

Office of Statewide Prosecution

1998 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 1997-1998; (2) cases filed in prior years which remained in litigation during FY 1997-1998; (3) long-term, complex criminal investigations; and (4) Statewide Grand Jury presentations.

1. Cases Filed in FY 1997-1998

In FY 1997-1998, the Office filed 2,036 criminal charges against 157 defendants in 107 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 26 counties: Alachua, Bay, Bradford, Broward, Collier, Columbia, Dade, Flagler, Highlands, Hillsborough, Lake, Lee, Leon, Manatee, Marion, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Seminole, St. Johns, Union, Volusia, & Walton.

2. Cases Filed in Previous Years/Handled in FY 1997-1998

In FY 1997-1998, the Office also handled 4,136 criminal charges against 681 defendants in 261 complex cases filed in prior years. These cases were in various stages of active litigation during FY 1997-1998.

3. Active Investigations Pending in FY 1997-1998

The caseload of the Office includes legal and operational assistance to law enforcement officers in major criminal investigations and task force operations. In FY 1997-1998 the Office investigated 1,459 targets in 702 multi-circuit organized crime investigations.

The investigations were conducted by, or in coordination with, 66 separate law enforcement or regulatory agencies.

The investigations involved activity in 39 counties, located throughout all of Florida's 20 judicial circuits.

4. Cases Disposed of in FY 1997-1998

In FY 1997-1998, 288 defendants were convicted, following a plea or trial, resulting in a conviction rate of 93.5%.

The sentences total:

Prison Terms: 626 years/2 life

Probation Terms: 1310 years

Victim Restitution: \$ 23,384,689

Number of Victims: 2,095

Fines: \$ 2,204,019

Costs of Prosecution: \$ 334,482

Costs of Investigations: \$ 1,563,447

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 Fourteenth Statewide Grand Jury was impaneled in August 1997, and seated in the Second Judicial Circuit. The Grand Jury reviewed 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." By the end of its term in late 1998, the Grand Jury had issued 13 indictments charging 78 individuals and 5 business entities with 508 violations ranging from racketeering to theft involving nearly \$40 million dollars in fraud from a variety of private insurers.

The Grand Jury also issued 4 reports concerning statewide issues and crime prevention in the area of (1) workers' compensation premium fraud, (2) insolvency fraud, (3) health care claim fraud, and (4) fraud in the non-standard insurance industry. The Legislature acted quickly to adopt the recommendations of the Statewide Grand Jury by passing additional workers' compensation laws in 1998, to achieve reform in the system. The Department of Labor also implemented the Grand Jury's recommendations for more effective oversight of the industry.

Also in 1998, a report of the Thirteenth Statewide Grand Jury on the State of Florida Employees Health Insurance Trust Fund was released. Copies of grand jury reports are public record and 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 created prosecution teams to handle as priority issues the following types of cases: insurance fraud; fraud against the government; crimes against the elderly; narcotics cases; computer crimes; cable theft; and gambling. A priority leader coordinated with the prosecutors handling these cases throughout the State to ensure consistency in investigative techniques, charges, procedures, and dispositions.

As one example, the Office participated as one of many legal advisers in a massive law enforcement operation on Florida's transportation systems for fugitives, drug traffickers, gang members and thieves. "Operation Thunder Road", lasting 48 hours, resulted in 3,748 arrests and the seizure of \$5 million dollars in drugs, vehicles, guns, and currency.

1. Insurance Fraud

The Office joined forces with the Insurance Commissioner to combat fraud in the insurance industry. Utilizing the Statewide Grand Jury, and other investigative tools, the Office had a significant impact in this area. In two separate Resolutions adopted in 1998, the Florida Cabinet recognized the Office of Statewide Prosecution for its work advising the Statewide Grand Jury on matters of insurance fraud and prosecuting these cases.

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 Legislature, 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.

The results of the efforts under the grant are summarized as follows:

Grant Case Filings and Dispositions
Fiscal Year 1997-1998

Total number cases filed: 32

Total number defendants charged: 116

Total number defendants convicted: 96

Total incarceration: 69.25 yrs

Total probation/community control: 467.16 yrs

Total restitution assessed: \$11,235,990

Total fines/court costs assessed: \$ 341,941

Total costs of investigation assessed: \$ 345,129

Total costs of prosecution assessed: \$ 136,598

3. Telemarketing Fraud Task Force

In FY 1997-1998, 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, 65 individuals and 8 business entities 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. (This is the first known State seizure of assets in the Cayman Islands for a fraud case). Thirty-five defendants have entered pleas of guilty, although not all have been sentenced; one has been found in violation of probation; one case was tried in 1998 and the remainder are set for trial in 1999. 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 88 "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. In 1988, the Office was invited to join a similar federal effort known as "Operation Double Barrel." The Task Force has been funded for another year.

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 1997-1998, the Office worked with the following 76 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 Robbery Clearinghouse
Broward County Telemarketing Task Force
Broward Law Enforcement Against Child Harm
Central Florida Child Exploitation Task Force
Central Florida Criminal Justice Council
Central Florida Intelligence Unit
Central Florida Narcotics Intelligence Unit
Central Florida Robbery Task Force
Central Florida Tornado Fraud Task Force
City/County Investigative Bureau in Sanford
Combined Law Enforcement Against Narcotics (C.L.E.A.N.)
Clay County Investigative Bureau/Narcotics Intelligence Unit
Common Law Courts Task Force
Dade County Intelligence Unit
Federal Computer Investigators Commission
Florida Consumer Protection Intelligence Unit
Florida Intelligence Unit
Florida Association of Property Crimes Detectives
Florida Department of Law Enforcement Regional Intelligence Units
Gulf Coast Intelligence Unit
Gypsy Intelligence Unit
Hardee County Intelligence Unit
Hillsborough Street Gang Intelligence Unit
International Association of Law Enforcement Intelligence Analysts
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
Law Enforcement Electronic Technical Assistance Council (LEETAC)
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 Internet Crime Task Force
National Association of Attorneys General Pyramid Scheme Workgroup
National Association of Attorneys General, Subcommittee on "INTERNET Kiddie Porn"
National Association of BUNCO Investigations
National Association of Police Chiefs, Regional Organized Crime Workgroup

National Focus Group on Domestic Terrorism
National White Collar Crime Center
North Florida Fraud & Forgery Task Force
Northeast Florida Criminal Intelligence Unit
Northeast Florida Investigative Support Center
Northeast Florida Police Executives
Operation Thunder-Road
Orlando Economic Crime Unit
Osceola County Investigative Bureau
Palm Beach County Economic Crime Unit
Palm Beach County Gangs Task Force
Public Corruption Working Group
Regional Interagency Fraud Task Force
Regional Violent Crime Task Forces
STOP Telemarketing Fraud
Society of Certified Criminal Analysts
Southeastern Environmental Enforcement Network, comprised of ten States
South Florida Investigative Support Center
South Florida Robbery Task Force
Southwest Florida Environmental Work-Group
State Archeological Site Destruction Task Force
Statewide Terrorist Intelligence Network Group
Suncoast Analysts
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 1997-1998, three Assistant Statewide Prosecutors were cross-designated to serve as Assistant State Attorneys in joint prosecutions. During the same period, five Assistant State Attorneys, Assistant Attorney Generals, and an attorney with the Department of Insurance were cross-designated to work with the Office in complex, multi-circuit cases.

In 1998, the Chief Assistant of the Tampa Office was selected to become the first U.S. Department of Justice liaison to the states in matters of international extradition, evidence-gathering, and asset forfeiture. This four month assignment to Washington, D.C., resulted in the production of an attorneys' deskbook distributed by the National Association of Attorneys' General and plans for electronic delivery of information and documents essential to this process. As a result of these efforts, the Office of Statewide Prosecution is regularly consulted on matters of international criminal law as it relates to State court cases.

4. Law Enforcement Training

Assistant Statewide Prosecutors provided legal training to law enforcement officers throughout the State in the following 25 specialized areas:

Arson Investigation and Prosecution
Cable Theft
Computer Crimes
Construction Fraud
Courtroom Testimony and Demeanor for Law Enforcement Agents
Crime Scene Techniques
Criminal Jury Trial Reform
Elder Abuse and Neglect
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 Computer Crimes seminars.

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 continued to serve as the Attorney General's representative 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 FY 1997-1998, an employee of the Office was a member of, or was active within, the following associations:

Big Bend Law Enforcement Association
Central Florida Criminal Justice Council
Central Florida Intelligence Unit
Certified Fraud Examiners' Association
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
National White Collar Crime Center
State Law Enforcement Chiefs Association
Suncoast Analysts Association

B. Professional Development:

1. In FY 1997-1998, 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; (10) Cable Theft; (11) Computer Crimes; and (12) Elder Abuse and Neglect. 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, three 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. Nine 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, Georgia, Indiana, Louisiana, Massachusetts, and New York.

4. Many Assistant Statewide Prosecutors are members of the American Bar Association and are active in local Bar Associations. One attorney is a member of the Board of Directors of the National Black Prosecutors Association.

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, and have access to the Court Ordered Payment System of the Department of Corrections.

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:

Christian Legal Society
DARE Program
Florida American Legion Boys State Mock Trial Workshop
Florida Sheriffs Youth Ranches
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 1997-1998, 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 1997-1998, the Office consisted of 58.5 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
- 1 OPS Administrative Assistant
- 2 OPS Secretaries
- 2.5 OPS receptionists
- 2 OPS Clerks

B. Budget

The total annual general revenue appropriation to fund the Office for FY 1997-1998 was \$3,070,484. 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 1997-1998, the prosecutors and financial analysts worked a combined annual overtime total of 4003 hours. As Select Exempt employees, the attorneys and analysts are not compensated for this extra work. At an average hourly rate of \$35.76 (salary plus benefits), this amounts to an added value of \$143,147 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 \$6,058 during FY 1997-1998.

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 sixth annual satisfaction survey of referring law enforcement agencies. The Office received above-average ratings in every category evaluated, with 86% indicating intent to refer future investigations.

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 for electronic mail, data processing, legal research, and document production. The Office posts its public documents on the Internet at: <http://myfloridalegal.com/swp>

The Office has access to offender-based data systems in Broward, Orange, and Leon counties, and is working with CJIS representatives to gain access throughout the State.

E. Planning

Pursuant to Chapter 186, Florida Statutes, the Office submitted its Agency Strategic Plan for 2000-2005, 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 twelfth 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.