, especially Luis Munero, and officials who contributed to our public housing report to whom we are very grateful.

Respectfully submitted,

Mark J. Hollihan, Sr., Foreperson Dade County Grand Jury Fall Term 1986

ATTEST:

Robbie Futch
Clerk

Dated: July 17, 1987