

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

FALL TERM A. D. 1958

FINAL REPORT OF THE GRAND JURY

Filed

May 12, 1959

Circuit Judge Presiding

GRADY L. CRAWFORD

Officers and Members of the Grand Jury

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J. E. SHUEY, Vice Foreman

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TO THE HONORABLE GRADY L. CRAWFORD, CIRCUIT JUDGE  
OF THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA

The 1958 Fall Term Grand Jury was impaneled by the Honorable Grady L. Crawford. After administering the Oath to the Jury, the Court instructed us:

"You are required to observe strictly the oath that you have taken. That oath prescribes that you will diligently undertake the performance of your duties; that you will preserve secrecy; that you will not be motivated either way in any matter by fear or favor. You are not only a sword to the guilty; you are a shield to the innocent."

With this charge in mind, we have worked diligently on the many matters which came before us, with the hope and prayer that this community would be a better place in which to live as a result of our work.

In concluding our services to the Court, we render this our Final Report.

Disposition of Capital and Criminal Cases Heard by This Jury

| <u>Defendant</u>                                  | <u>Charge</u>  | <u>Action Taken</u>  |
|---|--|----------------------|
| BRUCE AUGUST MAGERA                               | First Degree Murder  | True Bill            |
| HAROLD ALOYSIUS COAN, also known as HARRY COAN    | Second Degree Murder   | True Bill            |
| JAMES DENNIS                                      | Rape   | True Bill            |
| GEORGE LAWRENCE JONES, also known as GEORGE JONES | Lewd, Lascivious or Indecent Assault Upon A Child Under Fourteen Years of Age, Without Intent to Commit Rape | True Bill            |
| GEORGE LAWRENCE JONES, also known as GEORGE JONES | Lewd, Lascivious or Indecent Assault Upon A Child Under Fourteen Years of Age, Without Intent to Commit Rape | True Bill (2 Counts) |
| ANNIE LEE MORGAN                                  | First Degree Murder  | No True Bill         |
| DAN LOCKHART, also known as DAN LOCKHART, JR.     | First Degree Murder  | True Bill            |
| OTTO OTIS MANN                                    | Second Degree Murder   | True Bill            |

| <u>Defendant</u>   | <u>Charge</u>  | <u>Action Taken</u> |
|--|--|---------------------|
| WILLIE DEE BROWN   | First Degree Murder  | True Bill           |
| ELBERT CHESTER CRONON  | Carnal Intercourse with Unmarried Female Under the Age of Eighteen Years | True Bill           |
| ODELL RUSSEL   | First Degree Murder  | True Bill           |
| ROBERT RALPH MANNING,<br>also known as ROBERT RALPH MANNING, JR.               | Rape   | True Bill           |
| CHARLES R. SMITH, also known as CHARLES RUSSEL SMITH, also known as MIKE SMITH | First Degree Murder  | True Bill           |
| ARTHUR C. ADAMS  | First Degree Murder  | True Bill           |
| HOLLAND ROBERTS  | Assault and Battery  | True Bill           |
| FRED DOUGLAS KENDALL   | First Degree Murder  | True Bill           |
| CURTIS M. BARFIELD   | Second Degree Murder   | True Bill           |
| SAM CROW   | Second Degree Murder   | True Bill           |
| CHARLES WILLIAM McCARTHY   | First Degree Murder  | True Bill           |
| HERMAN LEONARD   | First Degree Murder  | No True Bill        |
| CLIFFORD MARK  | Bribery  | True Bill           |
| CHARLES A. SYMONETTE   | Rape   | True Bill           |

CANCER INSTITUTE AT MIAMI

We conducted a thorough and complete investigation of the Cancer Institute at Miami and, upon conclusion of our investigation, filed an Interim Report on March 31, 1959. Some persons being dissatisfied with the result of this investigation continue to make unwarranted accusations.

We trust there will be no further unfounded accusations against the Cancer Institute and that all members will seek to resolve their differences of opinion through democratic processes within the organization. This is a worthy organization and deserves the continued support of this community.

### CHAINING MUNICIPAL PRISONERS

The Grand Jury received complaints regarding the quality and quantity of food being served to municipal prisoners. We further received complaints about the practice of chaining municipal prisoners convicted in Municipal Courts and sentenced to serve time. These complaints were the result of an article recently appearing in a local newspaper, purporting to describe conditions at the City of Miami Stockade. Unfortunately, this newspaper article did not give an accurate picture of the treatment of municipal prisoners and thus led many people to believe that the chaining of municipal prisoners is a common practice in Dade County.

We inspected the kitchen at the City of Miami Stockade and found it to be especially clean. In addition, we found the food served to the jail and stockade prisoners to be ample, of good quality, and well prepared.

We have inspected several municipal jails and find that the only municipal prisoners who are placed in leg chains are those who have escaped from custody and been recaptured, and that chained prisoners are confined in jail and not worked on public projects. We did not find any prisoner in ball and chains.

The law of this State, Section 951.20, Florida Statutes, provides that municipal prisoners shall not be confined with ball and chain when worked on any street or public work, and if a municipal prisoner shall escape from custody he may be confined with ball and chain when recaptured and while serving the remainder of his sentence.

We find from our investigation that it is legal and at times necessary to chain prisoners and that such practice has not been abused by municipal authorities in Dade County.

## COMPLAINTS AGAINST LABOR UNIONS

Each Grand Jury receives complaints from union members against their union. The Attorney General of this state has ruled that such complaints, not involving violations of the criminal law, must first be submitted to the union for adjudication. All machinery established for the purpose of resolving these differences must be exhausted prior to any action in any Court. Whenever apropos, we have relayed pertinent information to the Senate Rackets Committee.

### CRANDON PARK

We have made an investigation of the operation of Crandon Park to determine the efficiency and full utilization of its facilities.

We find that the operation of Crandon Park is satisfactory in the following respects:

1. The food served at concessions is good, and the price charged is reasonable.
2. The employees working at Crandon Park are pleasant, although overworked.
3. The grounds, as a whole, are well kept.

However, our investigation reveals the following conditions:

1. Food concessions are open to the public based upon weather conditions of previous years, without regard to present weather conditions or convenience and necessity of the public.
2. Sufficient personnel are not employed at playground and food concession areas.
3. Children's playground equipment is neglected and in a dilapidated condition.

We urge the Dade County Commission to rectify the above conditions.

### FLORIDA CITY JAIL

After receiving complaints on the conditions of the Florida City Jail, this Jury made an investigation of conditions at the jail.

The Jury found that the cells and corridor of the jail do not have solid doors or windows. At the time the investigation was made, Dade County was experiencing

a cold spell. To keep warm, the prisoners had taken thin mattresses and secured them to the barred doors in an effort to keep out the cold wind.

Further, the investigation disclosed serious overcrowding. The jail is equipped with eight beds, but houses as many as fifteen or more prisoners at one time, usually vagrants.

This jail is not adequate. This Jury recommends that if a community cannot support adequate jail facilities, the housing of prisoners be turned over to the Metropolitan Government.

#### HOMESTEAD JAIL AND POLICE DEPARTMENT

This Grand Jury previously rendered an Interim Report concerning the Homestead City Jail and Police Department.

We recommended that the Police Department be reorganized and that efficient police procedures be adopted. A number of measures have been put into effect. However, the city has not hired a full time, competent jailer as recommended.

Since the report, further investigation has shown that the Homestead police officers set the bail of the persons they arrest. This procedure should be stopped at once, and a procedure adopted whereby the Municipal Judge sets the bail for all persons charged with violations of Homestead ordinances. The setting of bail is a judicial function.

This Jury has received numerous complaints alleging police brutality and unnecessary use of force by the Homestead Police Department. We did not find sufficient evidence to warrant an indictment. However, the number of these complaints was of grave concern to us and indicates need for drastic remedial action by the Homestead Chief of Police.

This Jury recommends to the Police Department of the City of Homestead, and to any other police department where the problem may exist, that their training include a more thorough course in the law of arrest. A number of police



officers are of the opinion that they may take any steps they deem necessary to secure the person they arrest, and that they can give orders to civilians which must be carried out, even though the civilians are not violating any law. Both of these opinions are incorrect. The amount of force which an officer may lawfully use in making an arrest is so much as is necessary to accomplish the arrest and no more. The test for the measure of necessary force is that which an ordinary prudent and intelligent person with the knowledge and in the position of the arresting officer would have deemed necessary. Again, police officers have no right to order civilians who are not violating the law to do anything or go anywhere. This country has long fought for the right of individuals to be secure in their persons, and we have made it a part of our constitution. A glance at the world news should be sufficient warning to all of us that we do not want and have no room for police officers given to the use of excessive force. We have fought several wars to keep from living in a police state.

We recommend that Chief Cannon of the Homestead Police Department continue to enforce stringent disciplinary regulations. Members of that department must be convinced that force is not necessary for good law enforcement. Those who will not adhere should be dismissed.

#### ILLEGAL GAMBLING AND ORGANIZED CRIME

We were aware that the decent people of this community must be continually vigilant to prevent organized crime from regaining the foothold it once had here.

The greatest deterrent to illegal gambling and other organized criminal activity is constant vigilance by the police officers charged with the responsibility of stamping out these evils. We are convinced that all persons who engage in organized crime, whether at a high or low level, should receive jail sentences upon conviction. The present system of giving suspended sentences or light fines has not proven to be a sufficient deterrent.

We have used facilities available to us to investigate and keep pressure upon persons known to be in the higher echelon. We urge our successors to continue this program.

We recommend that the Florida Legislature enact legislation doing away with the so called "exclusionary" doctrine. Our law enforcement agencies are "hand-cuffed" in dealing with organized crime because of court decisions under this doctrine. Instead of protecting the innocent the exclusionary rule shields the guilty.

#### INSURANCE RATES

There is nothing which financially affects the citizens of Dade County more than the increased premium rates for automobile insurance.

At the present time, Dade County is burdened with the highest automobile insurance premium rates in the entire State of Florida.

We feel that further investigation in this field is not needed, as both the Fall Term, 1957, and Spring Term, 1958, grand juries thoroughly investigated automobile insurance rates in Dade County and the method used by the State Insurance Commissioner in fixing such rates. We respectfully urge and request the State Legislature to enact laws to carry out the recommendations of preceding grand juries, which were reaffirmed and adopted by this Grand Jury in its Report dated April 14, 1959.

#### JUVENILE HOME AT KENDALL

The Grand Jury made an investigation into the operation of the Dade County Juvenile Home located at Kendall, Florida, and on December 18, 1958, filed an Interim Report, which contained the following recommendations:

1. The Grand Jury recommends that the money made available in 1956 for the use of the Kendall Home be spent as quickly as possible to build additional facilities to house children located in the old unsafe buildings.

2. That when the new cottages are built, more adequate space be allotted to house mothers to give them complete apartments. These apartments could also be used for private counseling between the house mother and the children.

3. That safe buildings be constructed with sufficient space for each child, delinquent and dependent children to be housed separately.

4. That experts be retained to examine the security problem at Kendall to determine the necessity of locking delinquent children in their rooms. If it is necessary to keep these children under lock, proper safeguards be established to insure their safety in the event of emergency. For instance, a master control of the locks.

5. An effort should be made to coordinate realistically the new building program with the actual needs of the Home.

The Grand Jury is pleased to report that since the filing of the Interim Report its recommendations are being carried out.

A contract has been let to build additional facilities for both white and colored children at the Kendall Home, and work is expected to commence May 1 and be completed October 1, 1959. The new cottages will contain additional space to give house parents more complete apartments, which can be used for private counseling between house parents and children. The new buildings will be fireproof, with delinquent and dependent children housed separately, and planned to take care of the present and future needs at the Kendall Home. A fire alarm system and master switch system controlling all locks have been installed in existing buildings.

We feel that the Superintendent, Mrs. Dial, and her staff are to be commended for their excellent work at the Kendall Home.

#### SCHOOL FIRE PREVENTION AND SAFETY

This Grand Jury rendered an Interim Report relating to this subject matter on February 24, 1959. We revealed fourteen serious defects concerning fire extinguishing apparatus and equipment, fire prevention and safety measures in the Dade County

Public School System. The report encompassed fire safety standards throughout the entire county. The School Board is already complying with the first two recommendations previously made by this Grand Jury in that they are making a survey and constructing fire wells where needed.

Based upon our investigation, and the importance of fire safety, we reaffirm our remaining recommendations, which are as follows:

1. We recommend that Dade County and all of the municipalities in the county adopt a uniform Fire Safety Code, providing uniform fire emergency signals and uniform fire equipment so that the fire departments of the county and the several municipalities may aid and assist each other in fighting fires.

2. That personnel and fire extinguishing equipment of the Dade County Fire Department should be increased to meet the minimum standards set by the National Board of Fire Underwriters.

3. That the county and municipalities should enter into a mutual aid fire fighting compact with a central fire alarm and communication system.

4. The Dade County Metropolitan Government should make a survey and prepare plans for effectuating consolidation of all municipal and county fire prevention and fire fighting departments, including the Port Authority, into a county-wide system under the Metropolitan Department of Public Safety.

In view of the grave importance of this subject matter, and the need to insure the lives and safety of our citizens and children, we urge that the above recommendations be complied with as soon as practicable.

#### COUNTY JAIL AND STOCKADE

The Grand Jury made an inspection of the Dade County Jail located atop the Court House and found the jail very clean, and adequate menus prepared for all prisoners.

The jail was overcrowded but this problem should be solved as soon as the new jail, now under construction, is completed.

At the time we made an inspection of the County Stockade on Galloway Road, it was not overcrowded. The morale of the prisoners and officers appeared to be good, due largely to the excellent menus and clean quarters.

Sheriff Thomas J. Kelly and his staff are to be commended for their efforts in operating the jail and stockade in an orderly and efficient manner, notwithstanding the overcrowded condition in the jail and the age of the stockade building.

#### JACKSON MEMORIAL HOSPITAL

The Grand Jury has made an inspection of Jackson Memorial Hospital which is undergoing an extensive expansion program. A new emergency room is under construction and will be completed in approximately thirty days, which should greatly facilitate the handling of emergency cases.

At the present time the hospital is equipped with 886 beds; however, by placing beds in the corridors, and elsewhere, as many as 976 beds can be utilized, with an average occupancy of beds in the hospital being between 900 and 950. A new wing of the hospital is under construction, which will increase the number of beds to 1,297 and, in an emergency, as many as 1,415 beds would be available.

The morale of the personnel at the hospital is very high, and Doctor Kermit Gates and his staff are to be commended for doing an excellent job.

#### JUVENILE AND DOMESTIC RELATIONS COURT AND YOUTH HALL

The Grand Jury has inspected the Juvenile and Domestic Relations Court and Youth Hall at 800 N. W. 28th Street. We found the facilities to be very clean, and the staff to be sincere in their desire to rehabilitate juvenile delinquents.

Following the recommendations of previous Grand Juries and experts in this field, the Court and Probation Department have instituted a much broader program of service to those youths put on probation following their court appearances. This field service avoids institutional care and causes a dramatic saving of the

taxpayers' funds while at the same time accomplishing more good. For example, the cost of institutionalizing one boy for one day can pay for the probation service to that boy for an entire month. Without this expanded field service, the facilities for housing juvenile delinquents would be hopelessly overcrowded.

However, even with this improvement in the probation system, we found that the facilities are overcrowded. Additional office space is needed. The need for detention space for those juveniles awaiting transit to the State School at Marianna is imperative. Further, the Youth Hall officers securing these juveniles are overworked, having to work a sixty hour week.

It is our recommendation that Youth Hall officers be placed on a forty hour week at once, and that additional facilities either be built or other facilities, such as the adjacent nurses' home, be converted into more office and detention space. In addition, we recommend that the Dade County Metropolitan Commission appoint a committee to make a survey and study of the best procedures to follow in the handling of juvenile traffic offenders, and should it be determined by the study, or the law, that the Juvenile Court should have jurisdiction over juvenile traffic offenders, then an additional judge be appointed to handle this increased case load.

#### IN APPRECIATION OF THE COURT

The Grand Jury wishes to express its appreciation to the Honorable Grady L. Crawford, Circuit Judge, assigned to this Term of the Grand Jury. When we were impaneled Judge Crawford instructed us as to our duties in an excellent and inspiring charge that greatly assisted us during our Term. He was most cooperative and considerate at all times. We were greatly impressed with the dignity and decorum with which Judge Crawford presided and feel that he is deserving of the highest commendation.

#### E. B. LEATHERMAN - CLERK OF THE CIRCUIT COURT

We are indebted to The Honorable E. B. Leatherman, Clerk of the Circuit Court, and his office staff for the courtesy and cooperation extended to the Grand Jury, and wish to express our appreciation.

ADMINISTRATIVE ASSISTANT - BAILIFF

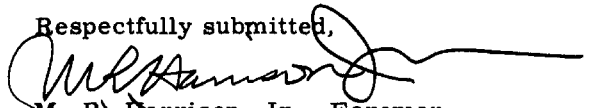
We wish to express our appreciation to Mrs. Eleanor M. Robinson, Administrative Assistant, and Mr. W. Rufus Holzbaur, Bailiff, for the cooperative manner in which they performed their duties to the Grand Jury. They have at all times been diligent and faithful in the performance of their duties.

STATE ATTORNEY

This Grand Jury feels fortunate to have had the opportunity to observe the excellent manner in which the Office of State Attorney, Richard E. Gerstein, is conducted. We were particularly impressed with the thorough preparation of all matters that were brought before the Grand Jury. The State Attorney and his staff have been eminently fair in their presentations and exhibited great concern to see that justice was done to all parties. The most difficult task of a public prosecutor is to maintain proper regard for the rights of individuals with whom he deals. We have been particularly pleased to note the respect of the State Attorney and his staff for the constitutional rights and privileges of all citizens in Dade County.

While it is our belief that the entire office is handled with a high degree of competency, as well as understanding, we wish to single out for particular praise The Honorable Richard E. Gerstein, State Attorney, and the members of his staff with whom we had the most contact; namely, Mr. John C. Wynn, Chief Assistant State Attorney, and Messrs. George Eadie Orr, Thomas G. O'Connell and Irwin J. Block, Assistant State Attorneys.

Respectfully submitted,



M. R. Harrison, Jr., Foreman  
Dade County Grand Jury  
Fall Term 1958

Attest:   
Mrs. Irene Kirstein, Clerk

Date: May 12, 1959