

file

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

FALL TERM A.D. 1982

FINAL REPORT OF THE GRAND JURY

FILED

MAY 10, 1983

Circuit Judge Presiding

Chief Judge

GERALD T. WETHERINGTON

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I N D E X

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## POLICE USE OF DEADLY FORCE

### I. INTRODUCTION

We, the Dade County Fall Term 1982 Grand Jury issue this Report based upon our investigation concerning the use of deadly force in arrest or confrontational situations. Our Report is based upon the testimony of experts, police officers, administrators, and review of various studies.

This investigation resulted from a number of police shootings which have occurred in a short period of time. It became apparent to the Grand Jury that there were issues of grave community importance concerning the use of firearms by police officers including (1) what policies and procedures exist in each department, (2) what controls are imposed by the various police departments to assure a police officer's knowledge and adherence to those procedures, (3) what training is initially being given to police officers, and (4) what training and supervision occur after graduation from the academy.

It is apparent to the Grand Jury that most police officers handle arrest or confrontational situations in commendable fashion. However, this Grand Jury has heard a number of cases which caused us considerable concern and resulted in the Indictment of certain police officers for the unnecessary or negligent loss of life. Negative attitudes and behavior by police officers only result in negative response by the citizens and the community in general. It would be well for all to remember that the police departments are here to serve the community and officers should be trained to understand that this is their primary role.

Dade County is at a crossroads. We address these issues as a tri-ethnic community with police training and performance issues reflecting the difficulties inherent in our cultural

diversity. We have found that quick and simple solutions will not suffice to address the issues raised by large numbers of young and inexperienced police officers in our police departments. We find the need for a thorough review of police academy and in-service training, and a reassessment of the Field Training Officer program and, perhaps most importantly, we find the need for a new emphasis in police work which recognizes that training in restraint and patience is at least as important as training in the use of deadly weapons.

## II. DEFENSE OF LIFE AND THE FLEEING FELON

Florida is presently one of twenty-three states which does not limit a police officer's use of force to defense-of-life situations. The Metro-Dade and City of Miami Police have wisely adopted administrative provisions limiting the use of deadly force in fleeing felon situations except where the felony has resulted in death or great bodily harm and all other means of effecting the arrest have been exhausted or wherein the fleeing felon is armed.

Due to this conflict between the statute and the administrative provision, a police officer who shoots and kills a non-violent fleeing felon (for example, an individual who has shoplifted an item of a value of more than \$100, or someone in possession of an ounce of marijuana) may be disciplined administratively, yet that officer has not violated the Florida criminal law, which reads as follows:

776.05 Law enforcement officers; use of force in making an arrest.-- A law enforcement officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest or when necessarily committed in retaking felons who have escaped or when necessarily committed in arresting felons fleeing from justice.

While Dade County's recent police shootings have generally not involved the issue of use of deadly force in the context of fleeing felons, it is our clear sense that the solution to our problems requires a clear and consistent message to police and to police trainees that the use of deadly force is to be discouraged, and that it is a policeman's job to balance the enforcement of the law with the need to preserve the peace and preserve life.

We therefore urge legislation revising the present Florida Statute to limit the use of deadly force to those fleeing felon situations in which the fleeing felon has committed a felony resulting in death or great bodily harm and all other reasonable means of effecting the arrest have been exhausted or would clearly be ineffective, or where the fleeing felon was armed during the commission of the felony and the officer has reason to believe that the subject is still armed.

### III. POLICE SHOOTINGS: RECRUITMENT AND SCREENING

#### A. The Screening Process

A critical initial question involves whether or not we can predict which police applicants are likely to employ unjustified use of deadly force during their career. Ideally, pre-employment screening would identify individuals whose personalities would indicate a high risk of inappropriate aggressive behavior. In recent years, it would appear, most major departments, including our own, have utilized such "paper and pencil" tests. Unfortunately, the indications we have received are that such tests may be of little or no value.

As one expert noted, police work is performed in real life situations on the street, and not in filling out forms at a desk. No studies exist which support the effectiveness of "paper and pencil" tests (which is to say we do not know that screened out applicants would have done any better

or worse on the job than those who were let in). The same expert, Dr. Lawrence Sherman, of the Police Foundation in Washington, D.C., suggested that role-playing situations should be utilized in addition to, and as supplements to, psychological testing: by creating situations replicating actual experiences in which officers might find themselves, one might expect to learn a great deal about the applicant's personality, about the way he or she deals with people, about how creative they are in persuading others to act in a manner in which they were not previously predisposed to act.

It is Dr. Sherman's premise, a premise with which we strongly agree, that a policeman's principal weapon is not his gun, but rather his communication and persuasion skills. A recurring theme in this Report will be that we have in the past placed entirely too much emphasis upon weapons and the use of force in police training and far too little emphasis on alternatives to the use of force. The integration of role-playing situations into the recruit screening process would be a first important step in that direction.

#### B. Can We Predict Who The Shooters Will Be?

Independent of the relative merits of psychological testing and role-playing in the screening process, do studies exist which isolate and identify characteristics likely to be shared by officers who have used deadly force in an unjustified manner? If such profiles did exist, they certainly would be of great assistance in the recruitment and screening process. Unfortunately, the answer to the question is No. At this point in time, despite a number of studies undertaken mostly during the past few years, we know very little that will assist us in identifying the potential shooter. We are quite surprised to find that so little research has been done in this area. The amount of money spent on military research in this country is phenomenal and the amount spent on research in business is also

enormous. Yet the percentage of the police budget in this country that is spent on research can best be described as pitiful.

The most recent study of the relationship of officer characteristics to use of deadly force was conducted by Dr. Mark Blumberg, based upon research done within the Kansas City Police Department. At the outset of that report the author reviews the previous literature and notes "Are some individuals more 'trigger happy' or violence prone than others? The simple answer is that we don't know... It is clear from the review of previous research that little can be concluded about the relationship between individual officer characteristics and the use of deadly force by the police."

There is some data which indicate relatively strong relationships between the public homicide rate and the rate of police killings of civilians as well as between the violent crime exposure per officer and the rate of police killings. As one study put it, "the police officer reacts to the community as he perceives it." That perception may or may not be correct in any specific situation.

Dr. Blumberg's study found support for two conclusions:

(1) Younger officers will be more likely to become involved in shooting incidents than older officers: the average age of all officers who served with the department was 35.2 years, while the average age of officers who became involved in shootings was 30.6 years. Dr. Blumberg wrote "Why youth should be related to an increased risk of involvement in a shooting is something about which we can only speculate. Lack of maturity and a more aggressive style of policing are possibilities that came to mind... We prefer the view that younger officers are more duty conscious. Consequently, they work harder and become involved in more situations which entail the risk of using deadly force. Unfortunately, the data do not allow us to test this belief."



(2) The likelihood of officer involvement in a shooting incident will decline as length of police service increases: the average length of service with the Kansas City Police Department was 9.3 years for all officers with the Department, compared to an average of 7.2 years for the shooters. Since, obviously, age and length of service are directly interrelated (the number of years served increases with age and vice-versa), it is impossible to distinguish the relative importance of these two factors.

Dr. Blumberg's study, while finding support for these two conclusions, also finds no relationship between police shootings and many other variables, including officer gender, officer height, whether or not an officer was married at time of appointment, officer race, officer socio-economic status, prior officer military experience, and experience with firearms during their preservice period.

The Blumberg study, the latest and most definitive statement on the subject, indicates to us that age and length of service are the most important officer characteristics related to use of deadly force. Also established is that the level of violence in the particular community will probably correspond to the likelihood of use of deadly force. The average age of recruits entering the Metro-Dade and City of Miami Police Departments is twenty-four years old. The average age of officers below the rank of Sergeant with the City of Miami Police Department is 29.8 years old. The relatively high level of violent crimes here over the past several years has been well documented. Thus, the limited research that has been done does in fact suggest that Dade County is prone to a higher than average rate of police use of deadly force, due to our relatively high level of violent crime and the numerous young and inexperienced policemen on our police departments.

C. What Can Be Done?

It is doubtful that much can be done in the short term to control the overall level of violent crime in Dade County so as to expect that variable to decrease police use of deadly force, although we must continue our efforts to lower our crime rate.

We have also heard that it is at best extremely difficult to recruit older experienced police from other departments, principally due to their vested pension rights and because, due to existing civil service rules, experienced officers from other jurisdictions would be required to join our local departments at entry level positions. It has also been suggested, however, that recruitment of older experienced officers represents a threat to those already here and that, in fact, it might well be possible to entice experienced police from elsewhere, particularly so that they might serve as field training officers who would break what one witness described as a "vicious cycle of young officers being trained by other young officers." We will not know how successful such an effort might be until a concerted attempt is made to overcome any and all obstacles to such an effort. We urge that the effort be made.

In addition to recruiting from elsewhere, we propose that experienced officers presently employed here be offered appropriate incentives which will encourage them to assume the responsibilities of field training officers to train young academy recruits.

Throughout our Term it became increasingly and repeatedly apparent to us that the strength and effectiveness of any police department is inextricably dependent upon the strength and effectiveness of its Field Training Officer program. It has also become apparent to us that the Field Training Officer programs, in both the Metro-Dade and City of Miami

Police Departments, are substandard at best. Until this defect is remedied, the implementation of all of the other recommendations made in this Report will, collectively, still not bring our police departments to the performance levels which this community expects and deserves. The highest priority must be given to reviewing these Field Training Officer programs immediately.

However, let us assume for the short term that there is little that can be done to alter the variables of age and length of service as means to reduce incidents of improper use of deadly force. We must try to do the best and the most with what we have. Which brings us to the critical area of police training.

#### IV. POLICE TRAINING

##### A. The "Shoot-Don't-Shoot" Issue

As this Final Report is being prepared, the City of Miami and Dade County are debating the wisdom of the purchase of a stress reaction simulator produced by a firm named September and Associates. The debate highlights many of the training issues we will address and provides an excellent point of departure for our discussion. We have heard from both proponents and opponents of the "shoot-don't-shoot" training method.

We have learned that most police departments in this country train their recruits in the use of firearms using simple target practice. The relatively more sophisticated departments use variations on what is known as the "shoot-don't-shoot" training. This training places the trainee in a simulated stressful situation and the trainee is then confronted with a situation (using caricatures as targets or, in the more sophisticated devices, films or slides of situations) in which the trainee must make decisions on when or whether to shoot.

In fact, statistics indicate that a police officer will probably never have a shooting event in his entire career and critics of the shoot-don't-shoot method of training suggest that such training is counterproductive, heightens police fear levels, encourages and perpetuates a belief that an officer is in constant danger, and focuses only upon the "final frame" in the scenario leading up to a "shoot-don't-shoot" situation. These critics, and we have heard from several of them, suggest that the emphasis in training should be upon the sequence of events leading up to that "final frame," sensitizing the trainee to the various points in time and alternative strategies which might preclude the officer's being placed in that "final frame" shoot-don't-shoot posture. To introduce this type of training is to take a sizeable step beyond "shoot-don't-shoot": it is to make use of real people in role-playing situations which simulate those real-life experiences which, generally, so insignificant in their inception, rapidly escalate with neither protagonist willing to compromise or back down.

We find the September and Associates simulator to be merely one more variation of a training philosophy which is now considered outdated. The evaluation report dealing with the September simulator stated: "It is felt that there is no option. The trainee always shoots. It is not a 'shoot-don't-shoot' situation but rather a 'when do you shoot' situation. In our opinion, this reinforces a readiness to shoot which is already a considerable problem in Dade County."

An exhaustive evaluation of the September simulator by the Office of the Dade-Miami Criminal Justice Council further stated:

The simulator is inducing a state of stress within the officer and requesting that he act. Is the simulator causing phobias? Is the simulator causing a loss of self confidence in an officer? Is the simulator causing an officer to simply react and shoot? For what, if the officer shoots a civilian or if he shoots a storeowner in the back

during the simulated experience, or if he does not shoot the robber and he himself is shot and killed, is this experience causing him to develop a fear of his own ability that may then cause him to act inappropriately, should a similar event occur, during his on-duty time on the street.

The fact that the officer gets involved in the scenario, is sometimes unable to tell the number of times he fired the weapon, and reports feeling "anxious," all suggest that psychological and psysiological changes are occurring. It is possible for a trainee... "to become much more hyperactive as a result of this stress and consequently to react negatively in real stress situations."

Metro-Dade Police Department Sergeant William Garrison, Assistant for Psychological Services, criticizes the use of the simulator for: (1) the training methods being used, (2) the lack of validation studies, and (3) the attempt to increase stress in the officers prior to requesting rational decision making. Sergeant Garrison, who viewed the simulator in Flint, feels that the student is being overwhelmed in the simulator without the appropriate prerequisite training tools. He is being criticized for incorrect decisions, and then "left hanging." The officer's self-confidence is destroyed, not augmented.

Without even reaching considerations such as cost or technology, which is said to be outmoded, we find no need for the September simulator in Dade County police training. We find no need for a new machine. We find a need for a new philosophy.

#### B. Survival City And The Treaching Of Restraint

We have heard it expressed in different ways by different experts:

- . "Patience may be the key word in all of my discussions today. Because that's what young policemen often lack."
- . "If you can't talk somebody out of doing something, then you are not a good policeman. The policeman's basic skill should be that of a salesman: to persuade people to change their minds."

- . "Police tactics are deeply rooted in police culture. Police are very sensitive to the need to be in control - to not back down."
- . "Considerable emphasis should be given in police training programs to coping with unarmed (though threatening) citizens and with people who have weapons that are not guns. The training should emphasize communication skills and the use of 'less than lethal' weapons."
- . "Researchers have suggested the issuance of a departmental award for 'commendable restraint' by police officers, in recognition that such conduct often involves bravery similar to or greater than that involved in shooting."

Police training and weapons technology have historically been reliant upon the military as a model and a laboratory. No military engagements have been won through communication skills, and the present state of the art with respect to police weapons training, as well as our failure to advance the technology of non-lethal weapons in police work, may be at least in part attributable to a reluctance to discard the military precedent.

Yet if we are to adequately train police in a manner which will equip them to deal with possibly volatile or violent situations in ways which will defuse those situations, so as to preclude the need to make a "shoot-don't-shoot" decision, we will need to reorient our philosophy of police training so that restraint and patience are emphasized as positive attributes and as alternatives to the use of force or weapons in many situations.

The contemporary construction of Survival City, a simulated mini-urban setting at the Miami-Dade Police Firearm Range, offers an excellent vehicle for training scenarios which, using real persons in real life role-playing situations, will permit us not only to advance beyond the "shoot-don't shoot" mentality which we criticized above, but also to include

and emphasize in training the learning of the proper use of restraint and communication skills. The advent of Survival City will offer an excellent opportunity to implement many of the recommendations made in this Report. Yet how effective Survival City is in practice will depend upon the manner in which it will be used. The Police Foundation has indicated that it would be available to play a consulting role in designing training scenarios. Additionally, the Police Foundation has made proposals to the Grand Jury to study police training practices here. The need for research in this area is great, and we urge that our police agencies seriously explore these offers.

C. Firearms Training: Recruits

Thus far we have concentrated in this Report upon the need for increased emphasis upon means to avoid the use of deadly force by a police officer. We are not, however, oblivious to the fact that occasions may arise when an officer will have to use deadly force in defense of his own life or of the life of another. To be prepared for these situations, an officer must be thoroughly trained in the use of his weapon as well as confident of his ability to use that weapon should the situation require it. And, not unexpectedly, thorough training in the use of a firearm can be expected to result in a lessening of the likelihood of that officer using a weapon improperly or unnecessarily: an officer fully trained and fully confident of his ability to use that weapon will be less likely to bring that weapon into play, except as a last resort, than an officer lacking that training and that confidence.

The testimony we have heard has raised serious concern regarding the efficacy of firearms training as it is being taught at the Metro-Dade Firearms Range. The firearms instructors we met during our investigation were completely dedicated and qualified, and concerned about the present and future status of

firearms training. We raise the following issues:

There has been a recent lowering of the firearms qualifying standard, which apparently coincides with an emphasis upon recruiting greater numbers of police officers more quickly. The Dade Police Academy standard for passing the firearms qualifying test now is the same as the minimum state standard, which is to shoot a score of 210 points (of a possible 300) once in five attempts to do so. Previously, Dade's police training had required a higher standard of three out of five such qualifying scores. According to the witnesses who testified, to score 210 out of 300 in one out of five attempts is all that is needed to meet the minimum state qualifying standard. This is not adequate to assure proficient use of a firearm. This community deserves nothing less than proficiency. Also, the fifty yard qualification firing exercise should be discontinued since it is irrelevant to urban police work, where shootings are extremely unlikely to occur at such distances.

Additionally, firearms training is the first segment to be given a new recruit upon entering the Academy. This is given at a time when the recruit is in the first week of a transition from civilian life to police training and perhaps not yet sufficiently acclimated to be fully receptive to the training being given. In the past, we are told, the firearms training module occurred approximately eight weeks into the basic law enforcement program, a point in time in which the class teamwork and physical endurance would have made the training more valuable. It has been suggested that placing the firearms module at the front end of training represents a decision based upon cost-effectiveness, since unqualified recruits may be weeded out at that point. We feel that other considerations here may well outweigh cost-effectiveness. And we wonder if we are not inadvertently delivering the message that the use of the firearm is the most important part of police work, by placing



the module at the very outset of the training experience.

There has occurred a perceived deterioration in the physical condition of police recruits. If there has been a reduction in the physical condition standards for new recruits, we must not permit such a reduction to allow the graduation of a recruit whose physical condition may jeopardize his own safety or the safety of our citizens. We have heard testimony to the effect that psychologically and physically unqualified recruits are being encouraged to remain in training. Those recruits who demonstrate physical and psychological limitations must not be either encouraged or permitted to continue the training programs.

No shotgun qualification course is given at the Range, merely a brief shotgun orientation. We believe that a shotgun qualification course should be made mandatory and that this should at least include a twenty-four hour training program involving the shotgun followed by a proficiency test. No policeman should be permitted to use a shotgun who has not successfully completed the qualification course. Furthermore, we seriously question whether shotguns should be permitted on routine patrol assignments.

We also are concerned with the use of a cocked (single-action) handgun. Although state standards, which are, incidentally, impressive if only for the consistency of their archaic irrelevance to contemporary urban police work, require that the single-action mode be demonstrated in training, Dade's police departments forbid its use. Not only should the state standards be revised to forbid use of the single-action mode, but consideration should be given to the experience of some police departments (such as Los Angeles) which have mechanically altered their departments' handguns so as to render single-action use physically impossible.

#### D. In-Service Training

It has been well documented that graduation from a police academy is followed by a process in the field in which the new recruit is persuaded by other officers that the training experience should be discarded as an unrealistic academic experience and that "now we'll show you how police work is really done." That process becomes particularly insidious where, as in Dade County, Field Training Officers are often only six months to a year out of the academy themselves.

It is by no means enough to revise the academy training experience to include, as we are suggesting, more role-playing and training in alternatives to deadly force, as well as increased proficiency in the use of firearms when there is no alternative to its use. This training must be reinforced by constant and meaningful in-service training which should occur at least twice a year and which should be mandatory. At present, in-service training is neither and is regarded, as is the case in most municipalities, as a meaningless inconvenience. In-service training is essential to counteract conflicting messages which might undermine academy training and to assure that what is being taught at the academy is periodically and consistently reinforced.

In-service training must be made meaningful as well as mandatory and its content should involve the testing of the same role-playing skills which we discussed above as alternatives to the "shoot-don't-shoot" exercises, as well as firearms use proficiency. To render in-service training meaningful will require that it be made a serious part of the police officer's career: ideally, for example, to fail to successfully pass in-service role-playing exercises addressing alternatives to deadly force, or to fail to demonstrate firearms proficiency twice annually would involve an immediate and real penalty. Ideally, the officer would not be permitted to duty until he or she had passed the in-service training.

We recognize that civil-service and other considerations will present obstacles to implementing an in-service training program with meaningful impact. However, we feel this matter is of such importance that, if legislation is required to permit its implementation, that legislation should be enacted to allow the respective police departments to discipline or discharge police officers who are no longer qualified to serve.

V. POLICY ENFORCEMENT AND PERSONNEL PRACTICES

The research we have reviewed, as summarized by William Geller in an article entitled, Deadly Force: What we Know,

...suggests with remarkable unanimity that restrictive policies seem to have worked well where they have been tried. Their adoption usually is followed by marked decrease in shootings by police, increases in the proportion of the shootings that are responses to serious criminal activity, greater or unchanged officer safety, and no resultant adverse impact on crime levels or arrest aggressiveness.

Yet no policy is any better than its enforcement. The articulation of restrictive policies regarding the use of deadly force in academy training or in police administrative manuals must be backed and supported by a supervisory structure which will hold officers accountable for their actions: if an officer violates the policy he must be reprimanded and, equally importantly, if a supervisor fails to reprimand, he must be held accountable as well. Continuing administrative pressure, Geller contends, is an essential supplement to a restrictive written policy regarding use of deadly force.

An interesting case in point, and one providing a potential model for Dade County, is that of the New York City Firearms Discharge Review Board created by an administrative order (known as T.O.P. 237) in that city in 1972. The board, chaired by the NYPD's Chief of Operations (the Department's

highest reviewing officer) and including also two deputy police commissioners and the supervisor of the Police Academy's Firearms Unit, was created simultaneous to the implementation of a new and very restrictive use of deadly force policy in New York. Rather than merely deciding that a shooting was justifiable or unjustifiable, the Board has the option of a range of decisions, such as the discharge was justifiable but the officer should be given additional training in the use of firearms or in the law and department policy, or the officer should be transferred to a less sensitive assignment or referred for psychological testing. Since the inception of the new restrictive use of deadly force policy and the Firearms Discharge Review Board in New York, not only have use of deadly force incidents declined significantly, but so too have incidents involving injuries to police officers.

And firearms discharge review boards serve another important function by providing a consensus, as reached by the participating police officials, as to how each incident should have been handled. This, in turn, creates a body of precedent for the training of police recruits in, for example, role-playing situations in our own Survival City.

#### VI. FINDINGS AND RECOMMENDATIONS

(1) Throughout our Term it became increasingly and repeatedly apparent to us that the strength and effectiveness of any police department is inextricably dependent upon the strength and effectiveness of its Field Training Officer program. It has also become apparent to us that the Field Training Officer programs, in both the Metro-Dade and City of Miami Police Departments, are substandard at best. Until this defect is remedied, the implementation of all of the other recommendations made in this Report will, collectively, still not bring our police departments to the performance levels

which this community expects and deserves. The highest priority must be given to reviewing these Field Training Officer programs immediately.

(2) We are particularly concerned about what has been described as the "incestuous cycle of young officers training other young officers." We are not satisfied with the explanation that it is virtually impossible to recruit experienced officers from other cities to accept jobs in Dade County, given the proper financial incentives, which would permit their use as Field Training Officers. Civil service regulations should not be permitted to interfere with the hiring of experienced officers from outside Dade County. And incentives should be created which will encourage presently employed experienced officers to act in the capacity of Field Training Officers.

(3) Police recruitment screening should be modified so as to include real-life role-playing situations as supplements to "pen and paper" psychological tests. The psychological tests should serve as indicators to determine what role-playing situations will be utilized. Psychological tests should not be administered on the same day as physical examinations.

(4) We recommend against the purchase of the September simulator. Cost or technological consideration aside, the device represents nothing more than an elaborate variation on a "shoot-don't-shoot" training design which we do not wish to see perpetuated. We recommend instead the use of real people in role-playing of real life situations which an officer is likely to encounter. These role-playing exercises are ideally suited to the soon-to-be completed Survival City. The offer of the Police Foundation to serve as consultant in establishing the role-play situations should be seriously considered.

(5) We find a need to re-orient our police training philosophy so that restraint and patience are emphasized as positive attributes and as possible alternatives to the use of

force or weapons in many situations. Training in communication skills is at least, if not more, important than training in firearms proficiency.

(6) Police standards should be revised to forbid use of a cocked handgun (the single-action firing mode), and consideration should be given to mechanically alter department issued handguns so as to render single-action use physically impossible.

(7) In-service training in role-playing situations and training in firearms use proficiency should be given twice yearly and made mandatory. In-service training must be made a serious part of an officer's career and failure to pass this training should result in a penalty or in corrective action before the officer is returned to duty.

(8) We are not at all comfortable with the fact that the police recruit firearm qualification requirement has recently been lowered to the bare state minimum. While we do not feel ourselves qualified to suggest what the qualifying score should be, we recommend a thorough study of this issue. We also question whether the firearms module of the police training program should occur at the very outset of the training experience and we also recommend that the issue be closely studied.

(9) No shotgun qualification course is given at the Range, merely a brief shotgun orientation. We believe that a shotgun qualification course should be made mandatory and that this should at least include a twenty-four hour training program involving the shotgun followed by a proficiency test. No policeman should be permitted to use a shotgun who has not successfully completed the qualification course. Furthermore, we seriously question whether shotguns should be permitted on routine patrol assignments.

(10) The experience of the New York City Police Department's Firearms Discharge Review Board should be looked at closely by local police and, if possible, the Board and its procedures should be emulated here. Also, the Police Foundation's various proposals for assisting Dade County in the improvement of its police training should be seriously considered and we feel that the Foundation's demonstrated expertise, at this point in time, would be of great benefit to this community.

(11) Florida law should be changed so as to restrict use of deadly force in fleeing felon situations to incidents where the fleeing felon has committed a felony resulting in death or great bodily harm and all other means of effecting the arrest have been exhausted, or where the fleeing felon was armed during commission of the felony and the officer has reason to believe the subject is still armed.

CAPITAL AND OTHER CRIMINAL CASES PRESENTED TO THE GRAND JURY

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
DWAYNE MARRELL WILLIAMS	First Degree Murder Robbery	True Bill
PEDRO FIGUEROA	Sexual Battery Kidnapping	True Bill
CARLOS ALBERTO VILLEGAS	Sexual Battery Aggravated Battery Aggravated Battery Aggravated Assault Aggravated Assault Lewd and Lascivious Act Upon a Minor	True Bill
HENRY WILLIAMS	First Degree Murder Robbery	True Bill
AMILCAR JOSE RODRIGUEZ- JIMENEZ also known as, JAVIER RODRIGUEZ also known as, SELIMO S. GARCIA also known as, "RAFAEL", and AGUEDO BORREGO-ESTRADA also known as, "CACHO", and WINSTON SALAVERRIA	First Degree Murder First Degree Murder Conspiracy to Commit First Degree Murder	True Bill
WILLIAM JORGE ALVAREZ also known as, JORGE LOPEZ	First Degree Murder Robbery with a Firearm	True Bill
GERALDO AULET RODRIGUEZ and AMADO AULET RODRIGUEZ	First Degree Murder	True Bill
JOSE JOAQUIN GARCIA, SR., JOSE ADAMS ADAN, LUIS ADAN, and JOSE VALENTIN GARCIA, JR.	First Degree Murder	True Bill
TERRY LEE TOWNSEND	First Degree Murder	True Bill
ALEX HILBERT	First Degree Murder	True Bill
JORGE LUIS RUIZ	First Degree Murder	True Bill
JAMES RUFUS SMALLS	Sexual Battery	True Bill
GUALBERTO JIMENEZ	Undetermined Classifi- cation of Homicide	No True Bill
KENNETH WARD, JIMMY MAYS, and CLIFFORD DARDEN, JR.	First Degree Murder Armed Robbery Conspiracy to Commit First Degree Murder and Armed Robbery	True Bill
HN EDWARD TAYLOR, J JESUS ORTIZ	First Degree Murder	True Bill



<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
JAMES DUDLEY McNICHOLS	Sexual Battery Sexual Battery	True Bill
FIDEL GARCIA, and JOSE ENRIQUE AGUILERA-PENA	First Degree Murder Burglary Robbery	True Bill
HORACIO IZAGUIRRE	First Degree Murder	True Bill
ALBERTO VICENTE OJEDA, and FRANCISCO LARIA	First Degree Murder Armed Robbery Trafficking in Cocaine	True Bill
THOMAS PELLECHIO	Manslaughter	True Bill
NELSON CANIZARES	First Degree Murder	True Bill
JORGE LUIS LOPEZ	First Degree Murder	True Bill
LEONARD MARVIN SPIVEY	Aggravated Battery Robbery	True Bill
HAROLD GORE	First Degree Murder	True Bill
NATIVIDAD ETURA	First Degree Murder	True Bill
CARLOS RUIZ	Sexual Battery Sexual Battery	True Bill
RUDOLPH FLOYD	First Degree Murder	True Bill
HARRY PHILLIPS	First Degree Murder	True Bill
REGINALD JOHNSON a/k/a "REGGIE", ANTHONY LEWIS a/k/a "LEWIS", LORENZO McFADDEN, and BRANTLEY FAUST a/k/a "BUCKY"	First Degree Murder Armed Burglary Armed Robbery Conspiracy to Commit Armed Robbery and/or Armed Burglary	True Bill
ANDREW NICKSON	Sexual Battery Kidnapping	True Bill
RODNEY RENE UPSHAW	Armed Robbery Armed Robbery Attempted First Degree Murder	True Bill
DAVID LAMAR GLOVER, and WILLIE MERCER	First Degree Murder Armed Robbery Armed Robbery	True Bill
JORGE LUIS RIVAS	First Degree Murder Attempted Robbery Kidnapping	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
JOSE LUIS DECELIS-IGLESIAS, MANUEL FRANCISCO FERREY, and MANUEL SOTO PEDROSA also known as JOSE ACOSTA	Armed Burglary of a Structure Armed Kidnapping Attempted Armed Robbery Attempted Armed Robbery Attempted Armed Robbery Attempted Armed Robbery Armed Burglary of a Dwelling Attempted Armed Robbery First Degree Murder	True Bill
JOSEPH ALLEN COSTANTINO	First Degree Murder	True Bill
ERNEST J. URTIAGA	Manslaughter	True Bill
BLAINE ELKINS	First Degree Murder Burglary of a Dwelling (Occupied and with an Assault) Robbery	True Bill
CLIFFORD TOWBRIDGE	First Degree Murder Attempted First Degree Murder Attempted First Degree Murder	True Bill
JULIA MONTEZ	First Degree Murder	No True Bill
TERRY CARMICHAEL	First Degree Murder Robbery	True Bill
DANIEL SMITH	First Degree Murder	True Bill
DARRYL KEITH ROLLE	First Degree Murder Armed Burglary of Structure Attempted Armed Robbery	True Bill
RAMON VERDAYES, and RAMON LARA	First Degree Murder Attempted Armed Robbery Attempted Armed Robbery	True Bill
WILFREDO HERNANDEZ	Vehicular Homicide	True Bill
MICHAEL BROWN, ERROLL DANIELS, and DWIGHT FLETCHER	Sexual Battery Robbery Burglary of Structure	True Bill
LUIS ALVAREZ	Manslaughter	True Bill
FLORENCIO ALVAREZ	First Degree Murder	True Bill
ORESTES RODRIGUEZ	First Degree Murder	True Bill
HARRY DEAN HUBBLE ON	First Degree Murder Armed Robbery	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
RICHARD DUPREE McKINLEY	Sexual Battery Resisting Officer with Violence Battery on Police Officer Battery on Police Officer	True Bill
JESUS ALVAREZ	First Degree Murder	True Bill
JOSE FEBLES	Sexual Battery	True Bill
ANDRES MARGARITO ROMAN, also known as ANIBAL RODRIGUEZ, also known as ANDY	First Degree Murder	True Bill
ANDRES MARGARITO ROMAN, also known as ANDY	First Degree Murder	True Bill
EVEURLIBIO HERNANDEZ	First Degree Murder Attempted First Degree Murder	True Bill
RUBEN MENA	First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Attempted First Degree Murder Attempted First Degree Murder	True Bill
URBANO ACUNAS TORRES, also known as RAFAEL HERNANDEZ	First Degree Murder Robbery	True Bill
EDWARD LEE GRIFFIN	First Degree Murder	True Bill
JOSEPH PARADES also known as JOSEPH PACHECO	First Degree Murder Attempted First Degree Murder Aggravated Child Abuse Aggravated Child Abuse Disposing of a Dead Body without Notifying the Medical Examiner's Office	True Bill
ROBERT LEE BROWN	Sexual Battery	True Bill
HORACE BROWN also known as HARVEY BROWN also known as "WES"	First Degree Murder Robbery	True Bill
CURTIS REEVES	Unlawful Use of Force	No True Bill
ROBERT KOENIG	Manslaughter	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
ANDRES ROMAN	First Degree Murder First Degree Murder	True Bill
JIMMY RAY BONDS	Sexual Battery on a Minor Sexual Battery on a Minor	True Bill
GERALD KOEPPELE	Sexual Battery Sexual Battery	True Bill
SHAWN GRANT	Sexual Battery Kidnapping	True Bill
JESSIE JAMES JEFFERSON	First Degree Murder	True Bill
LEE SMITH	First Degree Murder	True Bill
JOHN CHARLES GARCIA	First Degree Murder Robbery	True Bill
EDDIE LINK, JR.	First Degree Murder	No True Bill
JASPER SIMMONS	Sexual Battery Kidnapping	True Bill
SEVERIN PEREZ	Unlawfully Discharging a Firearm	True Bill
INVESTIGATION INTO THE DEATH OF ANASTASIO MARTINEZ		No True Bill
INVESTIGATION INTO THE DEATH OF RONALD HESS		No True Bill
INVESTIGATION INTO THE DEATH OF DENNIS HERMAN		No True Bill
RICHARD CARRERO and MARIE GONZALEZ	First Degree Murder Robbery	True Bill
NORMAN ALLEN WILSON	First Degree Murder	True Bill
ARMANDO RODRIGUEZ	First Degree Murder Kidnapping Battery	True Bill
CARLTON THOMAS	First Degree Murder	True Bill
INVESTIGATION INTO THE DEATH OF GEORGE MURPHREE		No True Bill
ERNESTO LURASCHI	Sexual Battery Upon a Minor	True Bill
IVAN FERRE	First Degree Murder Burglary Robbery	True Bill
WINSTON BLAKE, also known as DANNY PRICE	First Degree Murder Burglary Robbery	True Bill

<u>Defendant</u>	<u>Charge</u>	<u>Disposition</u>
MIGUEL CARDENAS, also known as JOSE PEREZ	First Degree Murder	True Bill
EDUARDO PINEIRO	Witness Tampering False Reports to Law Enforcement Authorities	True Bill

#### ACKNOWLEDGMENTS

The Grand Jury, like any other entity, can operate efficiently and effectively only when it has the cooperation and assistance of its members, staff and counsel.

This Grand Jury has been blessed with the services of its administrative assistant, Madeline Camp, and the fair-minded, objective counsel of Tom Petersen, advisor to the Grand Jury.

We would also like to acknowledge the assistance of the Court, Chief Judge Gerald Wetherington, our bailiff Sam Karlin, the State Attorney, Janet Reno, and her staff. Most of all, we would like to thank the many unnamed but hardworking and conscientious police and civilian witnesses who came forward to assist and testify in the matters before this Grand Jury. Without their cooperation our system could not function.

We acknowledge with gratitude the willingness of the Metro-Dade Police Department and the City of Miami Police Department to have cooperated with this Grand Jury and to have candidly shared with us their problems and their limitations. This spirit of candor and cooperation was evident in the presentations made to us by Director Bobby Jones and Chief Kenneth Harms.

In the investigation and reporting of our findings concerning police shootings and use of force, police training and related matters, we also gratefully acknowledge the following persons:

Dr. Joseph Davis, Dade County's Medical Examiner for some twenty-five years; Dr. Lawrence Sherman of the Police Foundation; Dr. Charles F. Wellford of the University of Maryland; Dr. Geoffrey P. Alpert of the University of Miami; Robert Lacey, Director of the Broward Police Academy; and the staff of the Metro-Dade Police Department Academy. We also thank Walter Dartland, the Dade County Consumer Advocate, for his assistance in addressing the issue of regulation of abortion clinics.


In preparing this Grand Jury Final Report, we relied upon and hereby acknowledge the writings of James F. Fyfe of the American University School of Justice, William A. Geller of the American Bar Foundation, Dr. Mark Blumberg of the Department of Criminal Justice Administration at Central Missouri State University, as well as the Final Report of the National Institute of Justice Study entitled, Use of Deadly Force by Police Officers.

Respectfully submitted,

*Norma D. Loeb*

Norma D. Loeb, Foreperson  
Dade County Grand Jury  
Fall Term 1982

ATTEST:

  
Frederick E. Graves  
Clerk

Dated: May 10, 1983