

# **Office of Statewide Prosecution**

## **1993 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 1993.

This year the Office concentrated its efforts on large scale consumer fraud, fraud against the government, narcotics trafficking, money laundering, and violent offenses. Utilizing several unique enforcement approaches, the Office made a significant impact in these areas. The Office also continued to make great strides in the areas of criminal justice policy, professional development of staff, and administrative procedures.

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### **I. INTRODUCTION**

The Office of Statewide Prosecution was created by constitutional amendment passed by the voters 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 has just completed its seventh 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 1993. 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 1993, the Office of Statewide Prosecution received a total of 266 requests for assistance or case referrals from law enforcement, regulators, prosecutors, citizens and other local, state, and federal agencies. This is a 29% increase over calendar year 1992.

The requests originated from the following sources:

- Attorney General/Civil
- Attorney General/Consumer
- Attorney General/Economic Crimes
- Attorney General/RICO
- Attorney General/Tax
- Auditor General
- Broward County Sheriff
- Citizens
- Collier County Sheriff
- Columbia County Sheriff
- Comptroller/Department of Banking and Finance
- Coral Springs Police Department
- Dade County Commission
- Davie Police Department
- Deland Police Department
- Delray Beach Police Department
- Department of Environmental Regulation
- Department of Health & Rehabilitative Services
- Department of Highway Safety and Motor Vehicles
- Department of Insurance
- Department of Labor & Employment Security
- Department of Revenue
- Department of Professional Regulation
- Department of Transportation
- Duval County/Jacksonville Sheriff
- Federal/FBI
- Federal/FDA
- Florida Department of Law Enforcement
- Florida Game and Fresh Water Fish Commission
- Florida Highway Patrol
- Florida Sheriffs Association
- Ft. Lauderdale Police Department
- Hendry County Sheriff
- Hernando County Sheriff
- Hillsborough County Sheriff

Hollywood Police Department  
Lake County Sheriff  
Lakeland Police Department  
Largo Police Department  
Maitland Police Department  
Metropolitan Bureau of Investigation  
Metro-Dade Police Department  
Orange County Sheriff  
Orlando Police Department  
Osceola County Sheriff  
Palm Beach County Sheriff  
Pinellas County Sheriff  
Polk County Sheriff  
Pasco County Sheriff  
Sarasota County Sheriff  
Seminole County  
State Attorney/Third Circuit  
State Attorney/Fourth Circuit  
State Attorney/Seventh Circuit  
State Attorney/Eighth Circuit  
State Attorney/Tenth Circuit  
State Attorney/Eleventh  
State Attorney/Sixteenth  
Tallahassee Police Department  
Tampa Police Department  
U.S. Commission on Civil  
U.S. House of Representatives  
Winter Park Police

After preliminary intake procedures, the Office accepted 236 of these referrals pursuant to its jurisdictional mandate.

Combined with a pending caseload from prior years, the number of organized crime cases under investigation and in litigation in 1993 was 404. At the end of 1993, the caseload of the Office was 58% higher than at the end of 1992.

The new investigations concerned activity in each of the State's 20 judicial circuits, and 48 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 1993:

- Altamonte Springs Police Department
- Maryland Attorney General's Office
- Auburndale Police Department
- Metropolitan Organized Crime Unit
- Branford Police Department

- Miramar Police Department
- Clay County Sheriff
- Panama City Police Department
- Coconut Creek Police Department
- Pembroke Pines Police Department
- Coral Gables Police Department
- Pompano Police Department
- Federal/EPA
- Public Service Commission
- Federal/FDA
- Real Estate Commission
- Hernando County Sheriff
- Sanford Police Department
- Interagency Telemarketing Task Force
- State Attorney/Ninth Circuit
- Jackson County Sheriff
- State Attorney/Thirteenth Circuit
- Juno Beach Police Department
- U.S. Customs
- Lake Mary Police Department
- U.S. Postal Service
- Leesburg Police Department
- Volusia County Sheriff
- Levy County Sheriff

The investigations concerned criminal activity that fell within 16 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
- attempts, solicitations or conspiracies to commit these offenses.

In 1993, the Office filed criminal charges against 78 defendants. Based upon venue

requirements, the charges were filed in ten of the State's 20 judicial circuits: the Third, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth, Thirteenth, Seventeenth, and Eighteenth.

In 1993, seventy defendants were convicted, following a plea or trial. The combined criminal dispositions include:

Prison Terms: 1 life sentence and 478 years

Probation Terms: 450 years

Victim Restitution: \$1,902,474

Fines: \$1,265,955

Costs of Prosecution: \$41,775

Costs of Investigation: \$605,723

The Office concentrated its efforts upon and made a significant impact in the areas of large scale consumer fraud (insurance, mortgage, and securities), telemarketing schemes, frauds on the State, designer drug manufacturing, large scale drug trafficking, and a broad range of violent offenses.

### **B. Statewide Grand Jury**

Pursuant to Section 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 Eleventh Statewide Grand Jury, originally impaneled in October 1992, is seated in Deerfield Beach, Broward County, Florida. Grand jurors were drawn from Palm Beach, Broward, Dade and Monroe Counties only. This is the first regional grand jury impanelled pursuant to Section 905.37(2), Florida Statutes, since the inception of the Office of Statewide Prosecution. The Grand Jury convened for eight sessions in 1993 to investigate allegations of multi-circuit, organized crime throughout the State. The term of the Eleventh Statewide Grand Jury has been extended by order of the Florida Supreme Court through April 1994.

In late 1992 and through 1993, the Statewide Grand Jury investigated a number of matters, issuing 14 indictments charging 55 individuals and one corporation. The indictments allege the following criminal offenses:

- racketeering
- extortion
- aggravated assault
- grand theft
- organized fraud
- communications fraud
- bookmaking
- money laundering
- conspiracy

Specific entities under investigation were:

- a large scale sports betting ring that resorted to violence in the collections

process

- several air conditioning repair companies whose employees committed fraud on the elderly
- several illegal telemarketing operations involved in employment opportunity scams, vacation package, and condominium sales fraud
- a check cashing business that facilitated numerous illegal telemarketing operations

The Indictment of the check cashing company for conducting unlawful financial transactions (money laundering) in violation of Section 896.101, Florida Statutes, to facilitate illegal telemarketing, is one of the first prosecutions of its kind in State history. The case is set for trial in Broward County in mid-1994.

Based on its review of the illegal telemarketing activity in the south Florida area, the Grand Jury studied and reported on the need for regulation of the money transmitter industry. (A copy of the report is available upon request.) The Statewide Prosecutor will work closely with the Office of the Comptroller to seek enactment of legislation in 1994 addressing the Statewide Grand Jury's finding and recommendations.

A final report of the Statewide Grand Jury will be issued upon conclusion of its term.

### **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 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 1993, the Office provided legal advice and prosecutorial assistance in 24 of the 42 active operations approved by the panel.

In 1993, the Office of Statewide Prosecution assisted the Florida Department of Law Enforcement in its analysis of the effectiveness of the panel as it has evolved over time. This resulted in a restructuring and refocusing of the panel's efforts with an emphasis on strategic planning for criminal trends and conditions having statewide impact, rather than a review of individual cases or investigations. The changes were developed, in part, as a result of the "Statewide Prosecutor's Summits" held in April and May of 1993.

#### **2. Statewide Prosecutor's Summits**

With the assistance of the Special Agent in Charge of the Tampa Bay Region Operations Bureau of Florida Department of Law Enforcement, the Statewide Prosecutor held "Summits on Selected Cases" in April and May of 1993. The summits were called to discuss the current status of existing investigations in the areas of fraud on the elderly (air conditioning repair scams), money laundering, gambling violations, and marijuana smuggling. Investigators, supervisors, and prosecutors from throughout the State gathered in Tampa for intensive strategic planning

sessions to marshal ideas and focus efforts. The format now serves as a role model for future statewide working groups under the direction of the Integrated Approach Panel.

### **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 prosecutions. 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 1993.

### **4. Florida Department of Law Enforcement**

The Office has continued its efforts to maintain 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. 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.

### **5. Multi-Agency Efforts**

In 1993, the Office actively participated in a number of additional cooperative law enforcement efforts designed to address specific criminal issues in the State. These are:

Broward County Auto Theft Unit

Broward County Chiefs of Police

Broward County Telemarketing Task Force

Central Florida Criminal Justice Council

Central Florida Intelligence Unit

Central Florida Fraud and Forgery Task Force

Federal High Intensity Drug Trafficking Area Support Unit

Florida Auto Theft Unit

Hurricane Andrew Fraud Task Force

Jacksonville Sheriff's Office Intelligence Unit

Lake County Intelligence Unit

Law Enforcement Equipment Tactical Assistance Council

League of Environmental Enforcement and Prosecution

Marion County Intelligence Unit

Metropolitan Bureau of Investigation in Orlando

Metropolitan Organized Crime Intelligence Unit in Dade County

Multi-agency Gangs Task Force (MAGTF) in Dade County

Northeast Florida Consumer Council

Northeast Florida Criminal Intelligence Group

Ocala Intelligence Unit  
Sanford City/County Investigative Bureau  
Seminole County Narcotics Intelligence Unit  
Southeastern Environmental Enforcement Network, comprised often  
States  
South Florida Gypsies Task Force  
South Florida Investigative Support Center  
South Florida Task Force on Asian Gangs  
South Florida Task Force on Violent Street Crimes  
U.S. Attorney (Middle District) Environmental Crimes Task Force

#### 6. Attorney General's Telemarketing Task Force

In early 1993, the Attorney General called for the formation of a Task Force to concentrate efforts and direct resources toward the eradication of illegal telemarketing scams in the South Florida area, where the highest concentration of this activity is located. The Office of Statewide Prosecution was appointed to lead the effort, which is comprised of investigators and attorneys from the Broward County Sheriff's Office, the Palm Beach County Sheriff's Office, the Martin County Sheriff's Office, the Florida Department of Law Enforcement, the Economic Crimes Division of the Office of the Attorney General, and other personnel as necessary to particular cases. The Task Force accumulated citizens' complaints from various agencies, selected the entities which appeared most likely to be currently active with a high volume of business, and investigated these to the point of prosecution. The Task Force is also ferreting out the facilitators of this illegal activity, and plans to seek charges against any entities that knowingly assist in the victimization of Florida's citizens in this manner. To date, twenty-one individuals have been charged with criminal offenses; two civil injunctions obtained; and two million dollars in assets held for possible restitution to the victims upon conviction or civil judgment. The Task Force will continue this work through 1994, and will report on its activities at the end of its term.

#### 7. Other Criminal Justice Related Agencies

The Office continued working closely with the Office of Comptroller, Department of Banking and Finance, in the investigation of suspicious financial transactions and currency violations. Specifically, in 1993, the Office filed one of the State's first prosecutions of a check cashing store for laundering the proceeds of several illegal telemarketing schemes in South Florida. The Office will continue to work with the Comptroller in his efforts to seek regulation of the money transmitter industry.

The Office has established a close working relationship with the Division of Workers' Compensation Fraud of the Insurance Commissioner's Office. As a result, a number of investigations were referred for prosecution in 1993. The Office intends to have a significant impact in this area in the future.

The Office maintained direct communication with the Control Release Authority of the Florida Parole Commission. Assistant Statewide Prosecutors communicate with these authorities immediately upon obtaining convictions. This ensures that the Authority has accurate information about Statewide Prosecution cases at their disposal prior to making release decisions.



In 1992, the federal government HIDTA Unit (High Intensity Drug Trafficking Area) in South Florida funded a proposal for the creation of the South Florida Investigative Support Center (SFISC). The Center provides 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 of Statewide Prosecution participated in both the planning and implementation process of this system.

The Office continued its efforts to become linked electronically with a variety of regulatory and law enforcement data bases for intelligence gathering purposes in criminal investigations. The Office is also on a waiting list for the necessary equipment to access the National and Florida Crime Information Centers (NCIC/FCIC).

#### **8. Elected State Attorneys and Other Prosecuting Agencies**

In 1993, the Office continued working closely with the twenty elected State Attorneys, in the investigation and prosecution of cases.

This year, the Statewide Prosecutor became a voting member of the Board of Directors of the Florida Prosecuting Attorneys Association, for the first time in history. As a result, the Office has a voice in the substantive decisions of the Board at its quarterly meetings and periodic conference calls regarding current criminal justice issues. The Office is also represented on the FPAA Education Committee and Legislative Committee.

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 1993 as follows: one Assistant State Attorney and one Assistant Attorney General were designated under Statewide Prosecution authority, while nine Assistant Statewide Prosecutors exercised designated State Attorney authority in selected cases. These cooperative efforts result in the most effective and efficient use of available prosecutorial resources.

#### **9. Outreach Efforts**

This year the Statewide Prosecutor continued an aggressive educational 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. Law Enforcement Training:**

Assistant Statewide Prosecutors were invited to teach law enforcement officers in the following areas of specialization:

-Courtroom Testimony and Demeanor for Law Enforcement Agents

-Crime Scene Techniques

-DUI Prosecution

-International Extradition

-Jurisdiction and Operations of the Office of Statewide Prosecution:

Florida Robbery Intelligence Unit

- Jacksonville Sheriff's Office Roll Call Training
- Central Florida Intelligence Unit
- Legislative Update
- Money Laundering (Statewide Prosecutor's Summit)
- Odometer Fraud Detection, Investigation, and Prosecution
- Parallel Proceedings in Criminal Cases
- Prosecution of Con Artists
- Role of the Statewide Grand Jury:  
Metropolitan Intelligence Unit (Broward County)
- Telemarketing Investigations and Prosecutions
- Trial Techniques for Prosecutors

In 1993, three Assistant Statewide Prosecutors were distinguished as recognized experts in particular aspects of the criminal law. These fields of specialization are: The Prosecution of Con Artists; International Extradition; and Environmental Investigations and Prosecutions. The attorneys' expertise in the handling of these matters qualified them to teach at seminars attended by prosecutors and law enforcement agents from throughout the country. Additionally, prosecutors on the staff of the Office were called upon to represent the State of Florida at two national conferences in 1993, in order to participate in workshop discussions and strategic planning sessions in two distinct areas of the criminal law: Telemarketing Fraud Investigations and Prosecutions (sponsored by the Federal Trade Commission and the National Association of Attorneys General) and The Use of State Grand Juries in Narcotics Investigations (sponsored by the Attorney General of the State of South Carolina).

Building on the experience gained in 1992 from its first statewide multi-agency training event, the Office organized and conducted several other seminars of a similar nature. The first of these consisted of a day-long courtroom testimony and demeanor workshop for FDLE investigators and analysts, handled by the attorneys of the North Florida Bureau in Tallahassee. This event was so successful that FDLE requested that the class be taught around the State. The second skills class was conducted by the Central Florida Bureau in Orlando, and plans have been made for two additional locations in 1994. Additional trial skills courses were presented to the Law Enforcement Training Academy for new recruits, and the Florida Highway Patrol academy.

In cooperation with the Florida Prosecuting Attorneys Association, the Office conducted a statewide seminar on White Collar Crime Investigations and Prosecutions. The 2 1/2 day course, consisting of lectures and panel discussions, was organized under the direction of an Assistant Statewide Prosecutor in the Central Florida Bureau, and was attended by prosecutors and investigators from throughout the State.

The Office served as co-sponsors for a Task Force Commanders Training School, conducted by the Institute for Intergovernmental Research and FIN/CEN, a federal investigative cooperative. The week long course consisted of lectures, group discussions, and planning sessions, and was attended by over one hundred law enforcement supervisors from the South Florida area.

Also in 1993, the Statewide Prosecutor spoke to the Governor's Council on Integrity and Efficiency, a group comprised of the Inspectors General of the executive branch agencies. The

Statewide Prosecutor explained the operation and jurisdiction of the Office and made the Inspectors aware of the availability of the Office for investigation and prosecution of multi-circuit fraud in and upon State Government.

The Statewide Prosecutor was a guest speaker at the 1993 Annual Conference for State Court Administrators. Both the Office and the judicial branch benefited from this educational opportunity. This effort started in 1992 with a similar seminar for Judicial Assistants, and will be expanded to include the Judge's Conference and Court Clerk's Association in 1994.

#### 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  
Florida Prosecuting Attorneys Association  
League of Environmental Enforcement and Prosecution  
National District Attorneys Association  
National Association of Bunco Investigators  
State Law Enforcement Chiefs Association

#### c. Training Video

A 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, produced in cooperation with the Florida Department of Law Enforcement, was utilized in training sessions, lectures, and speeches to law enforcement agencies throughout the State in 1993. Additionally, over 40 copies of the tape have been provided to law enforcement agencies throughout the State, at their request. A written survey used to evaluate the educational quality of the tape produced high marks.

### **10. Evaluation Methodologies**

In 1993, the Office conducted its first survey of referring law enforcement agencies to determine the level of their satisfaction with the support received and the work performed by the members of the Office. Of the 132 agents contacted, 72 responded to the written questionnaire. The Office received above-average ratings in every category, as follows: (1) willingness to assist; (2) attention to cases; (3) work product; (4) results achieved; (5) professionalism; (6) likelihood of return for assistance. Suggestions for improvements in service have been taken under advisement. The Office plans to continue this qualitative assessment in the future.

The post-case review system, designed in 1991, was refined in 1993 and utilized for the third straight 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, which calls for an assessment of problems as well as successes. The results are used by management in making policy decisions in future cases.

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.

#### **D. Criminal Justice Policy and Legislation**

The Office maintains an active role in the advocacy of sound criminal justice policy. For the second year, 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 continue to 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 Office was invited to serve on the Health Care Fraud and Abuse Workshop established by the Agency for Health Care Administration, pursuant to Chapter 93-129, Laws of Florida. The work group studied fraud in the health care industry and submitted recommendations to the Legislature for controlling fraud and abuse. An Assistant Statewide Prosecutor in the North Florida Bureau regularly attended workshop meetings and conducted surveys to determine the effectiveness of Medicaid Fraud prosecutions in the State. A copy of the report of the work group is available upon request.

The Statewide Prosecutor was appointed by the Attorney General to serve on the Violent Crime Council established by the Legislature in the 1993 Session. See Section 943.031, Florida Statutes. The Council was created to advise the Department of Law Enforcement on the creation of Regional Violent Crime Investigation Coordinating Teams, develop criteria for the disbursement of funds from the Violent Crime Investigative Emergency Account, review and approve all disbursements of said funds, advise the Department on the development of the statewide Violent Crime Information System, consult with Criminal Justice Standards and Training Commission to establish standards for officer training in investigating and preventing violent crime, and report to the Legislature annually regarding its activities. In 1993, the Council met on four occasions and issued a report of its activities and recommendations at the end of the calendar year. A copy of the report is available upon request.

The Office was invited by the Department of Highway Safety and Motor Vehicles to participate in a task force assembled to study enforcement of odometer fraud laws and to develop training agendas and legislative recommendations for strengthened effectiveness in this area.

The Office participated in the work of the President's Commission on the Development of Model State Drug Laws, a national Board that held meetings around the country to draw from the experience of a broad spectrum of professionals involved in tackling illegal drug use and distribution. An Assistant Statewide Prosecutor from the West Florida Bureau attended the meeting held in Tampa in 1993. A copy of the report of the Commission is available upon request.

The Office continued its long-standing commitment to the work of the Environmental

Investigations Division of the Florida Game and Fresh Water Fish Commission. The agencies joined together to prevent the elimination of funding from the Division and to promote the concept of a statewide environmental prosecutor.

The National Youth Gang Information Center published the report of the Tenth Statewide Grand Jury regarding gangs and gang-related activity in Florida. An Assistant Statewide Prosecutor from the South Florida Bureau was listed as the contributing source. The work of this prosecutor on the same subject was also published in the WOMEN POLICE Magazine.

The Office of Statewide Prosecution was called upon for assistance by the Florida House Tourism and Economic Development Committee, as it sought to develop protocols for the investigation of fraud in the certification process for minority business enterprise status. This inquiry was handled by the Assistant Statewide Prosecutor from the Central Florida Bureau who successfully prosecuted such a case following the issuance of an indictment by the Tenth Statewide Grand Jury.

The Statewide Prosecutor and the Chief Assistant of the South Florida Bureau met with individuals in charge of the nation's three long established and well-recognized State agencies involved in organized crime investigations and prosecutions: the Pennsylvania Crime Commission, the New York Organized Crime Task Force, and the Criminal Justice Division of the New Jersey Attorney General's Office. The purpose of the discussions was to compare the successes and pitfalls of the various approaches to combating organized crime and to plan future investigative efforts in this area.

### **E. Professional Development**

In 1992, the Office adopted a policy designed to encourage and reward Florida Bar Board Certification and saw the results of this effort when the first Assistant Statewide Prosecutor received certification in criminal trial law that year. In 1993, two additional Assistant Statewide Prosecutors received their certification in this field as well. The Chief Assistant Statewide Prosecutor of the North Florida Bureau graduated from the Senior Leadership course offered by the Florida Criminal Justice Executive Institute. This course is an 18 month program designed to promote and strengthen leadership ability among Florida's criminal justice managers and future executives.

An Assistant Statewide Prosecutor from the South Florida Bureau received an A-V rating from the Martindale-Hubbell Law Directory. This is the highest rating awarded following a survey of colleagues on standards of practice and ethics.

An Assistant Statewide Prosecutor in the Central Florida Bureau was honored for his contributions to State government at the Governor's Public Employee Recognition Ceremony in 1993. The award was presented for excellence in the field of narcotics prosecution and for establishing the Office as an active member of the law enforcement community addressing the investigation and prosecution of environmental crimes.

One Executive Secretary, from the Central Florida Bureau, graduated from an evening paralegal course at Rollins College, and took her certification exam in late 1993. The results of this effort

are expected soon.

The Executive Assistant to the Statewide Prosecutor is currently seeking to complete the college degree program she postponed while pursuing career and family development. She took the law school entrance exam (LSAT) in the Fall of 1993.

An Assistant Statewide Prosecutor in the South Florida Bureau maintains her Florida police standards certification.

An Assistant Statewide Prosecutor in the South Florida Bureau obtained admission to the Bars of Washington D.C. and Colorado.

An Assistant Statewide Prosecutor in the North Florida Bureau was admitted to the Bar of the United States District Court for the Northern District of Florida, following a written examination.

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); and the Government Lawyer's Section. 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.

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

- Advanced Evidence
- Advanced Trial Techniques
- Basics of Administrative Supervision
- Cellular Telecommunications Fraud
- Communications Fraud
- Criminal Law Update
- DUI Manslaughter
- Environmental Law
- Florida Prosecuting Attorneys Association Annual Training Conference
- Gaming Machine Fraud
- Legislative Update
- Search and Seizure Law
- Securities Fraud\*
- Sentencing Guidelines\*
- Task Force Commander Training
- Telemarketing Fraud
- Training the Trainers (Adult Education Techniques)

\* Both the Securities Fraud and Sentencing Guidelines Seminars were taught in-house by the attorneys in the Office and by an attorney from the Department of Banking and Finance.

An Executive Secretary in the Central Florida Bureau received additional training in advanced

writing skills.

The third annual Office-wide training conference was held in 1993. The agenda consisted of courses in the following subjects: victims' rights, civil liability for prosecutors' actions, clemency proceedings, sexual harassment issues, paralegal systems, advanced word perfect skills, and case tracking system refinements. 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:

- Appellate Judge for Legal Writing Class at FSU Law School
- Big Brothers/Big Sisters
- Broward County Bar Association Human Rights Committee
- Criminal Justice Advisory Committee at Leto High School, Tampa
- Eagle Scout Mock Trial Competition
- Habitat For Humanity
- High School Student Mentor Programs
- Hillsborough County Guardian Ad Litem Program
- Mothers Against Drunk Driving
- Orange County Bar Association Citizens' Dispute Resolution Program
- "Partners in Excellence" Mentor Program
- "Red Key" Mentor Program, Tallahassee
- Search Committee for Executive Assistant to Vice President for Minority Affairs at Florida State University
- Search Committee for the Police Chief of the Tallahassee Police Department
- Seminole County Bar Association Citizens' Dispute Settlement Program
- Senior Citizens Life Center Volunteer in Jacksonville
- Special Olympics
- Volunteer instructor on careers in the legal profession during the "Teach In 2000" at Apopka High School
- Volunteer Judges at Mock trial, Statewide High School competition

In 1993, the Office was a proud participant in Florida State University's Minority Recruitment Program for college level students interested in pursuing a career in law. The program afforded a deserving student the opportunity to work in a law office setting on a part-time basis while at the same time obtaining a taste of legal education by attending law-related classes at the College of Law.

### **III. ADMINISTRATIVE POLICIES AND PROCEDURES**

The Office continued to develop and strengthen its administrative operations for increased efficiency and productivity. In 1993, these include:

## **A. Personnel**

1. Conducted third annual employee "feedback" sessions.
2. Conducted first employee job satisfaction survey. Results were extremely positive. Employees indicated that they enjoy and are committed to their work, management at all levels is effective, and morale is high.
3. Participated in the State's Meritorious Service Awards Program.
4. Implemented a self-evaluation component to the annual performance evaluation process.
5. Continued Employee of the Month awards to recognize exemplary work product or extraordinary effort by an employee in each Bureau; and established quarterly Bureau Awards for outstanding contributions to the Office as a whole.
6. Continued monthly Office meetings in each Bureau.
7. Continued weekly telephone conference calls with Bureau command staff (Chief Assistants) to enhance communication between the Bureaus; and established periodic conference calls for the Administrative Secretaries of each Bureau.
8. Held quarterly Bureau Chiefs' meetings for the discussion of major legal and policy issues.
9. Continued circulation of the Office-wide monthly newsletter.
10. Created position of Investigation/Litigation Coordinator, with approved job description.
11. Developed duties of "appellate coordinator"; planning to assign an Assistant Statewide Prosecutor to serve in this capacity.

## **B. Facilities**

Moved the Central Florida Bureau to a new location upon expiration of prior lease, pursuant to State leasing procedures.

## **C. Records**

The Office continued its refinement of the automated Case Tracking Systems, adding data fields for case transfers and the capturing of additional information on each case.

The Office also embarked upon the design and implementation of PC-based Local Area and Wide Area Network Systems, to allow for direct communication, data transfer, and document transmission between the Bureaus, and to afford communication with our lead investigating agency. Working with FDLE and taking advantage of existing network lines and equipment, the Office developed a system for a fraction of the cost proposed by commercial vendors. The two members of the Office responsible for the project, the Chief Assistant of the North Florida Bureau and the Executive Assistant to the Statewide Prosecutor, volunteered for training in computer networking systems. As a result of their hard work and ingenuity, they received a Davis Productivity Award for their proposal, which will not only greatly increase the efficiency of the Office in the handling of cases, but will also greatly reduce the costs associated with fax machines, long-distance telephone calls, and overnight mail. The plan received the approval of the Governor's Office and the Information Resource Commission (IRC). The Office is seeking funding from the Legislature to completely operationalize the system in FY 1994-1995.



#### **D. Planning**

Pursuant to Chapter 186, Florida Statutes, the Office submitted its Agency Strategic Plan for 1993-1998, 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.)

In 1993, the Office conducted its first in-house strategic planning meetings. The initial session was held during the annual training conference, with follow-up discussions in the Bureaus. The sessions consisted of issue identification, force field analysis, and goal setting. Every member of the Office participated in the process. Based on the enthusiastic response, the Office plans to build on these efforts in 1994.

#### **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. The report was issued in early 1993.

The Auditor General found that the Office is meeting its legislative mandate in all essential aspects of its performance: investigation, prosecution, cooperation with law enforcement agencies, and development of performance measures. The audit revealed a 96% conviction rate during the audit period. The Auditor recommended that the Office convert one or more existing attorney positions to investigative positions for increased efficiency, to continue pursuit of broader jurisdictional mandates in the area of sales tax violations and environmental offenses, and to continue developing valid performance measures. The Office agreed to the findings and submitted the report required by law setting forth progress toward implementation of the recommendations within six months after review. Copies of the report and response are available upon request.

### **IV. BUDGET ISSUES**

The Office is comprised of the Statewide Prosecutor, an Executive Assistant, four Chief Assistant Statewide Prosecutors, seventeen Assistant Statewide Prosecutors, nine Executive Secretaries, two temporary Secretaries (OPS), and a Senior Clerk (OPS). In 1993, 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 1993-1994 was \$1,836,234.00. This was supplemented by a federal grant administered by the Department of Community Affairs in the amount of \$334,236.00 for narcotics prosecutions. 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, with the addition of two FTE's based on workload. As a result of being heavily "lapsed," these two positions have not yet been filled.

Based upon a statistical analysis of 1993 attorney time records, the Office's 22 prosecutors worked a combined annual overtime total of 3853.5 hours above the required 40 hour work week. As Select Exempt employees, attorneys are not compensated financially for this extra work. Therefore, at an average hourly rate of \$33.59 (salary plus benefits), this amounts to an added value of \$129,439 to the taxpayers.

For the third 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 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 \$1200 during calendar year 1993.

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. Through the adoption of clear administrative guidelines, the Office has achieved improved efficiency in its investigative activity. 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, the average case took 124 days from the point of referral to the filing of charges. In fiscal year 1992-1993, this time was reduced to an average of 76 days. The addition of litigation support personnel will significantly enrich the overall performance of the Office, from the investigative stage to the point of conviction.

## **V. 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 Telemarketing Fraud Task Force and the work produced in 1993 confirms the direction the Office is taking in this regard. The Office will continue to work closely with other agencies to prosecute those entities intent on taking financial advantage of the citizens of this State. Insurance fraud and health care fraud will be top priorities in 1994.

In 1991, the Office sought increased involvement in the field of environmental prosecutions. Recognized for its efforts by the Florida Game and Fresh Water 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 statewide environmental initiatives. Although the Office received no additional funding dedicated to this effort, the Office continues its commitment to environmental protection.

The Office continues to work on 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, received tremendous response from the law enforcement community in 1993. Legislative proposals are being drafted as this report goes to print. The Office will continue this effort through 1994.

The Office continues to explore solutions to the problems caused by venue requirements in the prosecution of racketeering offenses. In some instances, prosecutions of a group or entity must be severed by count for trial in many different locations, or counts must be abandoned in order to conduct a single prosecution. Legislative support for change in this area is being sought to create a more efficient criminal justice system, while still respecting the rights of individuals.

The Office plans to continue its prosecutor and law enforcement education efforts. The experience gained in the production of the Environmental Prosecutions seminar in 1992, led to a surge of training initiatives in 1993. The Office plans to continue these efforts for the benefit of the law enforcement community in 1994.

In the administrative area, the Office plans to fill the investigator/litigation coordinator position, to work in conjunction with a paralegal, for increased efficiency in investigations and trial preparation. The appellate coordinator duties will be assumed by an Assistant Statewide Prosecutor in the South Florida Bureau. Plans are being made for assignment of training coordination duties to an Executive Secretary/Assistant Statewide Prosecutor team, and for in-house EEOC and ADA compliance review.

In 1991, the Office developed a computerized case related data storage and retrieval system. In 1992, the case management system became fully operational. In 1993, the system was refined for greater efficiency. It now provides a solid framework for planning and budgeting the operations of the Office. In 1994, the Office plans to improve its overall computer technology and capability, by establishing local and wide area network systems, if funding is provided by the Legislature.