

Office of Statewide Prosecution 1996 Annual Report

EXECUTIVE SUMMARY

The Office of Statewide Prosecution is authorized to investigate and prosecute multi-circuit organized crime.

In 1996, the Office handled 886 active criminal investigations involving 2,601 targets. The Office filed 11,781 criminal charges against 905 offenders in 323 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 surveys, 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.

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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 mission of the Office is to investigate and prosecute multi-circuit organized crime and to assist other law enforcement officials in their efforts against organized crimes.

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 1996. 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 1996; (2) cases filed in prior years which remained in litigation during 1996; (3) long-term, complex criminal investigations; and (4) Statewide Grand Jury presentations. The complex cases handled by the Office take an average of 297 days to process from intake to final sentencing.

1. Cases Filed in 1996

In 1996, the Office filed 5,118 criminal charges against 373 defendants in 124 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, Kidnaping, Theft, Murder, Prostitution, Perjury, Robbery, Home-Invasion Robbery, Car-Jacking, Narcotics Violations, Antitrust Violations, Anti-Fencing Violations, Crimes Involving Fraud and Deceit, Computer Pornography, and Attempts, Solicitations, or Conspiracies to commit these offenses.

The charges were filed in 18 counties: Alachua, Broward, Charlotte, Collier, Columbia, Dade, Duval, Hillsborough, Lee, Leon, Manatee, Orange, Osceola, Palm Beach, Pinellas, Seminole, St. Johns, Volusia.

2. Cases Filed in Previous Years/Pending in 1996

In 1996, the Office handled 6,663 criminal charges against 532 defendants in 199 complex cases filed in prior years. These cases were in various stages of active litigation during 1996.

3. Active Investigations Pending in 1996

The caseload of the Office includes legal and operational assistance to law enforcement officers in major criminal investigations and task force operations. In 1996, the Office investigated 2,601 targets in 886 multi-circuit organized crime investigations.

The investigations were conducted by, or in coordination with, 50 separate law enforcement or regulatory agencies:

Agency for Health Care Administration
Altamonte Springs Police Department
Attorney General
Auditor General
Brevard County Drug Task Force
Broward County Sheriff
Deland Police Department
Department of Agriculture and Consumer Services
Department of Banking and Finance
Department of Corrections
Department of Revenue
Escambia County Sheriff
Federal Bureau of Investigation
Federal Trade Commission
Florida Department of Law Enforcement
Ft. Lauderdale Police Department
Hernando County Sheriff
Hillsborough County Sheriff
Insurance Commissioner
Lake County Sheriff
Manatee County Sheriff
Melbourne Police Department
Metro-Dade Police Department
Metropolitan Bureau of Investigation
Miami Police Department
Orange County Sheriff
Orlando Police Department
Osceola County Sheriff
Palm Bay Police Department
Palm Beach County Sheriff
Panama City Police Department
Pinellas County Sheriff
Pompano Police Department
Satellite Beach Police Department
Seminole County Sheriff
St. Petersburg Police Department
State Attorney /First Circuit
State Attorney/Fourth Circuit
State Attorney/Seventh Circuit

State Attorney/Thirteenth Circuit
State Attorney/Fourteenth Circuit
State Attorney/Seventeenth Circuit
State Attorney/Eighteenth Circuit
Tampa Police Department
United States Attorney/Middle District
United States Customs Service
United States Drug Enforcement Administration
United States Secret Service
Volusia County Sheriff
Winter Park Police Department

The investigations involved each of the 20 judicial circuits, with activity in 36 counties located throughout the State.

The Office rejected 83 requests for assistance as matters falling outside its jurisdictional authority.

4. Cases Disposed of in 1996

In 1996, 335 defendants were convicted, following a plea or trial, resulting in a conviction rate of 95%. The combined criminal dispositions are:

| | |
|--------------------------------|--------------------|
| Prison Terms | 1,223 years |
| Probation Terms | 967 years |
| Victim Restitution | \$7,636,710 |
| Fines | \$2,187,281 |
| Costs of Prosecution | \$ 83,459 |
| Costs of Investigations | \$ 608,111 |

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, seated in the Sixth Judicial Circuit in Pinellas County, completed its term in February of 1996. Over the course of the previous eighteen months, the Grand Jury issued 4 indictments charging 22 individuals and 10 business entities with a total of 51 crimes. Specific entities under investigation were: marijuana trafficking groups, commercial bingo hall operators, sports betting rings, and a major home-builder. The Grand Jury issued two reports: one calling for greater legislative protection of home-buyers and the other for stronger regulation over commercial bingo operations that are depriving charities of the opportunity to conduct the games as contemplated by statute. The first report resulted in a revision of the laws, the second did not. A copy of the Final Report of the Twelfth Statewide Grand Jury is available upon request.

The Thirteenth Statewide Grand Jury, impaneled in January 1996, was seated in the Second Judicial Circuit in Tallahassee. The Grand Jury held 10 sessions in 1996 to investigate fraud against the government, with an emphasis on Medicaid fraud. The Grand Jury issued 22 indictments in 1996 charging 67 individuals and 3 business entities with 2,268 of Medicaid provider fraud, communications fraud, money laundering, grand theft, organized fraud, racketeering, and conspiracy to commit racketeering.

Pursuant to its authority to inquire into matters of governmental administration, the Statewide Grand Jury issued three reports concerning fraud and abuse in the Medicaid program, and recommended significant reform to achieve greater fraud prevention and control. According to the Revenue Estimating Conference, implementation of these reforms will save the taxpayers \$80 million dollars annually. Copies of the Statewide Grand Jury reports are available upon request.

The term of the Thirteenth Statewide Grand Jury has been extended to July of 1997. 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 the following Task Force operations:

1. Telemarketing Fraud Task Force

In 1996, the Office continued to lead the Attorney General's Telemarketing Task Force, 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 in 1993, 48 individuals and 1 corporation have been charged with criminal offenses, 3 civil injunctions obtained, and \$2,020,000 dollars in assets held for possible restitution to the victims upon conviction or civil judgment. Thirty defendants have entered pleas of guilty, although not all have been sentenced; one has been found in violation of probation; and the remainder are set for trial in 1997. The State Attorney of the Seventeenth Judicial Circuit charged 19 defendants based on information developed by the task force. The task force is responsible for the closure of 31 "boiler room" operations.

In 1996, two members of the Task Force received a Davis Productivity Award in honor of their effective utilization of state resources to dismantle a telemarketing fraud operation preying on the elderly.

2. White Collar Crime Unit

In 1995, 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 Unit has joined the White Collar Crime Investigative Center. Attorneys in the Unit have testified before the Florida Medical Boards, have made presentations at health care trade association meetings, and have been working closely with numerous federal health care fraud task forces. The work of the Unit is included in Section II, Parts A&B of this report.

3. 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 1996, the Office worked with the following 49 organizations:

Bike Week Intelligence Task Force

Brevard County Drug Task Force

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

Florida Department of Law Enforcement Regional Intelligence Units

Gypsy Intelligence Unit

Hardee County Intelligence Unit

Hillsborough Street Gang Intelligence Unit

International Association of Special Investigative Units/WestCentral 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
Miami Coalition for a Safe and Drug-Free Community
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 States
South Florida Investigative Support Center
South Florida Robbery Task Force
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
U.S. Drug Enforcement Administration
Violent Crime Council
West Central Florida Environmental Crimes Task Force

In 1996, four Assistant Statewide Prosecutors were cross-designated to serve as Assistant State Attorneys in joint prosecutions. During the same period, one Assistant State Attorney, one Assistant Attorney General, and one attorney with the Department of Insurance were cross-designated to work with the Office in complex, multi-circuit cases.

4. 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
Criminal Jury Trial Reform
Construction Fraud
Entrapment
Environmental Crime
Ethics of Sting Operations and the Use of Informants
Financial Investigation in Drug Cases
Health Care Fraud Investigation
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 assisted the Florida Prosecuting Attorneys Association in planning its White Collar Crime Seminar, and the Department of Insurance in planning its Insurance Fraud Conference.

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 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. During this term, the Committee passed, among other items, a comprehensive amendment to the discovery deposition rules, and issued its Four-Year Cycle Report to the Florida Supreme Court. The Statewide Prosecutor also served on the Rules of Judicial Administration Committee, and the Criminal Law Section Executive Council. Assistant Statewide Prosecutors also serve on the Criminal Rules Committee, the Criminal Law Section, and the Government Lawyers’ Section of the Florida Bar.
- 3.** The Office participated in the “Criminal Justice Day” round-table in Daytona Beach and the “Stars and Badges Conference on Crime and Punishment”, in Orlando. Both meetings, attended by leaders from the Florida Police Chiefs Association, the Florida Sheriffs Association, and the Florida Prosecuting Attorneys Association, were designed to formulate a crime prevention plan for the 21st century.
- 4.** In 1996, the Office was represented 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 Gang Investigators Association
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
National Health Care Anti-Fraud Association
Suncoast Analysts Association
State Law Enforcement Chiefs Association

B. Professional Development:

1. In 1996, 11 Assistant Statewide Prosecutors were distinguished as experts in: (1) Organized Crime; (2) the Prosecution of “Gypsies”, "Travelers", and Con Artists; (3) Environmental Investigations and Prosecutions, and Environmental Self-Audit Legislation; (4) Construction Fraud; (5) Home-Invasion Robbery Prosecutions; (6) Health Care Fraud; (7) Insurance Fraud; (8) Mortgage Fraud; (9) Telemarketing Fraud; and (10) DUI Prosecution Training. These attorneys have lectured at state, federal, and international conferences; have published articles in legal periodicals; and have been interviewed on local and national television programs.

2. On staff, there are three attorneys Board Certified in criminal law, two Criminal Justice Executive Institute/Senior Leadership graduates, one adjunct professor of law at Nova University, and one guest lecturer at the St. Thomas School of Law. 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.

5. Prosecutors and financial analysts in the Office attended continuing education courses in the following areas:

Advanced Evidence
Cellular Telecommunications Fraud
Computer Operations
Digital Technology and Wiretaps
Discovery Depositions
Economic Crime
Electronic Surveillance
Environmental Law

Ethics
Financial Investigation
Future Planning
Gang Investigation
Health Care Fraud
Homicide Prosecution
Insurance Fraud
Legislative Procedure
Media Relations
Money Laundering
Post-Conviction Relief
Security of Electronic Commerce
Search and Seizure Issues
Sentencing Guidelines
Terrorism Investigation
Victims' Rights

6. Two members of the Office have been certified to operate the FCIC/NCIC computerized criminal history database.

7. A criminal financial analyst was honored by the Governor at the 1996 Public Employee Recognition Ceremony.

8. 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:

DARE Program
Florida American Legion Boys State Mock Trial Workshop
Florida Sheriffs Youth Ranches
Florida A&M University Pre-Law Program, oral advocacy competition
Florida State University College of Law; legal writing class and Mock Trial team
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 Homeless Advocacy Project
Orange County Guardian Ad Litem Program
Seminole County Bar Association Citizens' Dispute Settlement
Tampa Bay Area Legal Services
Volunteer instructors for "Career Day" at several local schools

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 -- Ft. Lauderdale

At the end of 1996, the Office consisted of 46 employees (43 FTEs):

- 1 Statewide Prosecutor
- 4 Chief Assistants
- 1 Special Counsel
- 22 Assistant Statewide Prosecutors
- 3 Financial Analysts
- 1 Executive Assistant
- 1 Administrative Assistant
- 10 Executive Secretaries
- 2 full-time OPS Secretaries
- 1 part-time OPS clerk

B. Budget

The total annual general revenue appropriation to fund the Office for fiscal year 1996-1997 was \$2,664,266. 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, despite a statutory increase in juror fees.

In 1996, the prosecutors worked a combined annual overtime total of 2,450 hours. As Select Exempt employees, the attorneys are not compensated for this extra work. At an average hourly rate of \$36.47 (salary plus benefits), this amounts to an added value of \$89,351 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 \$5,135 during calendar year 1996.

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. See Report No. 12070.

2. In 1996, the Office conducted its fourth annual 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 1996, 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. The Office also participates in the Pro Bono Students America/Southeast internship program sponsored by the Florida Bar Foundation.

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. Subsequent appropriations allowed for networking on a Department-wide basis, and the Office is part of that system. All personnel are using PC-based computer technology and equipment. The Office is working with Circuit Clerks and CJIS (Criminal Justice Information System) representatives to gain access into these offender-based data systems throughout the State.

F. Planning

Pursuant to Chapter 186, Florida Statutes, the Office submitted its Agency Strategic Plan for 1997-2001, 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 tenth 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.