

Office of Statewide Prosecution

1992 Annual Report

EXECUTIVE SUMMARY

The Office of Statewide Prosecution is responsible for investigating and prosecuting multi-circuit organized crime. This report details the functions of the Office and summarizes its activities during calendar year 1992. Utilizing several unique enforcement approaches, the Office made a significant impact in these areas.

The Office continued to make great strides in the areas of criminal justice policy, professional development of staff, and administrative procedures. This report details several indicators of the overall performance of the Office, which remains at high levels despite the second consecutive year of operation with limited financial resources.

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I. INTRODUCTION

The Office of Statewide Prosecution was created by constitutional amendment in 1986. Article IV, Section 4 of the Florida Constitution, together with Section 16.56, of the Florida Statutes, sets forth the jurisdiction and authority of the Office. The Office is responsible for investigating and prosecuting multi-circuit organized crime throughout the State of Florida.

The Office of Statewide Prosecution just completed its sixth year of operation. Pursuant to Section 16.56 (2), Florida Statutes, this report is submitted to the Governor and the Attorney General of the State of Florida as the Annual Report for calendar year 1992. A copy is also submitted to the Chief Justice of the Florida Supreme Court and the Leadership of the Florida Legislature.

II. OFFICE OPERATIONS

A. Investigations and Prosecutions

In 1992, the Office of Statewide Prosecution received a total of 207 requests for assistance or case referrals from law enforcement, regulators, prosecutors, citizens and other local, state, and federal agencies.

The requests originated from the following sources:

- Agriculture and Consumer Services
- Attorney General/Antitrust
- Attorney General/Civil
- Attorney General/Consumer
- Broward County Sheriff
- Citizens
- Delray Beach Police Department
- Department of Banking and Finance
- Department of Environmental Regulation
- Department of Highway Safety
- Department of Insurance
- Department of Revenue
- Department of Professional Regulation
- Duval County/Jacksonville Sheriff
- Federal/DEA
- Federal/FBI
- Federal/House Committee on Interior and Insular Affairs
- Federal/Treasury
- Federal/SEC
- Florida Department of Law Enforcement
- Florida Highway Patrol
- Ft. Lauderdale Police Department
- Game and Freshwater Fish Commission
- Hernando County Sheriff
- Highlands County Sheriff
- Hillsborough County Sheriff
- Leon County Sheriff
- Manatee County Sheriff
- Metropolitan Bureau of Investigation (Orlando)
- Metro-Dade Police
- Monroe County Sheriff
- North Miami Police
- Okeechobee County Sheriff
- Orange County Sheriff
- Orlando Police
- Osceola County Sheriff
- Oviedo Police
- Palm Beach County Sheriff

- Pasco County Sheriff
- Pinellas County Sheriff
- Polk County Sheriff
- Sarasota County Sheriff
- Seminole County Sheriff
- State Attorney/Third Circuit
- State Attorney/Fifth Circuit
- State Attorney/Sixth Circuit
- State Attorney/Thirteenth Circuit
- State Attorney/Sixteenth Circuit
- State Attorney/Seventeenth Circuit
- St. Petersburg Police
- Tallahassee Police
- Tampa Police
- Titusville Police
- Volusia County Sheriff

After preliminary intake procedures, the Office accepted 156 of these referrals pursuant to its jurisdictional mandate. Combined with a pending caseload from prior years, the total active caseload for the Office during 1992 was 256.

The new investigations concerned activity in each of the State's 20 judicial circuits, and 45 of the State's 67 counties.

In addition to the referral sources, the following agencies were involved in the Office's active investigations accepted during calendar year 1992:

- Altamonte Springs Police
- Bay County Sheriff
- Brevard County Sheriff
- Casselberry Police
- Clearwater Police
- Collier County Sheriff
- Columbia County Sheriff
- Coral Springs Police
- Department of Business Regulation
- Department of Management Services
- Federal/ATF
- Federal/Customs
- Federal/EPA
- Federal/ICC
- Federal/IRS
- Federal/Naval Investigative Services
- Federal/Postal Inspector
- Federal Secret Service
- Gainesville Police
- Hialeah Police

- Juno Beach Police
- Kissimmee Police
- Lake Alfred Police
- Lake Mary Police
- Lee County Sheriff
- Leesburg Police
- Longwood Police
- Miami Police
- Ocala Police
- Ocoee Police
- Orange Park Police
- Other States: Ohio, Michigan
- Rockledge Police
- Santa Rosa County Sheriff
- State Attorney/Second Circuit
- State Attorney/Fourth Circuit
- State Attorney/Seventh Circuit
- State Attorney/Ninth Circuit
- State Attorney/Tenth Circuit
- State Attorney/Eleventh Circuit
- State Attorney/Fifteenth Circuit
- Temple Terrace Police
- USAO/Middle District
- USAO/Southern District
- Wakulla County Sheriff
- Winter Garden Police
- Zephyrhills Police

The investigations concerned criminal activity that fell within each of the 17 categories of crime over which the Office has jurisdiction:

- bribery
- burglary
- criminal fraud
- usury
- extortion
- gambling
- kidnapping
- larceny (theft)
- murder
- prostitution
- perjury
- robbery
- narcotics violations
- racketeering (and the offenses which may be charged as predicate incidents in a racketeering charge)
- fencing

- antitrust violations
- attempts, solicitations or conspiracies to commit these offenses.

In 1992, the Office filed criminal charges against 74 defendants. Based upon venue requirements, the charges were filed in ten of the State's 20 judicial circuits: the Third, Fifth, Sixth, Ninth, Eleventh, Thirteenth, Fifteenth, Sixteenth, Seventeenth, and Eighteenth.

In 1992, seventy two defendants were convicted, following a plea or trial. The combined criminal dispositions include:

Prison Terms: 5 life sentences and 417 years

Probation Terms: 410.5 years

Victim Restitution: \$1,848,387

Fines: \$ 866,495

Costs of Prosecution: \$ 59,271

Costs of Investigation: \$ 181,397

In 1992, no trial was lost, and no convictions were reversed on appeal.

The Office focused its efforts upon and made a significant impact in the areas of mortgage fraud, securities fraud, telemarketing schemes, frauds on the State, "chop shop" operations (stolen automobiles broken down for resale) designer drug manufacturing, large scale cocaine trafficking, and numerous violent offenses. In addition, the Office is responsible for the restitution of approximately \$16 million dollars to 900,000 telephone company subscribers for suspect billing practices by a major public utility.

B. Statewide Grand Jury

Pursuant to 905.36, Florida Statutes, the Statewide Prosecutor serves as the legal adviser to the Statewide Grand Jury. By virtue of this authority, Assistant Statewide Prosecutors are designated to present cases to the Grand Jury for its consideration.

The Tenth Statewide Grand Jury, originally impaneled in July 1991, was extended by order of the Supreme Court through October 30, 1992. The Grand Jury was seated in Orlando, Orange County, Florida, and convened almost monthly to investigate allegations of multi-circuit, organized crime throughout the State.

The Statewide Grand Jury investigated a number of matters, issuing 11 indictments charging 61 individuals with the following criminal offenses:

- racketeering
- murder
- narcotics trafficking
- armed robbery
- grand theft
- organized fraud
- perjury
- fraudulent misrepresentations

- usury
- burglary
- dealing in stolen property
- kidnapping
- extortion
- conspiracy

Specific entities under investigation were:

- a major telecommunications utility;
- a highly organized street gang;
- large scale and violent cocaine smugglers;
- a worker's compensation insurance brokerage firm;
- a paint-stripping company that contracted with the State Department of Transportation;
- corrupt law enforcement officers;
- several small shell corporations designed by four prison industries employees to profit illegally from their own agency.

The Indictment of the street gang for violation of Florida's Racketeering Act, Section 895.03, Florida Statutes, in conjunction with violations of the Street Terrorism Act, Section 874.01, Florida Statutes, was the first prosecution of its kind in State history.

The Grand Jury also issued three reports in 1992 recommending improvements in the criminal justice system and the field of utilities regulation. (Copies of these reports are available upon request.)

As a result of the initial report concerning ex parte communications with the Public Service Commission, the Florida Legislature entertained proposals to strengthen the statute forbidding such conduct by parties to rate cases. Thereafter, the Public Service Commission considered changes to its operational rules to restrict such communications with staff. However, by the end of calendar year 1992, no action had been taken by legislators or utility regulators to cure the deficiencies addressed by the Grand Jury. As of the date of this report, similar legislation resubmitted for review by the 1993 Legislature has been defeated. The Public Service Commission has, however, adopted new rules prohibiting staff from communicating information received in an ex parte manner to Commissioners, thereby attempting to close off one potential conduit for improper influence of Commissioners in their rate-making decisions.

The second report consisted of a statewide assessment of gangs and gang-related activity. This report is the result of the grand jury's investigation into the criminal activities of a South Florida street gang which was committing criminal offenses across circuit lines, perpetrating acts of violence against rival gangs, and terrorizing a small community in Dade County. This inquiry led the Grand Jury to consider the consequences of such activity throughout the State. The Grand Jury concluded that the tool most necessary to the assessment of such activity had not been funded by the Legislature: a statewide intelligence data base used by all law enforcement to track the growth of gang activity or the migration of inter-state and intra-state gangs. The existing system of intelligence storing mechanisms confined to certain geographic areas, was found to be

fragmented and therefore of limited utility. The Statewide Grand Jury urged the Legislature to fund this program, which had been created, but not funded, in 1990. See, Section 874.09, Florida Statutes (1990).

The final report of the Statewide Grand Jury contains additional recommendations for improvements in utilities regulation, as well as suggestions for increases in the compensation and insurance coverage of Statewide Grand Jurors, to conform to Federal practice.

The Florida Supreme Court granted the Governor's Petition for the impanelment of the Eleventh Statewide Grand Jury on July 30, 1992. The Grand Jury was seated in Deerfield Beach, Broward County, Florida, on October 13, 1992. The jurors were drawn from Dade, Broward, Monroe, and Palm Beach Counties, with jurisdiction to hear cases from throughout the State. This is the first regional Grand Jury impaneled since the inception of the Office of Statewide Prosecution.

By the end of this reporting period, the Eleventh Statewide Grand Jury had issued one Indictment against nine individuals, with criminal charges consisting of: racketeering, grand theft, and aggravated assault. A report detailing the activities of the Eleventh Statewide Grand Jury will be issued at the end of its term, presently scheduled for October, 1993.

C. "Integrated Approach To Combat Organized Crime"

1. "Integrated Approach" Panel

The Office continued its participation on the "Integrated Approach to Combat Organized Crime Review Panel" designed and implemented by the Florida Department of Law Enforcement. The panel consists of representatives from local, state, and federal law enforcement and regulatory authorities, joining together to provide commitments of resources to cases selected for their ability to significantly impact upon organized crime. The Statewide Prosecutor serves as a voting member of the panel and maintains an active role in the development and progress of the cases presented and accepted by the panel.

In 1992, the Office provided legal advice and prosecutorial assistance in 21 of the 58 active operations approved by the panel.

In 1992, the Office presented to the panel, for the first time, a case for its consideration. The operation known as the "Statewide Interagency Fraud Task Force" was accepted by the panel as worthy of making a significant impact on organized fraudulent activities.

2. Statewide Inter-agency Fraud Task Force

The concept for the creation of a Statewide Interagency Fraud Task Force was originated by the Chief Assistant Statewide Prosecutor in the Office's North Florida Bureau and FDLE's Special Agent liaison to that Bureau. After working several large scale fraud investigations together, they determined that the limited resources of individual fraud investigating agencies could be united in a strategic effort resulting in stronger enforcement. Their proposal to target certain specific types of fraud cases for the most effective impact received immediate and universal acceptance in the field. (A copy of the proposal is available upon request.)

As of the date of this report, the Task Force has had its first organizational meetings, and an implementing Memorandum of Understanding is scheduled to be signed by all necessary officials shortly. Upon completion of the project, a report detailing the operations of the Task Force will be issued.

3. Organized Crime/Narcotics Task Force (OCN)

In 1991, the Office joined together with the Florida Department of Law Enforcement in a creative initiative in the area of narcotics prosecution. This initiative is designed to select high impact cases and commit significant resources to them. The goal of the "Organized Crime Narcotics Program" is to dismantle organized narcotics trafficking groups in the State through the investigatory and prosecution process, with the financial assistance of the federal government. The Statewide Prosecutor continued to serve on this panel in 1992.

4. Florida Department Of Law Enforcement

For the second year, the Office has continued its unique efforts to ensure a strong working relationship with the Florida Department of Law Enforcement, its primary investigative agency.

Specifically, the Statewide Prosecutor participates in FDLE's quarterly statewide command staff meetings for the purpose of addressing their concerns, working together on solutions, and planning future initiatives. The Office has assigned specific prosecutors to serve as liaisons to specific regional field offices of FDLE. The prosecutors are scheduled to personally visit their assigned location on at least a monthly basis. The Office continues to attend FDLE's regional intelligence meetings on active investigations, on a bi-monthly schedule. Participation in these meetings enhances the ability of the Office to monitor the progress of existing cases and provide assistance in the development of future cases. These meetings are also attended by the Attorney General's Civil RICO and Consumer Sections.

5. Multi-Agency Efforts

In 1992, the Office participated in a number of additional cooperative law enforcement efforts designed to address a specific criminal element in the State.

These are:

Florida Auto Theft Unit

Hurricane Andrew Fraud Task Force composed of numerous State, Federal and local agencies

Hurricane Andrew Price Gouging Task Force directed by the Department of Legal Affairs

Lake County Intelligence Unit, comprised of fourteen local Central Florida law enforcement agencies

Law Enforcement Electronic Technical Assistance Committee in Cocoa

League of Environmental Enforcement and Prosecution

Metropolitan Bureau of Investigation in Orlando

Metropolitan Organized Crime Intelligence Unit in Dade County

Multi-agency Gangs Task Force (MAGTF), consisting of numerous South

Florida law enforcement agencies

Northeast Florida Criminal Intelligence Group

Ocala Intelligence Unit

Sanford City/County Investigative Bureau

Southeastern Environmental Enforcement Network, comprised of ten States
Southeastern States Violent Crime Summit sponsored by the United
States Department of Justice

6. Outreach Efforts

This year the Statewide Prosecutor continued an aggressive "outreach" program to advise additional agencies on the authority and capabilities of the Office. The goal of the effort is to continuously broaden and improve the level of service to the Office's referral base: local, state, and federal law enforcement and regulatory agencies. The program consisted of:

a. Active participation as instructors in law enforcement training:

- Law Enforcement Training Academy, search warrant procedures and techniques, new recruits class;
- Serial Murder Seminar;
- Certified Fraud Examiners Seminar;
- DUI Prosecution Seminar;
- Florida Sheriffs Explorers Annual Conference;
- Florida Police Chiefs Annual Training Conference;
- Florida Sheriffs Association Training Conference;
- Florida Intelligence Unit Training Conference;
- Tampa Bay Police Chiefs Seminar;
- International Association of Women Chiefs of Police Training Institute;
- Florida Auto Theft Intelligence Unit Training;
- Advanced Real Estate Investigative Techniques;
- League of Environmental Enforcement and Prosecution, Racketeering;
- Violent Crime In-Service Training Seminar, FDLE;
- Introduction to search and seizure law for environmental regulators.
- The first multi-agency training event to be organized and chaired by the Office of Statewide Prosecution occurred in 1992, as a direct result of the ingenuity and hard work of an Assistant Statewide Prosecutor in the Office's Central Florida Bureau. The Statewide Environmental Prosecution Seminar was attended by over 50 prosecutors, law enforcement, and regulatory officials from throughout the State.

b. Association Membership

The Office is represented in the following associations:

- Big Bend Law Enforcement Association
- Central Florida Criminal Justice Council
- Florida Sheriffs Association
- Florida Network of Victim/Witness Services Association
- League of Environmental Enforcement and Prosecution
- Mothers Against Drunk Drivers
- National District Attorneys Association
- National Association of Bunco Investigators
- State Law Enforcement Chiefs Association

c. Newsletters

Regular submissions to the Law Enforcement and Law Newsletter published by the Department of Legal Affairs, circulated to local law enforcement agencies statewide.

d. Training Video

One major task undertaken in calendar year 1992 was the development and production of a law enforcement training tape concerning the jurisdiction of the Office of Statewide Prosecution. The video was produced in cooperation with the Florida Department of Law Enforcement and will be utilized in future training sessions, lectures, and speeches to law enforcement agencies throughout the State.

7. Elected State Attorneys and Other Prosecuting Agencies

In 1992, the Office continued working with the twenty elected State Attorneys, in the investigation and prosecution of cases. State Attorney referrals increased tenfold from the prior fiscal year.

The Office designed procedures to ensure that state attorneys' offices are given notice of its involvement in filed cases. Additional procedures were implemented to ensure communication between State Attorneys and the Office on certain post-conviction actions taken by the Department of Corrections: probation revocation or termination, controlled release, and clemency.

Cooperation between the Office and other prosecuting authorities has continued to result in the granting and receipt of cross-designated prosecutorial authority in a number of jurisdictions. This innovation, initiated in 1991, continued in 1992 as follows: four Assistant State Attorneys exercised designated Statewide Prosecution authority, while five Assistant Statewide Prosecutors exercised designated State Attorney authority in selected cases. Additionally, three attorneys with the Department of Legal Affairs, Economic Crimes Enforcement Unit, were also designated to serve as Assistant Statewide Prosecutors in 1992, and one Assistant Statewide Prosecutor served as a designated Assistant United States Attorney for the purpose of joint prosecutions. These cooperative efforts result in the most effective and efficient use of available prosecutorial resources.

The Office continues to involve itself in the Florida Prosecuting Attorneys Association. The Statewide Prosecutor participates in the quarterly meetings of the Florida Prosecuting Attorneys Association Board of Directors and periodic conference calls regarding current criminal justice issues. The Office is represented on the FPAA Education Committee and Legislative Committee.

8. Other Criminal Justice Agencies

The Office continued working closely with the Office of Comptroller, Department of Banking and Finance, in the investigation of financial matters regulated by the Department. Specifically, in 1992, the Office filed one of the State's first prosecutions of an advance mortgage fee scheme, prohibited by section 687.141, Florida Statutes, effective July 1991. The Office has also been placed on the classified list for distribution of Currency Transaction Reports, required to be filed with the Department, pursuant to its banking regulation authority.

The Office established routine and direct communication with the control release authority and the clemency board of the Parole Commission. Upon obtaining convictions, Assistant Statewide Prosecutors are directed to communicate with these authorities immediately. This ensures that these Boards have accurate information about Statewide Prosecution cases at their disposal.

The Office entered into an agreement with the Department of Highway Safety and Motor Vehicles, allowing direct access into motor vehicle title and drivers license records to assist in the investigation and prosecution of related offenses.

In 1992, the Office began coordination of the creation and implementation of a statewide corporate criminal data base. This undertaking will involve consultation and cooperation with a multitude of agencies charged with regulation and/or licensing of corporations or similar business entities in the State. The project is described further in Section V, below.

The Statewide Prosecutor and Chief Assistant of the South Florida Bureau established a communications link with the federal government HIDTA Unit (High Intensity Drug Trafficking Area) in South Florida. This group recently funded a proposal for the creation of the South Florida Investigative Support Center (SFISC). In concept, the Center will provide analytical assistance, case lead management, case research assistance, training, and computerization of various law enforcement support functions, to local, state, and federal agencies in South Florida. The Office was invited to participate in both the planning and implementation process.

The Office offered immediate support to the State's newly elected law enforcement officials. By communicating with each of the newly elected State Attorneys, Sheriffs, and Legislators in the Fall of 1992, the Office made itself accessible to assist in constituent based criminal justice concerns.

The Statewide Prosecutor was a guest speaker at the Statewide Conference for Judicial Assistants. Both the Office and the judicial branch benefited from this educational opportunity. It is the goal of the Statewide Prosecutor to expand this effort in the future to the State's circuit court clerks and court administrators.

9. Evaluation Methodologies

The Office designed an evaluation methodology to survey law enforcement's perception of the effectiveness of the Office. This performance evaluation will be implemented in the first quarter of 1993. The results of the first survey will serve as a baseline from which to track improvements in operations.

The post-case review system, designed in 1991, was utilized for the second year. It provides an excellent opportunity for an analysis of the performance of the investigation and prosecution team. It is universally agreed that prosecutors and law enforcement officers alike benefit from the process.

The most striking evidence of the success of these initiatives can be found in the statistics on the number and diversity of agencies referring cases to this Office, as described above. Referrals from local law enforcement agencies alone have increased by 10% over the last calendar year.

D. Criminal Justice Policy and Legislation

The Office maintains an active role in the advocacy of sound criminal justice policy.

The Statewide Prosecutor represented the Office and the Department of Legal Affairs at a symposium on criminal justice budgetary issues sponsored by the Florida Association of Criminal Defense Lawyers. It is anticipated that this working group of criminal justice professionals will meet on a regular basis to discuss issues of mutual concern.

The Chief Assistant of the North Florida Bureau and an Assistant Statewide Prosecutor from that Bureau serve as the Office's representatives on the Criminal Code Revision Committee of the Florida House of Representatives. The goal of the Committee is to completely rewrite the criminal provisions of the Florida Statutes to achieve clarity and uniformity.

The Statewide Prosecutor served on the Commission on Legal Representation of Grand Jury Witnesses. The Commission recommended that Florida authorize the presence of defense attorneys in grand jury proceedings. The Statewide Prosecutor successfully argued for a statewide grand jury exemption when the Legislature enacted the Commission's recommendation in 1992.

The Office supported a proposal for specific legislation regarding the authority of trial judges to place corporations on probation, with strict regulations for future corporate actions. The Statewide Prosecutor plans to continue working on the adoption of this unique sentencing alternative, with the assistance of the Department of Legal Affairs.

In 1992, the Office encountered an unusually high level of tax fraud in its investigations. This led to a proposal for legislation which would include theft of state funds as a racketeering "predicate incident," under Section 895.01, Florida Statutes. This proposal is among the legislative goals of the Office.

E. Professional Development

1. In 1992, the Office adopted a policy designed to encourage and reward Florida Bar Board Certification. An Assistant Statewide Prosecutor from the Central Florida Bureau was among the first attorney within the Department of Legal Affairs to become certified in the field of criminal law.
2. An Assistant Statewide Prosecutor from the Central Florida Bureau was appointed to a county court judgeship in Seminole County.
3. The Statewide Prosecutor graduated from the Chief Executive Seminar offered by the Florida Criminal Justice Executive Institute.
4. The Chief Assistant Statewide Prosecutor of the North Florida Bureau was accepted into the Senior Leadership course offered by the Florida Criminal Justice Executive Institute, an 18 month program designed to promote and strengthen leadership ability among Florida's criminal justice managers and future executives.

5. The Chief Assistant Statewide Prosecutor of the North Florida Bureau is an Assistant Professor in the criminal clinical externship program at the Florida State University School of Law.

6. An Assistant Statewide Prosecutor from the South Florida Bureau was appointed to the Florida State University School of Criminology Advisory Board.

7. The Office has representatives on the following Florida Bar committees: Criminal Procedure Rules Committee; Criminal Law Section Committees (Liaison to the Judiciary, Representation of Indigents, Narcotics Practice Committee); the Government Lawyer's Section, and Law Related Education Committee. Many Assistant Statewide Prosecutors are also members of the American Bar Association, are active in local Bar Association Committees, and belong to such other professional organizations as the Barrister's Association.

8. The Office is represented on the Florida Prosecuting Attorneys Association list of expert prosecutors in the fields of: environmental law, extradition proceedings, gang prosecutions, narcotics violations, organized crime cases, and white collar crime.

9. One Executive Secretary is enrolled in an evening paralegal course at Rollins College.

10. Prosecutors in the Office attended the following continuing legal education seminars:

- Advanced Trial Techniques
- Asian Gangs
- Blood Related Crime Scenes
- Bureau of Justice Assistance/FinVest Organized Crime Narcotics Conference
- Criminal Law Update
- Drug Abuse and Prevention Conference
- Defending the Government
- Environmental Prosecutions
- Evidence
- Ethics
- Extradition Proceedings
- Florida Crime Prevention Institution Seminar on Gangs and Gang-Related Activity
- Florida Prosecuting Attorneys Association Annual Training Conference
- Jury Challenges
- Legislative Update
- National District Attorneys Association Annual Training Conference
- Parallel Proceedings in Environmental Cases
- Search and Seizure
- Special Prosecutions

11. All Executive Secretaries have received training in basic legal research and advanced computer techniques.

12. The second annual Office-wide training conference was held in August. The agenda consisted of courses in the following subjects: extradition procedures, civil RICO law, criminal RICO law, sentencing guidelines, contraband forfeiture, constitutional law, investigative analysis, grand jury procedures, internal office policies, and law library research techniques and resources. The majority of courses were taught by members of the staff, who had attended continuing education courses in these areas during the preceding year.

F. Pro Bono Legal Services

The attorneys in the Office are involved in criminal justice oriented civic work and pro bono legal assistance. These activities are:

- Florida Boys State, Mock Trial Competition
- Orange County Bar Association Dispute Resolution Program
- "Partners in Excellence" Mentor Program
- "Red Key" Mentor Program, Tallahassee
- Seminole County Citizens' Dispute Settlement Program
- Televised crime prevention program
- Volunteer instructor in criminal justice at Tampa High School
- Volunteer instructor on the courts during the "Great American Teach In" at a Tampa elementary school
- Volunteer Judges at Bill of Rights Bicentennial High School State Finals competition
- Volunteer Judges at Mock trial, Statewide competition
- Volunteer instructor at the Florida State University School of Criminology, Introduction to Courts course and symposium on criminal justice issues
- Volunteer instruction on the criminal justice system in a local Boy Scout program
- Volunteer instruction at college development workshop

III. ADMINISTRATIVE POLICIES AND PROCEDURES

The Office continued to develop and strengthen its administrative operations for increased efficiency and productivity. In 1992, these include:

A. Personnel

1. Substantially revised and published new Policies and Procedures manual.
2. Substantially revised employee position descriptions.
3. Substantially revised performance appraisal forms.
4. Conducted second annual employee "feedback" sessions.
5. Created and distributed Statewide Grand Jury Policy and Procedures Manual.
6. Established weekly telephone conference calls with Bureau command staff (Chief Assistants) to enhance communication between the Bureaus.
7. Continued monthly Office meetings in each Bureau.
8. Held quarterly Bureau Chiefs meetings for the discussion of major legal and policy issues.
9. Implemented emergency response policy with personnel locator cards filed with FDLE.
10. Established Employee of the Month awards to recognize exemplary work product or extraordinary effort by an employee in each Bureau.
11. Continued circulation of Office-wide monthly newsletter.

12. Developing employee satisfaction survey to be conducted in 1993.

B. Facilities

1. Opened the Northeast Florida Bureau in Jacksonville; co-located with FDLE.
2. Co-located the North Florida Bureau with the Department of Legal Affairs in one building.

C. Records

1. Established a data storage and analysis system to track travel costs per employee.
2. Developing electronic database for storage and analysis of costs per case.
3. Established a centralized set of master case files.
4. Created and implemented standardized victim notification forms.
5. Established networking between the computer terminals in the North Florida Bureau.
6. Preparing to implement networking in other bureaus.
7. Continued development of the computerized Case Tracking System.
8. Creating a standardized offense charging form book.
9. Investigating technological advances in legal research capabilities.

D. Planning

Pursuant to Chapter 186, Florida Statutes, the Office submitted its Agency Strategic Plan for 1992-1997, which includes priority issues, program objectives, trends and conditions, performance measures, and implementing strategies. The plan was favorably received by the Office of the Governor and "key stakeholders." (A copy of the Plan is available upon request.)

E. Audits

The Auditor General began conducting a program performance audit in January 1992. The audit period covers July 1, 1989 through March 15, 1992. A report is expected in early 1993.

IV. BUDGET ISSUES

The Office is comprised of the Statewide Prosecutor, an Executive Assistant, four Chief Assistant Statewide Prosecutors, seventeen Assistant Statewide Prosecutors, and nine Executive Secretaries. In 1992, the Office operated five regional Bureaus around the State. The Bureaus are located in Tallahassee (North Florida Bureau), Jacksonville (Northeast Florida Bureau), Orlando (Central Florida Bureau), Tampa (West Florida Bureau), and Hollywood (South Florida Bureau). The Executive Office is in the North Florida Bureau in Tallahassee.

The annual general revenue appropriation to fund the Office for fiscal year 1992-1993 was \$1,728,834.00. This is supplemented by a federal grant administered by the Department of Community Affairs in the amount of \$334,236.00. This combined total pays salaries, operating expenses, expert witness fees, court reporter bills, and travel expenses. The Office also receives an appropriation from the State Courts in the amount of \$158,000 to fund the investigations and operations of the Statewide Grand Jury. These amounts represent a continuation budget from the preceding fiscal year, and reflect unreinstated cuts from that year.

During fiscal year 1992-1993, the Office's budget contained a "lapse factor" of 1%. This means that the Office actually received less money to spend, by 1%, than it was authorized to spend on salaries. A budget entity of this size, with low employee turn-over, is severely hampered by this financial constraint. This year, when a vacancy occurred, the lapse factor combined with the severance payment, rendered the Office unable to hire a replacement for several months. This prevents the Office from taking on new responsibilities and requires existing personnel to absorb the active caseload of the departed attorney.

Based upon a statistical analysis of 1992 attorney time records, the Office's 22 prosecutors worked a combined annual overtime total of 3000 hours above the 40 hour work week. As Select Exempt employees, attorneys are not compensated financially for this extra work. Therefore, at an average hourly salary of \$33.17 (salary plus benefits), this amounts to an added value of \$99,510 to the taxpayers.

For the second straight year, the management and staff of the Office made every effort to economize. These efforts include:

- charging defendants a per page copying fee for extensive case related discovery documents;
- taking tape recorded statements during investigations, rather than utilizing the services of a court reporter;
- scheduling more than one court appearance in the same location or temporarily transferring case responsibilities to afford coverage of court hearings at minimal cost;
- utilizing telephone conferences with the courts where permitted;
- renting automobiles at the sub-compact car rental rate, even though the compact rate is considered the state standard, for a \$5 per day savings;
- using state motor pool vehicles whenever possible;
- declining to claim the Class C meal allowances for travel on short day trips;
- absorbing the expense of many educational seminars

As an example, the car rental cost reduction effort alone resulted in a savings of almost \$1000 during calendar year 1992.

The Office continued its policy of seeking assessment of the costs of prosecution against convicted criminal defendants, pursuant to Section 939.01, Florida Statutes. Assistant Statewide Prosecutors are required to include this request in sentencing recommendations to the court. A computerized data base has been developed to record the assessments on a per-case, per-defendant basis. An analysis of cases closed upon final disposition in fiscal year 1991-1992 demonstrates a significant increase in assessments over prior years.

As in 1991, the Office of Statewide Prosecution submitted a Legislative Budget Request seeking funding for the creation of a new employee position within the Office: investigation/litigation coordinators. Currently, the investigation and prosecution functions of the Office are performed by attorneys and secretaries alone. The Office has no in-house investigators, no financial analysts, no paralegals, no victim/witness coordinators. The Office is spending valuable attorney time on tasks usually performed by employees trained to assist attorneys, but not to command an attorney's salary. The attorney to secretary staff ratio (almost 3:1), does not allow the luxury of training the secretaries to meet all the paralegal needs of the attorneys, nor can it be stretched to effectively provide those services with any reliable degree of quality. If the Legislature is able to increase funding for this Office in any respect, this expenditure would allow the Office to assume responsibility for more criminal prosecutions without significantly increasing attorney staff size, thus achieving the greatest positive result with the least fiscal impact.

Through the adoption of clear administrative guidelines, the Office has achieved improved efficiency despite the lack of litigation support personnel. An analysis was recently conducted to determine the average length of time necessary to investigate cases which resulted in criminal charges. In fiscal year 1990-1991, the average case took 180 days from the point of referral to the filing of charges. In fiscal year 1991-1992, this time was reduced to an average of 124 days, for an improvement ratio of 68%. The addition of litigation support personnel would significantly enrich this performance measure and enhance the impact of the Office on organized crime.

The Office continues to explore additional funding sources. The Federal Government offers grants for innovative investigation and prosecution proposals in certain targeted subject areas. Specifically, the Office is seeking grants for initiatives addressing gang violence and money laundering offenses.

V. GOALS

In 1991, the Office developed a computerized case related data storage and retrieval system. In 1992, the case management system became fully operational. It now provides a solid framework for planning and budgeting the operations of the Office. In 1993, the system will be continuously upgraded for greater efficiency. At the same time, the Office plans to improve its overall computer technology and capability.

In 1991, the Office sought increased involvement in the field of environmental prosecutions. Recognized for its efforts by the Florida Game and Freshwater Fish Commission, the Office continued to receive referrals of environmental cases from regulatory and law enforcement agencies in 1992. The first training conference sponsored and organized by the Office since its inception, addressed the special legal requirements for investigations and prosecutions in this field.

In 1992, the Governor expressed favorable consideration of the Office's request for additional resources to pursue its environmental initiatives. The Governor's recommended State budget for fiscal year 1993-1994 contained additional prosecutor positions for this purpose. By the date of this report, the legislative budget process was not complete, and the fate of this proposal is not yet known. However, the Office remains committed to environmental protection as one of its primary goals.

In 1991, the Office established the goal of increased involvement in the investigation and prosecution of large-scale consumer fraud. In 1992, a larger portion of the Office's resources were committed to fraud cases than any other single subject area. The creation of the Statewide Interagency Fraud Task Force, to be housed in the North Florida Bureau, emphasizes the dedication of the Office to this goal. Plans for a multi-circuit Telemarketing Fraud Task Force to be established in the South Florida Bureau in 1993 confirms the direction the Office is taking in this regard.

The Office plans to coordinate the creation and implementation of a statewide corporate criminal database for recording, analyzing and investigating leads relative to the criminal activity of the State's corporate criminals. The need for such a system has become increasingly acute as the Office continues to pursue business entities capable of changing structure and identity with the filing of a few documents. A record of corporate criminal convictions is also essential to effective law enforcement, prosecution, and punishment of the offending corporate citizen. This project, conceived in 1992, will continue to be a high priority in 1993.

Pursuant to the goals described in last year's report, the Office placed an emphasis on investigations and prosecutions of traditional organized crime groups. The Office filed charges against several individuals believed by law enforcement to be associated with both American and Canadian organized crime families. A statewide bookmaking and gambling investigation revealed what appears to be a well organized group of Asian criminals, a trend observed in other areas of the country as well, and recognized by Congress as an increasing concern for law enforcement officials.

In 1992, the Office examined the efforts of other State and Federal agencies active in the field of traditional organized crime investigations. Plans are being drafted for a systematic and vigorous intelligence gathering and enforcement effort, in coordination with several law enforcement agencies. As a result, the Office will expand its emphasis in this area in 1993.

The Office plans to continue its prosecutor and law enforcement and education efforts. The experience gained in the production of the Environmental Prosecutions seminar in 1992, will benefit future endeavors. The goal for 1993 consists of regionalized trial techniques training, in cooperation with the Florida Department of Law Enforcement.