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

SPRING TERM A.D. 1991

FINAL REPORT OF THE DADE COUNTY GRAND JURY

FILED

November 13, 1991

Circuit Judge Presiding  
MARTIN GREENBAUM

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Foreperson

LAURIE ANN KING  
Vice Foreperson

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**LEAVE BEHIND A SHAMEFUL PAST:**  
**CHART A NEW COURSE FOR THE HOMELESS**

*"Give me your tired, your poor,  
Your huddled masses yearning to breathe free  
The wretched refuse of your teeming shore,  
Send those, the homeless, tempest-tossed, to me:  
I lift my lamp beside the golden door."*

*Emma Lazarus, Inscription on the Statue of Liberty*

**I. INTRODUCTION**

The American tradition of caring for our homeless is nowhere better stated than in the inscription on the Statue of Liberty. Unfortunately, Dade County's failure to advocate and provide for its homeless men, women and children has been shamefully inconsistent with this American tradition. A complete lack of political will and leadership has exacerbated the despair and desolation experienced by the homeless, angered community business owners and residents and embarrassed us all. While we as a community flaunt our beautiful sunrises, coastal magnificence and cultural richness, we have also exposed our ugly inhumanity toward our less fortunate citizens.

When we began our term nearly six months ago, we knew little of the homeless and their plight as victims of a scornful and uncaring community. We were shocked to discover that government had failed at every level to seriously address the causes of homelessness and the needs of those unfortunate souls who became homeless. We were especially dismayed to learn that our fellow citizens lacked compassion and a sense of responsibility for the homeless.

We observed daily accounts of the homeless crisis discussed in terms of their "invasion" and "intrusion" into residential and business neighborhoods. Residents and business operators vehemently attacked local politicians for allowing "human eyesores" and blanket towns to exist under the expressways and in the parks. Shamefully, citizens were outraged, not out of a sense of humanity, morality or brotherhood but instead out of the fear of adverse economic and aesthetic consequences to

business and property. The reaction of the political leadership was equally shameful and irresponsible.

When City of Miami businesses and residents demanded that the homeless and their shanty towns be removed and relocated, they turned to their city officials for actions. It was clear that the homeless had few, if any, political leaders acting as their spokesperson or championing their cause. The city denied having responsibility for the homeless and instead shifted responsibility to Dade County government. Dade County, in turn, pointed its finger back at the city demanding it assume responsibility because the vast majority (40%) were located in the City. Both these governments then turned to the state government to assume the responsible role. Eventually, state, county and city government officials met with each other and the residents and business operators. They all bickered, postured and haggled for weeks. But no one did anything.

Miami Police reacted to these community pressures and attempted to sweep the problem away by arresting the homeless or transporting them elsewhere. By early July, the enforcement of Federal litigation previously filed on behalf of the homeless against the City of Miami forced the issue. Inaction by the state and county governments placed them at risk of also being joined in this litigation. The years of community neglect had finally erupted into Miami's "homeless emergency situation" of 1991.

What we observed during the first 10 weeks of our Term was simply shameful. The issue of homelessness was debated solely in terms of economics. There seemed little if any concern for the humanity or dignity of those who were less fortunate and homeless. Residents worried for their property values; business owners feared loss of their patrons; and governments claimed a lack of funds. Egos clashed and political posturing occurred among all the involved public officials and community leaders. Everyone tried to take credit for the plans on "what to do", but no one was willing to take the responsibility for implementing these plans or paying for them.

While the boxing matches between communities and governments played on, the well-entrenched recession continued and the problem of homelessness became bleaker. When we first began to study this issue, Florida's 8.1% and Dade's 9.4% unemployment rates ranked well above the national average of 6.7%. At the same time, our state revenue shortfall crisis was leading to severe budget cuts that further threatened the economic stability and well being of additional Floridians. The demise of Eastern Airlines and many local banking institutions combined with severe slowdowns in the construction industry, retail industry and in other parts of the private sector has had a severe impact on our economy.

While there are numerous and perhaps more "trendy" community issues that warranted our review, we feel that none was more deserving or worthy than homelessness. A moral awakening by our government and our citizens alike is desperately needed. It appears that maintaining homelessness as a highly visible and controversial issue provided the only hope for this occurring. For too long, this community and its various county and municipal governments have neglected the homeless. We can not do the same.

As Grand Jurors, we act as the conscience of this community. In this role, had we not undertaken such a task, we too would have been shamefully indifferent to our homeless population and the poor who risk homelessness. Our "homeless emergency" did not develop overnight. There have always been homeless. But often they choose to hide and we choose to keep them hidden until a situation arises which brings them into greater public scrutiny. First, the Mariel refugees in 1980 and then, the Nicaraguan refugees in 1988, brought the problem of homelessness to everyone's attention. Once the immediate visibility of these problems diminishes, the community settles comfortably into pretending the homeless has vanished.

We purposely do not provide an in-depth analysis of the causes of homelessness or provide a blueprint of changes that must occur. A wealth of these exist. What is presently lacking is the community will and conviction to accept responsibility for

the homeless. We call upon our community to care more for the well-being of its people than it does for its property and money.

## II. THE HOMELESS

The phrase, "There, but for the grace of God, go I" was a sentiment each of us developed as we began to understand the homeless population. Dade County now has an estimated five to six thousand homeless people, 40% of whom are families with children. Indeed, families are the fastest growing part of the homeless population. Lack of affordable or subsidized housing, inflation, lack of subsidized daycare, growing numbers of single income households, increases in unemployment combined with insufficient unemployment compensation, inadequate welfare benefits, skyrocketing health care costs, increases in family violence and substance abuse are all factors that have led to significant increases in homelessness.

Our current recession has caused many of our hard working citizens to be but a paycheck or two away from homelessness. In today's world, the fittest, the strongest and the skilled no longer necessarily survive. The loss of a job, a serious illness, a home fire, an abusive spouse, divorce, substance abuse or victimization by a criminal can occur and overwhelm any of us at any time. The bitter truth is that many of our homeless are not "derelicts" or "bums" who do not want to work. At Camillus House, 35% of the homeless receiving assistance are working. The stereotype of a homeless person as a drunk or drug addict, while true in some cases, is not typical of a large percentage of our homeless population. A recent study found that of 109 persons at 12 different Miami street sites, 55% had completed high school and 65% were homeless for the first time.

Many of the homeless we discovered resemble people who could be our friends, neighbors or associates. Consider the following profiles of three homeless persons:

Person A is a medical assistant who graduated with honors and has more than 5 years experience in

administering X-rays and electrocardiograms.

Person B is a high school graduate and Coast Guard Veteran. This person has more than nine years experience as a painter, packer, factory worker and order clerk.

Person C is a high school graduate with 2 years college and is a graduate of a computer operator school. This person has 22 years of varied experience as a computer operator, machinist and forklift operator.

The more time we spent understanding those who become homeless, the more we realized the vulnerability of ourselves and our families. As a result, we feel an unabiding shame for the way in which our community and government at all levels continue to "pass the buck" in dealing with this segment of our community.

### III. DEVELOP NEW ATTITUDES AND DIRECTION

Inaction, denial and bickering finally gave way to a new found cooperative and responsible attitude which seemed to offer some hope for the homeless. This first sign of hope was the ability of all sectors, private and public, to collectively discuss and attempt to implement collaborative solutions. While the attitude was initially hopeful, the subsequent weeks of resumed political bickering and posturing was again discouraging. Ultimately, a temporary plan supported with an innovative funding formula finally emerged and the Community Homeless Assistance Project was established.

The Community Homeless Assistance Project was intended to create a working system of cooperative services aimed at identifying the needs and problems of the homeless and connecting them with the proper service providers based on a case management model. It also provided short term and long term transitional housing. The project, which began in mid-August, was created to serve the population residing under I-395 for only 90 days. From the two trailers beneath the expressway, individuals were assessed to determine their needs and all available benefits were



coordinated from one central location.

The newfound cooperative interaction between the City of Miami, Dade County, the State of Florida, the Coalition for the Homeless and the business community (Chamber of Commerce) was short-lived as bickering and territorial issues among the players resurfaced during the project. Evidently, there had been no appreciable change in attitudes. The fleeting attitude of multi-agency cooperation must be recaptured.

Government's leadership should be directed at insuring, with a cooperative approach, the implementation of long range solutions. The State of Florida, Dade County and the City of Miami must all assume greater responsibility and accountability. Other municipalities, such as the City of Miami Beach and Hialeah, must contribute their fair share. These jurisdictions all receive Community Development Block Grant (CDGB) monies from the federal government based on the number of poor in their area. Each is required to develop plans that deal with the poor and the homeless in order to continue to receive these monies. Fortunately, these financial incentives have the effect of pressuring governments and communities to cooperatively address homelessness.

State government's role must be more clearly defined. The state government has admitted it can and should be more aggressive in working with local government and providers to seek creative funding from a variety of different federal sources. The state's skills can be best utilized in supporting local undertakings aimed at insuring a new collaborative attitude and approach.

The business community should continue to exert pressure on its political leadership, help develop creative funding strategies and further help through job training and placement. Our community and government are fortunate to have a few aggressive business and community leaders who eventually became advocates for the homeless. Their advocacy, even if limited, has led to the development of sound, short term and long term plans for dealing with homelessness. The Greater Miami Chamber of Commerce, the Miami Coalition for the Homeless and particularly

members of the religious community have provided the major leadership that has existed to this point.

While residents must continue to exert pressure on community leaders, they also must work with government to allow reasonable provision of services in their neighborhoods. The continuing resistance of residents to relocating and expanding the well-respected Camillus House and its outstanding health initiatives for the homeless, is utterly disgraceful. Our community has been quick to honor programs and people who have donated time, money and effort in helping the homeless. But, too often, those who are quick to bestow these honors recoil in anger at the prospect of their own neighborhoods housing these same programs. This attitude must change. An equal partnership of our entire community, private citizens, business, religious organizations, civic and governmental leaders must be developed in order to bring our fellow citizens back into a state of self-sufficiency and dignity. However, local government must avoid creating "social service ghettos" by placing an overwhelming number of programs within only a few neighborhoods. Community-wide responsibilities demand that all communities equally share the placement of programs within their locale.

#### IV. NEW CHALLENGES

Well accepted studies identifying the homeless and their needs exist. Acceptable short-term and long-term solutions and plans exist. The "What to do's" and "How to Do's" are well established. No more plans or studies are needed. Action is needed. While the momentum exists, the implementation of these plans and strategies must occur.

Plans proposed by the Greater Miami Chamber of Commerce, the Miami Coalition for the Homeless and the newly developed Comprehensive Housing Affordability Strategy (CHAS) all present sound strategies. The plans as conceived go far beyond simply removing or relocating the homeless to hidden and scattered areas. They aim to provide a systemic set of proposals that would reintegrate the homeless back into our community and provide them with the assistance needed to become and remain

self-supportive. The necessary components of these plans are well recognized:

- Agree on the existence of one policy making oversight committee;
- Establish full range and centralized intake centers providing for referral to services with long-term follow-up based on a case management model;
- Increase emergency services, such as adequate shelters, daycare, healthcare and cash assistance programs;
- Create sufficient housing: including transitional and single room occupancy (SRO) housing; multi-room units for families, boardinghouse rooms and permanent affordable housing; all combined with direct access to services;
- Develop prevention so that those on the verge of homelessness can be saved before they lose their residences.

Preventing involuntary homelessness presents the greatest challenge of all. The downward economic trends of the 1980's and into the decade of the 1990's have produced a new population of homeless individuals and families. Our homeless now include hungry children, with eyes full of confusion and despair, clinging to young mothers. While some people choose to be homeless and live on the street, the vast majority are involuntarily homeless, victimized by a variety of unforeseen events.

Families and women with children present a host of complex needs. This community and government must immediately provide shelter for every family that requires it. The fact that 40% of the homeless are families requires that service providers address the full range of longer term needs to keep these families intact and restore them to self-sufficiency. For instance, Dade County's waiting list for subsidized child care of over 6,000 children requires that homeless providers create and expand these services.

While we plan intake centers, expand services and implement

plans to deal with the existing number of homeless, it is imperative that we immediately develop and enhance effective prevention techniques. Every family and individual in this community must be able to access easily and quickly a host of services that can be provided before they pass onto the streets. Dade County's Emergency Housing and Emergency Cash Assistance programs must be expanded. Other municipalities should assist in this expansion. While we commend Dade County for the existence of these programs, we are concerned with the restrictiveness of these programs' eligibility requirements. For instance, the Emergency Housing Program requires an eviction order before a family can obtain assistance for housing. This inadvertently pushes many out onto the street by bringing them precariously close to the edge before offering help. Unfortunately, the Emergency Cash Assistance Program is only applicable to mentally and physically disabled individuals who are unable to work. From the variety of families we met and interviewed, it appeared that these assistance programs provided too little, too late, for too short a period (30 days).

#### V. FUNDING

In view of our present economic decline, funding for homeless programs and related services represents another severe challenge. We are acutely aware that obtaining funding at this point will require tremendous creativity and determination. Having said this, however, we believe this community has the talent and skills to achieve its desired goals when it has the will.

Our community boasts countless wonders that have resulted from joint partnerships between government and private industry. These have been accomplished through leadership, creativity and a determination to succeed. If we can build Bayside, the Miami Arena, the Metro Zoo and perhaps a Performing Arts Center, then we can surely create and implement a plan for our manageable number of homeless. The quality of a community should not be measured by the strength of its steel and glass buildings but rather by the quality of humanity and dignity the community shows

for all who reside in it.

The Community Development Block Grant (CDBG) monies and McKinney Act monies are funds which can and should be aggressively sought and utilized to implement, on a permanent basis, the existing short term and long term plans. The interrelation between McKinney Act funding for the homeless and CDBG funding for community housing now requires communities accept their responsibility to help the homeless through their CHAS plans in order to receive this funding.

CHAS now requires that each community develop a 5 year strategy for housing that includes the needs of the homeless. Annual updates are required that must include the nature and extent of homelessness within each applying jurisdiction. CHAS also requires strategies that prevent homelessness and provide adequate emergency and transitional housing, as well services aimed toward independent living in permanent housing. Last year, Dade County received approximately \$14 million and the City of Miami received \$12 million of CDBG funding. These community development monies are allocated by the federal government have always been based on a formula that included the number of poor, low and moderate income people residing in each locale. Nearly all our witnesses, including city and county employees, admitted that the county and city could and should have spent more of these monies directly for the homeless particularly in the area of social services and housing. Fortunately, they will now be required to do so.

Untapped McKinney Act monies such as Section 8 money for Single Room Occupancy (SRO) projects that should have been aggressively sought were not. We were surprised to learn that, although eligible, Dade County has never submitted an application for these funds. In our opinion, this failure is consistent with its historical apathy toward the homeless. The City of Miami has not proven successful in this regard either. The recent application for these monies by the City of Miami was rejected by the United States Department of Housing and Urban Development (USHUD). USHUD indicated that the city lacked the necessary staff to effectively administer the Section 8 program, provide

construction oversight, insure speedy rentals of the units and maintain a sufficient occupancy rate. USHUD indicated this lack of confidence was based upon the city's previous poor performance with Section 8 programs and an apparent lack of new evidence that would alter this perception. Every homeless assistance plan calls for an increase in SRO housing and other transitional housing programs. Yet, over the last 3 years, federal monies to renovate and build this type of housing have not been creatively or aggressively sought. These administrative failures are totally and unabashedly inexcusable. If these agencies lack the skilled personnel necessary to appropriately package these applications to qualify for these monies then they should hire qualified staff. If it is a lack of political will then such failure to secure these precious dollars borders on fiscal criminality. At a time when money is so desperately needed every conceivable effort must be made to seek out every single dollar available from any and all sources.

Both the city and the county must be more creative and aggressive in forming collaborative ventures with the private sector to renovate and build units to be used as transitional housing, including boarding homes and SRO's. Other cities, such as New York, Boston, San Francisco and Seattle have aggressively pursued and obtained such funding. The current bed capacity of emergency shelters in Dade County is approximately 1,000, resulting in four out of every five homeless persons being temporarily sheltered. This is inexcusable. Explanations such as "no group applied" are irresponsible and inexcusable. Both the county and the city have in the past successfully attracted the private sector to build and renovate housing for the low and moderate income community. It is time this was accomplished for those who have become their "no income" citizens.

Creative utilization of monies obtained pursuant to Florida's Contraband for Justice Act, warrants further exploration. The Metro-Dade County Police Department reaped \$ 14.5 million in forfeited funds last year. The City of Miami Police Department received \$ 1.1 million. A "first" occurred this year when the City of Miami Police Department allocated

\$25,000 as "crime prevention monies" to the fire damaged and desperately needy Betterway homeless shelter. This expression of attitude was commendable even if the actual dollar amount was not. Greater expansion of this type of creative application must occur. If legislation is an impediment, then lobbying for change should occur. The ability to accumulate monies directly from criminals for the purpose of enhancing law enforcement has been an important recent achievement. Its benefits should not be undermined. The community, through its law enforcement, should recoup what it can from the criminals who terrorize it. But, what constitutes permissible areas of expenditure should be made more responsive to the unique needs of each community. The problem of homelessness clearly is one of our unique community needs.

According to a study performed in June of 1991 for the Dade County Circuit Courts, a New York homeless expert estimated that the processing of homeless through the Dade County criminal justice system costs approximately \$4.4 million annually. Although the report fails to substantiate the means used to arrive at that estimate, the report focuses attention on the of expense necessary to process the homeless through the criminal justice system. These funds would be more constructively utilized as an investment in preventing homelessness and providing alternative services to get homeless people back into the mainstream of society. The community needs to provide the police with alternatives to arresting the homeless. Central intake and assessment centers to which the homeless can be transported is one example of such an alternative. This would also allow the police to exercise more latitude and sensitivity in dealing with the homeless as a social problem, when appropriate, rather than solely as a criminal problem.

## **VI. CONCLUSION**

First and foremost, the leadership of both the private and public sectors of this community must assume responsibility for the care of the homeless. It is the humane thing to do and the community demands it. Our present treatment of the homeless is

pathetic and tarnishes all the natural beauty and warmth this community reflects through its land, climate and people. This community has some of the best and brightest leaders in both the public and private sectors. These leaders can and must act now, not next year. With two million people residing in Dade County, dealing with four to six thousand homeless people should not present an insurmountable problem. We have overcome greater problems in the past. Our absorption of the 150,000 Mariel refugees in 1980, is just one example of our ability to integrate individuals with complex problems and needs into our community.

Although some of the homeless will not want help, we must concentrate our limited resources on those who do. We must pull people out of the pit of homelessness and help them back into our society. We must expand the boundaries of our vision to reach those on the verge of homelessness and prevent it. Providing the minimal assistance these people need to maintain their residences, their self-respect and their families is the wisest, most inexpensive investment we can make in our fellow citizens. We know it will not be simple. But there really is no other choice. "Send those, the homeless, tempest tossed..." and let us move forward today to care for them.