

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

FALL TERM A.D. 1991

FINAL REPORT OF THE DADE COUNTY GRAND JURY

FILED

May 11, 1992

Circuit Judge Presiding
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THE MIAMI RIVER: BEAUTY AND BEAST!

I. INTRODUCTION

Although most of Dade's citizenry barely notice the Miami River today, its "sweet water" led to the development of the Miami/Dade County area. The name Miami was derived from the Seminole Indian word meaning "sweet water".¹ For centuries, Indians, explorers, pirates and sailors sailed up the Miami River to replenish their water supplies. In Miami's early days, the four mile long river extended from Biscayne Bay to the Everglades and was fed by its fresh water and the natural springs along the route. During the 19th century, the river was known for its beauty. The Brickell family built their home and store by its clear water and reveled in its beautiful palm and mangrove lined banks. Julia Tuttle, the "Mother of Miami" with her visionary's eye, had a dream for the wild beauty of the Miami River. She wrote to a friend:

"It may seem strange to you but it is the dream of my life to see this wildness turned into a prosperous country and where this tangled mass of vine, bush, trees and rocks now are to see homes with modern improvements surrounded by beautiful grassy lawns, flowers, shrubs and shade trees."²

While much of Ms. Tuttle's wish for a prosperous city came true, the cost of this wish has been heavily borne by the Miami River. Progress meant industrialization and commerce, so the river took on a new face. In the early 1900's, its rapids were dynamited and its bottom dredged to improve drainage and stimulate commerce. Its clear, "sweet waters" turned salty and muddy. The Miami River would be unrecognized by Julia Tuttle and the Brickell family today. It is now 5 miles long from its mouth at Biscayne Bay to the salinity dam at N.W. 36th Street and N.W. 40th Avenue. The Miami River has become a major urban waterway and seaport. It is seen as an ideal port for shipping interests servicing the shallow draft ports of the Caribbean, Central and South America. The smaller, shallow draft ships needed to serve these ports are the same ships that are able to navigate the Miami River.

The Miami River is the fifth largest port in Florida equal in container cargo volume to Port Everglades. The volume of traffic on the Miami River, when combined with the volume of traffic at the

Port of Miami, makes the Dade County area the eighth largest seaport in the nation. The Miami River is also a main port for an estimated 25-35 smaller wooden vessels that primarily serve Haiti. One of the river's main assets to shipping is its location which offers high accessibility to major domestic and international markets. As a result, 100 marine businesses are concentrated on the Miami River and provide Dade County with 25% of its total marine related employment. It is home to shipyards, boat yards, marinas, pleasure boat storage, repair facilities, stevedoring, seafood processing, metal recycling, towing assistance and diving and salvage operations. Over time, these river uses have contributed to its pollution, general neglect and incessant degradation.

Today, the county's sewer system pours raw sewage into the Miami River because of deteriorating pipes and operating systems unable to meet peak flow requirements. Routine water quality monitoring from 1979 to 1990 has documented both acute and chronic fecal coliform contamination of the river. Such findings indicate unhealthy levels of bacteria, from tens of times to hundreds and thousands of times beyond what is considered acceptable. Today, each rainfall fills the storm water system with hazardous materials washed from the streets and deposits these materials into the river. Today, due to a lack of enforcement at all levels of government, vessels empty their bilge tanks of pollutants contaminating the river. Today, recycling and salvage yards both intentionally and inadvertently dump metals and wastes into the river. Today, shipyards and ships dump waste materials, waste oil and paint flakes into the river. Sediment testing for trace metals, done in 1984, 1989 and 1990, has consistently indicated concentrations of copper, lead, cadmium, zinc, silver and mercury. Through benign neglect and planned desecration, this gentle river has been turned into a cesspool unfit to be utilized for drinking, fishing or swimming.

As citizens and residents of this community, we realized that we too had contributed to the river's degradation perhaps through ignorance and a failure to care. We never truly appreciated the historical richness and resources this body of water offered. We received testimony from numerous regulatory agencies, including: local, state and federal officials; environmentalists; private marine and shipping facility owners and representatives from

numerous other advisory or interested groups. We toured the river and reviewed numerous studies and the biological data regarding the quality of the river's water and sediment. We have considered the river's romantic history, beauty and promise while painfully analyzing the beastly state it presents today. In doing so we have focused our report on:

- * Governance and accountability for our river
- * Primary and other pollution sources
- * Dredging of the Miami River

II. GOVERNANCE AND ACCOUNTABILITY

A. LACK OF EFFECTIVE ENFORCEMENT

Historically, smugglers who lived on the river, often called "River Rats", have been synonymous with the river since the turn of the century. The "Miami River cops" scandal of the 1980's is only one of many illegal activities that have led the river to be dubbed the "Wild West". Today, drugs and illegal aliens are smuggled by a new generation of criminals. During our term there were numerous alien smuggling attempts reported. On April 22, 1992, upon discovering an illegal alien smuggling operation on the river, the Assistant Chief of the U.S. Boarder Patrol summed it up in saying:

"There's no control whatsoever over the Miami River. There are no checkpoints. They sail right in. There's nothing to stop them. Normally they come posing as crewmen. Every week we catch some."

Illegal aliens and drug smuggling are obvious concerns, but health and safety issues may ultimately be far more dangerous and vastly outstrip our resources. Contrary to law, some ships empty their contaminated bilge water and sewage directly into the river. Not only does this pollute the waterway but threatens to introduce dangerous communicable diseases into our community. Cholera has become epidemic throughout South and Central America. It is easily spread by infected waste that enters the water and food supply, which then infects the population. In 1991, cholera bacteria were discovered in the oyster beds of Alabama's Mobile Bay. Government health officials believed sewage illegally dumped from a freighter was the source of the disease bacteria. Upon further examination of

freighters entering Mobile Bay, cholera bacteria was found in the ballast water of two vessels. Six months later, an additional ship carrying cholera bacteria was discovered. In addition to cholera, waste transmitted hepatitis and dysentery may be introduced into our food chain with each night's bilge pumping or the dumping of buckets of sewage from an island freighter, with no sanitary facilities moored on the river.

It appears that years of governmental apathy has been a contributing factor to the environmental and operational abuse which exists today. During our one day tour, we observed countless zoning and environmental violations occurring, yet never saw a single police officer or regulatory agent. How else can one explain the deteriorated docks and bulkheads along the river; the trash and debris on properties lining the river; the obvious illegal use of residential properties for commercial marine purposes; vessels tied to palm trees; sunken and abandoned boats; and an apparent lack of fire prevention equipment along the banks. We observed vessels being sanded, stripped and painted right on the river. Emanating from salvage and recycling plants was an unidentifiable white fluff that covered the river's surface. Huge mounds of garbage and waste were clearly visible. Many houseboats appeared to have open hoses discharging unknown substances into the water.

Attempts to control these problems on the river are hampered by the lack of a visible and aggressive law and regulatory enforcement presence. Florida's only privately owned, unorganized seaport has the dubious reputation and distinction of being a "lawless", "wide-open", "unwatched door" where "anything goes". Neither the City of Miami nor Dade County have full-time police presence on the river. The City of Miami Police Marine Patrol avoids patrolling the Miami River, preferring instead the Biscayne Bay shoreline.

Despite Dade County's Department of Environmental Resources Management (DERM) attempts to allocate full-time pollution inspectors to the river, the department lacks adequate enforcement powers. Unfortunately, despite DERM's apparent commitment toward aggressive enforcement, is thwarted because it lacks the authority to board and inspect vessels for environmental and sanitary code

compliance. The U. S. Coast Guard, which does have adequate powers, lacks the personnel necessary to patrol the entire river and normally only works the day shift from 8:30 to 4:30 P.M. Most of the illegal activities occur after 4:30 P.M. and through the night because absolutely no one is policing the river during these hours.

Currently, 38 municipal, county, state and federal agencies have varying degrees of jurisdiction or regulatory control of particular facets of the Miami river (see attachment A). Despite this wealth of regulatory agencies, there is no legal structure to unify their divergent governmental actions. Therefore, enforcement is, at best, fractured, unnecessarily costly or duplicative, and at worst simply non-existent. Within the last year, the field enforcement agents have nobly attempted to coordinate themselves at a grassroots level, led primarily by DERM. While this attempt to eliminate or minimize fragmented enforcement is admirable, it is insufficient. These federal, state and local enforcement agencies openly admit a frustration with often overlapping authorities, a lack of resources and no overall leadership or direction. Additionally, despite the number of laws, regulations and regulatory agencies there remain numerous legal loopholes which do not seem to present such flagrant problems for other areas where port authorities exist.

B. DERELICT VESSELS

The derelict vessels on the Miami River often arrived as old freighters on their last legs transporting cargo and sometimes drugs. Many are vessels, seeking another shipment of cheap foodstuffs, bicycles and plastic jugs while possibly smuggling a few well-paying countrymen to Miami. Others may be pleasure boats or assorted working vessels providing their owners with an income. But when repairs become too costly or smuggling vessels are discovered, many owners find it cheaper to abandon their boats. During our tour of the river, we were appalled by the number of abandoned and derelict vessels. Lax financial liability and insufficient owner identification requirements allow these vessels to become safety hazards, polluting both the water and the view, and cost taxpayers handsomely for their removal and cleanup.

During our term we heard testimony regarding numerous instances of abandoned ships requiring government intervention and dollars to remove them. For instance, La Concepcion, a Honduran freighter bound for Haiti, lacked the necessary \$200 to repair its engine. Eventually, it became beached and several regulatory agencies were required to obtain a court order to remove and dispose of it. Nearly \$200,000 of taxpayers money was spent to accomplish this, because the owner lacked the funds and the legal responsibility to pay for it.

The Miss Juanita is another example of a vessel owner's ability to escape legal and financial responsibility for a vessel. This former WWII minesweeper, which had been docked on the river, drifted free for some time and eventually sank. Unable to hold its owner responsible, regulatory agencies eventually removed the vessel and in the process discovered hazardous asbestos which almost doubled the removal costs. The total cost to taxpayers was nearly \$75,000, excluding the agency personnel time involved.

No one was held financially or legally responsible for either of these vessels because apparently no law requires it. Government has limited authority to seize vessels, even if they are apparently abandoned or in need of "financial aid". In many instances, unethical shippers shift ownership to avoid financial or legal responsibility. If no financially responsible party can be established for a derelict vessel, then government pays. As is required at the Port of Miami, all vessels entering the Miami River should be bonded through a local agent, who can then be held financially and legally accountable. To gain entry to the river, evidence of adequate bonding should have to be exhibited and failure to do so, should preclude entry.

Many of the larger derelict vessels we observed on the river were forfeited vessels under the jurisdiction of the U.S. Marshall. These vessels appeared no different than the other problem ships described above. In fact, it appeared that two of these forfeited vessels were simply tied up to palm trees posing a potential danger to river traffic. Government must lead by example. We urge the U.S. Government to remove these potentially dangerous and unsightly derelict vessels from the river.

C. BENEFITS OF CONTROL AND AUTHORITY

The river has no one to assure safe operations; to insure proper loading to prevent capsizing; to control the movement of toxic, hazardous or even nuclear cargos that may enter the very heart of the city. At present, safe cargo operations on the river depend on the ability, integrity and conscientiousness of each terminal operator. The good operators care and strictly regulate activities at their docks. But others do not. This explains why some dockages appear clean, efficient, well-constructed and safe while others contain collapsing docks and bulkheads with freighters double parked into the channel and other ships tied to trees while piles of trash and drums push to the water's edge.

Until control and leadership exist, there is little that can be done to effectively manage, improve or even maintain the river. Simply put, problems of the Miami River are not about too much or too little government but about methods of governance. Initially, we did not favor adding another bureaucratic layer to those already existing. Testimony and evidence, however, strongly indicated that in order to effectively organize governmental activities, reduce the present costs to the taxpayers, enhance the environmental quality and provide better services to river businesses, a port authority appears necessary.

The federal, state and local officials we spoke with uniformly recommended the establishment of a port authority as the simplest, most efficient means to coordinate the Miami River. The U.S. Coast Guard, which is perceived as the "lead authority" on the river, suggested merely extending the present port authority's jurisdiction to the river. A U. S. Coast Guard official stated that the federal government will not and cannot increase its present level of activities and pointed out that the river is primarily a local concern and operation.

The compelling evidence supports the need for control and accountability to assure that all interests are protected. Control would assure safer operations, provide immediate response to dangerous situations or spills of hazardous materials and would significantly reduce the costs associated with fragmented and duplicative regulations. An authority could and should establish a check-in point or harbor master to insure that no ship or cargo

comes into the river unexpectedly, or without proper review. Such control should insure that vessels are met by appropriate agencies such as customs, immigration and DERM prior to docking thus effectively reducing the ability to smuggle drugs and illegal aliens and violate environmental regulations. Port control is also vital to preventing derelict ships from entering the river. Such oversight may also avoid the problem of unsafely loaded ships losing control and ramming bridges, capsizing or sinking.

The Port of Miami is a shining example of sound operational management that also ably maintains the environmental integrity of our natural resources. The port is able to coordinate all of the same regulatory agencies that have jurisdiction over the river. In addition to its lucrative operations, the port has developed sophisticated contingency responses to potential catastrophic incidents such as oil or nuclear waste spills and fires. While it has the advantage of ownership of the property, its real strength comes from its legal ability to establish rules and regulations and mandate compliance and sanctions.

It has established tariffs or fees that are reinvested into the port. For instance, all the dredging, expansion and improvement projects that occur are funded through the profits raised by its tariffs. While most agree with the need for coordinated accountability and overall management, the Miami River Marine Group (MRMG), composed of 14 businesses on the river, understandably fears increased governmental regulations and the imposition of tariffs and fees that will diminish their profits. Surprisingly, some major river business owners confided that they privately support the establishment of an authority despite the fact it will reduce their profits. Unfortunately, we as a community can no longer accept and afford the laissez-faire, hands-off attitude the river's businesses have enjoyed for years.

Port authorities may be formed in a variety of ways. Extending the existing authority of the Port of Miami over the river is an option that makes good sense. The port possesses the experience, reputation and legal wherewithal to make such an expansion work. The county and city may consider the establishment of an independent municipal authority over the river. Authority for the creation of a port authority over the river exists in Florida Statutes, Chapters

315 and 125. It appears that either or both the City of Miami and Metropolitan Dade County can establish a port authority. These laws, in fact, encourage cooperation with other agencies, public and private. In developing a river authority, it is critical that local control be maintained. It is equally important to insure that tariffs and fees be tailored to suit the unique needs of the river and its businesses are met. Neither the controls nor the tariffs or fees imposed should cause valued enterprises to abandon the river for other ports.

Governance does have a price. The most equitable proposition is to finance management by those who use and profit from the river rather than from taxpayers at large. Port authorities typically offset the cost of operations by user fees. These fees are ultimately passed on to consumers who buy shipped services or products. All persons deriving benefit from the use of this public waterway should pay for its operation and maintenance much like the Federal Highway Use Tax for trucking lines or tolls for cars and trailers that use certain roads.

The costs to operate an authority over the river should not be expensive, especially if it emanates from one that presently exists. This alone would significantly reduce authority start-up costs, time and staff and keep costs low by avoiding the creation of a complicated, costly and unnecessary new bureaucracy. An authority would also result in a more effective use of existing enforcement personnel and resources and eliminate unnecessary costs caused by duplication. The City of Miami's River Master Plan has estimated the cost to be about \$500,000 annually. Coincidentally, this amount is close to the budget of the private industry organization, The Miami River Marine Group (MRMG).

RECOMMENDATIONS:

1. Local government needs to establish a port authority over the Miami River. This authority should govern and coordinate all regulations, the needs of the river, the needs of the river's industry and the needs of the community at large.
2. The river authority must address the entire operational and environmental integrity of the river.
3. The first priority of the port authority should be the establishment of a harbor master for the river and the

creation of an interdiction or check in point prior to entry to the river.

4. All working vessels should be required to be registered, including barges. Ownership must be sufficiently established prior to docking on the river.
5. All owners of commercial vessels should be required to post a bond or other form of financial responsibility sufficient to pay for the costs of cleanup and removal and/or fines for environmental and safety violations.
6. Local officials should be given the authority to dispose of "lost", abandoned and/or derelict vessels.
7. Registered owners of vessels should be required to maintain legal and financial responsibility for their vessels until a bill of sale and a transfer of title is registered with the port authority and the new owner becomes of record.
8. DERM should be authorized by ordinance to board and inspect all commercial vessels for compliance with environmental and sanitary codes.

III. CHRONIC CONTAMINATORS

A. SANITARY SEWER SYSTEM

If the average Dade County resident was questioned as to who provides their water and sewer service, the majority would state the Metro-Dade Water and Sewer Authority (WASA). If they were further questioned as to who is the single largest polluter of the Miami River, they would be very surprised to learn that the answer is the same. Dade's antiquated and inadequate sanitary sewer system today accounts for over one-half of the pollution presently in the Miami River.

Throughout America's history, rivers and the metropolitan areas which developed around them have been inextricably linked. Miami, like so many other cities, grew because of its river and the degradation of the river seemed inevitable in the search for progress. As Miami grew, the river became its waste receptacle. Every city in America did the same. The sewer system of young Miami was specifically designed to discharge both stormwater runoff and raw sewage directly into the river and the bay. In developing Miami, this "good urban planning" resulted in the establishment of some 70 sewage outfalls, including 29 on the Miami River, that discharged 30 to 40 million gallons of sewage per day.

By 1947, the adverse effects of these acts became known. The Florida State Board of Health and the U.S. Public Health Service recognized the consequences of our "urban planning". Their tests revealed the widespread contamination of the river and the bay and caused areas to be declared unsafe for shellfishing, swimming or other recreational activities. Only the creation of the sewage treatment plant on Virginia Key in 1956 led to the limiting of sewage being dumped into Biscayne Bay. Unfortunately, outfalls in the Miami River continued to dump raw sewage into the river during the 1970's and 1980's. ⁴

The bulk of the present sewer system was built over thirty years ago. The result today is that untreated sewage still seeps into the river daily through illegal sewer hookups and old, cracked pipes. During the 1980's, WASA discovered that a significant portion of the sewer pipes had deteriorated, requiring remedial work, such as the replacement and relining of existing pipes. Unfortunately, the pipes under the Miami River were not addressed before one failed. In 1987, the sewer line under the Miami River collapsed, resulting in six million gallons of raw sewage spewing forth. This spill necessitated an extended closing of the Miami River and portions of Biscayne Bay to the public for any use whatsoever. The number of sewer pipes on the brink of failure, like those under the Miami River, are unknown.

The failures of WASA's system are primarily due to:

1. Illegal connections made into the sewer system.
2. Storm water lines that are either intentionally or accidentally tied into the sewer lines.
3. Corroding and deteriorating pipes.
4. Antiquated systems or ones that have no back-up systems.
5. Systems that are operating at or near capacity.

Numerous illegal connections to the sewer system have occurred over the past 30 years. The sole way to discover these connections is to inspect every linear foot of sewer line via cameras, smoke or some other invasive procedure. It is a time consuming, expensive process; but a necessary one if these connections are to be eliminated. DERM and WASA have been undertaking such an

investigation for pipe lines 36" inches or more in diameter. Not only must this continue, but it must be expanded to evaluate the status of all pipe lines smaller than 36 inches in diameter. Only by such actions can improper connections and the storm water intrusion into the sewer system be identified and corrected.

WASA, over the last few years, has finally begun a system of constructing safeguards and adding duplicity into several areas of the sewer system operations. These include, interconnecting all three regional treatment plants to redirect portions of the flow from one system to the others; adding additional pumping capacity at major pumping stations; and identifying the expansion potential of each regional processing facility. However, the system is not fail safe. Today, if there was a catastrophic failure at any of the regional processing facilities, the entire flow directed at that facility could not be redirected to other plants. The result would be another multi-million gallon spill of raw sewage into the most likely location, the Miami River.

The county's sewage treatment facility on Virginia Key has a current capacity of 133 million gallons per day (MGPD). The plant's expansion potential is another 15 MGPD, or less than an additional 12% increase over current capacity. The current flow is 130 MGPD. This does not include what occurs during a heavy rain fall which can increase the flow by up to 70%. During such a rain, the plant operates well beyond capacity, the lines back up and the raw sewage spills out of the 4th Street pump station into the Miami River or the streets of downtown Miami.

B. STORM WATER RUNOFF SYSTEM

A significant contributor to the river's problem is the storm water runoff system. Originally designed and constructed to drain developed areas rapidly after heavy rains, this system has for years been a conduit bringing raw sewage and pollutants to the river. Storm water drainage lines have, in many cases, been intentionally tied into the sewer lines by County and City governments. The rationale was that it was better to pump storm water into the sewer system than to have downtown Miami flood. While the thought may have had merit once, it now results in an up to 70% increase in the

sewer system flow rate during heavy rains. Since the central sewer facility is regularly operating at close to capacity, the additional flow has overburdened the 4th Street pump station located on the banks of the Miami River. The result is raw sewage pouring into the Miami River or backing up in manholes and pouring onto the very streets the system was intended to keep dry. Over the last two years, serious spills occurred at the 4th Street pump station: 5/19/90 - 10 million gallons; 6/19/90 - 1 million gallons; 9/19/90 - 10 million gallons; 10/8/91 - 10 million gallons. This stormwater overload also affects other areas of the county. In October 1991, the City of Hialeah dumped 20 - 25 million gallons of sewage into the Gratigny Canal that feeds into the Miami River.

Recent surveys have developed a clearer picture of the maze of piping, culverts, conduits and other structures, many installed one half century ago, to provide drainage to downtown sections of the City of Miami. Years of growth, neglect, corrosion and errant interconnections have turned most of this system into branches of the sewer system. Pipes intended to drain storm waters to the river now often carry raw sewage instead. Not all of this was unplanned. In fact, it was discovered that the sanitary sewer system design intended to use the storm sewer system as an overflow relief valve and for flood control in abnormal situations. This practice, primitive as it may seem, was expanded throughout the county as development progressed.

Failures of the storm water system were discovered as early as 1970. In 1988, after more than 15 years of discussions and study, the first of 55 storm water basins identified as directly impacting the river was relined to cleanse the stormwater prior to discharging it into the river. Subsequently, the City of Miami has continued its corrective program. At present, six basins have been completed, with another seven under construction. Though the number completed or under construction combined is only 25% of the total number to be addressed, indications are that progress will be expedited as greater efficiency occurs. These projects are funded through the Storm Sewer General Obligation Bonds, Storm Water Utility Trust Fund, DERM and Surface Water Improvement and Management Funds, known as the Swim Plan.

C. ADDITIONAL CONTAMINATORS OF THE MIAMI RIVER

Non-point pollution sources are additional contributing contaminators. These originate from the ground's surface as litter, chemicals and other contaminants that enter the storm water system after rains or through illegal connections. Other sources such as faulty underground structures or systems, retention tanks, and fuel tanks leak and allow pollution to enter into the stormwater system.

The Miami International Airport is another example of yesterday's good municipal planning having terrible environmental consequence for the Miami River today. When built in the mid-1920's, efficient drainage was a major consideration for the safety of all airline traffic. Subsequent expansions of the airport, have led to it becoming one of the busiest airports in the world which increased drainage concerns. Unfortunately, all of its drained stormwater was designed to eventually lead to the river. However channeled, all of its drainage canals intersect, either directly or indirectly with the Miami River. This means that many of the greases, oils, fuel, lubricants, de-greasers, additives and other chemicals spilled on the concrete aprons, by design, are washed by the rains into the river.

Other deliberate actions taken by governmental bodies to dump waste into the Miami River through the storm water runoff systems are equally offensive. The continued activities of the Metro-Dade Transit Authority (MDTA) at its 3311 N.W. 31st Street site and the City of Miami Sanitation Department, at 1320 N.W. 20th Street, either indicate an administrative inability to oversee worker actions or an unwillingness to consider hydrocarbon pollution of the Miami River a serious concern. Both of these sites use large amounts of fuel oils, lubricating oils and degreasers as part of their vehicle maintenance programs. Both of these sites have drain systems that discharge into the Miami River either directly (MDTA) or indirectly via the Wagner Creek (City of Miami). Both of these sites have been the focus of environmental agency action for many years but continue to dump hydrocarbon pollutants into the Miami River. It appears extreme steps must be taken by local governments to stop their own departments from fouling Dade's environment.

D. CROSS BAY SEWER LINE

However, all of the above contaminators pale in comparison to potentially the most serious environmental catastrophe waiting to happen under Biscayne Bay. When a sewage spill occurs in the Miami River, few people are concerned unless it affects Biscayne Bay. After a few days of inconvenience, when the Bay returns to normal "healthy" conditions, people forget. Unfortunately, while studying the problems of the river we discovered that lying under Biscayne Bay is a future environmental catastrophe that could lead to the closing of the bay for weeks, if not months. The time bomb laying under the bay is the sewer line that pumps Central Dade County's raw sewage to Virginia Key for processing. The one pressurized pipe, pumping 130 MGPD of raw sewage from the 4th Street pump station on the Miami River to Virginia Key, is located 20 feet below the bottom of Biscayne Bay.

In the early 1980's, WASA discovered that pipes of a similar age and construction as those connected to Virginia Key were degrading at a faster than anticipated pace. According to the director of WASA, up to 50% of all pipes the same age and type of construction have failed. Based on statistical probability, it is only a matter of time until the cross bay sewer pipe collapses. While DERM optimistically predicts this main line will not collapse until 1996 or 1997, we feel the problem is a critical concern demanding action. The replacement of this system or the construction of an alternative feeder system to Virginia Key should occur as soon as possible. In 1985/86, WASA determined that the cross bay pipe needed replacement. After seven years, nothing has been completed other than studying the problem. After seven years, the pipes have had more time to deteriorate. After seven years, WASA still has not identified a method to inspect the cross bay pipe and determine their actual condition. After seven years, in the event that the cross bay lines fail, WASA does not have the ability to redirect its raw sewage flow to the other two treatment plants.

If this sewer line experiences a complete failure, hundreds of millions of gallons of raw sewage will pour into Biscayne Bay. The time needed to cap an underwater leak twenty feet below the bay bottom is undetermined. In the meantime, the Miami River and

Biscayne Bay would experience their worst environmental catastrophes in modern history. The detrimental impact of a spill of this type and the cleanup and mitigation costs are incalculable. If we are seriously concerned about the bay, we must address this known environmental hazard now.

RECOMMENDATIONS - SANITARY SEWER SYSTEM:

1. WASA should immediately assign its highest priority to the construction of a replacement pipeline to Virginia Key.
2. WASA should immediately continue the development of their regional interconnections to provide enough capacity in each regional system to support the additional flow from at least one of the other regional systems.
3. WASA should increase its activities regarding the internal investigation of sewer lines for interconnections and eliminate as many as possible as soon as possible. WASA should embark on programs to increase its pumping capacity and establish redundant systems of mapping and handling sewage flows.
4. WASA should increase its efforts to identify and replace or reline deteriorating sewer lines and inefficient or inadequate equipment.

RECOMMENDATIONS - STORM WATER SYSTEM:

1. Municipal and county government need to complete renovations to the stormwater drainage and sanitary sewer system to prevent further contamination.
2. Implement new laws and, where needed to prohibit direct run-off from private and public properties and discharge of industrial wastes, enhance enforcement of existing laws.

IV. DREDGING OF THE MIAMI RIVER

In 1933, the U.S. Army Corps of Engineers (Corps) dredged a 15 foot deep channel in the Miami River making it a federal navigation project. Since then, shore line erosion and sediment build-up have caused some reduction to the channel's width and depth. Subsequent environmental studies have determined that the river sediments have become contaminated with waste materials including hazardous trace metals, such as mercury and copper.

In 1986, the Army Corps of Engineers concluded a feasibility study, which began in 1974, for redredging the Miami River's navigational channel to its designed depth and width. Since then, additional studies and plans have been developed and meetings held among government and private interest groups regarding this

"maintenance dredging" effort. Additionally, Dade County requested the Corps to expand the dredging beyond the navigational channel to include a shoreline to shoreline dredging for environmental purposes. Local government agencies also requested that the Corps test the river's sediment to confirm its contamination. Based on these results, the EPA determined that the sediment cannot be dumped three miles out in the ocean, as originally planned, due to its adverse affect on sea life and because a change in EPA's testing guidelines made the standards more restrictive.

Local government will now be required to insure the environmentally safe disposal of the river's sediment. Local government will need to place the sediment temporarily on land, dry it and dispose of it properly and permanently. Testimony presented was unclear as to whether or not this material could be placed in Dade County's landfills. However, the shipyards on the Miami River that dredge their own docks of this same sediment, have routinely received DERM permits to dispose of it in the Dade County landfill.

The Corps estimates that the volume of sediment will be at least 600,000 cubic yards. This may require an adjacent land mass of up to fifty acres to store the material while it is dried. The cost of obtaining land in downtown Miami, the costs of preparing it to prevent seepage, the transportation and landfill costs, wherever the ultimate disposal site will be, will increase the final dredging costs by many millions of dollars.

The Corps was initially prepared to dredge the navigation channel, where the bulk of the contaminated material exists, and bear virtually all the costs, including transportation of the dredged material. Local governments' request to expand dredging and the subsequent determination that the sediment is contaminated has escalated what began as a projected \$7 million for maintenance dredging, to today's projected cost of over \$20 million. Even this figure is a vague estimate. Unfortunately, no one is certain of the actual costs of proper disposal. According to testimony, it conceivably could be in excess of \$120 million. More importantly, the community's share of costs grew from a near zero cost to a projection of \$10 million to \$12 million with no known ceiling at this point. Costs may still escalate substantially, as government

agencies spend the next year analyzing options.

Of all the issues relating to the river, the necessity of dredging initially seemed to be the least controversial. Every witness supported dredging. Business owners argued that failure to do so would impede navigation and reduce the tonnage of cargo and size of vessels the river can support. Because the size of cargo vessels on the river has increased over the years, they frequently must load less or require tugboats to drag them out to the bay. Environmentalists advocated dredging because they believe the sediments pose a threat to the water quality and the integrity of the Biscayne Bay ecosystem.

Initially, we concurred in the need to dredge. While we still appreciate these legitimate arguments, we are not convinced that the utilization of scarce local tax payers' dollars for the entire dredging project is prudent at this time. Due to the polluted and neglected state of the river, a dredging project which initially would have occurred virtually free of cost to the local community, may now require millions of local dollars. Too many questions remain unanswered and too many issues remain unclear. The benefit dredging brings to Dade County citizens as a whole versus the cost to each citizen has yet to be considered and resolved.

We were additionally concerned by an apparent lack of accurate, convincing data regarding the volume and toxicity of the contaminated sediment. We did not find the Corps' recently instituted testing methodology convincing. Furthermore, absolutely no one was able to project the percent of sediment that may be hazardous or toxic. While government attempts to project exorbitant costs associated with disposal of all the sediment, it may be that only a small percentage cannot be disposed in the ocean. Additionally, since the bulk of the contaminated material exists in the navigational channel, it may be fiscally wiser to limit dredging and disposal to the navigation channel. Ironically, we were unable to reconcile the county's need to prepare a special site for the sediment while the sediment from private dredging is permitted to be placed in existing landfills.

We listened to numerous experts and witnesses discuss the

continued pollution of the Miami River and Biscayne Bay by governmental and industrial dumping. The evidence failed to establish to our satisfaction, that the river is contaminating the bay. If it is, or potentially may, evidence needs to be developed that strongly indicates how this occurs, or may occur. For instance, we received no evidence regarding contamination that may occur as a result of storm surges. We can only wonder when the large amounts of money necessary to study these issues will finally be expended. Instead of upgrading a defective stormwater drainage and sanitary sewer system or replacing an aging cross bay sewer line, the citizens of Dade County are being quietly committed to spending untold millions to benefit a few Dade County businesses. Dredging of the channel will allow larger vessels to traverse the river, yet these benefits have not been weighed against the disposal costs. The environmental concerns generated by the river sediment will pale in comparison to the ecological disaster awaiting Biscayne Bay when, not if, the cross bay sewer line fails. Since government is the apparent culprit of this foreseeable disaster and since this remedy lacks a powerful oligarchy of monied business interests to support it, further years of inaction will in no doubt sadly occur.

It is readily apparent that few, other than the businesses on the Miami River, will benefit from its dredging. Therefore, the businesses should bear the financial responsibility of providing the local matching funds now required. Our recommendation is that additional dredging costs should be funded solely by those who most directly benefit from it, such as the owners of river businesses' properties and related interests. It is they, not local government who should bear the burden of the costs not paid for by the federal government. Instead, local government funds that were contemplated for this project should be reallocated toward that which is threatening to the community at large: the replacement of the cross bay sewer lines and completion of modifications to the sanitary and storm water runoff systems. In the interim, data needs to be accumulated and assessed that precisely identifies the river's contamination of the bay and the circumstances by which this may occur. This needs to occur before local government can make an intelligent and informed decision.

RECOMMENDATIONS

1. Local government must continue to analyze the costs and benefits of dredging and potential alternatives. In so doing:
 - a.) As accurately as possible, assess the extent of the contamination and its primary location.
 - b.) Develop creative funding partnerships with the private sector and the federal government which should also have an interest in protecting Biscayne National Park.
 - c.) Readdress ocean disposal. Consider a one-time exception for disposal with approval from the Corps and the EPA; and consider disposal further out in the sea, safely past the continental shelf.
2. We urge the MRCC's newly created subcommittee on dredging to: re-examine the need for upland disposal of the sediment; to re-examine the mortality tests conducted by the Corps; and to determine if this government spending is in the best interest of the community as a whole. The MRCC should determine how this cost can also be shared with the private sector.
3. A mandatory shoreline stabilization and erosion control program should be instituted along the river to prevent further narrowing of the channel. In so doing, government should:
 - a.) Stabilize publicly owned property (parks, street and bridge right-of-ways and public housing) which represent a significant portion (3,500 linear feet) of the shoreline in need of stabilization.
 - b.) Co-operate with upland owners to streamline the bureaucracy presently entailed in obtaining permits from half a dozen governmental agencies.

IV. SUMMARY AND CONCLUSIONS:

For centuries the sweet waters of the Miami River gently flowed from its origin in the Everglades to its end at Biscayne Bay largely undisturbed. In the last century and half, the city that grew around the river has prostituted it for the sake of growth and commerce. The U. S. Coast Guard predicts that, if and when trade with Cuba becomes permissible, river traffic could increase by 500%. Such potential trade with Cuba could result in a new era of decline for the river.

Not all about the river is out of control. Despite its dubious honor as the "most polluted body of water in Florida", it has the respect of being the state's fifth largest port, supports a growing commerce that rivals Port Everglades and provides employment for

7,000. Additionally, a recent resurgence of concern for the river offers promise to reversing the present conditions plaguing the river. We believe the existing problems with the river can be resolved even if not simply and inexpensively.

Strides have been made to initiate steps to foster the Miami River's rebirth. The City of Miami has begun the modernization of its stormwater runoff system. WASA, with DERM's assistance, has begun the repair and correction of its sanitary sewer and storm water runoff related systems. The 38 collective governmental agencies with authority over the river are attempting to coordinate their enforcements efforts. Private industry has begun to participate in the process of the clean-up and the discussions regarding the river's future. These are all positive signs.

A port authority to coordinate regulation of all shipping and river interests on the Miami River with a check-in point must be created. The City of Miami has begun to address the river's operational and environmental concerns as part of its January, 1992 Miami River Master Plan. While we disagree with a number of the plan's recommendations, the report does make a number of worthwhile suggestions including the proper administration of the river. The Miami River Coordinating Committee (MRCC), is an appointed advisory body representing a cross section of governmental and industry interests along the river. While it has been publicly divided on the issue of control by an authority, toward the end of our term, it established a task-force to hold public hearings to readdress this issue. A representative of the MRCC testified that those on the committee which opposed control of the river by a port authority do so fearing an authority will hamper their freedom. We say, if this freedom also allows dangerous and irresponsible business practices to continue, then they are correct.

Overall, we concluded that more aggressive action needs to immediately be taken. Action, not more studying of the river's problems, needs to occur today. The Miami River needs its priority status increased at all levels within the public and private sectors. Our community must immediately elevate the restoration, maintenance and governance of the river to the highest priority. Failure to do so will have a negative impact on the quality of life

and reputation of our community. The continued lawlessness and pollution must end now and be replaced by a tangible commitment to restore and enhance this great natural and commercial resource. Steps should aggressively be taken to mandate the elimination of pollution sources primarily: raw sewage; storm water runoff; hazardous materials; bilge materials; and materials from all properties along the river or its tributaries.

After the sources of pollution have been eliminated or significantly reduced, it would then seem appropriate to dredge the river of the hazardous materials in its sediments. This would be accomplished via the dredging as planned by the Army Corps of Engineers. Dredging will allow larger vessels to traverse the river, thereby increasing profits. Our endorsement of this dredging is contingent upon requiring the disposal costs to be largely absorbed by those who will primarily benefit from the project.

Finally, the Grand Jury cannot sufficiently stress the magnitude of concern it has regarding the cross bay sewer line to Virginia Key. The high probability of the line's potential collapse in the near future, resulting in an untold catastrophe, screams for immediate action. Dade County and WASA should make this project the county's highest priority. They should immediately take the necessary actions to fast track the final planning and implementation of this project in order to safeguard one of the area's most cherished resources, Biscayne Bay. This project demands action, as the ramifications of reacting to the problem when it occurs, are untold, unquantifiable and potentially permanent.

Three or four generations have had a voice in what the river has become. We need to revive Julia Tuttle's dream for the Miami River. Due to special interests, politics and hidden agendas, little has been done to maintain or improve it. In Dade County, we have been blessed with a unique environment. The Everglades, Biscayne Bay and the once sweet waters of our Miami River are nature's gifts which we must all preserve for the future of Miami and its children.

attachment A

AGENCIES WITH JURISDICTION

ON THE MIAMI RIVER

(FEDERAL AGENCIES)

1. United States Coast Guard
2. United States Customs Service
3. Immigration and Naturalization Service
4. United States Border Patrol
5. United States Army Corps of Engineers
6. United States Department of Agriculture
7. Drug Enforcement Agency (DEA)
8. Federal Bureau of Investigation (FBI)
9. United States Marshalls Service
10. United States Occupational Safety & Health Administration (OSHA)
11. United States National Park Service
12. United States Environmental Protection Agency (EPA)
13. United States Alcohol, Tobacco and Firearms
14. United States Department of Transportation

(STATE AGENCIES)

15. Florida Marine Patrol
16. South Florida Water Management District (SFWMD)
17. Florida Department of Transportation
18. Florida Department of Law Enforcement
19. Game and Freshwater Fish Commission
20. Florida Department of Environmental Regulation (DER)
21. Florida Department of Natural Resources (DNR)

(COUNTY AGENCIES)

22. Dade Department of Environmental Resources Management (DERM)
23. Dade County Water and Sewer Authority (WASA)
24. Dade County Fire Department
25. Dade County Public Works
26. Dade County Building and Zoning
27. Dade County Solid Waste
28. Metro-Dade Police Department
29. Dade County Public Health Department
30. Dade County Planning Department

(CITY AGENCIES)

31. Miami Building and Zoning
32. Miami Public Works
33. Miami Fire Department
34. Miami Solid Waste Department
35. Miami Police Department
36. Miami Planning Department
37. Miami Parks and Recreation
38. Miami Marine Operations

FOOTNOTES

¹ E. V. Blackman, Miami and Dade County, Florida (Chulota, Florida: Mickler House, 1977), p.20.

² Helen Muir, Miami, U.S.A. (New York: Henry Holt and Co., 1953), p.49.

³ Rachel L. Swarms, "Haitians nabbed trying to sneak in", Miami Herald, April 23, 1992, Section B, p.1.

⁴ Susan M. Markley, Dorian K. Valdes, and Robert Menge, Sanitary Sewer Contamination of the Miami River, Metro-Dade DERM Technical Report 90-9 (Miami, 1990), p.1.

FIREARMS REGULATION

INTRODUCTION

As a broad section of residents of this community, we were shocked to learn that in Dade County there are more people killed by firearms than by automobile accidents. Of all the capital cases presented this term, only three (3) did not involve firearms. Appalled by the apparently senseless nature of gun-related crimes, we chose to examine the impact of firearms in our society today. Specifically, we wished to discover some way to reduce the ever growing number of citizens killed by firearms. Every few years since the early 1950's, Grand Juries reported on the growing problem of handguns or firearms in our community and urged reform. This jury discovered sadly that those pleas and recommendations for reform had gone largely ignored. Meanwhile, the escalation of firearm violence and death has spiraled.

The jury heard testimony that people in Dade County and throughout the United States are arming themselves in record numbers. The reason most often cited was that as more and more people are becoming armed, those without guns are increasingly in fear of those with them, creating a vicious cycle of armament. Law enforcement officers testified that in the vast number of crimes committed with firearms the majority of guns appear to be unregistered or stolen. To compound this problem, they noted that the overwhelming majority of stolen firearms are never even reported to the police. Those owners that do report thefts, however, generally do not provide sufficient information such as the serial number of the weapon.

Upon reviewing the statutes, we opined that issues related to firearm control are, in essence, strictly emotional and that sufficient legal structure exists to further regulate the sale and possession of firearms.

THE COST OF FIREARMS

Firearms play their present role in our lives because we have let them. As a society we have not had the political courage to balance the "right" of firearm ownership against the resulting costs

to our nation both in human suffering and taxpayer dollars. But data regarding the actual costs of firearm and related injuries and deaths is not readily available. Thus, the jury had to examine what little information exists and extrapolate costs based upon logical presumptions. Thus the information shown below is our extrapolation of those costs.

To determine the costs of medical care we looked at Jackson Memorial Hospital's trauma unit where nearly all gunshot victims are treated. Hospital information indicates that the majority of all cases involving a gunshot are not covered by insurance. Thus, it is apparent that the public foots the bill for nearly all treatment of wounds related to firearms. Hospital records show that there were approximately 3,000 trauma cases in 1990. Of those, 1,530 were specified as being caused by "weapons of violence", with the majority believed to be firearms. However, because hospital records indicate only 801 cases as specifically known to be caused by firearms, we utilized this figure in our calculations.

The majority of trauma cases are treated in the Intensive Care Unit (ICU). Hospital records indicate that the cost of ICU is roughly \$20,000 for the first hour of treatment. If a victim survives a gunshot wound, the hospital indicates that the average ICU stay is approximately 16 days, at about \$7,500 per day. Assuming for the purpose of estimating costs that of the 801 known gunshot trauma cases 50% die within the first hour and the balance of the victims survive with an average stay in ICU of 8 days. Thus, extrapolated costs from the above indicate that Jackson Hospital spends approximately \$32,000,000 yearly on gunshot victims. This excludes any other likely costs for ambulance or emergency medical response teams to the scene.

Next we looked at the cost of police investigations related to firearm shootings. The jury was unable to obtain information that would allow analysis of these specific costs. Thus, the jury determined that extrapolating costs based on the total budget of the Metro-Dade Homicide Unit as representative of some of the costs of firearm related investigation. The annual budget of this homicide unit is approximately \$6,000,000. Although information related to the number of firearm investigations was not provided, the homicide unit reported that it closed 180 cases during fiscal year 1990-1991.

Assuming that only one half of the cases closed were related to firearms the cost extrapolates to roughly \$33,000 per investigation.

This figure does not include the cost of the crime lab, or other non-homicide related police costs associated with a shooting. If we assume that the average firearm homicide costs approximately \$33,000 for police investigation, then, for the purposes of illustration only, we assumed further that the average costs for a shooting investigation, where the victim does not die, is \$5,000. Roughly therefore, the 801 shootings resulted in the additional expenditure of \$4,000,000 in investigative time.

Florida law requires all non attended deaths to have a medical examiners report. The medical examiner represents an additional average cost of \$1,500 per autopsy. The medical examiner's office performed 456 firearm related autopsies in 1991, totaling approximately \$685,000.

Totaling the above cost extrapolations it appears that the annual cost of shootings is about \$40,000,000. This excludes expenses incurred through the court system in dealing criminally or civilly with the shooters.

These costs to Dade County's taxpayers are overwhelming. Our community is paying dearly for an individual's "right to bear arms". We recognize that these extrapolations lack accuracy. However, we had no other choice because of an incredulous void of this valuable type of information and analysis. Our real purpose is to prompt us, as a society, to begin reexamining the price we pay for the right to carry firearms.

FIREARMS AND VEHICLES

Firearms killed more people in Dade County and in Florida than did automobile accidents. In Dade County the yearly firearm death toll since 1985 averages 474. Automobile deaths for the same period average only 337, or 137 fewer deaths per year, on average. In comparing the statutes regulating firearms and those governing vehicles, we found that there are copious laws related to vehicular ownership, registration, transfer, safety, licensing of drivers, and financial responsibility. By contrast the laws related to firearms

principally deal with insuring that access to firearms is not denied or hampered and make the tracing of ownership by police difficult. Though both are similarly lethal and dangerous instruments, the corresponding laws are incredulously dissimilar. The only difference in our minds between being hit by a vehicle traveling at 60 miles per hour and being shot with a firearm, is that one is more likely to survive the vehicular accident.

CONCLUSIONS AND RECOMMENDATIONS

We are shocked and appalled that as a society we take such a casual attitude to killing one another with firearms, while at the same time we so vociferously promote safety in and of automobiles and their drivers. The jury also agrees with the National Rifle Association bumper sticker: "Guns don't kill people, people do". Guns like vehicles are instruments that only become lethal when in use by a person. Thus, we feel the key issue related to firearms is not the weapon itself, but the person using it. We strongly feel the state must take measures to insure that responsibility for the costs and safety of firearms, like vehicles, rests with those that own and use them. We also feel that the essential element to the reform of firearm laws is to implement safety and financial responsibility. It is of note that the leading proponents of vehicular safety have been insurance companies. We feel that if firearm owners were required to have insurance there would be far fewer firearm accidents.

We concluded that the central issue to be addressed by our society is individual gun owner responsibility. Thus, the Jury feels that the right to own a firearm needs to be broadened to mean "right and responsibility". Thus we propose to change the way we look at our constitutional "right to bear arms". This right should include responsibility, and liability for the consequences of firearm ownership for those who own and use firearms. Recent legislation has been enacted in Florida concerning firearm safety and liability related to accidental shootings by children. Our proposed concepts follow this same legislative logic. We propose not to limit or control the ownership of firearms but to see that

firearms are used safely, that stolen weapons can be traced, and that owners are financially responsible for the consequences associated with their ownership. We further feel that new firearm laws need to be modeled based on the logic of the state's motor vehicle laws. Today, the owner of a vehicle is responsible for its safe operation, following the rules of the road and financial consequences of his/her use of the vehicle. Thus, we propose requiring firearm registration, licensing, transfer of title upon any sale and mandatory reporting for stolen or lost guns and financial responsibility in the form of insurance. Registration and mandatory reporting of stolen or lost firearms will allow police to track firearms and follow their chain of ownership in an effort to locate a responsible party in the event of property damage or bodily harm. As a society, we should apportion the responsibility of firearm ownership to the owners of firearms and not expect that the public will continue to subsidize the actual cost of firearm ownership.

1. Reform existing state laws to:
 - A. Require all firearms to be registered.
 - B. Require annual renewal of firearm registration
 - C. Require all firearm sales, either through dealers or private sales to report transfer of title.
 - D. Require all owners of firearm to become licensed, and to take and pass an NRA approved firearms safety class.
 - E. Require that firearm licenses be periodically renewed.
 - F. Require firearm owners to have insurance covering all risks associated with firearms in limits that reflect the actual costs of current firearm injuries and deaths.
 - G. Require the prompt reporting of all lost or stolen firearms.
2. Develop public policy that addresses the recovery of costs incurred as a result of firearm injury or damage from firearm owners. A corresponding policy should be developed that addresses owners who are indigent or unable to pay recovery costs, such as community service, as compensation.

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ADALBERTO BOBILLO, ALBERTO BOBILLO, and CHRISTIAN JAUREGUI	First Degree Murder Armed Robbery	True Bill
DAVID SMITH	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
LONNEX FORBES, also known as LENNOX FORBES	Sexual Battery	True Bill
TERRANCE LABARON TATE	First Degree Murder Armed Burglary with an Assault Attempted Armed Robbery Possession of a Firearm While Engaged in a Criminal Offense Possession of Firearm by Convicted Felon	True Bill
CALVIN L. BURNS	First Degree Murder Armed Robbery	True Bill
JULIO CESAR SANCHEZ	First Degree Murder Armed Robbery Armed Burglary	True Bill
JORGE DANIEL SANTOS	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense Unlawful Interception of Oral Communication	True Bill
GUILLERMO HERNANDEZ	First Degree Murder Shooting into an Occupied Dwelling Aggravated Assault Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
WILLIE GRANDBERRY	First Degree Murder	True Bill
FRED CLARK	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>
CEDRIC ALDRIDGE, also known as "BIG DOG", MARQUIS CANNON, also known as: "SQUEAKY", and TREMAYNNE HOWARD	Conspiracy to commit a Felony Armed Burglary Armed Robbery First Degree Murder Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill
ROBERT LEE FAGAN	First Degree Murder Attempted Armed Robbery	True Bill
RICHARD ALLEN DINGLE	First Degree Murder Aggravated Child Abuse	True Bill
WAYNE EVERETT OATS	First Degree Murder Aggravated Child Abuse	True Bill
CLAUDIUS SYLOS AUGUSTINE, also known as BERNARD AUGUSTINE	First Degree Murder Possession of a Firearm in the Commission of a Felony Carrying a Concealed Firearm Shooting into an Occupied Building	True Bill
CALVIN L. BURNS and WILLIE J. WEAVER	First Degree Murder Armed Robbery	True Bill
ARTHUR L. MANN	First Degree Murder Armed Robbery Conspiracy to Commit Armed Robbery	True Bill
GABRIEL ELROY HILLS	Armed Robbery Armed Robbery Armed Kidnapping Armed Kidnapping Armed Kidnapping Armed Kidnapping Armed Kidnapping	True Bill
ANTWAN McDONALD	Robbery with a Firearm Attempted First Degree Murder with a Firearm	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ANTWAN McDONALD	Burglary of an Occupied Conveyance with an Assault or Battery Therein Robbery Robbery	True Bill
NORMA CORTES-RIVAS [Prev. presented 1/23/91]	First Degree Murder Shooting into a Building Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
CEDRIC ALDRIDGE, also known as "BIG DOG", MARQUIS CANNON, also known as "SQUEAKY", TREMAYNNE HOWARD, and LORENZO TATUM, also known as "PORTA RIC"	Armed Burglary of an Occupied Conveyance Armed Burglary First Degree Murder Aggravated Battery Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
[Prev. presented 12/15/91]		
GILBERTO RAMOS	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
TERRY TYRONE KNIGHT	First Degree Murder Possession of a Firearm While Engaged in a Criminal Offense Aggravated Assault with a Firearm	True Bill
PIERRE HALL	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
LUCIUS TYRONE KEARSE	First Degree Murder Robbery (Counts II-IV) Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
TYRONE BARBARY and DORRELL SMITH	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
DWAYNE GARCIA, also known as GODFREY	First Degree Murder Burglary with an Assault	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
IVAN BURDON and DAVID ANTHONY EDDY [Prev. presented 1/28/92]	First Degree Murder "A & B" Sexual Battery "A" (Two Counts) Sexual Battery "B" (Two Counts)	True Bill
ALPHONSO BROWN	First Degree Murder Use of a Firearm in the Commission of a Felony Robbery with a Firearm	True Bill
ALPHONSO WILLIAMS and LORENZO TATUM	Armed Robbery	True Bill
JOSEPH REED HERRON	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense Grand Theft	True Bill
KELVIN TYRONE REESE	First Degree Murder Burglary Grand Theft Grand Theft Unlawful Possession of a Firearm While Engaged in a Criminal Offense Petit Theft	True Bill
HERSHEL SMITH	First Degree Murder Attempted First Degree Murder Armed Robbery Trafficking in Cannabis Use of a Firearm in the Commission of a Felony	True Bill
THOMAS JAMES MACKLIN	First Degree Murder Unlawful Possession of a Weapon While Engaged in a Criminal Offense Unlawful Possession of a Firearm by a Convicted Felon	True Bill
FERNANDO FERNANDEZ, LEONARDO FRANQUI, PABLO SAN MARTIN, RICARDO GONZALEZ and PABLO ABREU	First Degree Murder of a Law Enforcement Officer Armed Robbery Aggravated Assault Aggravated Assault Unlawful Possession of a Firearm While Engaged in a Criminal Offense Grand Theft - Third Degree Burglary Grand Theft - Third Degree Burglary	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ABUNDIO BORJA-SALGADO	First Degree Murder First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
IVAN BURDON and DAVID ANTHONY EDDY [prev. indicted 1/28/92]	First Degree Murder "A & B" Sexual Battery "A" (Two Counts) Sexual Battery "B" (Two Counts)	True Bill
STANLEY SIMMONS	First Degree Murder	True Bill
ROBERTO JESUS PEREZ	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
JAVIER OSVALDO SAN MARCO "A", and JORGE MORAN "B"	First Degree Murder "A" Second Degree Murder "B"	True Bill
TARYN ANTWAN LAGROME	First Degree Murder Attempted Armed Robbery Possession of a Firearm While While Engaged in a Criminal Offense	True Bill
ALPHONZO ULYSSES RICHARDSON also known as COREY THOMAS	First Degree Murder Attempted First Degree Murder Attempted Robbery Conspiracy Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
CATHERINE QUINN	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
JULIO DE PARIAS	First Degree Murder Kidnapping	True Bill
PABLO ABREU, LEONARDO FRANQUI and PABLO SAN MARTIN	First Degree Murder Attempted First Degree Murder with a Firearm Attempted First Degree Murder with a Firearm Attempted Robbery with a Firearm Grand Theft Third Degree Grand Theft Third Degree Unlawful Possession of a Firearm while Engaged in a Criminal Offense	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ANDRE PINDER	First Degree Murder Attempted Armed Robbery Armed Robbery Armed Burglary Possession of a Firearm	True Bill
ESTEVAN VELAZQUEZ	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
WILLIE JAMES SILAS	Armed Robbery First Degree Murder Attempted Armed Robbery Shooting into Occupied Vehicle	True Bill
DAVID AARON WINTER	First Degree Murder Use of a Firearm in the Commission of a Felony	True Bill
ROLANDO HERRERA	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
STEPHEN SAMUEL	First Degree Murder Attempted Robbery Possession of a Firearm in the Commission of a Felony	True Bill
ASHANTI ROUNDTREE	Attempted First Degree Murder Armed Burglary Shooting into an Occupied Dwelling Unlawful Possession of a Firearm During the Commission of a Criminal Offense	True Bill
RUSSELL MEADOWS	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
DERRICK JERMAIN KNIGHT, ROLANDO CAPPE, SEAN T. CHAMBERLAIN, JOHN MORTY DEPENA, LAZARO GARCIA and STEVEN PORRAS	First Degree Murder (1 Count) Conspiracy to Commit First Degree Murder (1 Count) Shooting or Throwing Deadly Missile Into Building or Vehicle (1 Count) Unlawful Possession of a Firearm While Engaged in a Criminal Offense (6 Counts)	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
F.W. CUMMING-EL, also known as FREDRICK WOODEN	First Degree Murder Armed Burglary	True Bill
JULIO PIERRE and BILLY LOUIS	Armed Burglary Armed Robbery Armed Kidnapping Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
DEATRICK LEVON PARKS	First Degree Murder Armed Burglary of a Structure Attempted Armed Robbery Aggravated Assault Aggravated Assault Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
NEVIA YOREL NESMITH and NATASHA LUSHAWN LEE	First Degree Murder Armed Robbery Unlawful Possession of a Firearm While Engaged in the Commission of a Felony Shooting or Throwing Deadly Missile into Building or Vehicle	True Bill
JULIUS LAMOURN CORNELL, ANTONIO FITZROY PARKER, ANTHONY JEROME SINCLAIR and PABLO ROSALES	First Degree Murder Attempted Armed Robbery Conspiracy Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
EPHRAIM ROBERTS	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense Carrying a Concealed Weapon	True Bill
HUMBERTO CUELLAR "A", LAZARO ALBERTO CUELLAR "B" and MARBEL MENDOZA, "C"	First Degree Murder Conspiracy to Commit Robbery Attempted Armed Robbery Armed Burglary with an Assault Possession of a Firearm During the Commission of a Felony Possession of a Firearm by a Convicted Felon "C"	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
DAMONT GEORGE ELLIS	Second Degree Murder	True Bill
MARIANA HERNANDEZ	First Degree Murder Unlawful Possession of a Weapon While Engaged in a Criminal Offense	True Bill
DERRICK JERMAIN KNIGHT, ROLANDO CAPPE, SEAN T. CHAMBERLAIN, JOHN MORTY DEPENA, LAZARO GARCIA and STEVEN PORRAS	First Degree Murder-1 Count Conspiracy to Commit First Degree Murder-1 Count Shooting or Throwing Deadly Missile into Building or Vehicle-1 Count Unlawful Possession of a Firearm While Engaged in a Criminal Offense (6 Counts)	True Bill
[Prev. indicted 3/11/92]		
JOSE CELSO MALDONADO, JOHNNIE WALTER COLVIN, JR., HERBERT ALLEN RICHARDSON, and GLADSTONE RICARDO PAGE, also known as "G-MAN"	First Degree Murder Attempted First Degree Murder Armed Robbery Unlawful Possession of a Firearm While Engaged in a Criminal Offense ("A") Unlawful Possession of a Firearm by a Convicted Felon ("A")	True Bill
ALPHONZO ULYSSES RICHARDSON also known as COREY THOMAS and HERSCHEL WALKER	First Degree Murder Attempted Murder First Degree Attempted Robbery Conspiracy Unlawful Possession of a Firearm While Engaged in a Criminal Offense Unlawful Possession of a Firearm by a Convicted Felon	True Bill
RICARDO QUEVEDO	First Degree Murder Unlawful Possession of a Firearm While Engaged in a Criminal Offense	True Bill
CORY JAMES WATERS (A), also known as "COCO"; DUANDE SMITH (B), also known as "LIADO"; DARIOUS CORNELIUS WILCOX (C) and STEVE TOLAR (D)	First Degree Murder Armed Robbery Grand Theft of a Motor Vehicle (C and D only) Unlawful Possession of a Firearm While Engaged in a Criminal Offense (B only)	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ANTHONY CANNON, also known as ANTHONY JACKSON, also known as SAM CANNON	First Degree Murder Armed Robbery Burglary of a Conveyance with an Assault or Battery	True Bill
ERLIS BAPTISTE-JEAN	Burglary With an Assault or Battery Robbery Resisting Officer Without Violence to his Person	True Bill
JOSE ANTONIO SANCHEZ	First Degree Murder Armed Robbery	True Bill
JOEL ELLIOTT, also known as "TY" and HENRY L. THOMAS, also known as HENRY LAVERNE THOMAS	First Degree Murder Armed Robbery with Firearm Armed Robbery with A Firearm Possession of a Firearm in the Commission of a Criminal Offense	True Bill
ULISES REYES and ELPIDIO REYES	First Degree Murder Armed Kidnapping Armed Burglary Attempted Armed Robbery	True Bill
CARLOS MOJICA	First Degree Murder	True Bill
VINCENT LAMONT MEEKS	First Degree Murder Attempted First Degree Murder Attempted First Degree Murder	True Bill
ROBERT ALLEN	Armed Burglary with Assault Armed Robbery	True Bill
EDWIN ALEXANDER WHITEHEAD	First Degree Murder Armed Burglary Armed Robbery Aggravated Assault Armed Robbery Armed Robbery	True Bill
EMMANUEL MARSEILLE, also known as JOSEPH YOUNG	Burglary with a Battery Robbery Resisting Officer without Violence to His Person	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ANTHONY HAROLD JOYNER	Burglary of an Occupied Conveyance with an Assault and/or While Armed Throwing a Deadly Missile into a Vehicle Attempted Armed Robbery	True Bill
BRADLEY TERRANCE GLINTON (A) and CEDRIC MAURICE THOMPSON (B)	Armed Robbery Armed Burglary Grand Theft Grand Theft (A Only) Unlawful Possession of a Firearm while Engaged in a Criminal Offense Third Degree Felony Murder Manslaughter (A Only) Leaving Scene of Accident involving Fatality (A Only)	True Bill

ACKNOWLEDGEMENTS

We wish to thank the Honorable Judge Martin Greenbaum, Chief Judge Leonard Rivkind and State Attorney Janet Reno. We especially thank Chief Assistant State Attorney Katherine Fernandez Rundle, whose dedication and skill in presenting the facts and explaining the law made our task more enjoyable and certainly easier to perform.

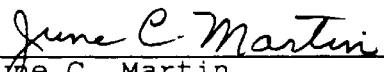
To Rose Anne Dare, Administrative Assistant to the Grand Jury, who graciously and expeditiously managed the myriad of administrative details of the Grand Jury; "Eddie" Pierone, our faithful Bailiff and Mary Cavalaris, our Deputy Clerk of Court, all of whom contributed greatly in assisting this Jury in fulfilling its duties, we express our gratitude.

We gratefully acknowledge and thank the many dedicated representatives of the law enforcement agencies of Dade County and its municipalities, where skill and professionalism have earned our lasting respect.

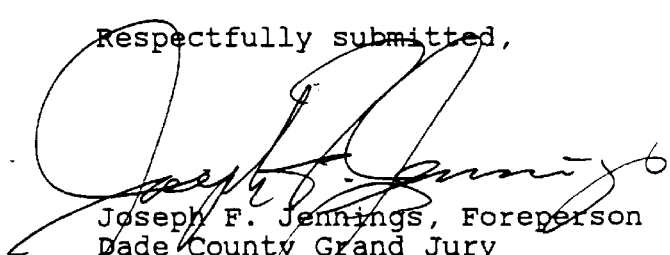
With great sadness, we acknowledge the great love the late Judge, The Honorable George Orr had for the unique institution known as the Grand Jury. We also regret the death of Richard Gerstein, who played such an instrumental role in our criminal justice system and who effectively guided the Grand Jury for so many years.

Sadly, during our term, we lost a faithful member of this Jury, Ulysee Jackson, whose presence we all missed.

ATTEST:


June C. Martin
Clerk

Respectfully submitted,


Joseph F. Jennings, Foreperson
Dade County Grand Jury
Fall Term 1991

DATE: May 11, 1991