

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

FINAL REPORT
OF THE
MIAMI-DADE COUNTY GRAND JURY

FALL TERM A.D. 2001

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INDEX

FUNDING PARKS, REDUCING CRIME.....	1 - 25
I. INTRODUCTION.....	1
II. JUVENILE CRIME – WHEN AND WHERE IT OCCURS	2
Overtown	4
Liberty City	6
III. PARKS AND RECREATION IN MIAMI-DADE COUNTY.....	7
IV. PARTNERSHIPS	12
What Has Worked	15
V. MONEY AND FUNDING ISSUES	18
VI. CONCLUSION AND SUMMARY OF RECOMMENDATIONS	22
Exhibit A	24
Exhibit B	25
INDICTMENTS.....	26 - 29
ACKNOWLEDGEMENTS.....	30

FUNDING PARKS, REDUCING CRIME

I. INTRODUCTION

“If there was more money in keeping kids in wholesome activities and in keeping them busy...then maybe there would be less problems, less criminal problems and less other problems that cause our quality of life to be affected.”

Witness testimony to the Grand Jury

This is a report on Parks and Recreation – with what we believe will have both direct and indirect effects upon juvenile crime statistics, crime and safety issues, educational issues and family value considerations in Miami-Dade County.

On three prior occasions our predecessors have issued Final Reports, which, in part, addressed juvenile crime in Miami-Dade County. As we began our grand jury service for the Fall Term A. D. 2001, we felt that we were operating in an environment different from that of our predecessors. Crimes, particularly violent crimes, have dropped both statewide and locally. For example, in 1982 Miami-Dade County had 508 homicides¹ while last year there were 197 homicides². Juvenile crime has also dropped consistently over the last five years. For instance, in 1995, more than 21,000 juveniles in Miami-Dade County were arrested. Last year, there were approximately 16,500 juvenile arrests. However, surveys indicate that crime is still a major concern of most Americans, particularly in the aftermath of the September 11th terrorist attacks.

While the issues of crime and safety were a major concern of this Grand Jury, we were concerned about juvenile delinquency and sought to determine how it could be prevented. We particularly reviewed the Safe Neighborhood Parks Bond Program and noted that in the 1996 special election the citizens of Miami-Dade County voted in favor of issuing \$200 million in general obligation bonds to fund capital improvements and the acquisition of parks and recreational facilities throughout the county. The intent of this undertaking, as set forth in the ballot language, was "to promote neighborhood safety, reduce juvenile crime and improve quality of life." We wanted to see whether that intent

¹ The Florida Department of Law Enforcement 1982 Annual Report, Crime in Florida

² The Florida Department of Law Enforcement Statewide County Offense Report, January-December 2001

had been fulfilled. If not, we wanted to answer a variety of questions: where had juvenile crime occurred; who had committed it; and what were the availability of park and recreational facilities and program activities in those neighborhoods. We also wanted to determine whether there was some correlation between higher crime rates and the lack of park facilities and/or program activities. As Grand Jurors, we hoped to develop a prescription that could be used on a countywide basis to reduce the number of juveniles who get involved in delinquent and criminal behavior. We present this report and list of recommendations to our government officials and our community in the hope that our advice will be heeded and our leaders will take all the necessary steps to fully use our resources to prevent juveniles from becoming involved in criminal activity.

II. JUVENILE CRIME – WHEN AND WHERE IT OCCURS

Our Grand Jury investigation educated us on many of the tools used by law enforcement to help combat crime. One of those tools is the Criminal Justice Information System (“CJIS”) used at the Juvenile Assessment Center (“JAC”). With the information available in this system, we are able to obtain very specific data on juveniles. CJIS can be programmed to give data for a particular district, zip code, or grid that can include the following:

- a. The overall number of juvenile arrests;
- b. The total number of boys arrested;
- c. The total number of girls arrested;
- d. The type of crimes being committed by juveniles;
- e. The total number of specific crimes being committed by juveniles; and
- f. The actual time of day those crimes are being committed.

Contrary to popular belief, most juvenile crime does not occur on the weekends or on holidays. The majority of crimes committed by juveniles occur on Wednesdays and Thursdays between 2:00 p.m. and 7:00 p.m.; or in other words, between the time most young people get out of school and the time their parents or guardians get home. Surprisingly, we found that there were fewer arrests on Friday and Saturday nights, major holidays and school holidays (See Exhibit A attached hereto). Our belief is that if we can offer recreational program activities to occupy the idle time of our children, such as

organized after-school recreation programs, we can effectively reduce our juvenile crime rate further. These programs generally do not exist today and there is no money being allocated to promote them.

Using CJIS information, we developed an approach to learn when and where the crimes were being committed. We decided to determine which zip codes areas had an increasing number of juvenile arrests at a time when most of Miami-Dade County experienced a decreasing number of juvenile arrests. A percentage ratio between the total number of juveniles arrested in a particular zip code and the total population in that specific zip code was developed as a comparative tool. Neighborhoods showing a higher crime level were then surveyed to determine what types of parks, recreational activities, or other programs were available in comparison to those offered in neighborhoods with lower percentages. The percentage ratios for some of the zip codes we examined are set forth below. The population and arrest data (by zip codes) are set forth in Exhibit B attached hereto.

Percentage of Juvenile Arrests Per Total Population

<u>Overtown</u>				<u>Liberty City</u>	
total population: 19,760				total population: 101,679	
<u>2000</u>	<u>2001</u>			<u>2000</u>	<u>2001</u>
2.06%	1.60%			2.23%	1.74%
<u>Hialeah</u>		<u>Coral Gables</u>		<u>North Miami</u>	
total population: 153,666		total population: 76,176		total population: 43,544	
<u>2000</u>	<u>2001</u>	<u>2000</u>	<u>2001</u>	<u>2000</u>	<u>2001</u>
0.48%	0.47%	0.22%	0.22%	1.05%	1.02%

Based on our review of the CJIS data and other information, we decided to look at two areas in the County – Overtown and Liberty City. Both are located in the City of Miami and both are “poor communities” by any standard of measurement.

Overtown

Based on recent studies of the 2000 Census data, the City of Miami is now ranked number one as the poorest large city in the nation.³ Many of the residents who live within the zip codes we analyzed have the unfortunate distinction of living among the poorest people, in the poorest neighborhoods, in the poorest large city in the United States of America. Their plight is made worse because many of the opportunities that are available in more affluent neighborhoods are simply nonexistent in Overtown and Liberty City. The disparities are most apparent when one considers other factors such as education and the economy.

With regard to public education opportunities, there are four schools in the Overtown area. In 2001, every one of those schools was rated “F”. There are no magnet programs at any of the schools located within the area, and the “best and brightest” students are usually taken out of their home school and enrolled in a magnet program in some other area of the city or county. Sadly, a witness reported to us that only 1 out of 12 children in the Overtown area will graduate from high school.

In Overtown, economic and business development is also almost unknown. The lack of economic and business development in Overtown may, in part, be attributed to the numerous “brownfield” sites located in that area. A brownfield is generally an abandoned, idled or under-used industrial or commercial property where expansion or redevelopment is complicated by actual or perceived environmental contamination. Some of the brownfield-contaminated sites located in Overtown and Liberty City are public properties including parks. Public property is exempt from the governmental oversight of DERM (the Miami-Dade County Department of Environmental Regulation). There is no requirement to make those facilities safe for our residents to use. This Grand Jury strongly believes that revitalization of the brownfield sites is possible and can have a positive impact.

Through the 1997 enactment of the Florida Brownfield Redevelopment Act, grants were made available for the cleanup of contaminated sites such as those located in

³ The ranking is for cities with a population greater than 250,000.

Overtown and Liberty City. Moreover, the combination of tax credits, job bonus refunds (for new jobs created in designated brownfield areas), sales tax credits, revolving loan funds and Brownfield tax incentives (that provide for full deductions of environmental cleanup costs in the year they are incurred) all seem to provide major benefits to local governments **and** private businesses for the cleanup and development of these sites. However, the site must be designated a brownfield area by the local government before one can take full advantage of Florida's Brownfields Redevelopment Program. We recommend that our local governmental officials set as one of their priorities, the creation of a plan to work with the Miami-Dade County Brownfields Task Force and develop strategies for entering into partnerships with private industry which will be used to effectuate the acquisition, cleanup, construction and development of contaminated sites in our impoverished communities. As discussed later in this report, such a partnership can benefit the government, the community and private industry. We recommend that local governmental officials take a pro-active approach to the elimination of contaminated sites in order to better promote private industry investment.

One of the other problems is the lack of employment. Overtown unemployment is a staggering 36%, more than 7 times the county average of 5%. Private businesses are loath to expand into the inner-city neighborhood even as revitalization is occurring on the outskirts of Overtown. One arena was built in the shadows of Overtown. It did little to benefit the residents of that community. Now we have two arenas within a five-block radius. Still, the construction of these facilities has had little or no impact on the average resident of Overtown. One must recognize that while both of the arenas are within walking distance of this underserved and impoverished community, many of the residents will never have the opportunity to partake of the attractions offered there. They just cannot afford the event tickets.

Similarly, construction has already begun at the site that will house the Performing Arts Center. It, too, is within walking distance of Overtown. Again, it will not - nor is it intended to - serve the residents of that community. Many of the patrons who support the arts and will attend the performances, on an annual basis, will pay more to attend the events in this facility than some Overtown residents will earn on an annual basis to support their families. Whereas our average citizens in this county are

financially capable of entertaining themselves through sporting events, concerts, theater, boating, deep-sea fishing, yachting, movies, sports car racing and other pricey events, our underprivileged citizens are, for the most part, excluded from such activities and must relegate themselves to less costly activities.

Obviously, one of the least expensive forms of recreation takes place at our parks. If local government is not maintaining or conducting repairs at our park facilities, our poorest residents have effectively been excluded from one of the primary attractions which draws many visitors to South Florida year round - -the ability to enjoy and use the thousands of acres of open green spaces that are located here.

Liberty City

Although Liberty City suffers from some of the same ills as the Overtown community, it has more schools and religious institutions. However, in addition to having its share of “F” schools, Liberty City also has a number of schools with magnet programs, has more parental involvement in its schools and has the support of many businesses that serve as sponsors for athletic events such as Little League sports activities.

As to economic and business development, Liberty City has benefited from ongoing revitalization efforts that have taken place within recent years. Those revitalization efforts include a major development presently under construction at a former brownfield site. This undertaking is the result of a public-private partnership. The site was cleaned up with money provided by the government. Once construction is completed, new businesses will be opening in the Liberty City area, which will provide jobs for the residents of that community. As previously stated, we believe these same results can be obtained in Overtown. Brownfield revitalization can be a big step toward reducing the unemployment rate in both communities.

We note that one of the other major differences between the two communities is the significantly higher rate of homeownership in Liberty City. One witness testified that homeownership itself has a dramatic impact on reducing crime rates, improving test scores of students and improving the quality of life in those neighborhoods. We are

mindful that City officials are encouraging the construction of new homes in the Overtown area, and we believe this too, will have a positive impact on Overtown.

The problems affecting these two communities are both serious and multifaceted. Yet, notwithstanding the problems endemic to both communities, we believe that there can be a reduction of crime in those areas through concerted efforts to increase the amount of after school recreational activities.

III. PARKS AND RECREATION IN MIAMI-DADE COUNTY

“If you think of a strong city, and a vibrant city, a park is a very important part of it.”

Witness testimony to the Grand Jury

Miami-Dade County has a Parks and Recreation Department that primarily deals with parks in the unincorporated areas of the county. The City of Miami and each of the municipalities also have their own parks departments. As indicated by many of the witnesses who appeared before us, parks and recreation are not primary concerns of our local governmental leaders. The importance ascribed to this area by some of the jurisdictions is evident by the amount of money they use to fund parks and recreational programs. We decided to search the web sites of some of the local governments and compare available budget information. The results of our search are set forth below.

	<u>Total Budget/Expenditures</u>	<u>Parks & Recreation</u>	<u>% of Total Budget</u>
Coral Gables (1999-00)	\$79,957,000	\$5,496,716	6.87
Miami (2002)	\$319,530,611	\$10,269,000	3.21
Miami–Dade (2000-01)	\$3,022,048,000	\$78,797,000	2.61
North Miami (1999)*	\$26,484,148	\$4,549,325	17.18
Pinecrest (1999-00)	\$14,432,462	\$623,334	4.32

* North Miami’s budget includes cultural programs and activities.

The Director of Miami’s Parks Department opined that the City of Miami has approximately 105 parks.⁴ Similarly, the County’s representative testified that she believes there are more than 280 facilities under her jurisdiction. However, the sad truth

⁴ Of that number, about 30 can be considered “active parks,” or in other words, parks which have facilities such as tennis courts, baseball fields, basketball courts and recreational buildings. The remainder are

is that neither department can be sure because there does not seem to be any reliable inventory of existing facilities.

Several factors may contribute to the confusion as to the total number of parks. Some of the open spaces officially designated as public parkland are neither accessible to the public nor are they used as a parks. Some of the “public” parks have fallen into such a state of disrepair (due to the lack of regular maintenance and upkeep) that they are secured with locks and chains for the public’s safety. Residents no longer can gain access. Today, City of Miami “parks” include at least one highway depot dumpsite, a sewage treatment plant, a cemetery and a medical center.⁵ It is unfair and misleading for our governmental officials to (1) represent that we have more parks than we do, and (2) include in the total inventory of parks those lands that they know is not being used for parks or which are not available for public use.

In addition to the confusion about the number of parks, the directors / representatives of the parks departments were unaware of the actual percentage of the total budget received by their department. The City and the County representatives each wrongly believed the percentage was higher than it actually is. The testimony was 4% for the City of Miami and nearly 7% for the County. The actual percentages (as indicated in the chart above) are significantly lower. For instance, the City of Miami allocates approximately 3.21% of its total budget towards parks and recreation; the County, 2.61%. We find this to be totally unacceptable in a county where repeatedly, the citizens have strongly voiced their desire and support for park and recreation bond initiatives, which are specifically designed to improve our parks and recreational facilities.

We learned that Miami-Dade County has not had a Master Plan for its parks programs since 1969. The City of Miami is in the process of preparing a Master Plan for its Parks Department. However, it may not have had a plan within the past 50 or 60 years, according to the testimony of at least one knowledgeable witness. Nevertheless, Miami-Dade County already has a \$500 million “wish list” for new parkland

considered to be “passive parks” – a “green area” where families can go for picnics or employees can go to sit, have lunch or toss a frisbee.

⁵ See article, [Take Me Out to the...Parking Lot?](#), by Jacob Bernstein, Miami New Times, Jan. 27, 2000.

acquisitions, despite lacking any projection of future needs based upon any demographic research. The City of Miami has planned to develop a similar list for nearly ten years. This approach almost defines shortsightedness. It is much easier to get money to acquire land for a park than it is to get money to maintain the parks. Thus, we have the investment of a significant amount of capital (including grants) to purchase land, erect facilities and put in playgrounds and backstops, but not enough operational dollars to provide programs for our children and senior citizens, nor money to pay for proper maintenance of existing facilities.

The lack of any long-range parks and recreation planning by the City of Miami or Miami-Dade County raises additional concerns. For instance, in 2001 voters in the City of Miami approved a \$255 million bond issue. Over \$127 million can be used for parks, but only for land acquisition or capital. Similarly in 1996, Miami-Dade County voters overwhelmingly approved the \$200 million Safe Neighborhood Parks Bonds Initiative, knowing that it could only be used to “fund capital improvements and acquisition of parks and recreation throughout Miami-Dade County.” Even the State of Florida has grants available for parks, but has no such grants for operations or maintenance. As a result of these various programs, the City and the County embarked on a mission to purchase additional land to be used for parks. On its face, this appears to be a wonderful idea— increase the amount of green space in our neighborhoods; but again it is woefully inadequate. Park facilities that fall into disrepair due to lack of upgrades and maintenance are facilities that are not benefiting anyone.

Miami-Dade County is expected to receive the lion’s share of funds from the \$200 million Safe Neighborhood Parks Bond program. The intent is to use those funds to improve or create recreational facilities for youth, adult and senior citizens in the county. The County commission, through enactment of an ordinance, has mandated a 100% allotment for any increases in operating needs as a result of new facilities, which include maintenance costs. According to witnesses, the County’s budget office has honored that commitment. We are pleased that it has taken affirmative steps to provide operating costs for its Parks and Recreation Department. However, notwithstanding this effort, many county parks remain unstaffed and underutilized. Too many existing parks lack any type of facilities or planned recreational programs.

What does this mean in the real world? It means that land is acquired to create baseball fields, yet there are not enough resources to maintain the ball fields. Similarly, the City of Miami has ten swimming pools, but they can only afford to keep two of them open yearround.⁶ These neighborhoods and communities with unusable facilities certainly feel a sense of saddened betrayal. We cannot maintain the parks we already have, and yet we continue to buy more land – only to let them lay dormant. While some of these purchases satisfy a number of special interest groups, purchasing environmentally sensitive wetlands do not necessarily satisfy all the needs of the community.

Yet, this constant push towards acquiring new parkland ignores certain areas of need. Two examples are Little Haiti and Little Havana. We were told that there is not one park located within Little Haiti. Further, as we consider that soccer is to Haiti what football is to America, it is sad that the parks located near the little Haiti area do not have a soccer field. We understand that one of the City Commissioners is recommending that \$25 million of the \$225 million bond issue be used to erect a major park in Little Haiti. We support this effort and hope that provisions will be made so that funding will also be available for maintenance, repair and operating expenses, and especially for recreational programs at that site.

Several witnesses testified that nothing can be done about the maintenance deficiencies due to the lack of funds available for Parks and Recreation Programs and that the only way to get more money is to (1) cut the budget of some other department; (2) raise taxes; and/or (3) bring in more revenue. We disagree with this premise. One solution may be to sell off some parkland, which is not being used and use the proceeds from the sale to establish a segregated endowment fund, the income from which will be available for use as operating expenses for maintenance at other facilities. Another solution may require the governmental entities to rid themselves of park and recreational facilities that are a drain on their budgets. Many examples of deterioration and non-use of park facilities exist throughout Miami-Dade County, and particularly within the City

⁶ This issue is addressed further under section IV, Partnerships.

of Miami. Many have lost their revenue sources due to lack of upgrades and maintenance for extended periods of time.

A third alternative is to “privatize” certain revenue generating facilities and take them out of the control of bureaucrats and politicians, thereby allowing private enterprises to operate these facilities in the pursuit of profits. The governmental owner would be converted to a “passive” landlord and all operating expenses and capital improvements would become the responsibility of the tenant. Government has no business taking an active role of being in competition with private business enterprises.

For instance, Miami-Dade County has marina operations that bring in about 20% of all of the county’s earned revenue. The wet slips and dry slips are totally full; however, the rates charged are below those charged by some private facilities. Similarly, boat ramps are also profitable to the county; yet, those rates are “very, very low” and “really low” even compared to other governmental marinas. If the county does not intend to operate its most profitable assets as a true business endeavor (by charging market rates), then it may do better to enter into a land lease agreement, charge rent and not be responsible for any maintenance costs.

One such arrangement described to us involved the Miami Seaquarium. The County has a “huge contract” whereby it receives \$1 million per year from the Seaquarium. The county receives one million dollars a year without any offset for maintenance or operating expenses. This arrangement could also be used for other sites and facilities that are presently draining budget resources. Some of the public facilities that we believe are a drain on public dollars include: Miami Marine Stadium, Merrill Stevens Yacht Yard at Dinner Key, Dinner Key Marina, the Miami Arena, the James L. Knight Center, Pelican Harbor Marina and the Orange Bowl Stadium.

One of the other promising developments is the creation of the City of Miami’s Park Advisory Board (“PAB”). The PAB (created two years ago) is designed to assist the parks department in conducting an inventory of existing parks, setting priorities for the purchase of new parkland and getting involved in raising private funds to be used by the parks department. As to the latter purpose, the PAB has presented a recommendation that the City of Miami set up a trust to assist in fundraising efforts for parks. In that

numerous funding sources are already available for the purchase of parkland and capital improvements on such land, we strongly urge the PAB to structure the trust so that the majority of the funds raised will be used for maintenance and operating expenses, in particular, expenses associated with providing recreational programs at our parks. We believe the PAB can also spearhead partnerships (such as those identified herein) between public, private and governmental entities

If the City could develop a way to acquire new parkland and provide money for on-going park maintenance, it would go a long way towards improving Miami's ranking in comparison to other big cities in the country. In an effort to provide data and information on the park systems and parklands of the various political jurisdictions in the largest metropolitan areas in the United States, Inside City Parks, compiled a report on the central cities of the nation's largest metropolitan areas. Its 2000 publication included startling information on the City of Miami. Based on 1996 population data and the Adjusted Budget for Fiscal Year 1998-1999, the findings included the following:

- Miami has less open space than any high-density city in the country.
- Miami has 1,291 municipal park acres in the City.
- If Virginia Key Park (which is now closed to the public) is taken out of the mix, Miami has less than 2 acres per 1,000 persons
- Miami's ratio is the lowest ratio of any city profiled
- With a budget under \$13 million, Miami was ranked 3rd lowest of all 25 cities covered in the study.

Clearly, Miami's park system is in need of repair. So too, many of the parks are also in need of repair. Surely, the City cannot allow this deplorable condition to continue.

IV. PARTNERSHIPS

“The county doesn't talk to the city. The city doesn't talk to the county. The school system doesn't talk to the city. Everyone kind of does their own thing.”

Witness testimony to the Grand Jury

The City of Miami has partnerships with approximately 50 youth groups and organizations that are involved in programs at various parks located throughout the city.

We are encouraged by some of the information we received regarding the Parks and Recreational Departments' efforts to forge more partnerships with not for-profit corporations and community based organizations. We strongly believe that efforts such as these will go a long way toward increasing the availability of recreational activities at our parks and reducing the cost to do so. Governmental administrators acknowledged that it is cheaper to operate parks and recreational activities through partnering with community based organizations and not-for-profit corporations. An example of this is seen with the erection of a new center in Coconut Grove at Elizabeth Virrick Park. The City of Miami's proposal is to enter into a partnership with the local Boys & Girls Club, Coconut Grove Cares and possibly the YMCA. Under the proposal, the City will own the property. The non-profits will operate the property and provide a wide-range of recreational activities for the residents. This is a "win-win" situation for the City, as well as for the citizens.

Witnesses also informed us of partnerships between the Miami-Dade County Public Schools ("DCPS") and the City of Miami Parks Department. Presently, six public schools use City parks for their physical education programs. Under this arrangement, 60% of the maintenance costs for those six parks is paid by DCPS. This is a great benefit to the City, the schools and the students, as it allows for the use of park facilities during school hours, a time when many parks are vacant and lifeless. We believe DCPS should enter into more such partnerships with the various parks departments located in Miami-Dade County. Based on economies of scale and cost sharing benefits, it makes good financial sense, too.

One of the major areas of serious concern involved the city's public swimming pools. As previously stated, the City of Miami has ten swimming pools but can only afford to keep two of them open year round; Hadley Park in the north and Jose Marti Park in the south. The other eight pools are only open during the summer months when students are out of school. The City of Miami has operated in this manner for more than 13 years and its Parks Director estimated that the present annual cost (staffing, chemicals and maintenance) to keep one pool open is \$180,000.

In conducting a balancing test, we weigh this “cost” against the fact that in Miami-Dade County, the leading cause of death for children ages 1 – 5 years is drowning. Added to the deaths of these toddlers are the deaths of pre-teens and teenagers who drown because they do not know how to swim. These drowning deaths occur in backyard swimming pools (not likely for residents of Overtown and Liberty City) and also in beaches, lakes, canals and rockpits. We believe many of these lives could be saved if all the public pools could be opened year round with “learn to swim” programs offered by non-profit groups such as the Boy Scouts, Girl Scouts, American Red Cross and YMCA. Another novel approach is that of the Coconut Grove Women’s Club, which raised money to pay certain instructors who taught children how to swim through “learn to swim” programs offered at our public pools. We believe that some type of partnership between the various parks departments and the Miami-Dade County Public School System, which offered swimming classes and “learn to swim” programs during the school year, could greatly reduce the number of children who are likely to drown in the summer months while they are out of school. A year-round after school program at all ten public pools would also be of great benefit to the community.

Miami Mayor Manny Diaz indicated in his State of the City address that his desire is to improve the situation with the City’s parks. We understand that he has already started building partnerships and we applaud his efforts. We trust that he will keep the commitment and we encourage him to actively pursue brokering the partnerships referred to in our recommendations.

Similar to the City of Miami, the Grand Jury received information that the County also has several joint projects with the School Board for the sharing of parkland or resources that are near or adjacent to schools. Further, any such schools in need of additional space for recreational programs are encouraged to make use of the County’s park facilities. The County has several other “minor” formalized programs with the School Board involving elementary school children and educational field trips to Metro Zoo and the Crandon Park Nature Center. **The County’s Parks Department does not have any after school partnerships with Dade County Public Schools.**

In addition to strongly endorsing partnerships for traditional uses of park facilities, we also strenuously encourage the City and County to think “out of the box” and pursue non-traditional alliances and uses of their park facilities. One of the “three way” partnerships that impressed us involved the City, DCPS and a not-for-profit corporation. The corporation bought computers and, working with DCPS, tutors are provided to teach students how to use computers. This after school program provided at Moore Park, in addition to giving children constructive activities, teaches them skills, which should improve their eligibility for jobs in this technological environment in which we now operate. Efforts such as these should become top priorities for our school system, city and county government officials.

WHAT HAS WORKED

“Whether you have children or not, if children have something to do, they keep out of trouble.”

Witness testimony to the Grand Jury

We heard from a number of community activists and civic leaders who have been involved in efforts to reduce the level of juvenile delinquency in our neighborhoods. They see recreational and other program activities as an effective way to occupy the idle time of our teenagers. We were impressed with their many success stories and wished there was a way to replicate such programs throughout our community. However, despite the number of program successes, funding continues to be reduced. We find this to be totally unacceptable.

In light of the many problems faced by children raised in our inner city (discussed earlier in this report) we feel the City and County government should re-think some of their funding criteria. They can decide whether to “recreate” or “incarcerate.” **One witness testified that the cost for recreation, provided by trained personnel, for one child per year is \$135. It costs \$40,000 a year to incarcerate a child.** We listened to residents who have been involved in these neighborhoods and who have participated in programs involving juveniles. They all talked about successful efforts, which are no longer available due to funding cuts.

Irby McKnight, a longtime community activist in the Overtown area, provided a wealth of information to us about many of the successes from the past. He serves on the Overtown Advisory Board and has been involved with numerous programs in the City of Miami. One of the programs he told us about involved the Cultural Advisory Council, which was operating in the Overtown area in the late '70's. With about \$500,000 a year, the CAC provided numerous recreational activities for children who lived in Overtown. The program proved to be a huge success and many of the children who participated in the program went on to become productive citizens with occupations such as that of teachers, actors, actresses and musicians. For years, citizens in the community operated this program. Eventually, the City took over operations, the budget decreased, the programs dwindled and eventually faded away. As the program died, so did a perfect alternative to the commission of delinquent activities by our juveniles.

Mr. McKnight is striving for the successful operation of other efforts in the Overtown area, including Parents in Action (PIA), which is designed to get more parents involved in the schools located in Overtown, hiring more staff in the parks for creation of after-school programs, and increasing the number of participants in the WAGES program, the governments' "welfare to work" initiative. It was reported that of the more than 3,000 Overtown residents who receive food stamps, only 180 are involved in the WAGES program. Since poverty is one of the primary contributors to delinquency and criminal activity, we think local government officials should increase their efforts in getting able-bodied residents in the Overtown area and elsewhere involved in the WAGES program and ultimately getting them off the welfare rolls.

Law enforcement has also become more involved in the prevention of juvenile delinquency by getting children in the inner city to become involved in various after school programs and recreational activities at schools, parks and other sites. Commander Brenda Williams of the City of Miami Police Department spoke to us about an Inner City Youth Camp program that she has been involved with for a number of years. The event now involves more than 500 kids (the number has increased every year) who are given the opportunity to participate in a camp outing that is held at Hadley Park, a major park facility located in the Liberty City area. The Inner City Youth Camp is held once a year over a three-day period and uses officers and employees of the police department, parents

and other volunteers. The camp program, done at a cost of approximately \$40,000, is a success because of the many businesses and private industries who partner with this effort by donating all types of food items, drinks, supplies, etc. The program, which operates on a shoestring budget, could benefit more children if more funding was available. We encourage other businesses to also get involved in these worthwhile efforts.

Commander Williams testified about other programs that the officers use to target other age groups (younger and older) in hopes of improving relationships between police officers and residents and presenting other options for the children, which includes choosing law enforcement as a career. The programs include the Police Explorers (13-18 year olds), the Pee Wee Kiddie Patrol (5-7 year olds) and involvement in the Girl Scouts and Boy Scouts where the Troop Leaders are all police officers. The officers involved in these programs contact the area schools, YMCA, Boys Clubs, churches and other organizations to set up a network to work for other kids to get involved in their programs. A community center was recently dedicated at Hadley Park. Our hope is that recreational and cultural activities will be provided for the youth of Liberty City at the site.

Yet, in the midst of all of these wonderful projects, Commander Williams also told us about an effort that was designed to offer computer training to all the females participating in the various police sponsored programs. Unfortunately, the program had to be dropped. The computer labs, located in two locations in Liberty City, were shut down. Funding to pay persons to provide the training did not continue. We think this is a wonderful partnership opportunity for our area community colleges, four-year colleges and universities. Students can earn credits by performing community service or in-service course credits that could be developed to include working with inner city youth on such projects as computer training, computer repair and other related services. These programs could easily be included as part of a concerted effort to provide after school activities at the parks located in our inner city neighborhoods.

Nationwide organizations, such as the Boy Scouts of America, have also taken bold steps to affect in a positive way the lives of our children who live in the inner city. They have made concerted efforts to get more of our young males involved in scouting.

Some of the problems that have hampered those attempts are a lack of volunteers to serve as Troop and Pack leaders and that prior criminal records preclude many from serving in such capacities. However, we found that where there is community and family support, such programs can succeed, even in our impoverished communities. Interestingly enough, one of the largest scouting troops in Dade County is located in Liberty City. Liberty City is also the home of the largest Optimist Football Club in Miami-Dade County, and maybe even the nation. This confirms to us that if those in positions of power choose to do so, they can provide activities that our youth will participate in and benefit from. Sometimes, what we need most is for our government to merely “get out of the way,” and stop building bureaucratic “roadblocks” and “dead ends.”

V. MONEY AND FUNDING ISSUES

“If there was more money in keeping kids in wholesome activities and in keeping them busy...then maybe there would be less problems, less criminal problems and less other problems that cause our quality of life to be affected.”

Witness testimony to the Grand Jury

The lack of money was the consistent complaint from all of the witnesses who wanted to create, or in some cases sustain, recreational activities or after-school programs for our children. However, our investigation revealed that it is not simply a lack of money, but instead, the failure of some Parks and Recreation Departments to seek increases in their budget; the failure of city and county managers and commissioners to increase funding; and the failure of some Parks and Recreation Departments to fully utilize all of the money which is actually budgeted.

As part of our investigation, we were educated on the budgeting process. A basic understanding of the budgeting process is necessary in order to fully appreciate how services and departments are funded. The presentation we received was specifically for the City of Miami but the concepts are applicable to all of our local governments.

The City Manager presents a budget to the Board of City Commissioners. The budget includes line items for each of the various departments and agencies that operate within the City. The Manager prepares his budget based on requests from the department

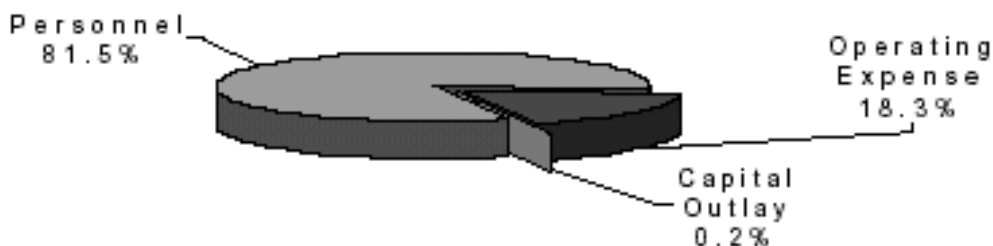
heads for each of the respective departments. The department heads present their budget requests to the Manager based on the amount they feel they will need for the next fiscal year. The request includes a high level breakdown of expenses for the department. Each department head must have sufficient justification to support an increase in his or her budget. For instance, a request for funds to support a *new* recreational program would become a specific line item in the budget request. Once the Manager has reviewed and edited the requests from the various departments, he compiles the information and presents the budget to the City Commission for consideration. The Commissioners, after making their adjustments, approve and adopt a final budget, which sets forth in detail the amount of money allotted to each department for the next fiscal year. Any funds not used by a department (“the surplus”) are returned and placed in the General Revenue Reserves.

The 2002 total fiscal budget for the City of Miami is approximately \$320 million. The budget for the Parks and Recreation Department, as set forth in the chart below, is \$10.2 million. One of the City Commissioners testified that the budget for the Parks and Recreation Department (as a percentage of the overall budget) has decreased every year for the past 15 years. Even for park facilities which are operational and are used as revenue sources for local governments, there still is no benefit to the parks system because any revenues actually raised from park facilities are plowed back into the general funds and do not benefit the Parks programs.

City of Miami FY2002 Budget Parks and Recreation –Department Summary

Category	FY1999 ACTUAL	FY2000 ACTUAL	FY2001 ADOPTED	FY2001 AMENDED	FY2002 ESTIMATED
Personnel	\$ 6,456,384	\$ 7,013,091	\$ 7,495,569	\$ 7,759,579	\$ 8,374,720
Operating Expense	1,582,211	1,537,314	2,076,121	2,065,317	1,879,894
Capital Outlay	48,241	75,562	-	36,981	14,000
Non-Operating	137,172	120,702	145,754	145,754	-
TOTAL	\$ 8,224,008	\$ 8,746,669	\$ 9,717,444	\$ 10,007,631	\$ 10,268,614

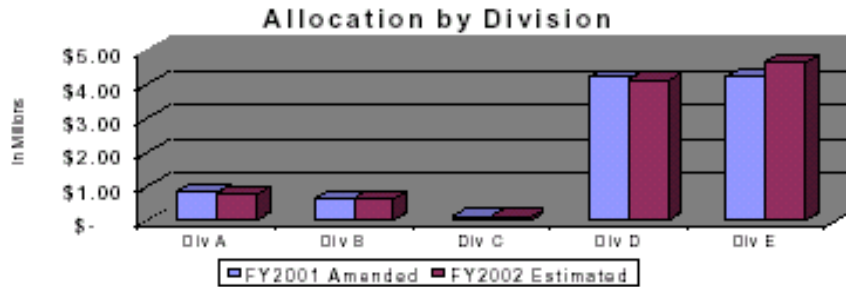
Allocation by Category



Total Budget is \$320 million. Parks and Recreation budget is 3.2%!

Consistent with the testimony we received regarding the budgets of most of the parks departments, the largest expense is allotted to cutting the grass and other grounds keeping tasks. Nearly 60% of the annual budget allotted to park maintenance is spent on payroll for grounds keeping personnel. In fact, of the 5 divisions under the City's Parks and Recreation Department, grounds keeping is the only one with an increase (more than 10%) from the Fiscal Year 2001 Amended Budget.

	FY1999 ACTUAL	FY2000 ACTUAL	FY2001 ADOPTED	FY2001 AMENDED	FY2002 ESTIMATED
Office of the Director	\$ 624,137	\$ 676,631	\$ 791,411	\$ 849,615	\$ 757,406
Child Day Care	519,411	546,752	577,314	624,104	607,635
Disabilities	85,165	40,860	92,549	92,550	82,954
Recreation	3,517,842	3,787,358	4,010,143	4,208,710	4,140,378
Grounds Maintenance	3,477,453	3,695,068	4,246,027	4,232,652	4,680,241
TOTAL	\$ 8,224,008	\$ 8,746,669	\$ 9,717,444	\$10,007,631	\$10,268,614



As previously stated, many witnesses testified about programs that were successful in the past, which because of insufficient funding, are no longer available. Several community activists informed us of requests they have made to local governmental officials only to be told that money is not available. However, even with these requests, the department heads have not sought increases in their budget. Absent the requests for increases from the department heads, the managers and commissioners have no incentive to increase those budgets. As expected, most of the budget is devoted to police and fire rescue departments, and because that is a primary concern (public safety), that is where the money goes.

For instance, for the City of Miami, 42.6% of its FY2002 total budget is assigned to the Police and Fire-Rescue Departments. Again, 3.2% of its total budget is assigned to Parks and Recreation. In fact, the estimated amount for the City's FY 2002 Parks and Recreation budget equates to a reduction of more than \$180,000 from the amount of

operating expenses allocated in the Amended FY2001 budget (See chart on p. 20). Moreover, with all of the witnesses telling us about the shortage of available dollars for operational expenses, the City of Miami's Parks Department failed to spend all of its allocation and was required to return money to the General Revenue Reserves. Under the City's present policy, the departments cannot touch those funds once they are returned to the surplus fund, even though the total amount is presently in excess of the minimum percentage required for the emergency fund.

When analyzing the results of this process, we are reminded of the well-known phrase, "water, water everywhere, nor any drop to drink." In this situation, "money, money everywhere, but not a cent to spend." One might say that we should take into account the City's recent financial troubles. We have. Unfortunately, it does not change our views or opinions. The evidence presented to the Grand Jury leads us to believe that even if the City had avoided the financial problems, the Parks Department would still be in the same shape as it is now.

For instance, we received information during our investigation regarding a Special Revenue Fund that was specifically created as a funding source to be used by and for the City of Miami Parks and Recreation Department. As designed, all revenues received from the City's parks were deposited into this fund. At a time when the Parks Department was seeking an increase in its budget and crying out for more money, it apparently was unaware of the fact that the balance in the Special Revenue Fund had grown to an amount in excess of \$700,000, or nearly an additional 7% of the current year's total Parks and Recreation budget! Money, money everywhere again, but in this instance the money is available, but is forgotten and just not used.

VI. CONCLUSION AND SUMMARY OF RECOMMENDATIONS

The citizens in Miami-Dade County have spoken in a very loud vote as indicated by their overwhelming support of the \$200 million Safe Neighborhoods Bonds referendum that passed in October 1997. We want our elected officials to be mindful of this fact and put the taxpayers' money where the taxpayers want it to go - - - to ***parks and recreation***. Consistent with the wishes of the Miami-Dade County voters we make the following recommendations:

1. *That the elected officials in our county and municipal governments significantly increase the amount of money to be allotted to parks and recreation within their jurisdictions;*
2. *That the elected officials in our county and municipal governments significantly increase the amount of money to be allocated to programs and recreational activities at our parks, particularly in our low income neighborhoods;*
3. *That the elected officials in our county and municipal governments actively seek out more grants and partnerships with private industries whereby operational expenses at our parks can be funded on an annual basis;*
4. *That the elected officials in our county and municipal governments set up dedicated funding sources that will supplement the budget allocations for the parks & recreation departments, including approval of provisions which will mandate that **all monies** raised at a park or via recreational or other activities held at the park will be placed in a special fund which can **only** be used to pay for operational expenses at parks;*
5. *That the elected officials in our county and municipal governments order the directors of their parks department to develop a Master Plan for parks within their respective jurisdictions;*
6. *That as part of the Master Plan the directors of the parks department will create an inventory of all existing parks and before they are able to purchase or create more parks (or in other words, use more money for capital improvements), they must first develop a plan to improve use of the existing parks, which will include recommendations for funding the operation of recreational and other activities;*
7. *That the elected officials in our county and municipal governments order the directors of their parks department to actively and vigorously seek out and enter into partnerships with Community Based Organizations that are yearning to provide after school programs, recreational activities, intramural programs,*

- computer training and other such efforts to help our children, particularly those in our low income neighborhoods;*
8. *That the Dade County Public School Board actively and vigorously seek out and enter into more partnerships with the parks and recreational departments in the various county and municipal governments to offer more after school programs, recreational activities, intramural programs, computer training and other such efforts to help our children, particularly those in our low income neighborhoods;*
 9. *That the Dade County Public School Board enter into discussions with representatives from Miami-Dade Community College and other colleges and universities within our area, for the purpose of developing programs at the high school and college level whereby students would be encouraged to perform their community service for credit or as required for graduation, by working as volunteers at our parks. The volunteers would serve as tutors, activity coordinators, coaches, computer trainers, etc.;*
 10. *That the elected officials in our county and municipal governments strongly consider ridding themselves of public facilities that drain the government coffers and take the money that was being used to maintain such facilities and use it to fund successful programs such as those referred to in this Report;*

	<u>Total Population</u>	<u>Zip Code</u>	<u>2000</u>	<u>2001</u>
<u>Overtown</u>	19,760			
		33128	61	71
		33136	243	246
<u>Liberty City</u>	101,679			
		33142	884	790
		33147	937	980
<u>Coral Gables</u>	76,176			
		33134	67	76
		33145	71	74
		33146	33	21
<u>Hialeah</u>	153,666			
		33010	254	280
		33012	356	331
		33013	124	116
<u>North Miami</u>	43,544			
		33167	224	221
		33168	230	260

Exhibit B

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
ANGEL ALBERTO MARZO	First Degree Murder	True Bill
JAMAR ANTWAN HILL	Murder First Degree Murder First Degree Robbery / Armed / Firearm	True Bill
DANIEL DELEON	Murder First Degree	True Bill
MIGUEL ANGEL RUBIO	First Degree Murder First Degree Murder Attempted First Degree Murder Attempted Felony Murder / Deadly Weapon Attempted First Degree Murder Attempted Felony Murder / Deadly Weapon Burglary with Assault or Battery Therein While Armed	True Bill
EARL ARWIN SIMMONS	Murder First Degree Murder First Degree Murder Second Degree / Attempt Murder Second Degree / Attempt Murder Second Degree / Attempt Murder Second Degree / Attempt Firearm / Possession by Convicted Felon	True Bill
TYRONE BARBARY and DEWARN ANTONIO BROWN	Murder First Degree Robbery / Armed / Firearm Heroin / Sell / Manufacture / Deliver / Possession with Intent (A only)	True Bill
ABEL CASTILLO	Murder First Degree Firearm/Possession by Convicted Felon	True Bill
MICHAEL DOHERTY LOCASCIO	Murder First Degree Burglary/With Assault or Battery/Armed Robbery/Armed/Deadly Weapon	True Bill
HUGO JOSE MARTINEZ and MAIKER VAZQUEZ	Murder First Degree Murder First Degree/Attempt Kidnapping/With a Weapon/Attempt Firearm/Possession by Convicted Felon (A only)	True Bill
WADADA SAIFE DELHALL	Murder First Degree Firearm/Use Display While Committing Felony Firearm/Possession by Felon	True Bill
JOSE ANTONIO MORALES-VAZQUEZ	Murder First Degree Robbery / Armed / Weapon	True Bill
EDWARD COLEMAN SMITH	Murder First Degree	True Bill
TERRY ORONDE WHITE	Murder First Degree Murder First Degree / Attempt Deadly Missile / Shoot, Throw Firearm / Use, Display While Committing a Felony	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
MICHAEL WILLIAMS (A) and NICOLE SIMPSON (B)	Murder First Degree Burglary / Armed Trespass / Structure / Firearm	True Bill
ERICK JOSE ARRIETA	Murder First Degree Robbery / Armed / Firearm Grand Theft Third Degree / Vehicle Firearm / Possession by Felon	True Bill
JULIO PARRA	Murder First Degree	True Bill
MICHAEL MAURICE CHALLENGOR	Murder First Degree Robbery / Armed / Firearm	True Bill
LYNARD WILLIAMS, also known as LYNN WILLIAMS, CARLYLE BAPTISTE KING and ERNEST WILLIAMS	Murder First Degree Murder First Degree / Attempt Battery / Aggravated / Great Bodily Harm / Deadly Weapon Firearm / Possession by Felon (A Defendant) Firearm / Possession by Felon (B Defendant)	True Bill
FRANCISCO CLAVERIA (A) and SERGIO RIVERON (B)	Murder First Degree Robbery / Home Invasion / Armed Robbery / Home Invasion / Armed Robbery / Home Invasion / Armed Burglary / With Assault or Battery / Armed Grand Theft Third Degree / Vehicle	True Bill
DAVID JOHN PEARSON	Murder First Degree Controlled Substance / Sell / Manufacture / Delivery / Possession with Intent	True Bill
DAVID JOHN PEARSON	Murder First Degree Controlled Substance / Sell / Manufacture/ Delivery / Possession with Intent	True Bill
OSCAR LUIS CRUZ	Murder First Degree Robbery / Armed / Deadly Weapon Grand Theft Third Degree / Vehicle Credit Card/Fraudulent Use of/\$100 or more	True Bill
MARIA ROSA MARCHAN	Murder First Degree Robbery / Armed / Deadly Weapon	True Bill
ANDRES CARVAJALINO (A), BRIAN SINGLETARY (B) and ANDREW ALVAREZ (C)	Murder First Degree Robbery / Armed / Attempt Cannabis / Purchase / Possession with Intent to Purchase / Attempt	True Bill
JESSIE DYSON	Murder First Degree Murder First Degree / Attempt Firearm / Possession by Felon	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
JOHNNIE LAFLIPE, also known as JOHNNIE SILVENE	Murder First Degree Murder First Degree / Attempt Firearm / Possession by Felon	True Bill
FABIEN ROSEMOND, also known as CHRISTIAN JEAN, also known as "CASTRO"	Murder First Degree Murder First Degree / Attempt	True Bill
LUCIEN RAYMONVIL (A), JEAN ANSDEL POISSON (B), MICHAEL BLANC (C), SANDRA CASTOR (D) AND COLBERT GARCON (E)	Murder First Degree Robbery / Armed / Firearm Cocaine / Conspire to Traffic / Armed Murder Third Degree Cocaine / Conspire to Traffic	True Bill
JEFFREY FILIASSE (A), ROZBEL DORIVAL (B) and BENJEE NICOLAS (C)	Murder First Degree Robbery / Armed / Firearm Attempted Felony Murder / Deadly Weapon Firearm / Use, Display While Committing a Felony	True Bill
WILLIAM HERNANDEZ, JR.	Murder First Degree Robbery / Strong-arm Grand Theft Third Degree / Vehicle	True Bill
RICHARD WESLEY	Murder First Degree	True Bill
PRINCELIN JOSEPH	Murder First Degree Murder First Degree Murder First Degree / Attempt Firearm / Use, Display While Committing a Felony Firearm / Possession by Convicted Felon	True Bill
REYNALDO TORRES RODRIGUEZ	Murder First Degree Robbery / Armed / Deadly Weapon	True Bill
LUIS MANUEL SANTANA, also known as LUIS MANUEL SALDANA	Murder First Degree Burglary / with Assault or Battery / Armed Robbery / Armed / Weapon	True Bill
JESUS N. RODRIGUEZ	Murder First Degree Kidnapping Burglary / With Assault or Battery Stalking / Aggravated / Court Order	True Bill
ALFREDO DE LA PAZ	Murder First Degree	True Bill
EDUARDO POL	Murder First Degree	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
ANTAWN DEMETRIUS PARHAM	Murder First Degree Burglary / With Assault or Battery / Armed Robbery / Armed / Deadly Weapon Battery / Aggravated / on Person 65 or Older	True Bill
ALEXANDER YNIGO, DAVID ORTEGA and BRENDAN TYSON O'NEILL	Murder First Degree Robbery / Armed / Attempt	True Bill
ROBERT ALANZO HAYE (A), WILLIAM RICHARD VELEZ (B), BJORN CHRISTOPHER BLAKE (C), WESLEY JOHNSON (D) and SERGE JOHNSON (E)	Murder First Degree Robbery / Home Invasion / Armed Burglary / With Assault or Battery	True Bill
ANTHONY TURNER (A) and MARCUS ALLEN HALL, also known as "BUDAMAR," also known as "BUDAMUNK" (B)	Murder First Degree Cocaine / Trafficking / 400> / < 150 Kilograms Cocaine / Conspire to Traffic	True Bill
MICHAEL GONZALEZ	Murder First Degree Robbery / Armed / Weapon Burglary / With Assault or Battery / Armed	True Bill
JONATHAN LOCKLEY (A), CALVIN EDGECOMBE (B), and ALBERT SISTRUNK (C)	Murder First Degree Robbery / Armed / Attempt Controlled Substance / Sell / Manufacture / Deliver / Possess with Intent [Defendant Lockley only]	True Bill
JOEL G. LEBRON (A), CESAR ANTONIO MENA (B), HECTOR M. CARABALLO (C), VICTOR ANTONIO CARABALLO (D) and JESUS TORRES ROMAN (E)	Murder First Degree Murder First Degree / Deadly Weapon / Attempt Kidnapping / With a Weapon Kidnapping / With a Weapon Kidnapping / With a Weapon Robbery / Armed / Firearm Robbery / Armed / Firearm Sexual Battery / Armed / Gang	True Bill

ACKNOWLEDGMENTS

The idea of serving on a Grand Jury was foreign to most of us six months ago. As we were selected and the process began, we realized how important it was to have a diverse group of citizens representative of our community serving together as part of our judicial system. It has been a great experience to be a group initially separated by ethnicity, different backgrounds but quickly coming together with the common goal of solving the issues at hand.

This process and our accomplishments as jurors could not have been possible without the tireless efforts of the former Chief Assistant State Attorney, Chet J. Zerlin and Chief Assistant State Attorney Don Horn, whose dedication, knowledge and professionalism made our service a truly rewarding experience. Thank you for your guidance and patience during these past months. We would also like to thank Rose Anne Dare, Administrative Assistant, for her hard work in maintaining efficiency in the operations of the grand jury. In addition, we would also like to thank Neo Gil, Bailiff, who was always attentive and made our days enjoyable and Dania Alen, our court reporter, for her professionalism.

We are especially thankful of Honorable Judge Judith L. Kreeger and State Attorney Katherine Fernandez Rundle for their professionalism, dedication and continued commitment to the Miami-Dade County community and judicial system which makes up part of this great country we live in. It has been an honor to serve under their leadership.

Respectfully submitted,

Maria Hernandez, Foreperson
Miami-Dade County Grand Jury
Fall Term 2001

ATTEST:

Frank Scottolini
Clerk

Date: _____