

# **Office of Statewide Prosecution**

## **1994 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 1994.

This year, the resources of the Office were directed toward three major categories of crime: fraud against the government, in the form of benefit, contract, and regulatory fraud; large scale consumer fraud, particularly fraud against the elderly; and violent offenses, including narcotics trafficking, perpetrated by organized groups. The police/prosecutor team approach to the investigation and prosecution of complex cases has continued to produce excellent results. Statewide law enforcement training programs created by the Office have generated broad interest and approval. The Office continued its commitment to the advancement of statewide criminal justice policy, professional development of staff, and improved 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 eighth 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 1994. A copy is also provided to the Chief Justice of the Florida Supreme Court and the leadership of the Florida Legislature.

## **II. OFFICE OPERATIONS**

### **A. Investigations and Prosecutions**

In 1994, the Office of Statewide Prosecution received a total of 263 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:

- Alachua County Sheriff
- Attorney General/Civil
- Attorney General/Consumer
- Attorney General/Economic Crimes
- Attorney General/RICO
- Attorney General/Tax
- Auditor General
- Broward County Sheriff
- Citizens
- City of Miami Police Department
- Clay County Sheriff
- Collier County Sheriff
- Comptroller/Department of Banking and Finance
- Coral Springs Police Department
- Department of Agriculture and Consumer Services
- Department of Business and Professional Regulation
- Department of Corrections
- Department of Environmental Regulation
- Department of Highway Safety and Motor Vehicles
- Department of Insurance/Treasurer
- Department of Revenue
- Department of Veteran Affairs
- Duval County/Jacksonville Sheriff
- Florida Department of Law Enforcement
- Florida Highway Patrol
- Franklin County Sheriff
- Ft. Lauderdale Police Department
- Hillsborough County Sheriff
- Hollywood Police Department
- Jackson County Sheriff
- Lake County Sheriff
- Longwood Police Department

Manatee County Sheriff  
Marion County Sheriff  
Metro-Dade Police Department  
Metropolitan Bureau of Investigation  
North Miami Police Department  
Orange County Sheriff  
Orlando Police Department  
Pasco County Sheriff  
Pinellas County Sheriff  
Polk County Sheriff  
Sarasota County Sheriff  
Seminole County Sheriff  
St. Lucie County Sheriff  
State Attorney/Third Circuit  
State Attorney/Tenth Circuit  
State Attorney/Fifteenth Circuit  
State Attorney/Sixteenth Circuit  
Veteran's Affairs  
Volusia County Sheriff

After preliminary intake procedures, the Office accepted 185 of these referrals pursuant to its jurisdictional mandate.

Combined with a pending caseload from prior years, the number of cases under investigation and in litigation in 1994 was 497. At the end of 1994, the caseload of the Office was 23% higher than at the end of 1993.

The new investigations concerned activity in each of the State's 20 judicial circuits and 41 of the State's 67 counties.

In addition to the referral sources, the following agencies were involved in the active investigations accepted during calendar year 1994:

Interagency Telemarketing Task Force  
Osceola County Sheriff  
Secretary of State  
Winter Park Police Department

The investigations concerned criminal activity that fell within each of the 19 categories of crime over which the Office has jurisdiction:

bribery  
burglary  
usury  
extortion  
gambling  
kidnapping

larceny (theft)  
murder  
prostitution  
perjury  
robbery  
home-invasion robbery  
car-jacking  
narcotics violations  
racketeering  
antitrust violations  
anti-fencing violations  
crimes involving fraud and deceit  
attempts, solicitations or conspiracies to commit these offenses

Offenses which are listed as predicate incidents for racketeering activity (arson, assault and battery, witness tampering, currency violations, environmental crimes, tax violations, weapons offenses, and offenses involving securities) were handled in cooperation with the local State Attorney through cross-designation.

In 1994, the Office filed criminal charges against 94 defendants. Based upon venue requirements, the charges were filed in 15 of the State's 20 judicial circuits.

In 1994, 133 defendants were convicted, following a plea or trial. All of these convictions were affirmed on appeal. The combined criminal dispositions include:

Prison Terms: 1 life sentence and 654 years

Probation Terms: 595 years

Victim Restitution: \$5,213,816

Fines: \$2,154,735

Costs of Prosecution: \$47,566

Costs of Investigation \$6,037,209

In 1994, the resources of the Office were directed toward three major categories of crime: fraud against the government, in the form of benefit, contract, and regulatory fraud; large scale consumer fraud, particularly fraud against the elderly; and violent offenses, including narcotics trafficking, perpetrated by organized groups.

## **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, was seated in Deerfield Beach, Broward County, Florida. Grand jurors were drawn from Palm Beach, Broward, Dade and Monroe Counties only. This was the first regional grand jury impaneled 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 and three in 1994, to investigate allegations of multi-circuit, organized crime throughout the State.

The Eleventh Statewide Grand Jury investigated a number of matters, issuing 15 indictments charging 55 individuals and two corporations. The indictments charged 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 gambling ring
- several air conditioning repair companies committing fraud on the elderly
- several illegal telemarketing operations involved in employment opportunity scams, vacation package fraud, and condominium sales fraud
- a check cashing business that facilitated numerous illegal telemarketing operations
- a petroleum storage tank site remediation finance company which fraudulently obtained reimbursement from the State under the Inland Protection Trust Fund

The Grand Jury issued two reports during its term. In the first, the Grand Jury attempted to identify the facilitators of fraudulent telemarketing activity in the South Florida area. Based on its investigation of a number of such illegal "boiler-room" operations, the Grand Jury determined that the unregulated check-cashing industry serves as a major conduit for the laundering of proceeds obtained by illegal telemarketers. The Grand Jury recommended regulation of the industry to assist law enforcement in the prevention of such activity and in the apprehension of the con artists. The Statewide Prosecutor worked closely with the Office of the Comptroller in seeking the enactment of legislation addressing the Statewide Grand Jury's finding and recommendations. In 1994, the Florida Legislature mandated licensing and regulatory procedures for this industry.

The second report concerns the State's Inland Protection Trust Fund, a reimbursement program for underground storage tank removal and site remediation. After indicting a major finance company for defrauding the program out of millions of dollars, the Grand Jury recommended several changes in the administration of the program to prevent further abuse. In 1994, the Florida Legislature once again acted quickly and positively to the Grand Jury's report, enacting a statutory mandate that the Department of Environmental Protection implement the Grand Jury's recommendations by January 1, 1995.

Copies of the Grand Jury's reports, as well as a final status report of all investigations, are available upon request.

The Twelfth Statewide Grand Jury was impaneled in September, 1994, and is seated in the Sixth Judicial Circuit. The Grand Jury met in session twice in 1994, and will continue to operate throughout 1995.

### **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 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 plans for restructuring and refocusing 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 are being developed through a committee process, and the Office is represented on each of the workgroups.

The Statewide Prosecutor chaired the subcommittee on Organized Crime and thereafter met with a number of interested state and local law enforcement professionals in order to plan an increased investigative effort in this area. This meeting was followed by a series of training sessions conducted throughout the State on the role of the Statewide Grand Jury in the proactive investigation of organized crime. Strategic planning is ongoing.

#### **2. 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 1994.

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

The Office continued its efforts to maintain a strong working relationship with the Florida Department of Law Enforcement, its primary investigative agency. Specifically:

- the Office and the Department are developing technology to communicate electronically between offices for increased efficiency;
- the Chief Assistant of the North Florida Bureau conducts in-service agent training on cultural changes affecting law enforcement and courtroom demeanor, and serves as an instructor and

consultant for the Florida Criminal Justice Executive Institute;

- the Statewide Prosecutor served on the Supervisor Assessment Panel, to assist the Department in promotional determinations;
- Assistant Statewide Prosecutors serve as liaisons to all regional field offices;
- Assistant Statewide Prosecutors attend FDLE's regional intelligence meetings on active investigations.

#### 4. Multi-Agency Efforts

In 1994, the Office actively participated in a number of cooperative law enforcement efforts designed to address specific criminal issues in the State. Assisting local law enforcement in its efforts against organized crime is required by Section 16.56, Florida Statutes, and has become a permanent part of the Agency Strategic Plan for the Office of Statewide Prosecution. These cooperative efforts are denominated as:

Broward County Auto Theft Unit

Broward County Environmental Crimes Task Force

Broward County Gangs Task Force

Broward County Telemarketing Task Force

Central Florida Criminal Justice Council

Central Florida Intelligence Unit

Clay County Investigative Bureau; Narcotics Intelligence Unit

Dade County Intelligence Unit

Florida Intelligence Unit

Florida Association of Property Crimes Detectives

Hardee County Intelligence Unit

International Association of Special Investigative Units/West Central Florida Chapter

Lake County Intelligence Unit

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

Monroe County Law Enforcement Group

Northeast Florida Criminal Intelligence Unit

Northeast Florida Police Chiefs

Northeast Florida Regional Violent Crime Task Force

Orlando Economic Crime Unit

Palm Beach Economic Crime Unit

Southeastern Environmental Enforcement Network, comprised of ten States

South Florida Investigative Support Center

South Florida Regional Violent Crimes Task Force

Tampa Bay Area Intelligence Unit

Third Circuit Law Enforcement Group

West Central Florida Environmental Crimes Task Force

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

In early 1993, the Attorney General created a Task Force to concentrate enforcement 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 investigating the facilitators of this illegal activity, and plans to file charges against any entities that knowingly assist in the victimization of Florida's citizens in this manner.

The Task Force continued its work through 1994. Since its formation, 19 individuals and one corporation have been charged with criminal offenses; three civil injunctions obtained; and two million dollars in assets held for possible restitution to the victims upon conviction or civil judgment. Seven of the defendants have entered pleas of guilty; the remainder are set for trial in 1995. The State Attorney of the Seventeenth Judicial Circuit charged five defendants based on information developed by the Task Force. The Task Force is responsible for the closure of eight "boiler room" operations in 1994.

The Task Force also conducted a training session for criminal investigators in the detection, investigation, and prosecution of illegal telemarketers.

After the arrests in one operation, a nationally syndicated television program, "America's Most Wanted", interviewed two detectives serving on the Task Force. The program publicized the widespread nature of telemarketing fraud and offered crime prevention advice to potential victims.

The Attorney General has agreed to extend the term of the Task Force for an additional year.

#### **6. 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. In 1994, the Office continued to work with the Comptroller in his efforts to obtain regulatory authority over the money transmitter industry. The Statewide Prosecutor and an Assistant Statewide Prosecutor from the North Florida Bureau were invited to testify before legislative committees studying the issue, prior to passage of the Comptroller's proposed legislation.

The Office continued 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 1994. The Office intends to continue handling cases 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 1994, an Assistant Statewide Prosecutor from the North Florida Bureau testified at a Parole Commission hearing arguing against the early release of an inmate convicted by the Office of numerous multi-circuit offenses. Numerous written objections were filed with the Commission in other cases.

The Office received training from the Department of Corrections in the use of an electronic sentencing guidelines calculation program, and 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 Central and West Florida Bureaus have been approved to obtain the necessary equipment to access the National and Florida Crime Information Centers (NCIC/FCIC).

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

In 1994, the Office continued working closely with the elected State Attorneys, and with the United States Attorneys, in the investigation and prosecution of cases.

The Statewide Prosecutor continued to serve as a voting member on the Board of Directors of the Florida Prosecuting Attorneys Association, for the second year in a row, and participated in periodic conference calls regarding current criminal justice issues. The Office is also represented on the FPAA Education Committee and is active in the planning of educational seminars.

The Executive Assistant to the Statewide Prosecutor and the Chief Assistant from the North Florida Bureau attended a meeting of State Attorney Executive Directors to determine electronic communication capabilities and protocols between offices, and to plan expansion of existing resources for this purpose.

An Assistant Statewide Prosecutor from the South Florida Bureau participated in the drafting of the FPAA response to the Florida Supreme Court on the capital cases discovery rule proposed by the Florida Bar Criminal Procedure Rules 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. In 1994, two Assistant State Attorneys and one Assistant Attorney General were designated under Statewide Prosecution authority; while seven Assistant Statewide Prosecutors exercised designated State Attorney authority in selected cases, and one Assistant Statewide Prosecutor was cross-designated to serve as an Assistant United States Attorney. These cooperative efforts result in the most effective and efficient use of available prosecutorial resources.

#### **8. Outreach Efforts**

This year, the Office continued its educational programs designed to improve the level of service to its referral base: local, state, and federal law enforcement and regulatory agencies. The programs 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

Environmental Crimes

Financial Investigations in Drug Cases

Fraud Investigations

Insurance Fraud Prosecutions

Investigative Planning in Consumer Fraud Cases

Jurisdiction and Operations of the Office of Statewide Prosecution

Odometer Fraud Investigation and Prosecution

Pyramid, Ponzi, and other Financial Schemes

Prosecution of Gypsies

Prosecution of Street Gangs

Racketeering Cases

Role of the Statewide Grand Jury

In 1993, the Office created, organized, and conducted several courtroom testimony and demeanor workshops for FDLE investigators and analysts, and new recruits from the State Law Enforcement Training Academy and the Florida Highway Patrol Academy. Based on requests from all over the State and from a wide variety of law enforcement agencies, the course was given at the Department of Insurance Fraud Investigators' Conference, the Department of Corrections Inspectors' Annual Training Conference, to FDLE laboratory analysts in Tampa, and to the Florida Sheriffs Explorers' Annual Convention.

In cooperation with the Office of the State Fire Marshal, the Office conducted a statewide seminar on Arson Investigations and Prosecutions. The three day course, consisting of lectures and fire demonstrations, was organized under the direction of an Assistant Statewide Prosecutor in the North Florida Bureau, and was attended by prosecutors and investigators from throughout the State.

In 1994, three Assistant Statewide Prosecutors were distinguished as experts in particular aspects of the criminal law. These fields of specialization are: the Prosecution of Gypsies, "Travellers", and Con Artists; DUI Prosecution Training; 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. 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.

The Office also co-sponsored a Financial Investigative Techniques Seminar, conducted by the Institute for Intergovernmental Research and FIN/CEN, in South Florida.

In 1993, the Chief Assistant of the North Florida Bureau became the Office's first graduate of the Criminal Justice Executive Institute's Senior Leadership Program. In 1994, the Institute

published his thesis entitled "Crime, Culture and Law Enforcement," and he was asked to lecture on the subject at numerous seminars and training courses for law enforcement professionals. He received special recognition from the Governor in the Public Employees Awards Ceremony and has served at the Institute as an adjunct lecturer and consultant on curriculum issues.

#### b. Association Membership

The Office is represented in the following associations:

Big Bend Law Enforcement Association  
Central Florida Criminal Justice Council  
Florida Council on Crime and Delinquency  
Florida Intelligence Unit  
Florida Narcotics Officers Association  
Florida Network of Victim/Witness Services Association  
Florida Prosecuting Attorneys Association  
Florida Sheriffs Association  
League of Environmental Enforcement and Prosecution  
National District Attorneys Association  
National Association of Bunco Investigators  
State Law Enforcement Chiefs Association

#### c. Training Video and Brochure

In 1992, the Office developed and produced 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 and 1994.

In 1994, the Senior Clerk in the North Florida Bureau designed and produced a tri-fold, educational brochure on the operations and locations of the Office, for distribution at training seminars and law enforcement gatherings.

#### 9. Evaluation Methodologies

In 1994, the Office conducted its second 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. The Office received above-average ratings in every category evaluated. The Office plans to continue this qualitative assessment on an annual basis.

The post-case review system, designed in 1991, was further refined in 1994 and utilized for the fourth straight year. It provides an excellent opportunity for an analysis of the performance of the investigation and prosecution team. The results are used by management in making policy decisions in future cases.

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

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

1. The Statewide Prosecutor was appointed by the Attorney General to serve on the Violent Crime Council established by the Legislature in 1993. 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 1994, 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.

2. The Attorney General appointed the Statewide Prosecutor to serve as his alternate on the Task Force for the Review of Criminal Justice and Corrections. The Statewide Prosecutor attended eight sessions of the Task Force and worked on the draft of the Final Report.

3. The Statewide Prosecutor was appointed to serve as a Vice-Chair of the Florida Bar Criminal Procedure Rules Committee, after serving as the chair of the subcommittee on "gridlock", revising the internal operating procedures, and working with the Bar leadership on matters of interest to both the Rules Committee and the Criminal Law Section.

4. The Statewide Prosecutor was appointed to serve as a consultant to the Governor's Commission on Accountability to the People, addressing statewide public safety concerns and planning for the future safety of the State.

### **E. Professional Development**

In 1992, the Office adopted a policy designed to encourage and reward attainment of high ratings from the Martindale-Hubbell Law Directory, which are based on an evaluation of the applicant's standard of practice and ethics as determined by their colleagues. In 1994, the Chief Assistant of the West Florida Bureau received an A-V rating, and an Assistant Statewide Prosecutor from the West Florida Bureau received a B-V rating, indicating the highest levels of professionalism.

For the second year, an employee of the Office was honored for superior contributions to State government. At the 1994 Governor's Public Employee Recognition Ceremony, the Chief Assistant of the North Florida Bureau was praised for his innovations in electronic communication network design, his trial training seminars, his graduation from the Chief Executive Institute's Senior Leadership Program, publication of his thesis on the effects of cultural changes on law enforcement, and for his continuing efforts in the investigation and prosecution of complex white-collar crime cases.

An Executive Secretary from the Central Florida Bureau passed the paralegal certification exam in 1994.

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

The Executive Secretary to the Statewide Prosecutor received training in Administrative Assistant skills.

The Office has representatives on the following Florida Bar committees: Criminal Procedure Rules Committee; Criminal Law Section Committees, and the Government Lawyer's Section. Many Assistant Statewide Prosecutors are also members of the American Bar Association and are active in local Bar Associations.

The Chief Assistant of the West Florida Bureau served on the Hillsborough County Bar Association's judicial evaluation committee.

The Chief Assistant Statewide Prosecutor and an Assistant Statewide Prosecutor from the Central Florida Bureau are active in the Seminole and Orange County Bar Association Citizen Dispute Resolution Boards and Guardian Ad Litem programs.

The Chief Assistant Statewide Prosecutor of the West Florida Bureau serves as a consultant to a juvenile justice advisory council and attended the opening of the Orange County Juvenile Assessment Unit.

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

Advanced Evidence

Cellular Telecommunications Fraud

Contraband Forfeiture

Computer Operations

Death Penalty Law

Electronic Surveillance

Environmental Law

Ethics

Extradition

Financial Investigations

Florida Prosecuting Attorneys Association Annual Training Conference

Money Laundering

Post-Conviction Relief

Search and Seizure Issues

Sentencing Guidelines\*

Task Force Commander Training

Violent Crime Task Force Training

\* The Sentencing Guidelines Seminars were taught in-house by the attorneys in the Office.

#### **F. Pro Bono Legal Services**

The members of 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

Domestic Violence Shelter Legal Services

Guest Lecturer at St. Thomas College of Law

High School Student Mentor Programs

Hillsborough County Guardian Ad Litem Program

Mothers Against Drunk Driving

Orange County Bar Association Citizens' Dispute Resolution Program  
Orange County Guardian Ad Litem Program  
Seminole County Bar Association Citizens' Dispute Settlement Program  
Television Appearance on Local Crime Prevention Program  
Volunteer instructor on careers in the legal profession during "Career Day" at several local schools  
Volunteer Judges and Timekeepers at Mock trial, Statewide High School competition

In 1994, the Central Florida Bureau was honored, for the second year in a row, for its financial commitment to the efforts of the United Way State Employees Campaign.

In 1994, the Office participated in a Minority Recruitment Program for law students throughout the State seeking careers in prosecution. The program was sponsored by the Florida Prosecuting Attorneys Association and conducted by the State Attorney for the Eighth Judicial Circuit in Gainesville.

The Office also participated in the National Black Prosecutor's Association Minority Recruitment Program held in Atlanta, Georgia, for the purpose of recruiting minority applicants for positions in the Office.

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

The Office continued to develop and strengthen its administrative operations for increased efficiency and productivity. In 1994, these include:

#### **A. Personnel**

1. Conducted fourth annual employee "feedback" sessions.
2. Utilized the services of legal interns through the University of Miami College of Law and criminology interns through the Florida State University School of Criminology.
3. Participated in the State's Meritorious Service Awards Program.
4. Continued Employee of the Month awards to recognize exemplary work product or extraordinary effort by an employee in each Bureau; and continued quarterly Bureau Awards for outstanding contributions to the Office as a whole.
5. Continued monthly Office meetings in each Bureau.
6. Continued weekly telephone conference calls with Bureau command staff (Chief Assistants) and periodic conference calls between the Administrative Secretaries of each Bureau.
7. Held quarterly Bureau Chiefs' meetings for the discussion of major legal and policy issues.
8. Continued circulation of the Office-wide monthly newsletter.
9. Created duties for position of Appellate Liaison and Coordinator, and devised a method for

tracking the use of appellate research services.

## **B. Electronic Communication and Data Processing**

The Office continued its refinement of the automated Case Tracking Systems, preparing for the transfer of data entry responsibility to the Bureaus, and for report writing capabilities.

In 1994, the Office obtained a FY 1994-1995 appropriation from the Legislature for the purchase of the necessary equipment to install PC-based Local Area and Wide Area Network Systems, which permit direct communication, data transfer, and document transmission between the Bureaus. Working with FDLE and taking advantage of their existing network lines and equipment, the Office will be able to communicate with FDLE, its chief investigative arm. The Office is seeking funding from the Legislature for FY 1995-1996 to continue the operation of this system and to upgrade it as necessary to accommodate additional users and to keep pace with advancing technology in data processing.

## **C. Planning**

Pursuant to Chapter 186, Florida Statutes, the Office submitted its Agency Strategic Plan for 1994-1999, 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." The Annual Strategic Plan Performance Report (based on fiscal year data) was also timely filed. Copies of both reports are available upon request.

## **D. 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.

In 1994, the Office responded to a post-audit review questionnaire provided by the Joint Legislative Auditing Committee of the Florida Legislature, and was interviewed regarding post-audit implementation of suggestions. At the time of the printing of this report, the Statewide Prosecutor was advised that the Auditor General would be commenting favorably to the Legislature regarding the post-audit implementation work of the Office.

## **IV. BUDGET ISSUES**

The Office is comprised of the Statewide Prosecutor, an Executive Assistant, four Chief Assistant Statewide Prosecutors, nineteen Assistant Statewide Prosecutors, nine Executive Secretaries, two temporary Secretaries (OPS), and a Senior Clerk (OPS). The Office operates 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 1994-1995 was \$2,247,294.00. This appropriation covers salaries, operating expenses, expert witness fees, court reporter bills, and travel expenses. (A general revenue fund shift enabled the Office to retain eight positions previously funded with federal grants that expired at the end of federal FY 1993-1994.) The Office also receives an appropriation from the State Courts in the amount of \$158,000 to fund the investigations, operations, and case-related work of the Statewide Grand Jury.

Based upon a statistical analysis of 1994 attorney time records, the prosecutors worked a combined annual overtime total of 2912.25 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 \$33.45 (salary plus benefits), this amounts to an added value of approximately \$97,414.00 to the taxpayers.

The management and staff of the Office continued to make 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;
- personally absorbing the expense of many educational seminars.

As an example, the car rental cost reduction effort alone resulted in a savings of \$3,395 during calendar year 1994.

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.

## **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 in 1993 confirmed that commitment. In 1994, the Office continued to work closely with other agencies to prosecute those entities intent on taking financial advantage of the citizens of this State. The Office prosecuted a large number of organized groups victimizing the elderly through confidence games or schemes to defraud. These efforts will continue in 1995.

In 1994, insurance fraud case referrals increased dramatically. The Office worked closely with the Department of Insurance in investigations concerning the theft of premiums, fabrication of rate based indicators, creation of false claims, and other complex matters which result in losses to the carriers, and subsequent elevations of consumer costs. Health care fraud, with its critical impact on the economy, will be the focus of increased attention by the Office in the coming years.

Also in 1994, the Office was introduced into the complicated and multi-faceted universe of cases involving fraud perpetrated against the State as a governmental entity. The Office, with the assistance of the Statewide Grand Jury, uncovered massive fraud and theft of millions of dollars in taxpayer generated revenue, by an environmental clean-up financing firm. The indictment led to conviction of the corporation, recovery of the money, payment of a million dollar fine, a public apology printed in major metropolitan newspapers, national media attention, and swift action by the Florida Legislature to require the implementation of programmatic reforms strongly recommended by the grand jury. The experience gained from this case has generated attention, interest, and motivation to focus on this fertile area of misconduct, crime which has costly negative consequences for the entire State.

The 1994 Legislature added the crimes of car-jacking and home-invasion robbery to the list of offenses over which the Office has jurisdiction. As a result, the Office has seen an increase in this type of case referral. Additionally, Assistant Statewide Prosecutors attend regional violent crime coordinating council meetings, and the Statewide Prosecutor is active on the Violent Crime Council. Because violent crime by groups crossing circuit lines has garnered a large share of law enforcement's attention, it is anticipated that the Office will continue its work in this area as well.

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. In 1994, the Office handled the environmental case discussed above, a case involving the illegal distribution of hazardous fuel, and a number of ongoing investigations in this area. The prosecution of environmental crimes will remain a top priority of the Office.

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 essential to effective law enforcement, prosecution, and punishment of the offending corporate citizen. This project, conceived in 1992, has received tremendous positive response from the law enforcement community. Implementation efforts will continue in the future.

The Office continues to explore solutions to the problems caused by limitations on its jurisdiction and the venue requirements imposed on 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 these areas is being sought to create a more efficient criminal justice system, while maintaining the original purpose of the Office and respecting the rights of individuals.

The Office plans to continue its prosecutor and law enforcement education efforts. The Environmental Prosecutions seminar in 1992, the White Collar Crime seminar in 1993, and the Arson Prosecution seminar and trial training workshops in 1994 all received broad approval. Advanced courses in these areas are under consideration for 1995.

In the administrative area, the Office continues to seek implementation of the recommendation of the Auditor General regarding the employment of criminal investigative analysts to increase the efficiency of the trial teams. The addition of paralegal professionals to the trial team concept is also a goal of the Office. The assignment of training coordination duties to an Executive Secretary/Assistant Statewide Prosecutor team is another goal being pursued.

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. In 1994, the Legislature, after approval by the Information Resource Commission, appropriated the funds to establish local and wide area network systems and to purchase computers for every member of the Office. This has dramatically improved the overall communication and data processing capabilities of the Office. The entire system now provides a solid framework for case management, reporting, planning and budgeting the operations of the Office. Future efforts in this area will be dedicated to additional training of personnel and upgrading the system where necessary to improve operational efficiency.