

1997 Annual Report

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. 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

[Consistent with the Agency Strategic Plan, the Annual Performance Report, and the Legislative Budget Request, caseload data is reported herein on a fiscal year basis.]

The active caseload of the Office includes: (1) cases filed in FY 1996-1997; (2) cases filed in prior years which remained in litigation during FY 1996-1997; (3) long-term, complex criminal investigations; and (4) Statewide Grand Jury presentations.

The complex cases handled by the Office took an average of 402 days to process from intake to final sentencing.

1. Cases Filed in FY 1996-1997

In FY 1996-1997, the Office filed 5,931 criminal charges against 491 defendants in 112 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 21 counties: Bay, Brevard, Broward, Charlotte, Dade, Duval, Hillsborough, Lake, Lee, Leon, Marion, Manatee, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Pinellas, Seminole, St. Johns, Volusia.

2. Cases Filed in Previous Years/Handled in FY 1996-1997

In FY 1996-1997, the Office handled 14,207 criminal charges against 1,172 defendants in 542 complex cases filed in prior years. These cases were in various stages of active litigation during

FY 1996-1997.

3. Active Investigations Pending in FY 1996-1997

The caseload of the Office includes legal and operational assistance to law enforcement officers in major criminal investigations and task force operations. In FY 1996-1997, the Office investigated 3,392 targets in 1,146 multi-circuit organized crime investigations.

The investigations were conducted by, or in coordination with, 62 separate law enforcement or regulatory agencies.

The investigations involved 19 of Florida's 20 judicial circuits, with activity in 29 counties located throughout the State.

4. Cases Disposed of in FY 1996-1997

In FY 1996-1997, 489 defendants were convicted of 1,524 offenses, following a plea or trial, resulting in a conviction rate of 96.54%

The combined criminal dispositions are:

Prison Terms: 1,192 years

Probation Terms: 801.16 years

Victim Restitution: \$6,960,147

Fines: \$2,238,852

Costs of Prosecution: \$ 99,529

Costs of Investigations: \$ 584,036

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 Thirteenth Statewide Grand Jury, impaneled in January 1996, was seated in the Second Judicial Circuit in Tallahassee. The Grand Jury held 16 sessions in its term, which was extended through July of 1997. The Statewide Grand Jury investigated fraud against the government, with an emphasis on Medicaid fraud. The Grand Jury issued 29 indictments in total, charging 78 defendants with 2,407 counts of Medicaid provider fraud, communications fraud, money laundering, grand theft, organized fraud, racketeering, and conspiracy to commit racketeering. The Statewide Prosecutor filed similar charges against another 70 defendants. Taken together, these cases involved theft of \$25-30 million dollars from the Medicaid program.

Pursuant to its authority to inquire into matters of governmental administration, the Statewide Grand Jury issued four 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 \$200 million dollars over a two year period. A final report of the Grand Jury was issued on June 19, 1997. Copies of the Statewide Grand Jury reports are available upon request.

The Fourteenth Statewide Grand Jury was impaneled in August 1997, and is seated in the Second Judicial Circuit. The Grand Jury is reviewing cases presented by the Department of Insurance, Division of Insurance Fraud, in the areas of workers' compensation fraud, health care fraud, fraudulent insurance sales practices, and trust fund "looting." To date, the Grand Jury has charged nine individuals and one corporation in four separate cases with violations ranging from racketeering to theft involving nearly \$4 million dollars in premium fraud. Two defendants have entered pleas of guilty to the charges; the remaining cases are set for trial in 1998. The Grand Jury has issued an interim report regarding crime prevention in this area. A copy of the report is available upon request.

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, producing complex charging documents followed by intensive pre-trial motion activity, which may result 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 FY 1996-1997, 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 million 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 1998. 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 37 "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. The Task Force has been funded for another year.

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 and the National Health Care Anti-Fraud Association. 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 Office received a 1997 Davis Productivity Award, for effective investigation and prosecution of Medicaid Fraud cases, in conjunction with the Medicaid Fraud Control Unit of the Attorney General's Office.

3. Insurance Fraud

The Office has joined forces with the Insurance Commissioner to combat fraud in the insurance industry. Utilizing the Statewide Grand Jury, and other investigative tools, the Office expects to have a significant impact in this area. The results of this effort will be reported in the Agency Performance Report in September 1998, and in the 1998 Annual Report.

4. 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 FY 1996-1997, the Office worked with the following 50 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/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
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 Attorneys General, Subcommittee on "INTERNET Kiddie Porn"
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 FY 1996-1997, four Assistant Statewide Prosecutors were cross-designated to serve as Assistant State Attorneys in joint prosecutions. During the same period, seven Assistant State Attorneys, Assistant Attorney Generals, and attorneys with the Department of Insurance were cross-designated to work with the Office in complex, multi-circuit cases.

In FY 1996-1997, the Office offered assistance to the Workers' Compensation Oversight Board and the Governor's Elder Abuse Prevention Task Force.

4. Law Enforcement Training

Assistant Statewide Prosecutors provided legal training to law enforcement officers throughout the State in the following 22 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 and brochure 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 Summit.

Two Assistant Statewide Prosecutors received distinguished service awards from the Florida Prosecuting Attorneys Association for serving as lecturers in selected courses.

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. During FY 1996-1997, the Statewide Prosecutor was appointed by the Supreme Court to serve on the Judicial Management Council's Committee on the Rule-Making Process.

3. In FY 1996-1997, an employee of the Office was a member of, or was active within, the following 16 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 Association of Bunco Investigators
National District Attorneys Association
National Health Care Anti-Fraud Association
State Law Enforcement Chiefs Association
Suncoast Analysts Association

B. Professional Development

1. In FY 1996-1997, 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, two Criminal Justice Executive Institute/Chief Executive Seminar graduates, and one adjunct professor of law at Nova University. One financial analyst and one prosecutor maintain their Florida police standards certification. Two attorneys are rated by Martindale-Hubbell.

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

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 have attended continuing education courses in the following areas:

Advanced Evidence
Cellular Telecommunications Fraud
Computer Operations
Consumer Protection
Credit Card Fraud
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
Jury Selection
Legislative Procedure
Media Relations
Money Laundering
Post-Conviction Relief
Security of Electronic Commerce
Search and Seizure Issues
Sentencing Guidelines
Terrorism Investigation
Trial Techniques
Victims' Rights

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

7. 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
Guardian Ad Litem Programs
Habitat for Humanity
High School Student Mentor Programs
Homeless Advocacy Projects
Mothers Against Drunk Driving
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

In FY 1996-1997, the Office of Statewide Prosecution operated 6 Bureaus:

North Florida Bureau -- Tallahassee
Northeast Florida Bureau -- Jacksonville
Central Florida Bureau -- Orlando
West Florida Bureau -- Tampa
South Florida Bureau -- Ft. Lauderdale
Southwest Florida Bureau -- Ft. Myers

At the end of FY 1996-1997, the Office consisted of 58 employees (51 FTEs):

- 1 Statewide Prosecutor
- 5 Chief Assistants
- 1 Special Counsel
- 26 Assistant Statewide Prosecutors
- 5 Financial Analysts
- 1 Executive Assistant
- 1 Administrative Assistant
- 11 Executive Secretaries
- 3 full-time OPS Secretaries
- 1 part-time OPS clerk
- 3 OPS receptionists

B. Budget

The total annual general revenue appropriation to fund the Office for FY 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 has not been increased since 1991.

In FY 1996-1997, the prosecutors and financial analysts worked a combined annual overtime total of 3107 hours. As Select Exempt employees, the attorneys and analysts are not compensated for this extra work. At an average hourly rate of \$34.34 (salary plus benefits), this amounts to an added value of \$106,694 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 \$5,825 during FY 1996-1997.

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 1997, the Department of Community Affairs conducted an audit of the White Collar Crime Unit and found that "this project has already exceeded planned levels of performance." All project funding documents were found to be in order. (Report on 97-CJ-6J-13-00-16-001).

3. In 1997, FDLE audited the use of the FCIC/NCIC system and found that the Office "is operating in full compliance with FCIC/NCIC rules, regulations, and user agreements." (FCIC/NCIC Audit 9697-326).

4. In 1997, the Office conducted its fifth annual satisfaction survey of referring law enforcement agencies. The Office received above-average ratings in every category evaluated.

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

D. Electronic Communication and Data Processing

All personnel are using PC-based computer technology and equipment for electronic mail, data processing, legal research, and document production. The Office maintains a section on the Attorney General's Internet Home Page and publishes its public documents in this medium.

The Office is working with Circuit Clerks and CJIS (Criminal Justice Information System) representatives to gain access to offender-based data systems throughout the State.

E. 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 eleventh 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.