

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

**FINAL REPORT
OF THE
MIAMI-DADE COUNTY GRAND JURY**

**A CALL FOR AN INDEPENDENT AVIATION AUTHORITY
FOR MIAMI-DADE COUNTY**

**VIOLENCE IN THE SCHOOLS:
A PLAN FOR MAKING OUR SCHOOLS SAFER**

FALL TERM A.D. 2003

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**A CALL FOR AN INDEPENDENT AVIATION AUTHORITY
FOR MIAMI-DADE COUNTY**

I. INTRODUCTION

It has been described as the economic engine for Miami-Dade County. In 2002 it generated 241,000 jobs, \$7.9 billion of wages and salaries, \$18.6 billion in business revenue, and \$735 million in state, county and municipal taxes. Presently, it is undergoing a ten-year, \$4.8 billion capital improvement program. Its annual budget for fiscal year 2002-2003 was in excess of \$344 million dollars. The “it” is the Miami International Airport (MIA). It is the major component of Miami-Dade County’s Aviation Department which also oversees operations at five General Aviation airports including, Dade-Collier Training and Transition Airport, Homestead General Airport, Kendall-Tamiami Executive Airport, Opa-Locka Airport, and Opa-Locka West Airport.

With its present capital improvement project underway, Director Angela Gittens is building a new airport on top of an old airport with the old airport still in operation. MIA has also been described as a bed of corruption where contracts are awarded based upon who you know, not what you can do, nor how long you have been in business. It is a place that pales in comparison to other major American airports on choices available to its customers, the flying public, on what they can eat and where they can shop. It is a smorgasbord of mom-and-pop operations that only in recent years has begun offering food and services from more nationally recognized companies and restaurants.¹ Surprisingly, even with a captive audience, some travelers refuse to patronize the establishments located there.

Early in our term, this Grand Jury read newspaper accounts of a major investigation at MIA. The focus of that investigation alleged improprieties involving certain contracts awarded at MIA that were, ostensibly, for Minority Business Enterprises (MBEs). Similar *Miami Herald* exposés also uncovered the reality that for many of the contracts issued at MIA and awarded to the successful bidders, individuals (primarily lobbyists) are receiving monthly payments from the business owners. The individuals

¹ The Aviation Department conducted its first passenger survey in 2003 establishing a benchmark, so that it could objectively assess its progress. The results revealed that the single most important thing they could do to improve customer service is more and better concessions beyond security checkpoints. State of the Port Address, Director, Angela Gittens, February 4, 2004.

pocketing the money are not working for or at the business, but instead, appear to be receiving a reward for their dealings and involvement in assisting the business owners in securing the contracts. Law enforcement is trying to determine whether this is unlawful compensation. Regardless, to many members of the public and to this Grand Jury, this “arrangement” appears to not pass the “smell test.” One can only wonder how much more money would go to Miami-Dade County if these monthly payoffs were not being siphoned off? How much lower would some of the services or products be if the owners were not obligated to pay these monthly lobbyist fees? Could better services be offered at MIA if outsiders (potential bidders) were not left with the perception (or reality) that one cannot do business in Miami-Dade County without paying lobbyists? We thought that we would take a look at MIA as a possible topic for our investigation.

We know from arrests, indictments and sentencings that fraud and corruption have been occurring at MIA.² High-ranking officials in the Aviation Department have not been spared from the ranks of those who violated the public trust. Last April, Ricardo Mendez, former Assistant Aviation Director for the Miami-Dade County Aviation Department, and his wife admitted that they worked together in a scheme to award no-bid contracts to certain companies and individuals, in exchange for bribes. Mendez, his wife and several of the persons who admitted to paying the bribes were sentenced to prison terms and/or some form of house arrest or probation.

Also early in our term, through a *Miami Herald* report, the Grand Jury became aware of another major investigation involving MIA. As reported in the paper, that investigation alleged possible corruption and wrongdoing in connection with a food and beverage contract that was awarded at MIA. The company awarded the contract teamed up with a “disadvantaged business enterprise” (DBE), made up of minority participants, in hopes that it would improve its chances of winning the concession contract. As part of its efforts to win the contract, the company agreed to give 10% of its profits to a lobbyist who has ties to the county mayor and several county commissioners and another 10% of its profits were to be given to another lobbyist. The company also allegedly agreed to pay more than \$33,000 a month to the DBE so that it could retain the food concession

² A number of persons were arrested in July 2004 in connection with allegations of fraud, bribery and theft of millions of dollars worth of high-grade jet fuel from MIA. We were unaware of that investigation

contract. Under the county's DBE program, minority partners are to actively be involved in the actual operation of the businesses. The allegations were that the minority partners were neither involved nor present at the businesses. We decided not to interfere with that ongoing investigation. We opted to redirect our focus from dealing with and /or uncovering criminal activity at the airport to choosing a topic that could help improve conditions at MIA, increase the public's confidence in the administration and operation of the airport, and increase efficiencies in the contracting processes used at MIA. As a result of all of the above, we decided to look at another timely topic, namely, whether MIA (and Miami-Dade's general aviation airports) should be operated by an Independent Aviation Authority.

For starters, we recognize that this issue has been hovering around Miami-Dade County for a number of years. We also note that a number of other commissions, committees and industry representatives collectively, spent significantly more time than we have in working at the various issues surrounding whether Miami-Dade County should have an Aviation Authority. Those commissions and committees received testimony and reviewed documents, reports and other information from a number of sources. We did not duplicate their efforts; however, we did benefit from reviewing the end product of their work.

Accordingly, the recommendations contained herein are specifically based on our review of a number of sources: the Blue Ribbon Commission Report submitted in March 2000, the Final Report of the Ad Hoc Committee and attached proposed ordinance creating an Aviation Authority submitted in September 2003; a very extensive compilation of documents and materials presented by the Chair of the Transportation Committee for Miami-Dade County; various surveys; newspaper exposés; and testimony and other documents received from witnesses who appeared before this Grand Jury. We believe our role in this review and evaluation is far different from that conducted by the other groups and individuals referenced above. The members of those commissions and committees were selected to participate in the review of this issue because of their positions, businesses or professional affiliations. We were randomly selected to be members of this Grand Jury simply based on the fact that we have Florida driver's

during our term. The major drafting of this report occurred in advance of those arrests, about which we

licenses. We represent a cross-section of this community and collectively are employed, retired; African-American, Caucasian, Hispanic, Jamaican-American, West- Indian-American; college students, college graduates; laborers, professionals; from low-income and moderate income households; homeowners and renters. We live all over Miami-Dade County and one of the things we have in common is our knowledge of and use of MIA, not from the perspective of a business owner or governmental administrator, but as consumers or users.

II. AN HISTORICAL PERSPECTIVE

As previously stated, government officials and community leaders have been debating and analyzing the Aviation Authority issue for more than five years. In 1999, Mayor Alex Penelas convened a Blue Ribbon Aviation Panel in response to widespread concerns in the community regarding MIA. That Panel met twelve times over a ninety day period and issued an extensive report. The Blue Ribbon Panel concluded “the best solution is to make and execute policy for Miami International Airport in an environment as far removed as possible from the political arena. It was clear to the Panel that this environment is best achieved by the creation of an independent airport authority.”³ The Miami-Dade County Board of County Commission (BOCC) did not accept the recommendation. Several years later, members of the BOCC themselves revisited the issue and attempted to have an Aviation Authority created. Those efforts also failed.

On April 8, 2003, the BOCC passed a resolution sponsored by Chairperson Barbara Carey-Shuler, which created an Aviation Ad Hoc Committee. The committee’s task was to formulate a proposed ordinance for the BOCC to consider in contemplation of creating an Aviation Authority. The Committee submitted its report and ordinance to the BOCC in September 2003. On November 4, 2003, the proposed ordinance was on the BOCC’s agenda for consideration. Due to an apparent lack of votes to support creation of the ordinance, the item was withdrawn and not voted upon. As a result of this decision, the BOCC again took action that resulted in a decision not to create an Aviation Authority.

were informed just days before they occurred.

³ Final Report from the Blue Ribbon Aviation Panel, Executive Summary, p.2.

After the BOCC failed to adopt the proposed ordinance, one of the Commissioners introduced a ballot referendum that would have allowed the voters to decide the issue. This would require the BOCC to vote to have the matter placed on the ballot. The voters would then make the decision. If the voters approved the proposal, an Aviation Authority Ordinance would then be created. Does the public want an Aviation Authority? The public never got a chance to answer that question. In fact, the full BOCC never got the chance to consider the referendum either: the measure failed to pass out of the county's Transportation Committee.

As a result of the BOCC's refusal to place the matter on the ballot, a group of business leaders (the Miami Business Forum) formulated a citizen's initiative in hopes that it would gather sufficient signatures from Miami-Dade County voters to place the option on the November 2004 ballot. In May 2004, the BOCC approved the proposed ballot language and petition. This "approval" was purely a legal requirement and a prerequisite to proceeding with the citizen's initiative; it was not an indication that the BOCC was in favor of the petition.

In light of the Aviation Authority developments that occurred during our term, we found ourselves in a different posture than that which we had envisioned when we initially decided to look at this issue. Even under these changed circumstances, however, we still feel compelled to issue this report containing our observations and recommendations. In this report, we will review some of the pros and cons, as well as advantages and disadvantages to having an Independent Aviation Authority. First, we will briefly explain what we believe would be the responsibilities of an Aviation Authority. Our comments as to those responsibilities are primarily based on the draft ordinance that was prepared by the Ad Hoc Committee.

III. MIAMI INTERNATIONAL AIRPORT (MIA)

For those unfamiliar with the process, we believe it is important to share some "basic" information regarding the present operations of MIA. MIA is run based on the money generated through operating the airport. MIA has a budget with an operating revenue in excess of \$500 million per year. Revenues are obtained from various sources including landing fees from every plane that lands at the airport; public parking fees; rental car concession fees; rental of space by commercial tenants (i.e., maintenance

facilities and cargo facilities); and percentages and/or guaranteed monthly payments from vendors who provide services or operate concessions at the airport (i.e., restaurants, plastic baggage wrapping, newsstands, bars, luggage carts, etc.). In addition to revenue from these traditional sources, MIA also receives certain federal grants for capital improvement projects. Angela Gittens, the Director of the Aviation Department, uses these revenues to take care of costs and expenses incurred in running the Aviation Department. The obvious expenditures include operating and maintenance costs, such as salaries, utilities, supplies, routine repairs, marketing, advertising and maintenance. Revenues are also used to handle the debt service at MIA (making payments on various bonds that were issued to raise money for capital construction). In the post-September 11th attack era, revenues are also being used to address security issues and purchase new and/or additional security equipment.⁴ Finally, revenues generated at MIA are also used to subsidize operations at the general aviation airports operating within Miami-Dade County.⁵

IV. DUTIES AND RESPONSIBILITIES OF AN AVIATION AUTHORITY

Although all of the matters discussed thus far in this report have related primarily to MIA, the scope of responsibility for an Aviation Authority would include all airports (Miami International, Opa-Locka, Opa-Locka West, Dade-Collier, Tamiami and Homestead) in Miami-Dade County. We believe this is a significant point and make note of it at the beginning of our report. We believe that one cannot look at MIA and Miami-Dade County's aviation industry without considering the other airports and services available in the county. MIA is one of the largest airports in the United States. In 2003, passenger traffic at MIA was "down 1 ½ percent from 2002, bringing us to under 30 million passengers for the first time since 1994. International traffic dropped 3 percent, while domestic traffic was flat."⁶ However, because the other international airports

⁴ Miami-Dade Aviation Director Angela Gittens flew to Washington D.C. and testified on February 12, 2004, before the U.S. House Committee on Transportation and Infrastructure's Subcommittee on Aviation. During her testimony, she pleaded with the Committee to fund \$236 million for the permanent installation of an Explosive Detection System "in-line" with the baggage sortation systems. The federal government required the installation of the equipment, set a deadline for the installation, however, they apparently were not going to fund the cost of the installation.

⁵ Although this is "basic" information to some, many of us first learned of these facts through our involvement with this investigation. We think the general public could also benefit from learning how our airports are run.

⁶State of the Port Address, Director, Angela Gittens, February 4, 2004.

suffered greater declines, MIA was still ranked as the nation's third busiest international gateway. MIA had the highest number of foreign visitors of any airport in the nation. It goes without saying that one of the most critical components of effective operations at an airport is the ability to get flights in and out on time. That goal becomes increasingly more difficult as air traffic increases. An Aviation Authority would be able, and qualified, to conduct a study and make a recommendation to the BOCC of what would be the most effective utilization of the five General Aviation airports and also, how such utilization could improve the operation and services at MIA. For instance, transferring more passenger cargo flights to Opa-Locka Airport could increase revenues at that airport and also lead to new or increased passenger and cargo flights at MIA. Even without such increases in traffic at MIA, transferring some flights to the other general aviation airports could improve the percentages of on-time arrivals and departures at MIA.

V. BOCC ISSUES

The sole impediment thus far to the creation of an Aviation Authority has been the Board of County Commissioners. The evidence we received and reviewed indicates that the commissioners who oppose the idea primarily view the creation of an Aviation Authority as a criticism and attack on the Commission. Many of them also believe that because the voters elected them to office, they should be accountable and answerable to the voters on all issues, including the airport. For them, this is a non-delegable responsibility. We will respond to each of these positions. Again, our perspective is not that of one who has a vested interest in the airport, but instead of a group of concerned citizens who care deeply for and want what is best for this community.

We do not view the creation of an Aviation Authority as an attack on the BOCC. Instead, we see it as an acknowledgement and awareness of the wide range of areas of responsibilities for these "part-time" public servants. The agenda items covered at BOCC meetings range from topics as divergent as health care and zoning to housing and civil rights. In addition, the BOCC must also deal with matters and issues affecting crime and safety (police and fire); the environment (water and sewer department, waste management); quality of life issues (parks and recreation); human services (family services); public housing (housing agency); homelessness (Homeless Trust); and the Port of Miami (Seaport). This list is not exhaustive. Indeed, the BOCC handles much, much

more. Included in this mix, the BOCC must also handle and decide issues and controversies affecting the airport. Regardless of how pressing or time sensitive the airport issues may be, they must still compete with all other matters vying to be placed on the agenda for the specified meeting dates and time of the BOCC. The morass of this county bureaucracy is also a factor to be considered in deciding whether an Aviation Authority is in the best interest of Miami-Dade County and its citizens.

We are awed at the job that the BOCC is able to do with all of areas of responsibility it must cover. We applaud them for the many improvements that have occurred at MIA under their watch. The commissioners are required to become experts on every matter that comes before them, whether it is intimate knowledge of construction of an arts center or the science involved in transmission of radio signals when considering the purchase of communication devices for police and firefighters. However, for us, the issue is one of focus. As important as our airports are to the economic well being of this community, we believe a dedicated group of individuals, knowledgeable about running businesses, could lead to more efficient operations. The Aviation Director reports that for the next two years she will spend more than \$2 million per day for work on capital construction projects. We believe the day-to-day operations could be better managed under a much more streamlined bureaucracy. This could be achieved through an Aviation Authority whose members would know that every Authority meeting and every agenda item to be heard at such meetings would relate exclusively to the airport. This specialized, focused attention is the one thing that the BOCC cannot do - as well intentioned as it may be.

Accountability to the Voters

As set forth in the proposed Ordinance presented by the Ad-Hoc Committee to the BOCC, the commissioners would still be very much involved in aviation matters through the Aviation Authority. They would remain accountable to the voters. The BOCC would oversee the Authority in the same manner it oversees other specialized boards, authorities and trusts (i.e., the Homeless Trust, the Jackson Memorial Health Trust, the Dade-Miami Criminal Justice Council, the Housing Finance Authority). The BOCC would still set budgets, establish and direct policy, and review and approve long-range planning goals and master plans.

The Authority meetings would all occur “in the sunshine” and could be held in venues to allow for public, live (or even tape-delayed) viewing. This would ensure that the public and the BOCC would be knowledgeable of what was going on with the Authority. Further, similar to the other trusts, boards, councils and committees, periodic reports could also be presented to the BOCC. The Authority would be another “agency” operating under the huge umbrella and power structure that is the BOCC. We believe this amount of oversight, control and input would still allow the commissioners to be answerable to their constituents on matters affecting the airports.

VI. AN AVIATION AUTHORITY IS NOT A PANACEA

In our support of the creation of an Aviation Authority, we want to caution the public: this will not be a cure-all for all of the problems and deficiencies that have occurred at our airports. During our investigation, we discovered that some of the nation’s largest airports are operating efficiently without an Authority. Ours is not. We are also aware that some of the jurisdictions with aviation authorities are horribly run. Nevertheless, we believe the problems attendant to the present structure and bureaucracy in Miami-Dade County can be significantly minimized with the creation of an Aviation Authority.

The Aviation Authorities across the country that are operating well are doing so in large part because of the members appointed to serve. We are most pleased with the application, selection and appointment process set forth in the proposed ordinance. It precludes anyone with a conflict of interest from serving. It requires financial disclosures of its members and has appointing authority outside of and in addition to the BOCC. This broad-based community and business involvement should lead to a very qualified and diverse mixture of citizens whose sole purpose in serving is to help improve the condition of our aviation industry here in Miami-Dade County.

VII. CONFIDENCE IN GOVERNMENT

One of the main benefits that will attach to the creation of an Aviation Authority in Miami-Dade County is the restoration of confidence in the system by the voters. During our investigation, we received information regarding a 2003 poll on voter opinions in Miami-Dade County. The public opinion poll was a joint effort of *Miami New Times* and Bendixen & Associates, an internationally recognized, Florida-based survey, management and communications consulting group.

In addition to a number of other areas of inquiry, several questions were asked regarding the airport, the Board of County Commissioners and the BOCC's involvement in the operation of the airport. The survey results were quite alarming. Of the citizens who responded to the poll:

- **61%** of them think the BOCC represents business and special interest; 20% of them think the BOCC represents public interest;⁷
- **49%** have very little or no trust at all in the BOCC; 47% have a lot of trust or some trust;⁸
- **57%** believe that the operation of MIA is somewhat corrupt or very corrupt; 17% believe that the operation of MIA is free of corruption.⁹

Notwithstanding the fact that we are not aware of any criminal activity involving members of the BOCC and the operation and management of the airport, there is obviously a strong “perception” of corruption in county government.

We believe there are several “realities” in Miami-Dade County that help fuel these perceptions. The major concern, raised earlier in this report, concerns lobbyists and their significant involvement in the bidding process, county contracts and bid appeals. It has become a common refrain heard in this community that one “cannot do business in

⁷ The actual public interest survey question was as follows: Some people feel that the Miami-Dade Board of County Commissioners mostly represents the public interest. Other people say that the Miami-Dade Board of County Commissioners often represents business and special interests. What do you think? Do you think that the Board of County Commissioners represents the public interest or that it represents business and special interests? 19% of those polled did not know or had no answer.

⁸ The actual survey question as to trust follows: How much trust do you have in the Miami-Dade Board of County Commissioners – a lot of trust, some trust, very little trust, or no trust at all? 4% of those polled did not know or had no answer.

⁹ The survey question as to corruption was as follows: As you may know, the Miami-Dade County Board of County Commissioners operates Miami-International Airport is responsible for awarding contracts for construction and services. Based on what you know, would you say that the operation of Miami

Miami-Dade County without hiring a lobbyist.” Whether such is the case or not, the poll confirms that this is obviously the public’s perception.

This aspect of involvement and influence by lobbyists in county government would probably not be so bad if it were not for another reality: the lobbyists appearing before the commissioners are the same lobbyists who raise thousands and thousands of dollars for the commissioners when they run for election. It is a fact that is known and documented in the reports filed by the candidates / commissioners. The commissioners who have benefited from these relationships publicly state that they are not influenced when lobbyists who help them get elected stand before them representing clients who have issues that must be decided by the BOCC. The commissioners consistently point out that they make their decisions based on the facts and information presented to them. They exercise their best judgment and make what they believe to be the best choice from among the options. Any choice that ends up favoring the lobbyist’s client, therefore, is merely coincidental.

The problem with this scenario, even accepting the clear hearts and pure motives of the commissioners, is that the public is still left with the “perception” that decisions are being made based on money and cozy relationships instead of what is in the best interest of the county and its citizens. We understand that the overwhelming number of recommendations made to the BOCC by the county manager are approved. However, the small percentage that are not approved are big-ticket contract items that get a great deal of publicity, including the involvement of the lobbyists. When the commissioners vote to override the county manager’s recommendations, it only underscores what the general public (and members of this Grand Jury) believe about this process: decisions are made based on the relationships between the commissioners and the lobbyists. Absent some serious changes in our campaign finance laws or other changes that specifically address these concerns, the public’s perception will not change.

MIA is a huge cash cow. Contracts awarded over the years have doubtlessly made millionaires of some of the lobbyists. The general public probably questions the legitimacy of the process that caused such a result. One way to remedy the problem and

International Airport is very corrupt, somewhat corrupt, or free of corruption? 26% of those polled did not know or had no answer.

sever the ties is to take the BOCC out of this process. That can be done and should be done through the creation of an Aviation Authority.

VIII. THE CONTINUING SAGA

The most recent development in the ever-changing saga surrounding the Aviation Authority involves the Miami Business Forum. Approximately a month after it started collecting signatures, the Forum withdrew its petition to create an Independent Aviation authority due to concerns about a \$2.7 billion General Obligation Bond (“GOB”) initiative that voters will consider at the polls in November. As reported in the *Miami Herald* (June 12, 2004), Forum members will assist Miami-Dade County officials in getting the GOB passed. They may revive the petition at a later date. We firmly believe that “the time is now” for creating an independent Aviation Authority. However, we recognize the wisdom of the Forum’s decision. The Grand Jury applauds the Forum for temporarily shelving its petition drive to do what is in the best interest of the county as a whole. Both the GOB and the Aviation Department are important to the future success of this community.

As a result of these developments, we find ourselves again focused on the BOCC. The BOCC has the power to act now, without affecting the GOB ballot issue in November. The BOCC has the authority to act now to take action that will restore voter confidence in our elected officials. The BOCC has the present ability to approve and enact the ordinance creating the Miami-Dade Aviation Authority. This Grand Jury strongly encourages the BOCC to do so. Should the BOCC fail to act or if an attempt is made and sufficient votes are not cast, we would encourage the Miami Business Forum to revive its petition drive to have this issue decided by the voters.

IX. CONCLUSION

We strongly believe that creating an Aviation Authority will go a long way to restoring the public’s confidence in county government. Further, we believe that the public will receive a stronger message if the BOCC takes a leadership position on this issue and decides to reverse the actions they have taken over the last five years. In light of the above and, as the conscience of this community, this Grand Jury strongly

encourages the BOCC to lead the charge to create an Aviation Authority for Miami-Dade County.

X. GRAND JURY RECOMMENDATIONS

1. We recommend that an Independent Aviation Authority be created for Miami-Dade County.
2. We recommend that the Board of County Commissioners adopt the proposed Aviation Authority Ordinance created by the Ad Hoc Committee and presented as Agenda Item Number 4X Substitute at the November 4, 2003, BOCC meeting.
3. If the BOCC refuses to adopt the proposed Aviation Authority Ordinance, we encourage the Miami Business Forum and other concerned citizens to revive its petition initiative to have the measure placed on the ballot. We encourage registered voters to sign the petition.
4. If the measure is placed on the ballot, we encourage citizens to vote in favor of creating an Independent Aviation Authority.
5. If the ballot measure is successful, we recommend passage of the ordinance that was created by the Ad Hoc Committee and presented as Agenda Item Number 4X Substitute at the November 4, 2003, BOCC meeting.

VIOLENCE IN THE SCHOOLS: A PLAN FOR MAKING OUR SCHOOLS SAFER

I. INTRODUCTION

As citizens of this community, we came into our service as Grand Jurors on the heels of a report issued by our predecessors that highlighted abuses and bad practices at our local juvenile detention facility. We, like most, were concerned with the findings of what happens to our children after they have engaged in criminal and delinquent behavior. We decided we would also focus our attention on our children. However, we concentrated on prevention and safety and targeted the entity that deals with the largest number of children on a daily basis – the Miami-Dade County Public School System (M-DCPSS).

This Grand Jury’s attention was further honed in on this topic after our consideration of an Indictment that charged a fourteen (14) year old honor student with the First Degree Murder of one of his classmates. We all recall the media images of anxious parents waiting outside of the yellow tape set up by police. The school was in a lockdown mode as a result of the discovery of a thirteen (13) year old student dead on the floor inside a second floor bathroom stall at Southwood Middle School.

Terrified parents waited impatiently for word that their children were okay. They pressed for information on what had occurred as police conducted searches inside the school. Many of us had vivid recollections of other media clips of nervous parents behind cordoned-off areas outside of schools located in places such as Jonesboro, Arkansas; Littleton, Colorado and West Paducah, Kentucky.

As the helicopter video-cam shots aired over our television screens, parents and residents were hoping (and praying) that a Columbine type tragedy had not occurred at Southwood Middle School. As the facts were revealed about what actually had happened, we were “relieved” that only one child had died. How sad a commentary on a society that has become so hardened with mass killings in our schools that our collective initial reaction in this instance was not “outrage” over the murder of a 13 year old (by a 14 year old), but instead, something akin to “comfort” that only one victim was dead.

Once the reality of the horror had set in, we asked several questions: Could we have a “Columbine” in Miami-Dade County? Are there any steps in place to prevent a

“Columbine” tragedy in our public school system? Are there mechanisms in place to identify students who might be inclined to commit such acts? In other words, did the M-DCPSS have an early warning system in place? We were in for an eye-opening experience.

The general public is very familiar with law enforcement’s use of “profiles” to identify and apprehend certain criminals, usually mass murderers, drug couriers and serial killers. In that regard, one of the first things we wanted to know was whether a profile existed that described the type of student who would commit a murder, and whether or not there was some means of fairly and accurately conducting such an identification of persons who might go on a violent killing spree at school.

We learned that the M-DCPSS has a process for identifying “at risk” students. The “at risk” kids are considered at risk for not performing well in the academic setting due to various physical, mental, social or familial issues. Educators, administrators and mental health professionals throughout the school system are involved in making assessments of which students, based on historical data, are more likely to drop out, perform poorly in school, become truant or engage in criminal or delinquent behavior.

The M-DCPSS website indicates that it is the fourth largest school district in the country, with 338,417 students and 19,120 teachers.¹⁰ In 2003, there were 340 “primary” schools in our public school system.¹¹ The M-DCPSS also has its own police force (240 officers) who provide 24-hour coverage for all of the public schools in Miami-Dade County, which happens to cover 2000 square miles.

In our discussions with the Chief of Police for the M-DCPSS Police Department, and in the aftermath of the Southwood Middle School incident, we wanted to know about the use of metal detectors and security cameras in our public schools. Our belief was that the use of these measures could reduce the number of weapons taken to our schools and possibly make it more difficult for students to commit acts of violence at school. We discovered that metal detectors are not used at our schools and many of our schools do not have security cameras. The justification for not using metal detectors is that they can only be used at one location (usually at the main entrance) and going through another

¹⁰ www.dadeschools.net/about.htm

entrance can easily defeat its purpose. In this regard, it gives a false sense of security because one is led to believe that no one is in the school with a weapon.

As to security cameras, in the homicide case at Southwood Middle School, security cameras would not have prevented the crime. Due to privacy concerns, security cameras would not be set up in the bathrooms. Moreover, although cameras outside of the bathroom may have assisted in identifying the culprit (by recording everyone who went into each bathroom) they still would not have prevented the crime. Arguably, even if a camera was in the bathroom and it was being monitored, as in the case of Nathaniel Brazil's hallway shooting of teacher Barry Grunow, it would not have prevented the killing, but only documented the incident. We also recognize that there would be a tremendous cost associated with installation of security cameras throughout our 340 schools and placing metal detectors at the entrance of all of those schools.

As a result of the awareness and heightened sensitivity to violence at schools, the M-DCPSS has instituted changes in policy over recent years. Those changes include a zero-tolerance policy as to weapons at schools and a refined policy that deals with bullying. Some of the other programs that we also believe are beneficial to preventing or reducing the number of violent attacks at our schools include the following: Youth Crime Watch; Conflict Resolution programs; mentoring programs, such as 5,000 Role Models; and Alternative Dispute Resolution programs. We will comment further on some of these programs later in this report. We commend the School Board for taking these steps to make our schools safer environments for the students and staff populations. However, we still think more could be done to prevent Columbine-type incidents from occurring.

II. THE FINAL REPORT AND FINDINGS OF THE SAFE SCHOOL INITIATIVE: IMPLICATIONS FOR THE PREVENTION OF SCHOOL ATTACKS IN THE UNITED STATES

In our consideration of what else could be done about this issue of school violence, we were made aware of a report that was issued in May 2002. The document, The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States, was a collaborative effort between the

¹¹ This number does not include charter schools or adult vocational schools.

United States Secret Service and the United States Department of Education.¹² The Report sets forth “an extensive examination of 37 incidents of targeted school shootings and school attacks that have occurred in the United States, beginning with the earliest identified incident in 1974, through June 2000.”¹³ As stated:

The focus of the Safe School Initiative was on examining the thinking, planning and other behaviors engaged in by students who carried out school attacks. Particular attention was given to identifying pre-attack behaviors and communications that might be detectable – or “knowable” – and could help in preventing some future attacks.¹⁴

This Grand Jury also wanted to determine whether there were ways to prevent future attacks. By examining the Safe School Initiative Report, we discovered that many of the 37 attacks studied were “knowable” and maybe even preventable. Future attacks may also be prevented if we take heed to the suggestions and recommendations made in a companion document, Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates.¹⁵ The Grand Jury reviewed this document also and, below, we offer you some of the conclusions we found to be most relevant to our Report as well as findings that totally refuted our basic assumptions.

III. IS THIS AN EPIDEMIC? (ARE OUR CHILDREN SAFE AT SCHOOL?)

In spite of the extensive media coverage that normally accompanies these acts of violence, and even when taking into consideration the incidents that have occurred across the country since the completion of the report, there does not appear to be an epidemic and, generally, our children are safe at school. The responses and reactions to these acts

¹² The Report is available on the Internet at http://www.secretservice.gov/ntac_ssi.shtml.

¹³ We are aware that other targeted acts of violence occurred after the time covered in the Safe School Initiative Final Report. In fact, the Southwood High incident occurred on February 3, 2004. We have not added or otherwise incorporated the information from those incidents in the Safe School Final Report.

¹⁴ Vossekuil, B., Fein, R., Reddy, M., Borum, R., & Modzeleski, W., The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States. U.S. Department of Education, Office of Elementary and Secondary Education, Safe and Drug-Free Schools Program and U.S. Secret Service, National Threat Assessment Center, Washington, D.C., 2002. (hereinafter, Safe School Initiative Final Report), p. ii

¹⁵ Fein, R., Vossekuil, B., Pollack, W., Borum, R., Modzeleski, W., & Reddy, M. Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates. U.S. Department of Education, Office of Elementary and Secondary Education, Safe and Drug-Free Schools Program and U.S. Secret Service, National Threat Assessment Center, Washington, D.C., 2002. This Report is also available on the Internet at http://www.secretservice.gov/ntac_ssi.shtml.

of violence at our nation's schools have been massive. Federal law enforcement, including the Federal Bureau of Investigation and the Secret Service, has analyzed the shootings, trying to determine whether there is a "profile" of the type of student who is likely to commit these acts. Federal grant monies have been made available for a nationwide "Safe and Drug Free Schools" campaign. State and local governments have also taken steps to make our schools safer.

The U.S. Department of Justice's Bureau of Justice Statistics collects and presents data on crime at school. A decline in crime in schools is seen in a joint report of the Bureau of Justice and the National Center for Education Statistics. Highlights from their report, *Indicators of School Crime and Safety 2002*, were as follows:

- Violent victimization rates for students varied from a high of 59 violent victimizations per 1,000 students in 1993 to a low of 26 per 1,000 students in 2000.
- The percentage of students who said they were victims of crime at school (violent and property crimes) decreased from 10% of all students in 1995 to 6% in 2001.

Collectively, reports from the Department of Education, the Justice Department and other sources indicate "few children are likely to fall prey to life-threatening violence in school settings."¹⁶ Further, the Department of Education's 2002 Report indicates nearly **60 million** children attend the nation's approximately 120,000 schools. The findings in the Final Report of the Safe School Initiative identified **only 37 incidents** of targeted school-based attacks, committed by 41 individuals over a 25-year period. We think this statistic clearly corroborates the findings in the various reports, that in spite of the acts of targeted violence, schools are a safe environment for our children.

IV. PROFILES

In looking into this issue, we had quite a few assumptions about the background of these killers and the motives for their crimes. Our "hunches", for the most part, proved to be wrong. The reports we reviewed concluded that there is no accurate or useful "profile" of these killers. We were saddened to learn this. Our hope for preventing future occurrences required some means for educators, administrators and law enforcement to be able to identify potential killers and get them the help they so

desperately need. Although our search for answers left us disappointed as to “profiles”, we discerned that (1) there are preventative measures that can be utilized and (2) everyone can help (teachers, administrators, counselors, law enforcement and parents¹⁷).

A. Our Assumptions

We assumed that the persons committing the incidents of targeted school violence were low performers in school; had threatened their victims before the attack; came from broken homes; had some type of prior criminal or juvenile background; were bullied at school; and were loners. Moreover, we assumed that the persons who were most inclined to commit targeted acts of school violence were probably going to be the “at risk” students - - students who were already having problems. Most of these assumptions proved to be incorrect.

B. Gender and Demographics

The Safe School Initiative identified 37 incidents involving 41 attackers that met their study definition of targeted school violence. All 41 attackers were male, ranging in age from 11 to 21. Thirty-one (76%) of the attackers were white; five (12%) were African-American and two (5%) were Hispanic.

C. Family

As to family make-up, 26 (63 %) of the attackers came from two-parent families; eighteen (44%) lived with both biological parents; eight (19%) lived with one biological parent and one stepparent. Only 2 of the attackers (5%) lived with a foster parent or legal guardian.

D. Academic Performance

The attackers differed considerably from one another in their academic achievements in school. Grades for 34 of the 41 attackers ranged from “excellent to failing.”

¹⁶ Safe School Initiative Final Report, p. 6.

¹⁷ When we use the term parent in this report we incorporate the most comprehensive definition possible. For our purposes it includes parents, step-parents, grandparents, foster parents, god parents, legal guardians, Big Brothers, Big Sisters and any other adult figure acting in a parental role over a student in one of our schools.

Of the 34 with information available, only two (5%) were known to be failing in school; six (17%) were receiving B's and C's; and nine (26%) were receiving C's and D's. Surprisingly, the largest number of students, 17 (41%), were doing well in school at the time of the attack. Some of them had been on the honor roll repeatedly. They were receiving A's and B's and some were even taking Advanced Placement courses at the time of the incidents.

E. Loners

Only one-third of the attackers was characterized as loners or felt they were loners. Most of the attackers appeared to socialize with mainstream students or were considered mainstream students themselves. Nearly half of all the attackers were involved in some organized social activities in or outside of school, including sports teams, school clubs, extra curricular activities and mainstream religious groups.

F. Prior Disciplinary Issues

One of the most startling findings from the Safe School Initiative is that nearly two-thirds of the attackers (26 students or former students, 63%) had never been in trouble or rarely were in trouble at school. Eleven (32%) attackers had been suspended from school before and 4 (11%) had previously been expelled from school.

G. Bullying

Seventy-one percent of the attackers (29 students) felt persecuted, bullied, threatened, attacked or injured by others prior to the incident. Some of the bullying experienced by the attackers was long standing and severe. Other attackers were characterized as the "kid everyone teased".

H. Prior Criminal Behavior

Twenty-seven percent of the attackers (11) had a prior history of an arrest. Thirteen of them (31%) had acted violently towards others at some point prior to the incident. Most of the attackers showed no marked change in any of these characteristics prior to their attack.

The ineffectiveness of using (or attempting to use) a profile is apparent when one considers the wide range of possibilities that could apply to the attacker(s). Using a profile based on the largest percentages used in each of the aforementioned categories

would reveal an attacker who would be a white male, from a two-parent home, who was doing well in school, was involved in organized social activities, fit in with the mainstream students at school, had never been in trouble at school before, was picked on at school and might have exhibited some violent behavior to someone in the past. With the exception of the last two points (and putting race aside), we would venture to say that most principals would want an entire student population that fit this profile. As we found out, attempts to prevent future tragedies by use of a profile were going to be useless.

However, other findings of the report led us to the conclusion that there are steps we can take to lessen the chance that a student will commit a targeted act of violence at one of our schools. We will briefly touch upon those findings. Afterwards, we will highlight the many efforts that are being made in the M-DCPSS. Finally, we will list our recommendations for how we can make our schools an even safer place for learning.

V. KEY FINDINGS REGARDING THE ATTACKS

Several key findings from the Safe School Initiative convinced us that there is a way to help prevent these attacks. The key findings we will address are as follows:

- The attacks were thought out beforehand and involved some degree of advanced planning;
- In most cases, other people knew about the attacker's idea or plan to attack before the attack took place;
- Most attackers engaged in some type of behavior just prior to the attack that caused concern or indicated a need for help; and
- Most of the attackers felt persecuted, bullied, threatened, attacked or injured by others prior to the incident.

A. Planning of the Attack

Because the targeted acts of violence were not acts of impulse, there was a passage of time involved in the planning of the acts. The acts of planning may have included what weapons would be used, how those weapons would be obtained, how the attacker would get the weapon onto the school grounds without interference, when and where the attack would take place, and who would be the target(s) of the attack. Thirty-eight (93 %) of the attackers planned out their attack in advance of carrying it out. In the 37 incidents analyzed for the Final Report, very often observable behavior of the attacker

suggested he might be planning or preparing for an attack. In over half of the incidents, the attackers developed their idea for the incident at least a month prior to the attack. In some cases, the attackers asked others to help them get weapons or ammunition. In one case, a parent, at her child's request, unwittingly purchased a long trench coat. Her child would ultimately use the trench coat to conceal a sawed-off rifle when he went to the school to carry out his attack. If our students, teachers, administrators, counselors and other School Board employees are trained to be alert they might be able to recognize the signs and get word to the appropriate law enforcement personnel before a tragedy occurs. The likelihood that such a tragedy can really be prevented is most apparent when considering our next point.

B. Prior Knowledge of the Attack

One of the most shocking findings of the Final Report is that in most cases (81 % or 30 of the incidents) at least one person had information that the attacker was thinking about or planning a school attack. In twenty-two (59%) of the incidents, more than one person had knowledge about the attack before it occurred. The person who usually had the knowledge was a friend, schoolmate, sibling or peer. *The friends rarely shared the information they had received with an adult.* However, they sometimes shared information that something was going to happen with other students, usually their friends.¹⁸

This is one of the areas where the M-DCPSS is trying to excel. M-DCPSS has a handful of employees titled Safe School Facilitators. Their positions are funded by a grant as part of the Federal Safe & Drug Free School Initiative.¹⁹ The primary mission of the Safe School Facilitators is to provide support to schools to help prevent suicide,

¹⁸ We found one of the incidents in the Final Report so disturbing that we feel compelled to reprint the entire paragraph here:

In one incident, for example, the attacker had planned to shoot students in the lobby of his school prior to the beginning of the school day. He told two friends exactly what he had planned and asked three others to meet him that morning in the mezzanine overlooking the lobby, ostensibly so that these students would be out of harm's way. On most mornings, usually only a few students would congregate on the mezzanine before the school day began. However, by the time the attacker arrived at school on the morning of the attack, word about what was going to happen had spread to such an extent that 24 students were on the mezzanine waiting for the attack to begin. One student who knew the attack was to occur brought a camera so that he could take pictures of the event. Safe School Initiative Final Report, p. 25. We are at a loss to understand why not one student brought the plan to the attention of an adult or law enforcement officer.

violence and/or bullying. One of the other goals of the Safe School Facilitators is to help students, teachers and administrators foster an environment at their various schools where they know that there is a marked difference between “telling” and “tattling”. **Telling helps keep people safe.** Tattling is done to get someone in trouble. **Telling is a responsible act that saves lives and can prevent tragedies.** The Safe School Facilitators are developing training programs to help get this message to the student populations at all of our public schools.

We know that this approach works based on newspaper articles that were published near the end of the 2003-2004 academic school year. Several articles over a two-week period discussed the arrests of students at various schools. Each student was arrested for possessing a weapon at school. In each case, the discovery of each of the weapons was made after a student decided to “tell” school officials what was happening. The students who provided that information to the appropriate adults at those schools should be praised for their act of bravery in coming forward. “Telling” needs to become a character value that is not viewed as snitching on your friend. No one knows what tragedies were averted due to the students “telling” a responsible adult that a student was in possession of a weapon at those schools. Had any student attending a school highlighted in the study done the same thing there would have been even fewer incidents to study and more lives could have been saved.

Part of the training provided by the Safe School Facilitators for the students is specifically designed to also help them understand the aftermath of one of these tragedies. The long-term impact on a school that has experienced an act of targeted violence is unimaginable. We know that the physical, psychological and emotional scars are still present long after the attack is carried out. Similarly, for those who knew what was going to happen and did not tell, the guilt is probably unbearable, particularly if the attack led to the loss of human life. **Students must clearly be made to understand that there are serious consequences to maintaining one’s silence and not sharing that type of information.**

As we noted above, many of the attackers shared information about the planning of their attacks with friends and schoolmates. Their friends and schoolmates did not tell

¹⁹ The U. S. Department of Education’s Office of Safe and Drug-Free Schools is the Federal government's vehicle for reducing drug, alcohol and tobacco use, and violence in our nation's schools.

or otherwise share that information with the appropriate school officials or other adults. Their schools (and the students, parents, teachers and communities) suffered as a result. If the M-DCPSS Safe School Facilitators are effective at creating an environment where students will “tell” on their fellow students to help maintain a safe learning environment, we may very well prevent a targeted act of violence from occurring again at one of our schools.

VI. Cries For Help?

As indicated, most of the attackers in the study engaged in some type of **observable** behavior prior to the attack. The behavior was of such a nature that it actually caused the observers to be concerned. This occurred with **93%** of the attackers. The findings revealed that in **76%** of the cases at least three persons (adults and other children) were concerned by the behavior. Moreover, in 88% of the cases (36 incidents) at least one adult was concerned. The adults who witnessed the disturbing or odd behavior included parents, teachers, police, school officials and fellow students. These findings lead us to the unmistakable conclusion that some of these attacks could have been prevented.

A. Changing Roles

Over the years, our teachers and other school officials have become baby sitters, family counselors, mediators, coaches, counselors, academic advisors, educators, reporters of sexual and child abuse, and in some instances, surrogate parents. The role of our teachers has continued to evolve such that they wear many hats and have much more responsibility than, what folks referred to in the old days as, “teaching little Johnny the 3-R’s (reading, ‘riting and ‘rithmetic).” One of the unfortunate consequences of this transformation is that parents (as a whole) have become less involved in the lives of their children.

As parents, we all can remember when our children performed in that skit in second grade, or had their first speech. We were there with aunts and uncles and grandparents in tow. We attended the PTA meetings and were eager to find out how our children were progressing. For many parents, as our children graduated into middle and high school, our involvement and attendance at school functions lessened, expecting that the school would take care of any of the students’ needs and also address any problems.

We would only be brought in if things got too difficult for the school to handle. Unfortunately, our schools have gotten too large for that to work any more.

We have schools in Miami-Dade County with student populations in excess of 4,000. There is no way that teachers can know all of these students and be aware of their normal behavior, let alone, any changes from those behavior patterns. One of the recommendations which we chose to adopt from the Safe School Initiative Final Report, is to create an environment in our schools where every student has an adult in the school that he or she feels comfortable confiding in. Due to the overwhelming number of students in some of the schools, this will require the participation and cooperation of everyone in the school system: teachers, principals, assistant principals, trust counselors, guidance counselors, advisors, custodians, cooks, librarians, teachers' aids, etc. If the students are made to feel that they are in an environment where they can go to an adult at the school, that they can tell that adult what is happening and not feel like a snitch, the likelihood increases that if they hear information indicating the planning of an attack, they will disclose it. The M-DCPSS, through its Safe School Facilitators, is trying to create such an environment and we applaud them for their efforts.

However, the schools cannot tackle this problem alone. Members of this Grand Jury and witnesses told us about the operations of some of the private schools in this county. Many of those schools mandate parental involvement in school activities. Some of the private schools actually have a minimum requirement for a certain number of hours a parent must "volunteer" at the school during each academic term. Although we do not believe this is something that the M-DCPSS can mandate, we recommend that the School Board develop a policy where it does all it can to encourage parents to be involved in their children's school. Maybe even the development of a minimum number of hours that each parent should volunteer would be a good start.

B. Bullying

As previously indicated, 71% of the attackers in the study felt persecuted, bullied, threatened, attacked or injured by others prior to carrying out their attacks. We are aware that the focus on bullying at schools has become part of a national agenda. Numerous studies have been (and are being) conducted to examine the effects of bullying at our public schools. Since almost three-fourths of the attackers in the study were victims of

bullying, we can obviously help prevent future targeted acts of violence at our schools by reducing and/or doing away with bullying in our schools. 20

To its credit, the M-DCPSS has significantly changed its policy as it relates to bullying. The School Board had instituted a written policy that neither condones nor tolerates bullying. In fact, the Safe School Administrators provide Anti-bullying Training for both faculty members **and** parents. They are taught how to deal with the bullies when they witness acts of bullying. They are also taught how to empower the victims of the bullying so they are able to end the perception of seeing themselves as victims. They are taught specific tools they can use to disarm the bullies; things they can do as well as things they can say. The effectiveness of this program can directly impact on whether or not we will experience another targeted act of violence at one of our schools.

VII. HOW IS THE M-DCPSS ADDRESSING THESE ISSUES?

We were pleased to hear that there is an abundance of programs and initiatives presently going on in our schools. Many of these efforts are specifically focused on reducing the amount of violence in our schools and more importantly, lessening the possibility of experiencing another targeted act of violence. Some of the programs have been in place for years. Others are of recent vintage. What follows is a brief review of some of those programs and initiatives and recommendations from this Grand Jury as to how we can improve them or broaden their impact.

A. M-DCPSS and Anti-Bullying

The M-DCPSS's anti-bullying component has been developed very well, with specific training for parents and members of the school faculty. The presentation by the Safe School Facilitators (SSFs) comes complete with brochures and a Power Point presentation. In addition to translating the brochures and other information into Spanish and Creole, the SSFs are also developing an anti-bullying training program for the

²⁰ In their presentations the Facilitators define bullying as “repeatedly using hostile, intimidating, domineering or threatening behavior with the aim or purpose of physically or mentally hurting another individual.”

students. Information is also available on the Internet and is provided to those who receive training.²¹

Additional benefits to the M-DCPSS are the partners (outside agencies) who work with the schools. One of those partners is the Child Assault Prevention (CAP) Project, South Florida. The CAP Project is a comprehensive child abuse prevention program that works with school personnel, parents and children on school sites. It has a very extensive anti-bullying program with workshops, role-playing, training sessions and written material for grades kindergarten through 12. The workshops are conducted in English, Spanish and Creole. The CAP Project has prevention-trained over 241,500 students, trained over 20,000 M-DCPSS teachers, administrators and parents, and given workshops to parents, faculty and school administrators in 245 schools since its inception in Miami-Dade County Public Schools in 1984.²²

B. Need For Additional Facilitators

We think both of these anti-bullying programs are perfect tools to help educate our children on having respect for others and thereby reducing the risk of a targeted act of violence. However, we have some concerns and recommendations in this regard. As we understand it, the M-DCPSS has the school district separated into six geographical areas, each with its own ACCESS Center.²³ Each of the ACCESS Centers has two Safe School Facilitators. The Facilitators work as a team and are responsible for presenting anti-bullying workshops and trainings for faculty, parents and students, as well as providing crisis management trainings for members of the Critical Incidents Response Teams.²⁴

²¹ Information for parents and students alike is available at these websites. www.stopbullyingnow.com; www.bullying.org

²² <http://www.caproject.org/History.htm>. See additional information on the CAP Project at its website at <http://www.caproject.org>.

²³ ACCESS is an acronym for Area Community Center for Educational Support Services.

²⁴ The Critical Incident Response Team is composed of a school psychologist, a school social worker and two school counselors. The team is available to provide the following services:

- Provide crisis management training to Critical Incident Response Teams based at school sites and ACCESS Centers.
- Conduct presentations for students on suicide prevention, bullying, harassment, and stress management.
- Provide appropriate consultation, resource materials, and in-services to the school staff and parents on the topics of youth suicide prevention, bullying, harassment, violence prevention and bereavement.
- Assist in coordinating and providing crisis intervention services

The team of Facilitators provides the anti-bullying training at all of the schools within their ACCESS Center. The average number of schools and students in each ACCESS Center is 56 and 56,402 respectively.²⁵ It is totally unrealistic to expect that two people would be able to effectively provide training to such a huge number of schools and students. These numbers do not include the number of parents or faculty/administration represented in each of the six geographical areas. To take the most comprehensive approach to tackling this problem, the Facilitators would also provide trainings for all of the parents and faculty/administrators covered under each ACCESS Center. It cannot be done effectively (if at all) with just two employees. To improve upon this deficiency, and because we believe this is such a critical component of the Safe Schools effort, we make the following recommendations:

- (1) That the School Board increase the budget for the Division of Student Career Services. Alternatively, we recommend that the School Board seek additional funds from the Safe & Drug Free School Initiative to augment the dollars presently allocated for the Facilitators in the Division of Student Career Services.
- (2) That the School Board use the additional funds to, at a minimum, double the number of Facilitators in each ACCESS Center.
- (3) In the interim, (until additional facilitators are hired), that arrangements be made to videotape the presentations done by the Facilitators so that their efforts can be multiplied through the use of videotaped trainings and presentations.

C. Mandatory vs. Optional Training

The Grand Jury was surprised to learn that the anti-bullying training provided by the SSFs is optional. In other words, if the principal of the school invites them, they will go and make a presentation. We believe this is a serious mistake. Almost three out of every four attackers in the study felt victimized by threats or bullying. Our schools should be doing all they can to prevent and lessen the number of violent acts in our schools.

• Network with outside agencies
<http://studentcareerservices.dadeschools.net/crisis/index.htm>

²⁵ The average was determined by dividing the total number of schools and students by 6 (the number of ACCESS Centers). We know that the areas are not broken down with such mathematical precision, however, we needed to use actual numbers to illustrate our point.

Further, the training offered by the Facilitators to the faculty also encompasses warning signs that school officials should be aware of in observing the students. If school personnel observe one of the warning signs, their obligation is to notify someone on the Student Services Team for immediate follow-up. The hope is that the Student Services Team will intervene, discover whether there is a problem with the student and, if so, get the student the help he or she needs.

Again, this is such a critical component of the prevention strategy, the Grand Jury recommends:

- (1) That the School Board adopt a policy mandating that anti-bullying training be presented on a recurring basis at every Miami-Dade County Public School (grades K-through 12);**
- (2) That the School Board increase the budget of the Division of Student Career Services to fund this recommendation; and**
- (3) That the School Board adopt a policy mandating that anti-bullying training material be available for parents at all PTA meetings (brochures, Internet information, etc.) and/or provided to parents in mailings already being sent by the schools to students' homes. We also recommend that parents be encouraged in those mailings and presentations to share and discuss the anti-bullying information with their children.**

D. Hotlines

M-DCPSS provides hotline information to its students under two different programs: Miami-Dade Student Crime Stoppers and BE BRAVE (Better Education By Reporting All Violence Early). Crime Stoppers (305-471-TIPS) is a 24-hour confidential Crime Stoppers Hotline. All tips provided are completely confidential and students can call the hotline to give information about **any** illegal activity.

The BE BRAVE School Safety Hotline, 1-877-723-2728 (1-877-7Be-Brave) is more of a **safety** hotline. It was developed by the Florida Sheriffs' Task Force to encourage students to report planned or suspected acts of violence before a serious incident occurs. It is a toll-free, anonymous reporting system that works 24 hours a day and is available to all students **and citizens in our communities**. The information they receive is forwarded to the appropriate school and law enforcement agency for follow up.

Earlier in this Report, we indicated that there is work for all of us to do to help make out schools safe. The availability of these hotlines provides the perfect opportunity for everyone to get involved. The students and school personnel can get involved by calling the hotlines when they have information about criminal activity or planned acts of violence. Parents and citizens can educate students (who are our children, grandchildren, nieces, nephews, cousins, friends, neighbors, etc.) about the difference between “telling” and “tattling” and the necessity of telling when safety is at stake. One tremendous benefit of the BE BRAVE hotline is that citizens can also call if they have pertinent information to provide.

We think this is a tremendous tool. For instance, our children visit in each other’s homes. Surely, situations have occurred where parents have interacted with their children’s friends and classmates and observed alarming behavior or become aware of criminal activity or plans for such activity. Although that parent might not feel comfortable discussing the issue with the parent of the other student, the alert parent now has a method available to get the information to the appropriate authorities and possibly prevent a school tragedy.

In order for this to work, parents must be aware of the existence of the hotlines and the absolute necessity of using them and encouraging their children to use them when they have critical information that could impact the safety of persons at our schools. For these reasons we recommend:

1. That the School Board initiate or increase its efforts to educate parents, citizens in general, school personnel and students about the availability of the Student Crime Stoppers and BE BRAVE hotlines; and
2. That trainings conducted by school officials for parents and citizens: a) include information about the hotlines; b) stress the importance of the telling versus tattling concept; c) encourage parents to stress the importance of the telling versus tattling concept with their children; and d) encourage parents to instruct their children that they should call the hotline and /or “tell” when they have information about planned acts of violence or other criminal activity.

E. Code of Student Conduct

In our discussions with school personnel, we discovered that the schools have a Code of Conduct (one for use in elementary school, the other for middle and senior high school). The Codes highlight the importance of students respecting each other and respecting each other's property.²⁶ Each of the Codes also very clearly informs the readers that there is a zero tolerance for school-related violent crime. The Codes are designed to inform and educate students, parents, teachers and school administrators of disciplinary actions, the process for handling disciplinary actions and the rights and responsibilities of students.

We think it is imperative that our school system imparts these rights and responsibilities to our students beginning in pre-K and kindergarten. We believe that getting this information engrained in the students at an early age will increase the chances that they will observe and honor these rights and take steps to make sure that their environment at school will be a safe one.

VIII. Parents

The M-DCPSS is making strong efforts to provide a safer learning environment for our children. As clearly indicated in the section above, many of these efforts directly involve the parents of these students. The schools are including them in the anti-bullying trainings. Parents are receiving pamphlets and other information at home about the Code of Student Conduct. Included in this report, the Grand Jury is recommending that the M-DCPSS also give them specific information about the hotline telephone numbers and encourage parents to spend more time in volunteer roles at their children's schools.

We make these recommendations and highlighted a "Parents" section in this report because, as parents, we understand the critical role parents play in childhood development. We noted earlier in this report the general reluctance of parents to be as involved with their children's teachers after their children graduate from elementary school. However, this withdrawal/separation occurs right at the time the children are experiencing puberty. It is a wild and crazy time for the teens and pre-teens and also an experience for their parents. The middle school (which now includes 6-graders) and high school experiences for these kids will, most probably, also include peer pressure and

²⁶ Students have the right to be treated with courtesy and respect. Students have the right to have their property respected by other students and school personnel. Students have the right to expect safe

experimentation and/or invitations to get involved with drugs, alcohol, sex and gangs. It is a very turbulent and tumultuous time period even without hormones racing through their bodies. It is a time where we believe all parents should be more (and not less) involved in the lives of their children generally, and also aware of what their children are doing in school.

Parents can play a significant role in helping to make our schools safer. With appropriate training presently being provided by the schools and with the profusion of available and helpful information on the Internet, our parents will also know the warning signs to look for. More importantly, they will have information about what they can do and whom they can contact for help. For years now, we have seen the Public Service Announcements (PSAs) advising parents about the warning signs of drug use by their children. Those PSAs have also encouraged parents to talk to their children about drugs, drug usage and addiction. Finally, parents are given telephone numbers they can call to get additional help. This Grand Jury strongly believes that a similar effort needs to be made with regard to school safety.

Parents need to know the warning signs. Parents need to be vigilant in observations of their children such that they can recognize aberrant or unusual behavior patterns with their children. They need to have relationships with the teachers so they can get input on whether similar behavior is going on in the school. This united front and joint effort allows for more eyes to be watching and more ears to be listening. It increases the chances that changes in behavior will be noted and intervention sought. It might very well save lives in the process.

We recognize that the schools cannot do it alone. Parents need to be involved with the safety and well being of their children at home and at school. To help achieve this goal, we recommend the following:

1. The M-DCPSS should enhance its efforts to provide training to parents regarding anti-bullying and school safety issues and make known the availability of the hotlines. Making and widely disseminating brochures, pamphlets and/or video-taped presentations of training sessions could assist in this effort;

2. Parents should get more involved with the schools through volunteer service and attendance at PTA meetings. Parents should participate in training sessions and workshops, and any other venues and avenues that allow them to receive more information about how their children are performing in school;
3. Parents should speak with their children and encourage them to do their part to help make their schools safer. This would include underscoring the concept of “telling” versus “tattling” and the necessity of telling when crime or violence can be prevented; and
4. Parents should avail themselves of the hotlines when they receive information or become disturbed by observations they have made. Parents should encourage their children to do the same.

IX. CONCLUSION

When one recalls that before the school attacks, 93% of the attackers exhibited some type of observable behavior that seriously concerned at least one adult, and considers that in 81% of the incidents, at least one person had prior knowledge of the attacker’s plan, we can easily see the tremendous benefit to be gained from putting an early warning system in our schools. Every component of the system must build on the other.

Students must understand the distinction between telling and tattling. They must be encouraged to “tell” and/or call the hotline numbers when they have important information. Their parents should also be informed and encouraged to discuss this critical information with their children.

Parents and school personnel should be vigilant and alert for changes in behavior with their own children and other students that may be a cause for concern. Parents and school personnel should also be given sufficient information as to the actions they must take once they become privy to such information. Safe School Facilitators are presently offering such training to school personnel and we hope that they will be able to increase the number of trainings due to increased staffings in the Division of Student/Career Services. Through this effort, we will have more safeguards in place and avenues for getting crucial information to the appropriate school personnel or law enforcement agency.

With a network in place to receive the information and persons trained to watch for changes in behavior and act on that information, the focus shifts to the character

education of our children. This must be done with involvement from both parents and teachers. We must set the standards for our children's behavior, let them know what is expected of them and help them understand that their school will be as safe as they allow it to be. We must get parents, faculty, cafeteria workers, bus drivers, custodians, school security monitors and everyone else involved in this effort. Everyone involved in the system must be part of the effort to make a safe environment at our schools. If we fail to do so and a tragedy occurs, not only will the students and the school suffer, but, our community will also suffer. If you do not believe that, you might want to speak with the citizens in Littleton, Colorado.²⁷

X. RECOMMENDATIONS

The Miami-Dade County Public School Board should:

1. Develop or enhance existing programs that teach kids at an early age that bullying is inappropriate.
2. Develop or enhance existing programs that teach kids that they need to tell an adult about important safety related information and make them comfortable with doing so.
3. Develop or enhance existing programs that encourage each student to establish a positive relationship with at least one adult at their school (whom they can go to discuss anything without fear of embarrassment or repercussions).
4. Develop or enhance existing programs that will highly encourage parents to involve themselves as volunteers in their children's schools.
5. Include students in discussions of security measures at their schools.
6. Refine and/or enhance existing programs such as the Be Brave Hotline and Youth Crime Watch and educate parents and the public in general about the availability of these tools.
7. Increase funding to ensure certain programs are available for children who are found to be in need of services.
8. Emphasize with students the guiding principles underlying the Code of Conduct starting at the kindergarten level.

In addition to these General Recommendations, for convenience, we reprinted the recommendations included elsewhere in this Grand Jury Report.

²⁷ **Five years after the Columbine High School shootings** (where two student gunmen killed 13, wounded 21 and then turned the gun on themselves) **many students and people in the community remain deeply troubled by what happened at the school.**
<http://www.edweek.org/ew/newstory.cfm?slug=31Columbine.h23>

Need For Additional Facilitators

1. We recommend that the School Board increase the budget for the Division of Student Career Services. Alternatively, we recommend that the School Board seek additional funds from the Safe & Drug Free School Initiatives to augment the dollars presently allocated for the SSF in the Division of Student Career Services.
2. We recommend that the School Board use the additional funds to, at a minimum, double the number of Facilitators in each ACCESS Center.
3. We recommend, in the interim, (until additional facilitators are hired) that arrangements be made to videotape the presentations done by the Facilitators so that their efforts can be multiplied through the use of videotaped trainings and presentations.

Mandatory vs. Optional Training

1. We recommend that the School Board adopt a policy mandating that anti-bullying training be presented on a recurring basis at every Miami-Dade Count Public Schools (grades K-through 12);
2. We recommend that the School Board increase the budget of the Division of Student Career Services to fund this recommendation; and
3. We recommend that the School Board adopt a policy mandating that anti-bullying training material be available for parents at all PTA meetings (brochures, Internet information, etc.) and/or provided to parents in mailings already being sent by the schools to students' homes. We also recommend that parents be encouraged in those mailings and presentations to share and discuss the anti-bullying information with their children.

Hotlines

1. We recommend that the School Board initiate or increase its efforts to educate parents, citizens in general, school personnel and students about the availability of the Student Crime Stoppers and BE BRAVE hotlines; and

2. We recommend that training programs conducted by school officials for parents and citizens: a) include information about the hotlines; b) stress the importance of the telling versus tattling concept; c) encourage parents to stress the importance of the telling versus tattling concept with their children; and d) encourage parents to instruct their children that they should call the hotline and /or “tell” when they have information about planned acts of violence or other criminal activity.

Parents

1. We recommend that the MDCPSS enhance its efforts to provide training to parents regarding anti-bullying and school safety issues and make known the availability of the hot lines. Making and disseminating brochures, pamphlets and/or videotaped presentations of training sessions could assist in this effort;
2. We recommend that parents get more involved with the schools through volunteer service, attendance at PTA meetings, participation in training sessions and workshops, and any other venues and avenues that allow them to receive more information about how their children are performing in school;
3. We recommend that parents speak with their children and encourage them to do their part to help make their schools safer. This would include underscoring the concept of “telling” versus “tattling” and the necessity of telling when crime or violence can be prevented; and
4. We recommend that parents avail themselves of the hot-lines when they receive information or become disturbed by observations they have made. Parents should encourage their children to do the same.

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
DAVID DWAYNE BROWN, also known as "DABO", and COLLIES JASPER ROBINSON	Murder First Degree Murder First Degree (A&B) Murder First Degree / Attempt (A&B) Firearm/Concealed Weapon/Possession by Violent Career Criminal (A) Firearm/Use, Display While Committing a Felony (A) Firearm/Weapon/Possession by Convicted Felon (B) Firearm/Use, Display While Committing a Felony (B)	True Bill
ANTHONY CRAIG LEE and DEATRICE O. BROWN	Murder First Degree (A) Robbery/Armed/Firearm (A) Accessory After the Fact (First Degree Murder) (B)	True Bill
ALBERTO PELEGRI	Murder First Degree	True Bill
WILLIE CHARLES BROWN	Murder First Degree Robbery/Carjacking/Armed/Attempt Robbery/Armed/Attempt	True Bill
LUTRISCHE COOPER-DANCY	Murder First Degree	True Bill
TERRENCE ANTHONY WILLIAMS	Murder First Degree	True Bill
KENDALL MAJOR	Murder First Degree Firearm/Possession by Convicted Felon	True Bill
MARIA ROSA MARCHAN	Murder First Degree Robbery/Armed/Deadly Weapon Accessory After the Fact	True Bill
JUAN M. GONZALEZ	Murder First Degree	True Bill
TAURUS JEROME CRAIG (A) and JEVON CHAPPELL ROMER (B)	First Degree Murder (A & B) Unlawful Possession of a Firearm While Engaged in a Criminal Offense (A) Unlawful Possession of a Firearm While Engaged in a Criminal Offense (B)	True Bill
KRISTEN RODRIGUEZ	Murder First Degree	True Bill
MICHAEL HERNANDEZ	Murder First Degree	True Bill
BRITISH MOSS	Murder First Degree Robbery/Armed/Firearm	True Bill
JOSE M. BARCO (A), JUAN CARLOS FERNANDEZ (B), MARIA CATHERINE CATABAY (C) and RUBEN FERNANDEZ (D)	Murder First Degree Murder First Degree Burglary /With Assault or Battery/Armed	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
DEMETRIUS L. DYER	Murder First Degree Robbery/Armed/Firearm or Deadly Weapon Burglary/With Assault or Battery/Armed Arson First Degree Human Body/Dead/Abuse	True Bill
DARRELL LANIER MORGAN	Murder First Degree Murder First Degree/Deadly Weapon/Attempt	True Bill
CARL BAKER	Murder First Degree	True Bill
JACOB N. LUGO	Murder First Degree Grand Theft Third Degree Burglary/With Assault or Battery	True Bill
TERESA MICHELLE PADRON, (A) and JASON CHAVECO (B)	Murder First Degree (A & B) Murder First Degree / Attempt (A & B) Murder Second Degree / Attempt (A only) Robbery / Strongarm (A & B) Fleeing / Attempting Eluding Police Car / High Speed (A only) Assault / Aggravated / With a Deadly Weapon (A only)	True Bill
GREGORY THOMAS	Murder First Degree Robbery by Sudden Snatching Grand Theft Third Degree / Vehicle	True Bill
STEPHEN LLOYD WHITE	Murder First Degree Robbery / Armed/Firearm Firearm / Possession by Convicted Felon	True Bill
CEDRIC AUSTIN (A) and COREY DUNSTON, also known as DARIAN DUNSTON (B)	Murder First Degree (A & B) Robbery / Armed / Firearm (A & B) Robbery / Armed / Firearm (A & B) Firearm / Use, Display While Committing a Felony (A & B) Kidnapping / With a Weapon (A & B) Firearm / Weapon / Possession by Convicted Delinquent (A only) Kidnapping / With a Weapon (A & B) Accessory After the Fact (B only)	True Bill
SHERLOCK EDWARD EBANKS	Murder First Degree	True Bill
DON JENKINS	Murder First Degree Robbery / Armed / Attempt	True Bill
STEPHEN LLOYD WHITE	Murder First Degree Robbery/Armed/Firearm Firearm/Possession by Convicted Felon	True Bill
CALVIN LAMAR THURMON	Murder First Degree Firearm/Possession by Convicted Felon	True Bill

<u>NAME OF DEFENDANT</u>	<u>CHARGE</u>	<u>INDICTMENT RETURNED</u>
ANTONIO NUNEZ	Murder First Degree Robbery / Armed / Firearm Firearm / Possession by Convicted Felon	True Bill
ADRIAN McKENNEY	Murder First Degree Murder First Degree / Deadly Weapon or Aggravated Battery / Attempt	True Bill
OKEFFE OMAR LEWIS (A) and JASON ALPHONSO NEWBOLD (B)	Murder First Degree Murder First Degree Robbery / Armed / Firearm Firearm / Possession by Convicted Felon (A only) Firearm / Possession by Convicted Felon (B only)	True Bill
JAMES VINCENT KNIGHT	Murder First Degree	True Bill
ALFRED FARNELL	Murder First Degree Murder First Degree / Attempt	True Bill
ARMANDO ARRASTIA	Murder First Degree Arson First Degree	True Bill
MORIN CHERFRERE	Murder First Degree Robbery / Armed / Firearm	True Bill
ADRAIN M. LYNN	Murder First Degree Murder First Degree / Attempt Murder First Degree / Attempt Attempted Felony Murder Attempted Felony Murder Robbery / Armed / Attempt Burglary / With Assault or Battery / Armed	True Bill
EDUARDO L. PEREZ	Murder First Degree Burglary / Assault / Battery / Armed / Remain In Grand Theft Third Degree Stolen Property / Dealing In Stolen Property / Dealing In	True Bill
KENNETH CHARLES EAFFORD	Murder First Degree Robbery / Armed / Attempt	True Bill
ANTHONY MOTA VALDIVIA	Murder First Degree Firearm / Possession by Convicted Felon	True Bill
ALEXANDER ROBERTSON	Murder First Degree Firearm/Use, Display While Committing a Felony	True Bill
YARIEL TORRES (A), HENRY ANGEL CHAVEZ (B) and OSNIEL TRIANA (C)	Burglary/With Assault or Battery/Armed Robbery/Armed/Attempt Grand Theft 3 rd Degree Kidnapping With Deadly Weapon or Firearm	True Bill

ACKNOWLEDGMENTS

In October 2003 when we all received our Grand Jury Summons, none of us knew what was it all about. We still remember during the selection process on November 12, 2003, the sigh of relief every time someone else's name was called. When the last name was selected and we were formally introduced as the 2003, Fall Term Grand Jury, there was joy among the rest of the unselected candidates. The only thing we can say is "they do not know what they missed." This has been a unique experience and we are glad to have been part of it.

Our jury was composed of American Nationals from different countries such as, Cuba, Dominican Republic, Haiti, Jamaica, Peru, and of course, U.S. born citizens. Even though we may have had different ideas and opinions, we were all here working towards a common goal, for justice to prevail. We truly represented all of Miami-Dade County multi-ethnic citizens. We sincerely hope that the reports and suggestions given by our Grand Jury are of use and importance for the overall betterment of our county.

We would like to take this opportunity to thank Chief Assistant State Attorney Don Horn for his patience, guidance, broad law knowledge and professionalism. The Grand Jury had the opportunity to learn a lot of what our justice system is all about in this great country of ours. We also want to give a big thanks to Rose Anne Dare, Administrative Assistant, Nelido Gil, our Bailiff, and our court reporters for their dedication and commitment in making the Grand Jury run efficiently. They managed innumerable duties with a cheerful and friendly attitude. To those witnesses who took the time to come before us and answered all our questions and concerns, thank you.

Last but not least, to the Honorable Judge Judith L. Kreeger, State Attorney Katherine Fernandez-Rundle and to the various men and women from the law enforcement agencies who keep our streets safe, we offer our heartfelt thanks and gratitude.

It has been a great privilege and an honor to be part of the Miami-Dade County Grand Jury and to be able to serve our community.

Respectfully submitted,

Edwin Rivera, Foreperson
Miami-Dade County Grand Jury
Fall Term, 2003

ATTEST:

Gregory Hines, Clerk

Date: _____