

# **Office of Statewide Prosecution**

## **1995 Annual Report**

### **EXECUTIVE SUMMARY**

The Office of Statewide Prosecution is authorized to investigate and prosecute multi-circuit organized crime. In 1995, the Office handled a total of 9,264 criminal offenses involving 1,973 offenders in 686 complex cases.

The cases fell into three major categories: (1) fraud against the government (benefit, contract, and regulatory); (2) large scale consumer fraud, particularly against the elderly; and (3) violent offenses, including narcotics trafficking, perpetrated by organized groups.

The Office utilizes a police/prosecutor team approach in these multi-offender, multi-offense, multi-jurisdictional criminal cases. The goal of the teams is to dismantle the organizations through effective prosecution and civil, administrative, and regulatory sanctions where appropriate.

The results of the Office are measured by conviction rates, disposition results, law enforcement satisfaction, and appellate decisions. Additional measures involve professional development of staff and the extent to which the Office is involved in criminal justice policy and training throughout the State. All of these indicators, as detailed herein, demonstrate success.

The Office of Statewide Prosecution, with its specialized assignments and multi-circuit jurisdiction, fills a unique role in Florida's criminal justice system. We believe this report illustrates its effectiveness.

### **TABLE OF CONTENTS**

- I. Introduction
- II. Investigations and Prosecution
  - A. Caseload Statistics
  - B. Statewide Grand Jury
  - C. The Police/Prosecutor Team Approach
- III. Criminal Justice Policy and Professional Development
  - A. Boards and Committees
  - B. Professional Development
- IV. Administration
  - A. Staffing
  - B. Budget
- V. Conclusion

## **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 authorized to investigate and prosecute multi-circuit organized crime throughout the State of Florida.

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 1995. A copy is also provided to the Chief Justice of the Florida Supreme Court and the leadership of the Florida Legislature.

## **II. INVESTIGATIONS AND PROSECUTIONS**

### **A. Caseload Statistics**

The active caseload of the Office includes: (1) cases filed in 1995; (2) cases filed in prior years which remained in litigation during 1995; (3) long-term, complex criminal investigations; and (4) Statewide Grand Jury presentations. The complex cases handled by the Office take an average of 399 days to process from intake to final sentencing.

#### **1. Cases Filed In 1995**

In 1995, the Office filed 7016 criminal charges against 231 defendants in 76 complex, multi-circuit cases.

The criminal charges filed by the Office are among the most serious felonies prohibited by law. They are generally joined together in Racketeering indictments. These charges are: Bribery, Burglary, Usury, Extortion, Gambling, Kidnapping, Theft, Murder, Prostitution, Perjury, Robbery, Home-Invasion Robbery, Car-Jacking, Narcotics Violations, Antitrust Violations, Anti-Fencing Violations, Crimes Involving Fraud and Deceit, and Attempts, Solicitations, or Conspiracies to commit these offenses.

The charges were filed in 21 counties: Alachua, Bradford, Brevard, Broward, Columbia, Dade, Duval, Hillsborough, Lake, Leon, Manatee, Marion, Orange, Osceola, Palm Beach, Pasco, Pinellas, Seminole, St. Johns, Taylor, Volusia.

#### **2. Cases Filed in Previous Years/Pending in 1995**

In 1995, the Office handled 2,248 criminal charges against 379 defendants in 134 complex cases filed in prior years. These cases were in various stages of active litigation during 1995.

#### **3. Active Investigations Pending in 1995**

The caseload of the Office includes legal and operational assistance to law enforcement officers in major criminal investigations and task force operations. In 1995, the Office handled 476 multi-circuit organized crime investigations.

The investigations were conducted by, or in coordination with, 52 separate law enforcement or regulatory agencies:

Agency for Health Care Administration  
Attorney General  
Auditor General  
Bay County Sheriff  
Brevard County Sheriff  
Broward County Sheriff  
Charlotte County Sheriff  
Collier County Sheriff  
Daytona Beach Police Department  
Department of Agriculture and Consumer Services  
Department of Banking and Finance  
Department of Business Regulation  
Department of Environmental Regulation  
Department of Health and Rehabilitative Services  
Department of Highway Safety and Motor Vehicles  
Department of Military Affairs  
Department of Revenue  
Department of Transportation  
Federal Bureau of Investigation  
Florida Department of Law Enforcement  
Gainesville Police Department  
Hillsborough County Sheriff  
Hollywood Police Department  
Insurance Commissioner  
Jacksonville Sheriff  
Lake County Sheriff  
Lakeland Police Department  
Leesburg Police Department  
Metro-Dade Police Department  
Metropolitan Bureau of Investigation  
Miami Police Department  
North Miami Police Department  
Orange County Sheriff  
Orlando Police Department  
Osceola County Sheriff  
Palatka Police Department  
Palm Beach County Sheriff  
Pasco County Sheriff  
Pinellas County Sheriff  
Polk County Sheriff  
Pompano Police Department  
Seminole County Sheriff  
State Attorney/Third Circuit  
State Attorney/Seventh Circuit

State Attorney/Ninth Circuit  
State Attorney/Fifteenth Circuit  
Titusville Police Department  
United States Department of Agriculture  
United States Department of Justice  
United States Postal Inspector  
United States Drug Enforcement Agency  
Walton County Sheriff

The investigations involved each of the 20 judicial circuits, with activity in 33 counties located throughout the State.

#### 4. Cases Disposed of in 1995

In 1995, 276 defendants were convicted, following a plea or trial, resulting in a conviction rate of 95.5%. None of these convictions has been reversed on appeal.

The combined criminal dispositions are:

<b>Prison Terms</b>	<b>6 life sentences and 1091.16 years</b>
<b>Probation Terms</b>	<b>864.80 years</b>
<b>Victim Restitution</b>	<b>\$1,389,500</b>
<b>Fine</b>	<b>\$4,487,510</b>
<b>Costs of Prosecution</b>	<b>\$ 66,083</b>
<b>Costs of Prosecution</b>	<b>\$ 521,339</b>

Also in 1995, the Office remitted \$600,000 to the general revenue fund of the State in unclaimed litigation expenses from a 1992 case.

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

Pursuant to Section 905.36, Florida Statutes, the Statewide Prosecutor and her Assistants serve as legal advisers to the Statewide Grand Jury.

The Twelfth Statewide Grand Jury, impaneled in September 1994, was seated in the Sixth Judicial Circuit: Pinellas and Pasco Counties. The Grand Jury held 10 sessions in 1995 to investigate cases involving RICO, narcotics trafficking, gambling, kidnapping, and sales tax violations. The Grand Jury issued 4 indictments charging 22 individuals and 10 business entities. One No True Bill was entered.

The Grand Jury investigated several illegal commercial bingo establishments. The investigation led to the issuance of indictments as well as a report on the effectiveness of existing bingo laws. The Grand Jurors recommended reform of bingo regulations to eliminate what they suggest amounts to illegal casinos in the State. A copy of this report is available upon request.

In another case, the Grand Jury investigated a home builder who received money from his customers but failed to perform under the contracts. The Grand Jury recommended criminal charges for misapplication of construction funds. In addition, the Grand Jury urged the

Legislature to impose requirements on homebuilders that would give their customers some financial recourse, other than expensive civil suits, when the builders failed to perform under their contracts. The Grand Jury suggested bonding as an option. The 1995 Legislature passed the "Homebuyer's Protection Act" in response to the Grand Jury's recommendation.

The term of the Twelfth Statewide Grand Jury expires in March 1996. A final report will be issued at that time.

### **C. The Police/Prosecutor Team Approach**

The Office utilizes a police/prosecutor team approach to attack multi-offender, multi-offense, multi-jurisdictional criminal organizations. The goal of the teams is to dismantle these organizations through effective prosecution and civil, administrative, and regulatory sanctions where appropriate. This requires coordination with a number of law enforcement agencies and other executive branch agencies throughout the State. In short, every case involves detailed investigative planning using a "task force" approach, produces complex charging documents followed by intensive pre-trial motion activity, and results in parallel litigation for civil remedies, all of which must be coordinated by the handling prosecutor.

In addition to the individual case teams, the Office is involved in a number of existing Task Forces. These are:

**1. The "Integrated Approach Panel"** The Office serves on the "Integrated Approach to Combat Organized Crime Review Panel", coordinated 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.

In 1995, the panel was restructured to focus on specific criminal trends, rather than on individual cases. This year, the panel devoted its work to the development of regional teams to assist in the investigation of Medicaid fraud. The results of this effort will be seen in 1996.

Assistant Statewide Prosecutors are assigned to serve as liaisons to all of FDLE's regional field offices, and they attend regional intelligence meetings on active criminal investigations.

**2. Organized Crime/Narcotics Task Force** In 1991, the Office teamed up with the Florida Department of Law Enforcement on a task force to dismantle organized narcotics trafficking groups in the State. The task force was funded by a grant from the federal government. Over a 4 year period, the Task Force supervised 9 cases involving 847 narcotics traffickers. The task force successfully ended in June of 1995.

### **3. Telemarketing Fraud Task Force**

In 1995, the Office continued to lead the Attorney General's Telemarketing Task Force. The team is composed of investigators and attorneys from the Broward County Sheriff's Office, the Palm Beach County Sheriff's Office, the Florida Department of Law Enforcement, and the Economic Crimes Division of the Office of the Attorney General. Since its formation, 36 individuals and one corporation have been charged with criminal offenses, 3 civil injunctions

obtained, and \$2,000,000 dollars in assets held for possible restitution to the victims upon conviction or civil judgment. Seventeen of the defendants have entered pleas of guilty and have been sentenced, one has been found in violation of probation, and the remainder are set for trial in 1996. The State Attorney of the Seventeenth Judicial Circuit charged 13 defendants based on information developed by the task force. The task force is responsible for the closure of 11 "boiler room" operations.

#### **4. White Collar Crime Unit**

This year, the federal government awarded a grant to the Office in order to create a White Collar Crime Unit. The unit consists of two attorneys, two financial analysts, and one secretary. The unit is dedicated to the investigation and prosecution of cases involving white collar crime, public corruption, and fraud against the government. The unit is working closely with the Attorney General's Medicaid Fraud Control Unit, the Florida Department of Law Enforcement, the Department of Revenue, the Comptroller, and Inspector Generals from several executive branch agencies. The unit has been granted access to the databases of the Florida Crime Information Center (FCIC) and the Florida Medicaid Management Information Service (FMMIS). The Office has joined the White Collar Crime Investigative Center. The results of these efforts will be seen in 1996.

#### **5. Multi-Agency Task Forces**

The Office is directed pursuant to Section 16.56, Florida Statutes, to assist local law enforcement agencies in their efforts against organized crime. The Office is active with a number of local, state, and national groups taking aim at complex criminal organizations. In 1995, the Office worked with the following organizations:

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

Central Florida Narcotics Intelligence Unit

Central Florida Robbery Task Force

City/County Investigative Bureau in Sanford

Clay County Investigative Bureau/Narcotics Intelligence Unit

Dade County Intelligence Unit

Florida Intelligence Unit

Florida Association of Property Crimes Detectives

Hardee County Intelligence Unit

Hillsborough Street Gang Intelligence Unit

International Association of Special Investigative Units/West Central Florida Chapter

International Cargo Theft Task Force

Lake County Intelligence Unit

Law Enforcement Effort against Child Harm Task Force

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  
Multi-Agency Pharmaceutical Crimes Group  
Monroe County Law Enforcement Group  
National Association of Attorneys General Pyramid Scheme Workgroup  
National Association of Police Chiefs, Regional Organized Crime Workgroup  
Northeast Florida Criminal Intelligence Unit  
Northeast Florida Police Executives  
Orlando Economic Crime Unit  
Osceola County Investigative Bureau  
Palm Beach County Economic Crime Unit  
Regional Violent Crime Task Forces  
Southeastern Environmental Enforcement Network, comprised of ten South Florida Investigative Support Center  
Statewide Terrorist Intelligence Network Group  
Tampa Bay Area Intelligence Unit  
Third Circuit Law Enforcement Group  
U.S. Department of Agriculture, Food Stamp Fraud Task Force  
West Central Florida Environmental Crimes Task Force

#### **6. Law Enforcement Training**

Assistant Statewide Prosecutors provided legal training to law enforcement officers throughout the State in the following specialized areas:

Arson Investigation and Prosecution  
Courtroom Testimony and Demeanor for Law Enforcement Agents  
Crime Scene Techniques  
Construction Fraud  
Environmental Crime  
Ethics of Sting Operations and the Use of Informants  
Financial Investigation in Drug Cases  
Health Care Fraud Investigation I  
Insurance Fraud Prosecution  
Investigative Planning in Consumer Fraud Cases  
Jurisdiction and Operations of the Office of Statewide Prosecution  
Odometer Fraud Investigation and Prosecution  
Organized Crime Pyramid, Ponzi, and other Financial Schemes  
Prosecution of "Gypsy" Organized Crime  
Prosecution of Street Gangs  
Racketeering Law  
Role of the Statewide Grand Jury  
Search Warrants  
Securities Fraud

A copy of the OSWP training video is available upon request.

The Office co-sponsored the second annual statewide seminar on Arson Investigation and Prosecution, in cooperation with the Florida Advisory Committee on Arson Prevention and the Office of the State Fire Marshal. The Office also co-sponsored an environmental crime seminar with the Florida Prosecuting Attorneys Association.

### **III. CRIMINAL JUSTICE POLICY AND PROFESSIONAL DEVELOPMENT**

#### **A. Boards and Committees**

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. A copy of the report is available upon request.

2. In 1995, the Task Force for the Review of Criminal Justice and Corrections completed its statutory term. The Statewide Prosecutor served on the Task Force as the Attorney General's designee, and assisted in the preparation of the final report.

3. The Statewide Prosecutor was appointed by the President of the Florida Bar to serve as Chair of the Florida Bar Criminal Procedure Rules Committee, and was elected to serve as a member of the Executive Council to the Criminal Law Section. Assistant Statewide Prosecutors also serve on the Criminal Rules Committee, the Criminal Law Section Committees, and the Government Lawyers' Section of the Florida Bar.

4. The Office has representatives in the following associations:

Big Bend Law Enforcement Association  
Central Florida Criminal Justice Council  
Central Florida Intelligence Unit  
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



## **B. Professional Development:**

1. In 1995, seven Assistant Statewide Prosecutors were distinguished as experts in: (1) Organized Crime; (2) the Prosecution of "Gypsies", "Travellers", and Con Artists; (3) Environmental Investigations and Prosecutions; (4) Construction Fraud; (5) Home-Invasion Robbery Prosecutions; and (6) DUI Prosecution Training. These attorneys have lectured at state and national conferences, have published articles in legal periodicals, and have been interviewed on local and national television programs.

2. On staff, there are two attorneys Board Certified in criminal law, one Criminal Justice Executive Institute/Senior Leadership graduate, and one adjunct professor of criminology at Nova University. One financial analyst and one prosecutor maintain their Florida police standards certification.

3. The attorneys are admitted to practice in all state and federal courts in Florida, as well as the state courts of California, Colorado, Massachusetts, New York, and Washington, D.C.

4. Many Assistant Statewide Prosecutors are members of the American Bar Association and are active in local Bar Associations. One attorney has been admitted to the American Inns of Court.

5. Prosecutors and financial analysts in the Office received continuing education credit in the following areas:

- Advanced Evidence
- Cellular Telecommunications Fraud
- Contraband Forfeiture
- Computer Operations
- Digital Technology and Wiretaps
- Economic Crime
- Electronic Surveillance
- Environmental Law
- Ethics
- Financial Investigation
- Gang Investigation
- Health Care Fraud
- Homicide Prosecution
- Insurance Fraud
- Legislative Procedure
- Media Relations
- Money Laundering
- Post-Conviction Relief
- Search and Seizure Issues
- Sentencing Guidelines\*
- Terrorism Investigation

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

6. The members of the Office volunteer their time for community projects, criminal justice oriented civic work, and pro bono legal assistance in the following activities:  
Florida American Legion Boys State Mock Trial Workshop  
Florida Sheriffs Youth Ranches  
Florida State University College of Law; legal writing class and Mock Trial competition  
Florida Law Related Education Association; Statewide High School 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  
Orange County Guardian Ad Litem Program  
Seminole County Bar Association Citizens' Dispute Settlement  
St. Thomas University Law School, guest lecturer  
Tampa Bay Area Legal Services  
Volunteer instructors for "Career Day" at several local schools  
Volunteer instructor on voir dire techniques, high school psychology class

#### **IV. ADMINISTRATION**

##### **A. Staffing**

The Office of Statewide Prosecution operates 5 Bureaus:

North Florida Bureau -- Tallahassee  
Northeast Florida Bureau -- Jacksonville  
Central Florida Bureau -- Orlando  
West Florida Bureau -- Tampa  
South Florida Bureau -- Hollywood

At the end of 1995, the Office had a total of 44 employees (39 FTE's):

1 Statewide Prosecutor  
4 Chief Assistants  
21 Assistant Statewide Prosecutors  
2 Financial Analysts  
1 Executive Assistant  
10 Executive Secretaries  
2 full-time OPS secretaries  
1 part-time OPS secretary  
1 part-time OPS clerk  
1 OPS Network Administrator

##### **B. Budget**

The total annual general revenue appropriation to fund the Office for fiscal year 1995-1996 was \$2,363,800. This appropriation covers salaries, rent, utilities, furniture, library materials, computers, expert witness fees, court reporter bills, and travel expenses. The Office receives no funding from any county government.

The Office was awarded a federal grant for the operation of the White Collar Crime Unit. An appropriation of \$249,924 in federal dollars and a 25% general revenue match funds the operation of this unit.

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. The statutory grand jury fees and travel reimbursements are made from this fund. This amount is a reduction from levels prior to 1991, and has not been increased since that time.

In 1995, the prosecutors worked a combined annual overtime total of 2863 hours. As Select Exempt employees, the attorneys are not compensated for this extra work. At an average hourly rate of \$33.45 (salary plus benefits), this amounts to an added value of \$95,767.35 to the taxpayers.

The Office continued to require traveling employees to rent subcompact cars rather than the State contract authorized compact cars. This cost reduction effort resulted in a savings of \$3,565 during calendar year 1995.

### **C. Program Evaluation**

1. The last performance evaluation by the Auditor General found that the Office was "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. See Report No. 12070.

The Auditor General's statutorily required follow-up report issued on February 3, 1995, is favorable. A copy is available upon request.

2. In 1995, the Office conducted its third satisfaction survey of referring law enforcement agencies. The Office received above-average ratings in every category evaluated.

3. The Office continued to use its post-case review system to analyze the performance of the police/prosecutor teams.

### **D. Recruitment**

In 1995, as in prior years, the Office participated in a minority recruitment program for lawyers and law students seeking careers in prosecution. The program was sponsored by the National Black Prosecuting Attorneys Association. E. Electronic Communication and Data Processing

A FY 1994-1995 appropriation authorized the purchase of PC-based Local Area and Wide Area Network Systems for the direct communication, data transfer, and document transmission between the Bureaus. The Office is now completely "networked" and all personnel are using PC-based computer technology and equipment.

**F. Planning**

Pursuant to Chapter 186, Florida Statutes, the Office submitted its Agency Strategic Plan for 1996-2000, which includes priority issues, program objectives, trends and conditions, performance measures, and implementing strategies. The Annual Strategic Plan Performance Report (based on fiscal year data) was also timely filed. Copies of both reports are available upon request.

**V. CONCLUSION**

The Office just completed its 9th year of operation. Over the years, the Office has had a significant impact on major criminal organizations operating throughout the State. It has maintained strong working relations with law enforcement, been active in the development of criminal justice policy, and achieved most of the goals set forth in its Agency Strategic Plan. Future operations will maintain these standards.