

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

SPRING TERM A.D. 1953

FINAL REPORT OF THE GRAND JURY

Filed
November 10, 1953

Circuit Judges Presiding

WAYNE ALLEN (Deceased October 30, 1953)
GEORGE E. HOLT

Officers and Members of the Grand Jury

FRANK O. PRUITT, Foreman

J. ARNOLD MIMS, Vice-Foreman

JAMES H. HAGOOD, Clerk

EILEEN FRANKLIN, Asst. Clerk

R. B. MULLOY, Treasurer

JOHN T. AGNEW

ROBERT J. McGAHEY

EARL P. CARTER

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MAURICE H. CONNELL

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RAY COULTER

ROY A. PERRY

JOHN E. DUVALL

O. J. POWELL, JR.

HOWARD N. HICKOK

CRANFIL C. SHAW

FORREST R. LLOYD

W. S. WIGHTMAN

WALTER H. LUDLAM

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H. COMAN MONROE

LORRAIN G. SMITH (Excused)

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Administrative Assistant

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Investigators

JOHN R. WALSH

WILLIAM F. RENEGAR

PAUL C. PERRY

Official Court Reporter

J. E. KELLY

Official Bailiffs

ISAAC HAVILAND

CHARLES BENN

EARL G. SCHRYER

JAMES T. RICHARDSON

MICHAEL ROSA

ALLISTER HARKNESS

TO THE HONORABLE GEORGE E. HOLT, CIRCUIT JUDGE OF
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA:

We, the Grand Jury in and for Dade County, Florida,
for the 1953 Spring Term of the Circuit Court of the
Eleventh Judicial Circuit of Florida, present this our
Final Report:

On May 12, 1953, we were impaneled by the Honorable
Wayne Allen, Circuit Judge. This Grand Jury held forty
official meetings of the full body, and various committees
met often to facilitate the work.

CAPITAL CASES

Consideration was given to the following criminal cases and the action taken is indicated herein.

JAMES N. LEWIS) EDNA MARIE KOLP YOUNG) Returned May 20, 1953	First Degree Murder
RUDY CROWDER (M. L.) Returned May 20, 1953	Accessory before the Fact to Murder in the First Degree
DAVID DWIGHT RAFEL Returned May 21, 1953	Rape
CRAWFORD G. ROBERTS Returned May 21, 1953	Rape
SHELDON GREENBURG Returned June 2, 1953	First Degree Murder
THOMAS LEO DOLAN Returned June 10, 1953	First Degree Murder
LEOPOLD AUGUST MURAIRE Returned June 23, 1953	First Degree Murder
JESSE SPIVEY Returned June 23, 1953	First Degree Murder
RUFUS MONTGOMERY Returned July 9, 1953	Rape
HAROLD HARLAN WARNER Returned July 9, 1953	First Degree Murder
HARRY McNEAL, JR. Returned July 9, 1953	First Degree Murder
FREDERICK N. GOEPEL, JR. Returned July 9, 1953	First Degree Murder
JAMES M. WOOD Returned July 9, 1953	Second Degree Murder
EMILIANO RODRIGUEZ Returned July 9, 1953	First Degree Murder
HERBERT L. HARRIS Returned July 30, 1953	Second Degree Murder
EDGAR KERR Returned August 4, 1953	No True Bill
JOHNNIE R. JOHNSON Returned August 4, 1953	First Degree Murder
CHARLES SYMONETTE Returned August 4, 1953	First Degree Murder
PERCY ARMBRISTER) RICHARD FLOYD) GEORGE ANDERSON) Returned September 3, 1953	First Degree Murder

FRANKIE YOUNG Returned September 17, 1953	Second Degree Murder
ERNEST LUNDY Returned September 24, 1953	First Degree Murder
WILLIAM MANNING Returned September 24, 1953	Rape
WILLIE NOBLE Returned September 24, 1953	First Degree Murder
W. B. CARROLL Returned October 9, 1953	Second Degree Murder
CASKIE WILLIAM BELL Returned October 23, 1953	First Degree Murder
HAROLD E. TAYLOR Returned October 23, 1953	First Degree Murder
JEAN ZINT Returned October 23, 1953	First Degree Murder
SAMUEL BENJAMIN MacLUCKEY Returned November 5, 1953	No True Bill
LEWIS McKINNON Returned November 5, 1953	First Degree Murder
PAUL BROWN Returned November 5, 1953	First Degree Murder
ELMER WATSON Returned November 5, 1953	First Degree Murder

INSPECTION OF PUBLIC PLACES

This Grand Jury inspected the following public buildings and institutions:

City of Miami Jail
 City of Miami Stockade
 Coral Gables Jail
 Miami Beach Jail
 Miami Springs Jail
 Hialeah Jail
 North Miami Jail
 South Miami Jail
 Homestead Jail
 Dade County Jail
 County Stockade - Galloway Road
 Youth Hall & Juvenile and Domestic Relations Court
 Jackson Memorial Hospital
 Miami Sanitorium (Retreat)
 Dade County Hospital at Kendall
 Dade County Children's Home
 Dade County Old Folks' Home
 Miami Colored Precinct Jail & Police Station

RECOMMENDATIONS

The above mentioned institutions were found to be in a sanitary and satisfactory condition with the following exceptions:

DADE COUNTY JAIL

The Dade County Jail which has been the subject of much discussion and considerable notoriety, due to the various escapes, as well as the reported treatment of prisoners, was visited with a view to making a recommendation for the possible alleviation of its position in the public eye and reduce the possibility of unfavorable comments as reflected on Dade County as a whole. It was found that the Jail, generally speaking, had the active attention of the Sheriff's Department and changes were in process which would tend to strengthen security such as the installation of new bar grills on certain windows, the reinforcing of rusted and deteriorated bars of the older structure, and the installation of a security gate at the main Receiving Department.

It is believed by us that when this program is completed it will lessen the possibility of breaks which have been troubling them considerably recently. The handling of food and the preparation of the meals for the prisoners seems to be the principle in best business operation in their schedule and it was found that the kitchens were maintained in an acceptable manner. Arrangements are under way for a better security during the feeding of prisoners in the larger pens, but lack of funds may delay this somewhat. Generally, the attempts at cleanliness and sanitation were not meeting with much success as considerable dirt, trash, and general uncleanliness was noted throughout the prison area. One of the principal conditions for criticism was the lack of sanitation of the plumbing fixtures; also the deplorable condition of the electrical lighting system. Water was running on the floor and wetting certain areas due to leaky water pipes, and

plumbing fixtures were broken, inoperative, and in a general bad state of repair.

These fixtures are not of the proper jail type and should be replaced, and most important, should be maintained. Proper oriental type fixtures should be installed in the area devoted to handling of incompetent or insane prisoners which this Jail, of necessity, must handle because of lack of facilities elsewhere.

The electrical work presented a very serious hazard in that in nearly every instance in the cell areas, the fixtures have been removed, and exposed wiring was open to the handling by the prisoners for attachments of various appliances such as radios, irons, electric shavers and similar devices. This wiring would not be acceptable under any conditions and it is recommended that the Electrical Inspection Department investigate and make recommendations specifically to remove the hazard that is very evident from the condition of this wiring system. This Grand Jury considers this a "must" as it would be very easy to short circuit any of the wiring and black out the entire jail area. This also offers a hazard to the personnel and might involve the County in a serious accident if any of the prisoners were to be harmed by this exposed wiring.

The elevator operation seems to be a serious hazard to the proper handling of the inmates, as well as the emergency control that may be required should the occasion arise. Considerable delay is caused by the antiquated type of equipment and the elevator is used for the handling of food, personnel, prisoners, and garbage, without proper cleanliness being maintained. The method of garbage handling and removal is not considered to be adequate for proper sanitary measures as it is held in cans without any attempt for concealment or congregation in a separate room. It is removed only once a day, and not at all over the week-ends.

The absence of adequate restraining equipment (strait jackets) was noted, and it is recommended that this situation be alleviated immediately.

The apparent overcrowding of certain areas is due to the inefficient layout of jail spaces as there are many rooms which are not in use at all, whereas those that are used, are very crowded.

It is the opinion of the Grand Jury that some arrangement should be made for the handling of insane and violent prisoners where proper facilities are available, and we also wish to reiterate the recommendations of the previous Grand Jury that serious consideration be given to the removal of the jail from this building entirely and the erection in a suitable location of a properly designed facility.

It is recommended that the official Sheriff's Report on Jail conditions be given serious consideration by the proper officials for improvements in the Jail area.

HOMESTEAD JAIL

The Homestead Jail was found to be in a very dilapidated condition with screens and security grills broken or removed, and apparently accessible for the transmission of unauthorized materials directly to the main quarters from the outside. It is felt that the officials should be seriously censured for this lack of attention to the general conditions of cleanliness and sanitation, as well as the bad state of building maintenance. It is recommended that the security grills be properly replaced, that mosquito screening be installed for protection of the prisoners, and that the entire premises be properly maintained as to cleanliness and sanitation.

SOUTH MIAMI JAIL

The South Miami Jail has one cell block which was found to be in a very unsatisfactory condition as to cleanliness and sanitation, and no reason can be found why this should not be corrected and the Jail properly managed.

HIALEAH JAIL

The Hialeah Jail seemed to be considerably improved over the previous reports, and their attempt to segregate the female prisoners is in the right direction. However, it is believed that the female quarters could be more properly secured and more properly maintained.

MIAMI RETREAT

Continued reports of the Grand Jury indicate that this institution is very improperly operated, and it is believed that considerable pressure should be exerted by every official to improve these extremely bad conditions. It was found that very little effort is made to maintain proper sanitary conditions, and the odors were so obnoxious that it was impossible for the Grand Jury Committee to stay in some areas of the premises in order to properly inspect the reasons therefor. There is a considerable hazard in the method of security, and it would be practically impossible to remove these incompetent persons in case of fire or other emergency. The County Commission has been appraised of these conditions through reports of the previous Grand Jury and there seems to be a lack of proper enforcement or unwillingness on the part of qualified officials to correct these conditions. It would be useless to again list the many apparent breeches in operating procedures, and we recommend again that the strongest censure should be made of the responsible individuals.

MIAMI BEACH JAIL

The Miami Beach Jail handles a rather large number of people and with the average percentage of female prisoners. It is recommended that a matron would be an excellent addition to their personnel. It is also felt that better accommodations could be arranged for the holding of the prisoners, immediately before a hearing, as they are presently crowding in both sexes in a small room where they are held for a considerable amount of time prior to appearance. The mixing of classifications of criminals, as

well as sexes, is not considered good procedure.

Without covering specifically the herein below listed buildings, we wish to commend the operation of the following institutions:

City of Miami Jail
Miami Stockade
Coral Gables Jail
North Miami Jail
County Stockade
Jackson Memorial Hospital
Dade County Hospital
Dade County Children's Home
Dade County Old Folks' Home
Youth Hall & Juvenile and Domestic Relations Court

These places seem to represent thoughtfulness and effort on the part of the operating personnel to meet the requirements intended for their use.

The criticisms which are made herein of certain institutions stand out in bold relief by comparison with the institutions which are properly operated, and give added reason why this Grand Jury feels that no excuse should be offered for the poor operation described in this report.

It might be stated that certain improvements could be made in the Colored Old Folks' Home in that the building is rather old and has outlived its usefulness. We feel that a recommendation for replacement of this structure would be advantageous. Even in its age, it is respected by the maintenance group who do with it as well as can be expected.

In conclusion, it is our firm belief that continued reiteration by the various Grand Juries who have reported on these buildings is futile unless some action is taken by proper officials to enforce the codes of, at least, decency and sanitation upon the operating groups.

INVESTIGATIONS

DADE COUNTY BLOOD BANK

This Grand Jury has spent some time investigating the Blood Bank facilities which exist now compared to those which existed prior to the difference between the parties involved in the operation of the first Blood Bank of Dade County. This Grand Jury deploras the fact that differences arose whereby the former set-up has been changed, and urges all connected with all sides to lend every effort to bring about harmony and re-establish a Blood Bank which is to the best interests of all of the citizens of this County.

MATTERS PERTAINING TO THE BOARD OF PUBLIC INSTRUCTION

The Grand Jury at the beginning of its work on May 12, 1953, was conscious, through the local press and other sources, of the seeming lack of harmony between the Board members of the Dade County Board of Public Instruction and between the Board and the Superintendent of Public Instruction. The lack of harmony and confidence was emphasized by the filing of suits and counter suits in our local courts to determine the extent of authority invested in the Superintendent and in the Board in administering the affairs of the Board of Public Instruction.

The Grand Jury considered this condition worthy of considerable attention and investigation. Since our Board of Public Instruction is entrusted with the expenditures of exceedingly large sums of tax monies; and since its activities intimately affect the lives of thousands of Dade County families, efficient, harmonious administration is much to be desired.

From investigation inaugurated by predecessor Grand Jury of suspected irregularities on the part of one of the School Board Members in personally profiting from School Board transactions, the Grand Jury instituted a full scale investigation into real estate transactions of the Dade County Board of Public Instruction.

This investigation revealed evidence of marked coincidences in the splitting of real estate commissions which resulted in an indictment being returned against one of the incumbent Board Members. Upon filing of information prepared by the Dade County Solicitor's Office, the Board Member was suspended from office by the Governor, pending trial. The accused Board Member was cleared of the charges and reinstated in office by the Governor.

It is the opinion of the Grand Jury that real estate transactions of the Board of Public Instruction are deserving of close scrutiny. Appraisal of value of purchased property for school sites should be on a realistic and reasonable basis and should represent the best use of tax monies for this purpose. The payment of real estate commissions should present a clear, unclouded picture to the Grand Jury and to the Public with no opportunity for the splitting of these commissions improperly through a third party.

The Grand Jury also studied some other matters of administration of the School Board which they considered worthy of attention. These were (a) School Construction and the purchase of construction materials by the Board, (b) The School Insurance Program, and (c) The Central Purchasing Plan for School Cafeterias.

Each of these items represent a major undertaking and time did not permit a thorough study. At the close of this session, the Grand Jury had undertaken an examination into the operation of the School Cafeteria Purchasing Plan. We would recommend to the succeeding Grand Jury that this study be continued.

Since considerable time was devoted to a study of School Board matters, it is the belief of this Grand Jury that further investigation will tend to bring about corrective measures for the more efficient operation of this important Board.

It was noted by the Grand Jury that during the month of October, one of the Board Members resigned, stating his resignation was due to lack of harmony and dissension in the School Board structure.

This again emphasizes the need for an endeavor on the part of the Grand Jury and the public to maintain a harmonious and efficient Public School Administration which is so necessary to the growth and well being of the Dade County Community.

MATTERS PERTAINING TO THE SHERIFF'S DEPARTMENT

The Grand Jury recommends that the Budget Commission include in the Sheriff's Budget funds with which the Sheriff may employ a physician to treat the inmates of the County Jail, and to assist the Sheriff's Department and the State Attorney in its investigations where a medical expert is needed. It is regretted by this Grand Jury that no funds were included in the Budget for the retention of the present medical legal expert employed by the Sheriff.

The population of Dade County has clearly increased in the past ten years and the Sheriff's Department is in need of further personnel in order to properly enforce the laws of this State. It is requested that the Budget Commission of the County Commission give careful study to the needs of the Sheriff's Office in this County in order that the Sheriff may be provided with sufficient funds to properly police the County and efficiently combat crime.

BAIL BONDS

The previous Grand Jury investigated the bail bond business in Dade County and stated that it believed that said bail bond business was conducted in such a manner as to be a disgraceful blotch upon the good name of Dade County. The findings of that Grand Jury were made known to certain city officials and the Grand Jury was advised that the then existing lax and unlawful procedure relating to bail bonds had been corrected. This Grand Jury is of the opinion that the conditions have not been properly corrected, and it appears to this Grand Jury that in many cases persons charged with crime are directed by police officers to certain bail bondsmen

and that in some cases, bail bondsmen are appearing in Court and pleading for a continuance of a case before the Judge. This Grand Jury condemns this practice and believes it to be improper.

MATTERS PERTAINING TO THE OFFICE OF CONSTABLE IN DADE COUNTY

The Dade County Grand Jury has completed a thorough investigation of the Constables, their Deputies, employees, and their activities in Dade County, and the Constables' Year Book, published for the Constables' Association in Florida, and have reached the following conclusions:

1. It is believed that the Constables' Year Book, which is published presumably for the benefit of the Constables' Association, and the wholesale issuance of courtesy cards, is a promotion to raise money by precarious methods for a few persons interwoven into the Constables' Association to give it backing for their own private financial interests, with very little benefit to the Association.
2. It is believed that the laws and regulations governing the Constables, their Deputies, their employees, their activities, and their accountability of funds belonging to the public, which are refundable, are very lax and inadequate. Under the existing system, the Constables are not accountable for these funds if and when they are voted out of office.
3. It is believed that the Sheriff's Office could absorb the Constables activities at a considerable saving to the public, and provide a more efficient, supervised public service for Dade County.

In view of these beliefs, the Dade County Grand Jury makes the following recommendations:

1. Abolish the office of Constable and their Deputies in Dade County, and place their activities under the responsibilities and duties of the office of the Dade County Sheriff. We believe this issue should be placed before the people of Dade County for vote.
2. In the event the office of Constable is not abolished by public opinion or vote, we, the Dade County Grand Jury, recommend the fee system be abolished for the office of the Constables and that all Constables and their Deputies be given a fixed salary and allowed a fixed operating expense for their office and vehicles in accordance with the size of their respective districts.

3. The Dade County Grand Jury also recommends a unified accounting system to be established for the office of the Constables and a monthly audit to be submitted to a reputable auditing firm who, in turn, will submit a general monthly audit of all the Constables' audits to a central agency who will be accountable to the County Commission and the State Auditor.
4. The Dade County Grand Jury recommends that all funds, refunds, deposits, or collections be placed in an escrow account in specified banks in the name of the office of the Constables in their respective districts. Said escrow accounts are to be accounted for in their monthly audits. Also, said escrow accounts shall be transferred with the respective offices of the Constables if and when a new Constable is elected.
5. Written notice to all persons placing deposits for the issuance of warrants shall be given where they are legally entitled to refund.
6. The Dade County Grand Jury discourages any Constable or any other law enforcement officer issuing courtesy cards or automobile insignia to any individual for the reason that it is the belief of this Grand Jury that all citizens are entitled to equal courtesy and rights, and no law enforcement officer is empowered to issue any card or other emolument which would entitle one citizen to preferred treatment that another citizen would not be entitled to.

LIQUOR LAW ENFORCEMENT AND ZONING AND BUILDING CODES

The Dade County Grand Jury was not confronted with any particularly pressing matters requiring the services, and accompanying expense, involving investigation of any reported or suspected irregularities in the enforcement of liquor laws or zoning and building codes.

This does not mean to infer that constant vigilance on the part of the Grand Jury is not required, particularly in connection with liquor law enforcement, to assure the citizens of Dade County that conditions do not or will not exist that will serve as a breeding place for crime and violation of our statutes.

We feel, however, that we are most fortunate in the caliber of the public servants entrusted with the enforcement of liquor laws in this district.

ILLEGAL GAMBLING

This Grand Jury is of the opinion that gambling is conducted on a much smaller scale at this time than in former years. The State Legislature enacted some laws in the last session which make it a violation of the State Gambling Law to possess a Federal Gambling Stamp. This enables close scrutiny of those who apply and receive said gambling stamps, and all law enforcement heads of this County are urged to keep a constant check on such matters. It appears that only one stamp has been sold in Dade County this year, while last year there were hundreds sold. It is believed by this Grand Jury that those who engage in the operation of illegal gambling activities are constantly seeking an opportunity to open or enlarge their activities in this South Florida fruitful area. This Grand Jury recommends that all law enforcement agencies in this county keep an alert vigilance for any evidence of gambling activities.

SMALL LOAN AND MORTGAGE COMPANY OPERATION

Upon the basis of evidence submitted to this Grand Jury, it is recommended that certain questionable practices of small loan and mortgage operators be investigated by the proper public officials.

NARCOTICS - BARBITURATES

The Grand Jury has also been acquainted with narcotic traffic in Dade County and demands immediate inquiry and vigilance to stop any inroads upon the youth of this area. All law enforcing agencies should double their efforts to stamp out all illicit traffic of narcotics.

The Grand Jury recommends that a study should be made of the promiscuous use of barbiturates in Dade County. A re-examination of the law controlling the same and legislation is needed to prevent apparent abuse in the freedom of purchase and sale of so-called "dope balls" and "sleeping pills."

All law enforcing agencies should re-examine their procedure on the preservation of evidence. A more detailed procedure should be set up in this regard.

It is further recommended that in all Capital Cases, the law enforcing agencies turn over to the Criminal Bureau of Investigation all material evidence as soon as possible to preserve and control such evidence so received, and that proper receipts be given at all times in exchange of material evidence so that the chain of possession can always be established.

GRAND JURY QUARTERS

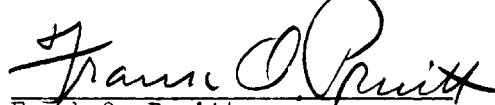
The Dade County Grand Jury of the Fall Term of 1952 recommended that the Board of County Commissioners provide suitable quarters for the Grand Jury Office. This Grand Jury is grateful for the quarters provided on the third and fourth floors of the Court House for the use of this Grand Jury.

ACKNOWLEDGMENTS

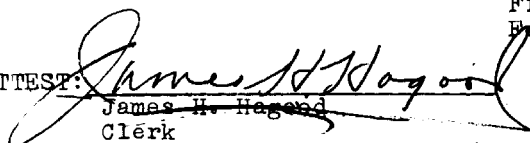
The members of this Grand Jury desire to express their gratitude and sincere thanks to the late Honorable Wayne Allen, who, while serving as Judge of the Circuit Court in and for Dade County, did render valuable assistance to this Grand Jury. This Grand Jury expresses its sincere sympathy to his family and joins with the other citizens of this county and state in mourning his loss.

This Grand Jury has expressed its sympathy to the family of the late Governor Dan McCarty in his untimely passing and expresses its gratitude for the assistance given this Grand Jury by our dearly beloved Governor, Dan McCarty.

Respectfully submitted,



Frank O. Pruitt
Foreman

ATTEST: 
James H. Hagedorn
Clerk