

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

SPRING TERM A.D. 1996

FINAL REPORT OF THE DADE COUNTY GRAND JURY

FILED
November 20, 1996

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I N D E X

PAGES

MAKING DADE COUNTY SAFER: A FRAMEWORK FOR ACTION. . . . 1 - 27

I.	INTRODUCTION	1
II.	ADULT CAREER CRIMINALS	3
	Recommendations	9
III.	JUVENILE REPEAT OFFENDERS	9
	Recommendations	14
IV.	CRIME PREVENTION	15
	Recommendations	19
V.	THE JUVENILE ASSESSMENT CENTER	20
	Recommendation	22
VI.	DADE COUNTY'S OPPORTUNITY SCHOOLS	22
	Recommendation	23
VII.	EXPANDED POLICING	23
	Recommendations	25
VIII.	ARTICLE V COSTS	25
	Recommendations	26
IX.	CONCLUSION	26

INDICTMENTS 28 - 34

ACKNOWLEDGEMENTS 35

INDEX OF TABLES

	<u>PAGES</u>
TABLE I: Analysis of Defendants with Prior Arrests Who Were Pending Trial for Felonies in Dade County on September 27, 1996.....	p. 4
TABLE II Analysis of Prior Arrests of Juvenile Offenders Pending Hearing in Dade County on September 27, 1996.....	p. 11
TABLE III Analysis of All Defendants in the Metro Dade Boot Camp as of August 1996.....	p. 13
TABLE IV Analysis of Potential State Prison Sentences of Defendants in Dade County Boot Camp	p. 14

MAKING DADE COUNTY SAFER: A FRAMEWORK FOR ACTION

I. INTRODUCTION

Crime and personal safety remain the primary concerns of our nation and our community. To our detriment, solutions still seem to evade our grasp. Even with the recent slight downturn in crime, the sheer volume of criminal activity remains horrifying. According to the Federal Bureau of Investigation, across our nation there were 1,864,168 violent criminal acts in 1995. More than 23,000 people were murdered, more than 100,000 people were raped, more than 600,000 people were robbed and more than one million people were assaulted with deadly weapons. Adding to this total were the more than 12 million other crimes committed during that same year, including almost 3 million burglaries, almost 8 million thefts, and over 1.5 million car thefts.

The volume of Florida crime is no less alarming. According to the Florida Department of Law Enforcement, over 150,000 violent crimes and over 900,000 non-violent crimes were committed statewide in 1995. More than 1.5 billion dollars worth of property was stolen. Dade County mirrors what is occurring around our nation and our state. In 1995, crime victimized more than 250,000 of our fellow citizens, neighbors, family and friends. This means that across our local community last year, every day more than 680 of us became crime victims.

We came to our grand jury service with a strong desire to help end this avalanche of crime. Many of our predecessor grand juries, sharing this same urgent desire, have previously addressed it. They have issued several reports criticizing the lack of adequate prison space and the resultant dumping of serious offenders back into our neighborhoods. They have three times addressed juvenile delinquency due to the alarming escalation in youth violence and crime. Uniformly, they called upon our government officials and community leaders for the will and commitment to restore safety to our community. They also urged our state legislators to provide

greater resources to fight crime and to prevent it. Fortunately, in the last two years, the legislature has shifted desperately needed funding to criminal justice related needs. Much of this shift was accomplished through the leadership of the Dade County Legislative Delegation. Yet, despite their best efforts, the funding remains woefully inadequate. Less than 6 percent of our state's \$40 billion budget is currently allocated to criminal justice issues. We hope that our legislature will continue its efforts to provide the additional funding needed. Our local officials must continue their efforts to seek a fair share of state funding for Dade County's obvious criminal justice needs. Until these efforts succeed, our small fiscal plate of local revenues may be our only salvation.

We had the distinction of observing a spirited election season during our grand jury service. Presidential candidates, candidates for national and state legislatures and candidates for local offices, including the historic race for Dade County's new mayoral position, all promised to address crime and public safety as a top priority. The political season's abundant polls reflected the overwhelming concern that average, hard-working citizens continue to have for their safety and that of their families, friends and neighbors. We too share the alarm of our fellow citizens. We also believe that, if our Dade County community wishes to truly solve its crime problems, it must look to itself to implement those solutions. Through a review of our predecessors' work, and with the assistance of witnesses and our own studies and observations, we decided to use our term to develop a number of anti-crime strategies for our community.

We began with the realization that there exists no singular answer or solution that, by itself, will solve the problem of crime in our community. Too often in the past, our society has become the victim of its own "knee jerk" reactions and desire for "quick" solutions. Demands to "lock up" criminals, for instance, too often ignore the finite prison space available and also ignore the need

to prevent defendants from becoming future career criminals. At the same time, using all of our limited resources to save our at-risk children and prevent them from pursuing a path of crime, does nothing to protect our community from violent crimes today. A balance of resources for the punishment of crime and the prevention of crime must be achieved. We believe that the strategies we suggest are reasonably obtainable through the use of local resources if state and federal resources are not forthcoming. We fervently believe that tax-paying citizens would support these expenditures for their safety and sense of security, if convinced they are being used in the most effective and efficient manner possible.

It is our hope that this report will be used as a foundation upon which to build long-term solutions to crime in our community. Our new Dade mayor has committed his personal energy and the full weight of his office to our community's war against crime. His understanding of the subtle interrelationships impacting crime solutions has convinced us that his words to us were pledges, not rhetoric. With his leadership, we believe the Metropolitan Dade County Commission will support these efforts. The leadership of our Dade County Delegation has also committed to seek implementation of the strategies outlined in this report. We expect their words of promise to bring about action and tangible results. We trust that whatever our state and local governments can do, will be done.

II. ADULT CAREER CRIMINALS

As grand jurors, we found ourselves confronting the horrors of crime each meeting day during our grand jury term. Every week, after beginning our meeting with a moment of silence to collect our thoughts, we would listen to the details of the cases presented to us for indictment. Each case amplified for us the true extent of crime and violence present within our community. We soon learned that we shared a common experience with many of the grand juries

that preceded us:

"Our six months of service represented a horrifying awakening, like a living Stephen King novel, to the teenage violence existing around us",¹

"Underscoring this debate was the frustration many felt with our inability to effectively punish criminals or deter crime.",²

"It is as if everyone has arisen from a long sleep and suddenly realized the level of youth violence and crime surrounding them. But the violence and crime have been there for a long, long time."³

Witnesses have told us that a relatively small criminal population commits a large portion of our crime. In fact, law enforcement professionals believe that upwards of 70 percent of all crime is committed by 20 percent of the criminal population. Common sense dictates that we focus our anti-crime efforts upon this small, but debilitating, group of predators. To obtain a snapshot of this population's impact, we looked at all cases that were pending on September 27, 1996 in our felony courts. We found 11,826 defendants with an imminent trial date set on a total of 13,698 felony cases. While only 11 percent of these defendants had more than one pending felony case, almost *two-thirds* of them had been previously arrested.

TABLE I: ANALYSIS OF DEFENDANTS WITH PRIOR ARRESTS
WHO WERE PENDING TRIAL FOR FELONIES
IN DADE COUNTY ON SEPTEMBER 27, 1996

<u>Number of Prior Arrests</u>	<u>Percentage of Total</u>
1 - 4	53%
5 - 9	19%
10 or more	28%

1 Fall Term A.D. 1990 Final Report of the Dade County Grand Jury, Address Juvenile Crime With Timely Intervention, 1991, p. 2.

2 Fall Term A.D. 1993 Final Report of the Dade County Grand Jury, Criminal Justice in Dade County: On The Edge of an Abyss, 1994, p. 1.

3 Spring Term A.D. 1993 Final Report of the Dade County Grand Jury, Dade County's Juvenile Offenders: A Study of the Need for Early Intervention, 1993, p. 1.

When we analyzed the 2,118 defendants who had ten or more prior arrests, we found them to be cumulatively responsible for an amazing **32,181 prior crimes**. Our results further substantiate the impact that a small group of criminals has upon the magnitude of Dade County's crime problems. These are the individuals for whom we need prisons and for whom rehabilitation is more than likely a futile endeavor. These are also the individuals who provide the most destructive effect upon our society and quality of life. Crime is their chosen career. We feel that such career criminals must be a key target for our community's anti-crime strategies.

We looked at the various methods and tools that exist within our community to permit this focus to occur. Many new laws, resources and mechanisms have already been implemented. Career criminal sections within the Metro Dade Police Department, the City of Miami Police Department and the Dade County State Attorney's office have already been established. The Florida State Legislature has passed legislation, such as the Evelyn Gort and All Fallen Officers Act of 1995, to enhance sentences for habitual offenders. Yet, despite these new laws and creative initiatives, an increasingly large number of career criminals sit in our local jails awaiting trial.

Our present inability to resolve these cases swiftly is responsible for this backlog. As a result of the strengthening of our habitual offender laws over the past several years, career criminals now fear even more substantial prison sentences if tried and found guilty. The Evelyn Gort Act triples the required prison sentence and mandates that offenders serve at least 85 percent of that sentence. These criminals believe that they benefit by delaying the trial for as long as possible, hoping that, over time, the case against them will grow weaker and chances of conviction will decline or even disintegrate.

Dade County presently has over 1,400 career criminal cases

pending, 458 of which come under the Evelyn Gort Act. This backlog exists despite the diligent efforts of Dade's Chief Judge to obtain more resources from our legislature and local government to help Dade's overloaded criminal courts. Efforts such as the "Fill The Gap" campaign, a joint funding initiative developed by our courts, state attorney and public defender, while moderately successful, have not yet resulted in the necessary funding. Independently, we must develop a system to get these career criminal cases to trial in an expedient manner, providing both the victim and the defendant with a speedy trial or other appropriate disposition. We must prioritize these cases by designating a number of our felony courts to handle only career criminal cases. The number of cases assigned to these "Career Criminal Courts" must be small enough to avoid the backlog of cases faced by the regular trial divisions, thus allowing these courts to provide a certainty of quicker trials and therefore swifter justice.

In Florida, other communities have created career criminal courts to solve this same problem. For instance, in Jacksonville's Fourth Judicial Circuit, "Repeat Offender Courts" have been in existence since 1989. In the beginning, they too were faced with a career criminal caseload too large to be placed within their specialized courts. They developed a criteria to limit the assignment of career criminal cases so that a manageable caseload could be maintained. Each year since 1989, they have been able to expand this criteria and send more cases into these courts due to an increasing shortage of eligible cases. Their Repeat Offender Court system promotes the swift and yet appropriate processing of these serious cases because, with a greater likelihood of swift trial and the potential for severe sanction upon conviction, most defendants choose not to go to trial. Instead, they accept plea bargains with lengthy sentences. As a result, virtually all career criminal cases are closed within six months or less after their first court appearance for arraignment. By contrast, Dade County's cases can remain pending for a year or more. Jacksonville has been

so successful that they are running out of career criminal cases. Further illustrating their success is the fact that as of September of this year, while Dade County had 458 cases facing enhanced penalties under the Evelyn Gort Act, the Fourth Judicial Circuit had only one.

Although agreeing that courts such as these show promise, witnesses and judicial officers have told us that several obstacles currently exist to their establishment in Dade County. For instance, designating a number of our existing felony courts as Career Criminal Courts would remove from them many of the felony cases they now handle. This would shift a greater burden upon the remaining courts by increasing their already overloaded caseloads. Some also question the transferability of the Jacksonville model to Dade County, considering the substantially greater caseload our jurisdiction has when compared to that judicial circuit. Additionally, Dade County's situation is complicated by a current shortage of available courtrooms.

These are important concerns but they should not deter the establishment of these courts. Granted, we could not immediately place all of our 1,400 career criminal cases into Career Criminal Courts. However, we could begin by employing a limiting criteria similar to that used in Jacksonville. We also recognize that implementation may have to occur on a pilot basis. We have no doubt that creating Career Criminal Courts will present more difficulties to Dade County than to the smaller counties of our state. However, other Florida counties have already overcome these problems. In neighboring Broward County, a large urban circuit similar to ours, a Career Criminal Court will open for operation this year. While appreciating the administrative difficulties involved, we remain convinced that a Career Criminal Court System can work.

We also believe that a reprioritization of Dade County's local funding, in conjunction with creative solutions, can help solve the courtroom shortage that currently exists. As an example, a number

of our grand jurors who are school teachers suggest the consideration of leased portables as temporary courtrooms for less serious cases. These temporary facilities are currently used by our schools to educate our children. We do not feel it would be inappropriate to use them as temporary courtrooms while other facilities are being developed or acquired.

The swift and appropriate resolution of career criminal cases would have an immediate financial benefit to Dade County. Since many of these defendants remain in custody in local jail pending the disposition of their case, delays in resolving career criminal cases has the net effect of increasing the number of prisoners held in our local jail system. Career criminal defendants, if pleading guilty or found guilty at trial, would generally be sentenced to state prison. As a result, all costs of incarceration would be paid for by the state prison system. If found not guilty, they would be released. Regardless, while these cases remain pending, the defendants are in our local jail while Dade County's taxpayers bear the costs of their incarceration. These costs are astronomical. Each day spent in our local jail costs \$72.75 per defendant. Even if we conservatively assume just one quarter of our career criminal cases involves defendants in custody, it would still cost us more than \$750,000 in local tax dollars every month they are held pending trial. The longer these cases remain pending in our courts, the higher the cost. Lengthy trial delays will continue to erode Dade County's pocketbook as well as its sense of justice.

According to the Florida Department of Corrections, in 1992 Dade County was responsible for only 8 percent of all habitual offenders sent to Florida's prison system. That effort ranked us fifth among Florida's judicial circuits that year. In 1993 and again in 1995, the State Attorney expanded her Career Criminal Unit. Several detectives from the Metro Dade Police Department and the City of Miami Police Department were co-located within that unit to provide enhanced case support. The results were dramatic.

In 1993, we increased our percentage to 14 percent and rose to first place in the entire state. While maintaining our number one ranking, our percentages further increased to 20 percent for 1995 and to 23 percent in 1996. The net effect of this focused effort has been an increase of almost 200 percent in the number of career criminals sent to state prison from Dade County in just three years. While we applaud these exceptional efforts, the large **percentage** increase of career criminals sent to prison by Dade County must be compared to the vast **number** of career criminals who could be sent to prison. In 1995, Dade County had three times more felony cases than the Jacksonville area. That year, we sent 572 habitual offenders to state prison. They sent 374, a full two-thirds of our total. Thus, although Dade County has dramatically increased the number of habitual offenders sent to state prison in the last three years, considering Dade County's far greater portion of Florida's crime, Jacksonville's system clearly performs more effectively. We think that career criminal courts are critical to combat crime and restore safety to our neighborhoods.

Recommendations

1. *The Mayor of Dade County, the Metropolitan Dade County Commission, Dade County's Chief Judge, the Dade County Manager, the Dade County State Attorney, the Dade County Public Defender, the Clerk of the Court and members of law enforcement must work together and utilize every creative solution possible to make Career Criminal Courts a reality for Dade County citizens. We also urge them to continue their efforts with the "Fill The Gap" campaign.*

2. *Our Dade County Legislative Delegation should also develop strategies that will assist Dade County in establishing Career Criminal Courts similar to those existing in other jurisdictions throughout the state as well as continuing their efforts with the "Fill The Gap" campaign.*

3. *The implementation of Career Criminal Courts in Dade County should be accomplished within the next six months. We therefore recommend that our successor grand jury evaluate and report on progress made during the next grand jury term.*

III. JUVENILE REPEAT OFFENDERS

In 1991 and again in 1993, our predecessor grand juries have chronicled substantial and alarming increases in the level of

violence exhibited by the youth in our community and across our nation since 1985.

"Crack cocaine, single parent families, teenage pregnancy, increased divorce rates and the easy availability of handguns have all had deleterious effects upon our children. The sad results of these societal changes were evident in many of the cases we reviewed for indictment."⁴

Where none of us would feel sympathy for an adult career criminal, our emotions when dealing with a juvenile offender are often ambiguous. On the one hand, the age and maturity level of a juvenile offender might cause us to mitigate the nature of our response to their crime. On the other hand, to the victim of that crime it is irrelevant if the hand holding the gun is that of a 16 year old juvenile offender or an 18 year old adult. Regardless of these emotions, we unanimously agree with our predecessor grand juries that all juvenile offenders should receive swift and meaningful consequences for their improper acts. However, as the Spring Term 1995 Grand Jury found when it examined the resources available in our juvenile justice system:

The gap between what we believe is needed to provide consequences and appropriate placement in our Juvenile Justice System and the actual amount of resources available is immense. However, the enormity of this gap is clearly representative of what every serious juvenile offender knows only too well. Without the provision of sufficient resources, we truly cannot do anything to them because they are just juveniles.⁵

Lacking the ability to impact all juvenile offenders, we wondered if there exists a group of juveniles upon whom we could focus our resources to the greatest effect. Applying the same method used for the adult system, we reviewed the records of all juvenile offenders pending hearing in Dade County's Juvenile Delinquency

⁴ Spring Term A.D. 1993 Final Report Of The Dade County Grand Jury, Dade County's Juvenile Offenders: A Study of the Need for Early Intervention, 1993, p. 7.

⁵ Spring Term A.D. 1995 Final Report of the Dade County Grand Jury, Dade County's Juvenile Justice System: Starving For Resources, Desperate For Consequences, 1995, p.13.

Court System on September 27, 1996; a total of 4,046 juveniles. We found that a small group, 709 juveniles, were responsible for more than one third of all pending cases. A significant number of these juveniles had a prior arrest history. Of these 4,046 juvenile offenders, **56 percent** had at least one prior juvenile arrest.

TABLE II: ANALYSIS OF PRIOR ARRESTS OF JUVENILE
OFFENDERS PENDING HEARING IN DADE COUNTY ON
SEPTEMBER 27, 1996

<u>Number of Prior Juvenile Arrests</u>	<u>Number of Juvenile Offenders</u>
None	1,763
1 - 4	1,736
5 - 9	396
10 or more	151

When we evaluated the total of these prior criminal acts, the findings were astounding. Although 44 percent had no prior arrests, the remaining 2,283 juvenile offenders were cumulatively responsible for a total of **17,620 prior crimes**, excluding pending cases. We also found that the 547 juveniles who had been arrested five or more times collectively accounted for 4,226 prior crimes. The opportunity to concentrate upon juveniles who are repeat offenders clearly exists within our juvenile justice system. The need to make such offenders the focal point of our anti-crime efforts is evident when we realize that most adult career criminals have a history of prior juvenile offenses.

Unlike the adult system, no habitual or career criminal mandatory sentencing laws exist for juveniles. We are just beginning to wrestle with appropriate sanctions for juvenile repeat offenders. The concept of continued detention of these juveniles is at odds with the traditional concept that a juvenile justice system should rehabilitate rather than punish. At the same time, our community is faced with a legitimate need to protect itself from these younger predators. The lack of sufficient and effective programming, cited by the Spring Term 1995 Grand Jury, highlights the present inability of our juvenile justice system to address our desire for public safety and provide truly effective rehabilitation

efforts.

While it is imperative that we focus on effective rehabilitation for first time, non-violent offenders, we must also develop a method to focus our limited resources on juvenile repeat offenders. We were pleased to find an existing mechanism to begin to accomplish this. The Metro Dade Police Department, in conjunction with other local police departments, has created a Serious Habitual Offender Comprehensive Action Program (SHOCAP). The purpose of SHOCAP is to identify, target and track violent juvenile repeat offenders. In this fashion, it is intended to perform the same mission as currently exists for adult career criminals.

In support of these efforts, the Dade County State Attorney has committed her most senior juvenile prosecutors to prioritize and "fast track" the handling of SHOCAP juvenile cases. This system is expected to begin full operation early next year. Fortunately, since juvenile cases are heard by a judge and not a jury, many more cases can be tried within a week. The gridlock present in the adult system should not be as significant a problem in juvenile court. However, no matter how swiftly these cases are brought to trial and no matter how successful these prosecutions may be, the lack of a meaningful consequence for these offenders within the juvenile justice system continues to present a glaring and significant problem.

Initially, we thought that the Metro Dade Boot Camp could in part be an immediate resource to provide some of the needed juvenile programming. Begun in 1995 by the Metropolitan Dade County Commission, it provides for a total of 22 months of close supervision which includes a six month "boot camp" residential component. It was originally established as an alternative in the adult court system to local jail and a better hope of rehabilitation for first time offenders between 16 and 28 years of age. Unfortunately, as currently structured, a juvenile offender must first be prosecuted as an adult before becoming eligible for

entry to this program. As a result, although we annually spend 3.1 million of Dade County's tax dollars to operate this boot camp, we can not use it to provide the programming needed for Dade County's juvenile justice system. To us, this makes no sense.

Fortunately, as of 1995, our legislature apparently has insured the existence of sufficient prison space. Adult crime in our community peaked in 1990 and in 1995 began slowly declining. Certainly, this is no coincidence. Juvenile crime, however, has increased during the same time period. We think that if Dade County is going to mount a local anti-crime effort, it should include efforts to help combat the juvenile crime problems in our community.

Our concerns were heightened when we were told that, instead of first time offenders facing local jail time, most of the defendants sent to this boot camp would have gone to state prison. This concerns us greatly. Dade County taxpayers should not pay to incarcerate adult criminals in a local boot camp if they could be sent to state prison and thus become the financial responsibility of the State of Florida. If the county insists on maintaining a boot camp, then we believe the money would be better spent to target Dade County's juvenile repeat offenders.

To investigate this situation, we obtained the records, including the sentencing guidelines scoresheets, from the cases of every defendant placed in the Metro Dade Boot Camp as of August of 1996. By examining these scoresheets, we determined the sentence each defendant faced had they not gone to the boot camp. Our analysis confirmed that a substantial percentage of the defendants currently in Dade County's Boot Camp were bound for state prison.

TABLE III. ANALYSIS OF ALL DEFENDANTS IN THE METRO
DADE BOOT CAMP AS OF AUGUST 1996

<u>Sentence According</u> <u>to Guidelines</u>	<u>Percentage of</u> <u>Boot Camp Defendants</u>
Only local jail or probation	8%
Discretionary State Prison Sentence	27%
Mandatory State Prison Sentence	65%

Assuming that these defendants faced short state prison sentences, one could justify expending Dade County tax dollars for rehabilitation, since these defendants would shortly return to Dade County. However, when we analyzed the cases of those defendants facing discretionary or mandatory state prison sentences, we found the vast majority, **88 percent**, faced substantial time in a state prison. This is even more troubling when compared to the six months residency component offered by the Metro Dade Boot Camp.

TABLE IV. ANALYSIS OF POTENTIAL STATE PRISON SENTENCES
OF DEFENDANTS IN DADE COUNTY BOOT CAMP

<u>Range of State Prison Sentences</u>	<u>Percentage of Total of Defendants With Discretionary or Mandatory State Prison Sentences</u>
1 - 5 years	12%
6 - 9 years	71%
10 years or more	17%

Our analysis of the Metro Dade Boot Camp clearly shows we are using a substantial amount of local tax dollars for the wrong population. If the Florida Department of Corrections funded this boot camp, we would agree that the program, as originally conceived for non-state prison bound offenders, might make good sense. Further, we believe a program designed to provide rehabilitation and consequences for Dade County's juvenile repeat offenders would provide a better use of these limited Dade County monies. Officials for the Florida Department of Juvenile Justice (DJJ) have affirmed their willingness to work with our local officials to insure the disposition of appropriate juvenile offenders into such a program from our juvenile justice system, if it were to exist.

Recommendations

1. The funding currently utilized for the Metro Dade Boot Camp should be used instead for the implementation of a juvenile program designed to provide consequences and rehabilitation for Dade County's juvenile repeat offenders.

2. The Mayor of Dade County, the Dade County State Attorney, the Dade County Public Defender, the Administrative Judge of our Juvenile Courts and a representative of the Dade

County Chiefs of Police should jointly determine the criteria for admission to such a program, the program's structure, the length of the program and the manner of program evaluation.

3. The Florida Department of Juvenile Justice should work closely with our local officials to insure that this program becomes a reality and that it utilizes the criteria arrived at by our local officials as set forth above.

IV. CRIME PREVENTION

To truly prevent crime, we must first prevent criminality. A successful crime prevention strategy must therefore begin with the youngest citizens in our community, our children. To begin, we must first identify those children most at-risk of future criminal behavior and re-direct them away from a life of crime. Our predecessor grand juries have provided us with the insights and early warning methods needed to enable us to find and help this population. In 1991 and again in 1993, Dade County Grand Juries analyzed a total of over 5,000 of Dade's worst juvenile offenders and found three traits all had in common: excessive truancy, aggressive or disruptive behavior in school and academic failure.

Early intervention is important because poor attendance and academic performance are symptoms that must be addressed as they occur. Our study has shown that truant children and those lacking educational skills appear to be the core group of children involved in criminal activity. Perhaps, with effective and early intervention, these young children can be directed away from possible criminal activity and back to enjoying school. Evidence exists which appears to demonstrate that success in school can compensate for deficits at home and in the neighborhood. But effective intervention requires the timely use of school records and resources to catch these children before they become entrenched in failure.⁶

By using a child's truancy as a trigger, we can anchor our community's crime prevention efforts to a proven early warning indicator of future criminality. The early identification of truant behavior provides us with a starting point. Next, the

⁶ Fall Term A.D. 1990 Final Report of The Dade County Grand Jury, Address Juvenile Crime With Timely Intervention, 1991, page 15-16.

causes of that truancy can be determined and appropriate measures put into place. We agree with the findings of the Spring Term 1993 Grand Jury that if we can prevent excessive truancy, we can decrease the potential for crime and help achieve greater academic success by intervening before failure takes place. Our local efforts to prevent crime must begin with a countywide anti-truancy program utilizing counseling on the front end and law enforcement on the back end to help stop truant behavior and allow interventions to occur.

Fortunately, the models needed for a coordinated anti-truancy program in Dade County currently exist. In direct response to the findings of the Spring Term 1993 Grand Jury, the Dade County State Attorney, with the support and cooperation of the Superintendent of the Dade County Public Schools (DCPS) developed a pilot Truancy Intervention Program (T.I.P.) focusing upon elementary school children and their families. Once a child is identified as truant, a strong letter from the State Attorney notifies their parents or guardians of their legal responsibility to insure school attendance and the potential of prosecution for flaunting these laws. This same letter requires the family to attend mandatory school meetings which identify the root causes of the truancy. Through the cooperation of school personnel, law enforcement and social service agencies, solutions are put into place. The program derives its effectiveness from the enforcement of parental responsibility and the offer of parental assistance and support. Last year, almost 90 percent of the children referred began to attend school regularly after only one mandatory school meeting. Utilizing only existing resources, this pilot currently operates in 16 of Dade County's 197 elementary schools. Unfortunately, any additional expansion must rely upon the expansion of available resources as well.

The T.I.P. program succeeds in an elementary school environment where truancy usually results from the actions of a parent or guardian. However, in our middle and high schools, the

parent or guardian may not be the cause or a willing participant. Too often, the parents of middle and high school students have lost the ability to control their children. Despite recognizing their responsibilities, these parents lack the means to enforce rules upon their unwilling children. To effectively impact truancy at the middle and high school levels, we need to provide a method to insure school attendance by this population of students. A mechanism, named Operation Clean Sweep, already exists in our community that can provide the needed enforcement. A joint operation between the DCPS, the Dade County State Attorney and local law enforcement agencies, Operation Clean Sweep conducts regular sweeps of Dade County, during school hours, to pick up truant children and bring them back to school. Between February and May of this year, such coordinated sweeps picked up almost 2,000 truants from the streets of Dade County. Effectively, this program reinvents the concept of truant officers with the added recognition that the truant student of today is more likely to be committing crimes than simply "playing hookey" from school.

The crime prevention benefits of anti-truancy efforts have recently gained national recognition. According to the United States Department of Education, Milwaukee, Wisconsin reported a 33% decrease in daytime burglaries and a 29% decrease in daytime aggravated batteries since the creation of their Truancy Abatement and Burglary Suppression Initiative. Rohnert Park, California indicated a 75% decrease in daytime burglaries when contrasted to their 1979 statistics after initiating their Stop, Cite and Return anti-truancy program. The Oklahoma City Police reported a 33% decrease in daytime burglaries after initiating their anti-truancy program.⁷ Without question, responding to truancy is a direct response to crime reduction as well.

These two Dade County efforts provide the basis upon which our community can build one overall, county-wide, anti-truancy program.

⁷ U.S. Department of Education, Manual To Combat Truancy, 1996, p. 5, 6, 7, 10.

Through an expansion of the State Attorney's Truancy Intervention Program to all of Dade County's public schools, we can provide enforcement of parental responsibility where needed. Through regular and continual truancy sweeps, established by Operation Clean Sweep, we can locate truant children and return them to school. This plan only lacks an overall and consistent method of intervention for these students once they are picked up and brought back to school. To accomplish this, the DCPS should create an after school program to support these anti-truancy efforts. It should provide a tutoring component to address the academic needs of the truant and provide remedial instruction as well. It should also provide a consequence for truancy by requiring attendance after school hours. In addition, each school's administration should support this effort by adopting policies providing some loss of student privileges for that student during the regular school day. Undoubtedly, this program will place additional burdens upon our school system. However, the diminishment of truancy, the improvement of academic achievement, increased graduation rates among these at-risk children and a possible reduction of criminal activity are well worth the effort.

We also believe that our public schools, our law enforcement agencies and our juvenile courts should speak with one voice as to the issue of truancy. Juveniles who have already been arrested and come within the authority of the juvenile justice system must regularly attend school. The planned expansion of the pilot Truancy Alternatives Program (T.A.P.), currently in place in one of our four delinquency courtrooms, will help accomplish this goal. Under the T.A.P. pilot, the court orders a juvenile offender to attend school regularly. T.A.P. personnel track the juvenile's school attendance and, if excessive absences result, the court requires the juvenile to appear and explain why. If appropriate, the court may hold the child in contempt and fashion an immediate consequence, up to and including time in secure detention. The expansion of T.A.P. to all of our juvenile courts is a necessary

adjunct to our overall anti-truancy strategy. We applaud the Administrative Judge of our Juvenile Courts for his commitment to expand this program to all juvenile courts.

Addressing truancy is one important link in utilizing education in our efforts to prevent crime. However, these efforts should not stop once a child reaches the age of 16. Unfortunately our present laws do not support us in this area. Amazingly, even while we seek to impress upon our children the importance of staying in school and graduating, under Florida law we have chosen to allow 16 year olds to legally stop going to school whether they graduate or not. As a result, once a child reaches this age, we become powerless to force continued attendance. We do not allow them to vote, buy a gun, drink alcohol or enter into contracts at this age. Allowing them to close the door on their future by creating a de facto adulthood at age 16 makes no sense. Children who dropout of school are 350 percent more likely to be arrested for committing crimes.⁸ Thus the greater our success improving high school graduation rates, the greater our success may be in crime prevention as well. Twenty other states have already recognized this and changed their laws accordingly. Most have chosen to increase the age for compulsory education to 18. Perhaps in a more rural and less competitive time, our present law would make sense. Today, as our society grows more and more technological and as the skills needed to perform even the most rudimentary of jobs increase, this law is archaic and must be changed.

Recommendations

(1) The Superintendent and the Board of the Dade County Public Schools, the Dade County State Attorney, the Mayor of Dade County, the Dade County Manager, the Metropolitan Dade County Commission and the Association of Dade County Police Chiefs should expand the Truancy Intervention Program (T.I.P.), in conjunction with an expansion of Operation Clean Sweep, to encompass all of Dade County's public schools.

⁸ National Commission on Children, Beyond Rhetoric, Final Report of the National Commission on Children, (Washington, D.C.: National Commission on Children, 1991) p.33.

(2) The Dade County Public Schools, in conjunction with the Florida Department of Juvenile Justice, should develop and implement an after school remedial education component to support this countywide anti-truancy initiative.

(3) The Dade County Public Schools, the Florida Department of Juvenile Justice and the Administrative Judge of our Juvenile Courts should proceed with the plan to expand the Truancy Alternative Program (T.A.P.) to include all courts within our juvenile justice system.

(4) The Dade County Legislative Delegation should provide funding for the T.I.P. program so it can be expanded and seek the passage of legislation that increases Florida's compulsory education age to 18.

V. THE JUVENILE ASSESSMENT CENTER

The need for a centralized headquarters to collect, assimilate and share information about Dade County's juvenile offenders remains an integral part of any successful crime prevention strategy. To understand the nature and extent of criminality, we need to know the offenders' correct identities and their juvenile records. To determine the programs and approaches needed to stop juvenile criminality, we need to know their family, school and social histories and learn if these juveniles suffer from physical abuse or have drug or alcohol abuse problems. Fortunately, the mechanism to meet these needs, the Juvenile Assessment Center (JAC), will open in our community next year.

The JAC was created through a joint effort of local and state agencies. It has received substantial support from our Florida Legislature, the Dade County State Attorney, the Director of the Metro Dade Police Department, the Florida Department of Children and Families, the Metropolitan Dade County Commission and its County Manager. When it opens, it will finally provide for the fingerprinting and positive identification of juvenile offenders recommended by the Spring Term 1993 Grand Jury. By allowing police officers to drop off juvenile offenders and return to their duties in less than one hour rather than the four or five hours currently needed, the JAC will return an estimated 60,000 hours of police

time to our community every year. It will co-locate and integrate all agencies that deal with our juvenile offenders and allow for the sharing of each agency's information. This will solve the problem recognized by previous grand juries of a lack of communication between agencies and the duplication of resources used in serving our youth.

We are excited about the JAC's potential and congratulate all who worked toward its creation for their dedication and perseverance, particularly the Director of the Metro Dade Police Department and the Dade County Manager. However, we remain gravely concerned about the potential lack of future funding for this important community tool. Specifically, witnesses have told us that the JAC lacks a dedicated, recurring sum of funds sufficient to continue operation past 1997. This funding must be found. As a beginning, we note that the Florida Department of Juvenile Justice (DJJ) has only dedicated \$230,000 each year for the JAC's operation. This amount is exactly the same that DJJ has given to every Juvenile Assessment Center throughout the state despite the exceptionally different needs and substantially greater numbers of Dade County's juvenile offender population. Unfortunately, the Spring Term 1995 Grand Jury found the identical situation when it examined the failure of DJJ to provide Dade County with its fair share of juvenile programming dollars:

...[W]hile Dade County has the largest number of juvenile arrests in the State of Florida, we receive a much smaller proportional share of the state funding needed to deal with these arrested juveniles than the rest of the state. Our analysis of the DJJ fiscal year 1995-1996 budget supports this conclusion. For example, although we account for almost 15 percent of all juvenile arrests in the State of Florida, we currently receive only 11 percent of DJJ's total available district allocations. In contrast, the vast majority of the other districts in our state receive allocations that are either equal to or greater than their respective share of statewide juvenile arrests....⁹

⁹ Spring Term A.D. 1995 Final Report Of The Dade County Grand Jury, Dade County's Juvenile Justice System: Starving For Resources, Desperate For Consequences, 1995, p. 13, 14 and 15.

These short-sighted and discriminatory funding practices must end. The JAC offers our community a critical component to improve our juvenile justice system. Local officials project that our JAC will soon handle 30,000 juveniles each year, by far the most in our entire state. Dade County must receive its fair share of state funding to continue the operation of our Juvenile Assessment Center. The Juvenile Assessment Center is simply too important a tool for our community's anti-crime efforts to be faced with this uncertain a future. Funds for its continued operation must be found and the State of Florida must contribute its fair share.

Recommendation

The Mayor of Dade County and the Dade County Legislative Delegation must make the continued funding of Dade County's Juvenile Assessment Center a major legislative priority during the next legislative session. Dade County's U. S. Congressional Delegation should also assist in these efforts through the acquisition of federal funding or grants.

VI. DADE COUNTY'S OPPORTUNITY SCHOOLS

As stated earlier, truancy, aggressive or disruptive behavior in school and academic failure were the three common indicators of future juvenile delinquency. Dade County's four "Opportunity Schools" usually receive such students. These schools, Jann Mann, J.R.E. Lee and MacArthur North and South comprise part of the Dade County Public School's alternative education programming. When the Spring Term 1993 Grand Jury analyzed the school placement of the worst of Dade's juvenile offenders, they found 37 percent attending one of these four "Opportunity Schools". Significantly, these schools enroll less than 1 percent of all students in the Dade County Public Schools. Recognizing this, the grand jury said: "If we wish to find students within our public school system to single out for specialized intervention relating to the prevention of future criminal conduct, we need look no further than these four 'Opportunity Schools'."

That grand jury recommended the addition of a residential component to these schools to allow a better chance of

rehabilitation. We agree. While we recognize that current financial limitations would prevent the immediate creation of this residential component, we need to move in this direction as soon as possible. Perhaps implementing a "Glen Mills" peer pressure type pilot at one of these schools could be a first step. In the interim, we feel that these "Opportunity Schools" should be restructured to allow a lengthy after school curriculum providing for tutoring, homework assistance, skills training and anger control. The after school curriculum must involve participation of these children's parents, foster parents or guardians and should offer them training and assistance in parenting skills as well. For those students already within the juvenile justice system, the presiding judge should order parental participation as a part of that juvenile's case disposition.

Recommendation

The Dade County Public Schools and the Florida Department of Juvenile Justice should become partners in, and share funding for providing a residential component, as well as an expanded after school curriculum, at Dade's four "Opportunity Schools" to more appropriately address the needs of these children and their families.

VII. EXPANDED POLICING

It appears that most crime prevention strategies seem to focus upon the immediate hiring of more police officers. We agree that putting more police on the streets can provide an effective and tangible response to our crime problems. However, we are doubtful that sufficient new funding can be found, especially in our present "no new taxes" era, to fully do so to the satisfaction of our citizenry. Without question, greater police presence and visibility would assist our community in reaching its goal of deterring crime and increasing a sense of security. Presently, what is needed is an immediate means to allow this to occur using existing funds. During our term, we have learned of at least one local procedure that could help us accomplish this.

Each day in the Criminal Division of our County Courts, many

criminal and traffic-related misdemeanor cases are set for trial. Most of these cases, especially those involving Driving Under the Influence (DUI), require the testimony of police officers as necessary witnesses. Currently, these officers are required to physically appear in court by 9:00 A.M. on the day their cases are set, so that their presence can be noted by the court and their cases considered ready for trial. Sometimes these cases can be disposed of quickly and their continued presence is not needed. Other times cases are not resolved so quickly and officers must continue to wait in the courthouse, sometimes for hours, until they are called to testify or the case is disposed of. Many times, once the defendant is faced with a certainty of trial, cases are resolved by a plea bargain with the result that the testimony of these officers is not actually needed. This seems to us to be an extremely wasteful procedure. On average, only 4 percent of these police officers are ever actually called to testify. Police officers, waiting in court while on-duty, are an important crime fighting resource that is wasted. Police officers belong out in our community, policing our streets and providing safety and security to our neighborhoods. Instead, each hour they sit in our courthouse waiting is an hour lost in our fight against crime.

While this same argument would not apply to police officers waiting while off-duty, their presence exacts a heavy financial toll in the form of overtime pay. While we certainly have no disagreement with the payment of appropriate overtime wages, a recent evaluation by three local police departments reveals the enormity of this financial cost. In fiscal year 1995-1996, the Miami Beach Police Department paid over \$750,000 in overtime solely for its off-duty officers to appear in these misdemeanor courts. The City of Miami Police Department pays on average, nearly **two million dollars** each year for the off-duty County Court appearances of its police officers. Finally, based upon a 3 hour minimum, the Metro Dade Police Department estimates spending an average of \$400,000 each year for its officers' off-duty County Court

appearances.

The criminal division of our county court must devise a system to call these officers into court only when actually needed. Through such a system, we could immediately provide an enhanced police presence by returning police officers to our streets. It could also immediately free up a substantial amount of existing funds that could be utilized to hire more police officers. We learned that recently our courts, particularly the Criminal Division of the County Courts, are attempting to design a plan to address this problem. We applaud this initiation and hope that a standby witness system will come to fruition.

Recommendations

(1) The immediate development and implementation of a standby witness system for police officers, similar to that utilized in the Juvenile Division, in the Criminal Division of Dade's County Courts must occur.

(2) In view of the potential for substantial financial savings from this standby system, funding to hire the additional victim/witness coordinators needed for the implementation of this system should be provided jointly by all police departments and the courts that would be served by it.

(3) Once these additional victim/witness coordinators are in place, the implementation of an additional standby witness system for all civilian victims and witnesses in the Criminal Division of Dade's County Courts should also occur.

VIII. ARTICLE V COSTS

Article V of the Florida Constitution provides for the creation and operation of our court system, the Office of the State Attorney and the Office of the Public Defender. All are agencies of the State of Florida. Excluding employee salaries, many of the costs associated with their operation, such as their offices, witness fees, utility costs and custodial services, are by Florida law the financial obligations of Dade County. Our expanding crime problems have forced the expansion of these state systems to keep pace. As a result, each year the costs absorbed by our local

community have had to expand as well. Dade County now finds itself absorbing a total of \$110 million each and every year for the operation of these state agencies.

We say enough is enough. Dade County should not be forced to bear the increasing operational costs of the state's court system. We should be able to use this money to implement effective anti-crime strategies to make our community safer. Faced as we are with limited funding for our anti-crime strategies, Dade County must make every effort to change this law, and convince the State of Florida to assume most, if not all of these costs.

We were heartened to learn that many of our community leaders, including the Mayor of Dade County and members of our Dade County Legislative Delegation, agree that this must occur. The method to accomplish this remains to be determined. Nevertheless, a substantial opportunity for this change exists, due in no small part to the fact that its impact would effect all counties across our state. Once successful, it is of paramount importance that these funds not be diverted to other uses. Whatever Dade County funds become available as a result of this effort must continue to be appropriated and used to support our anti-crime efforts, criminal justice related issues and services.

Recommendations

(1) The Mayor of Dade County, our local elected officials and our Dade County Legislative Delegation must make the resumption of these Article V costs by the State of Florida a priority during the next legislative session.

(2) Any money currently expended by Dade County, no longer needed as a result of the resumption of Article V costs by the state, must be placed into a separate specialized account to be used only for law enforcement and local anti-crime related purposes.

IX. CONCLUSION

As we end our grand jury service, we also mark the beginning of a new political reality and an ability to forge our future through a single guiding vision. This unique opportunity must not

be squandered. Our recent history reveals the accomplishments possible through unity of purpose. We are the community that absorbed an influx of immigrants and turned their diversity into one of our strengths. We are the community that survived Hurricane Andrew's devastation and rebuilt. We are also a community that is not afraid to confront the difficult challenges we still face.

Our broad-based community groups, such as Dade Partners for Safe Neighborhoods, already provide the tools, guidance and support we need for this effort. Innovative projects such as the recent Miami Herald series "Our Children, Our Future", highlight the many creative ideas and talents found within our community that are readily available to us. If we fully utilize all of these unique resources, no challenge to our community is truly beyond our capacity to resolve. Crime has always been our most persistent problem. It also presents a debilitating threat to our economy and growth. Its effects have pierced us to our very core. A safer community, with dramatically less crime, is what we all desire. Together, with long-term commitment, we can meet this challenge and make its solution a source of community pride.