

REPORT NO. 12070

**STATE OF FLORIDA  
OFFICE OF THE AUDITOR GENERAL**



**PERFORMANCE AUDIT**

**OF THE**

**OFFICE OF STATEWIDE PROSECUTION**

**WITHIN THE**

**DEPARTMENT OF LEGAL AFFAIRS**

**MAY 17, 1993**

151630

151630

**U.S. Department of Justice  
National Institute of Justice**

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by

Florida Office of the Auditor  
General

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

**Requests for copies of this report should  
be addressed to:**

**Office of the Auditor General  
Post Office Box 1735  
Tallahassee, Florida 32302**

**Please request by report name and number.**

**Permission is granted to reproduce this report.**

151630



STATE OF FLORIDA

OFFICE OF THE AUDITOR GENERAL



CHARLES L. LESTER, C.P.A.  
AUDITOR GENERAL

May 17, 1993

TELEPHONE:  
904/488-5534  
S/C 278-5534

NCJRS

DEC 19 1994

ACQUISITIONS

The President of the Senate, the Speaker of the  
House of Representatives, and the  
Legislative Auditing Committee

I have directed that a performance audit be made of the Office of  
Statewide Prosecution within the Department of Legal Affairs. The results of  
the audit are presented to you in this report. This audit was made as a part of  
an ongoing program of performance auditing by the Office of the Auditor  
General as mandated by Section 11.45(3)(a), Florida Statutes.

Respectfully yours,

Charles L. Lester  
Auditor General

Audit supervised by:

D. Byron Brown

Audit made by:

Frank Alvarez

PERFORMANCE AUDIT  
OF THE  
OFFICE OF STATEWIDE PROSECUTOR  
WITHIN THE  
DEPARTMENT OF LEGAL AFFAIRS

Table of Contents

<u>Chapter</u>	<u>Page</u>
Executive Summary . . . . .	i
I. Introduction: Purpose and Scope, Methodology . . . . .	1
Purpose and Scope . . . . .	1
Methodology . . . . .	1
II. Background: Program Design and Organization . . . . .	3
Program Design . . . . .	3
Program Organization . . . . .	5
Program Resources . . . . .	8
III. Findings and Recommendations . . . . .	9

Section 1  
Program Status

Finding 1.1	
The Office has accepted approximately 71% of the cases referred to it, and has investigated and prosecuted cases in accordance with s. 16.56, F.S. The Office has cooperated with state attorneys and state and local law enforcement agencies, and used sworn investigators of the Florida Department of Law Enforcement as authorized by s. 16.56, F.S. The Office obtained convictions in 44 of the 46 cases completed between July 1, 1989, and March 15, 1992 . . . . .	10

Table of Contents  
(Continued)

Chapter

Page

Section 2  
Evaluating Program Performance

Finding 2.1

The Office has established a framework for evaluating its efforts, including establishing performance measures, developing an automated recordkeeping system, and implementing post-case review sessions and satisfaction surveys. However, several factors may hinder a definitive assessment of the Office's impact in prosecuting organized crime. . . . . 24

Appendix . . . . . 33

A. Response from the Department of Legal Affairs . . . . . 33

**OFFICE OF THE STATEWIDE PROSECUTION**

---

---

**Purpose and Scope**

---

---

Performance audits are conducted by the Office of the Auditor General as part of the Legislature's oversight responsibility for public programs. The primary objective of performance audits is to provide information the Legislature can use to improve programs and allocate limited public resources.

The Office of Statewide Prosecution was created to investigate and prosecute certain criminal activities that occur in more than one judicial circuit. The purpose of this audit was to determine the status of the program as of March 15, 1992, including the number of cases referred and the outcomes of those cases. We also reviewed the Office's efforts to evaluate its performance, including whether it has developed performance measures.

---

---

**Background**

---

---

Prior to the creation of the Office of Statewide Prosecution, Florida did not have an official or an entity that was empowered to prosecute on a statewide basis without regard to judicial circuit boundaries. In 1985 the Legislature passed legislation that proposed a constitutional amendment to create the Office of Statewide Prosecution within the Department of Legal Affairs, and to assign responsibilities to the Office. Voters approved the constitutional amendment, Article IV, Section 4(c) of the Florida Constitution in November 1986.

Section 16.56(1)(a), F.S., empowers the Office of Statewide Prosecution to investigate and prosecute certain

## EXECUTIVE SUMMARY

---

criminal activities that occur or have occurred in more than one judicial circuit. These activities are:

- Bribery, burglary, criminal fraud, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery;
- Crimes involving narcotics or other dangerous drugs; and
- Violations of either the Racketeering Influenced and Corrupt Organizations (RICO) Act, the Florida Anti-Fencing Act, or the Florida Antitrust Act of 1980.

In the Department of Legal Affairs' Agency Functional Plan, 1991-92 through 1995-96, the Office has established three objectives related to its mission to investigate and prosecute multi-jurisdictional crime. These objectives are:

- To facilitate an integrated approach by local, state, and federal law enforcement agencies in the investigation of multi-jurisdictional crime on a statewide level while providing prosecutorial direction and legal advice;
- To prosecute multi-jurisdictional cases on a statewide level from the initial preparation of the case through bond hearings, discovery, trial, and sentencing; and
- To coordinate the investigation and prosecution of organized crime networks with a focus on maximum interruption of functions of the organizations at high levels.

In conjunction with these three objectives, the Office has developed seventeen performance measures to be used to

## EXECUTIVE SUMMARY

---

measure the Office's success in prosecuting organized crime.

Although housed within the Department of Legal Affairs, the Office of Statewide Prosecution is a separate budget entity, as defined by Ch. 216, F.S. The Attorney General appoints the Statewide Prosecutor as head of the Office. The Office is organized into five bureaus, each of which has primary responsibility for prosecution within its geographic area. The bureaus are located in Tallahassee, Jacksonville, Orlando, Tampa, and Hollywood. Each bureau except Jacksonville, is headed by a Chief Assistant Statewide Prosecutor. The Jacksonville bureau takes administrative direction from the Statewide Prosecutor. As of July 2, 1992, the Office had a staff of 27, including an executive assistant to the Statewide Prosecutor, 16 staff attorneys and 9 executive secretaries.

The Office of Statewide Prosecution is primarily funded by general revenue. The Office's expenditures for fiscal year 1991-92 were over \$2 million.

---

## Results in Brief

---

The Office has accepted approximately 71% of the cases referred to it, and has investigated and prosecuted cases in accordance with s. 16.56, F.S. The Office has cooperated with state attorneys and state and local law enforcement agencies, and used sworn investigators of the Florida Department of Law Enforcement as authorized by s. 16.56, F.S. The Office obtained convictions in 44 of the 46 cases completed between July 1, 1989, and March 15, 1992.

The Office has established a framework for evaluating its efforts, including establishing performance measures, developing an automated recordkeeping system, and implementing post-case review sessions and



satisfaction surveys. However, several factors may hinder a definitive assessment of the Office's impact in prosecuting organized crime. These factors include problems with developing valid performance measures, and analyzing and interpreting performance data.

---

---

## Findings

---

---

### **Most Cases Are Accepted for Investigation and Prosecution**

The Office has accepted approximately 71% of the cases referred to it, and has investigated and prosecuted cases in accordance with s. 16.56, F.S. For the period of January 1, 1991, through March 15, 1992, the Office was referred a total of 182 cases. Of these 182 cases, the Office accepted 129 cases (71%) and rejected 53 cases (29%). An additional 28 cases (15%) were, after further investigation, closed without prosecution. The Office was actively investigating or prosecuting a total of 121 cases, as of March 15, 1992, including 20 cases that had been referred prior to January 1, 1991.

### **Most Cases Involve Charges Under RICO Act**

Section 16.56(1)(a), F.S., authorizes the Office to investigate and prosecute 16 specific types of crimes that occur in more than one judicial circuit. We found that the Office had made charges against defendants involving 15 of these 16 types of crime. Of the 121 active cases as of March 15, 1992, we found that 51% (62) involved charges made under the RICO (Racketeering Influenced and Corrupt Organizations) Act. Other charges that were frequently made included criminal fraud (44, or 36%), larceny (36, or 30%), and narcotics (30, or 25%). Many cases involved multiple charges. Two other types of cases not included under the RICO Act, sales tax fraud and environmental violations, often occur across jurisdictional boundaries and have been traditionally associated with organized criminal activities; however, the Office has limited authority to prosecute these types of cases.

**Use of Investigation  
Resources Could  
Be Improved**

The Office has cooperated with state attorneys and state and local law enforcement agencies, and used sworn investigators of the Florida Department of Law Enforcement as authorized by s. 16.56, F.S. We found that the Office has worked extensively with the Florida Department of Law Enforcement and with a wide variety of other entities in the referral and investigation of cases.

Although this reliance upon other agencies for investigative support has resulted in the successful prosecution of organized criminal activity, the lack of internal investigative resources may adversely affect the efficiency of Office operations and restrict the Office's ability to prosecute certain cases. This practice can also result in an inefficient use of attorney resources. Because investigator positions are less costly than attorney positions, the Office could potentially reduce costs by transferring some of the work currently performed by attorneys to investigators, such as locating witnesses.

**Most Cases Completed  
Resulted In  
Incarceration  
and Assessed Fines  
and Fees  
Totalled \$10.7 Million**

The Office obtained convictions in 44 of the 46 cases completed between July 1, 1989, and March 15, 1992. The outcomes of these 46 cases included sentences of incarceration in 31 cases, and assessed fines, fees, and forfeitures totalling more than \$10.7 million. Of these 46 cases, the Office achieved convictions in 44 (96%), with 111 defendants in these cases receiving either prison or community supervision (probation and/or community control) sentences. Convictions in nine cases (20%) were obtained through circuit court trials. In 35 cases (76%), all convictions were obtained through pleas. For 2 (4%) of the 46 cases, charges were dropped against all defendants or the defendants died prior to the completion of the prosecution.

---

**The Office Has  
Established  
Performance  
Measures**

Four years after its inception, the Office began in 1991 to establish a framework that will facilitate evaluations of its efficiency and effectiveness. This framework includes establishing objectives and performance measures, developing an automated recordkeeping system, and implementing post-case review sessions and satisfaction surveys. These efforts should provide useful information to review the Office's efficiency and effectiveness. However, a definitive assessment of the Office's impact in prosecuting organized crime is complicated by a variety of obstacles, including problems with developing valid performance measures and analyzing and interpreting performance data.

---

**Recommendations**

---

**Recommendations  
to the Office**

The Office has previously made legislative proposals to expand the Office's authority to investigate and prosecute crimes involving sales tax fraud and environmental violations. To better document the need for this expanded authority, the Statewide Prosecutor should collect information from the Department of Revenue and from environmental agencies regarding the extent of these violations and the need for additional prosecution authority.

Given existing resources, the Statewide Prosecutor should take the necessary steps to convert one or more existing attorney positions to investigative positions to determine whether internal investigative resources would enhance the Office's efficiency. These investigators should be assigned responsibility for coordinating investigative activities with other agencies and performing investigative tasks to supplement the investigative work done by other agencies in developing the case. The Statewide Prosecutor should develop data to evaluate the effect of these positions on the cost and timeliness of cases, and on the number and type of cases

## EXECUTIVE SUMMARY

---

the Office is able to accept. Based upon this data, the Statewide Prosecutor should re-evaluate the level of attorney and investigative resources needed to efficiently manage its workload.

While an assessment of the Office's effect in prosecuting organized crime is complicated by a variety of obstacles, the Office has improved its efforts to review its efficiency and effectiveness. Therefore, the Office should continue to work on developing valid performance measures, and should use information from the new case tracking system to evaluate progress toward achievement of desired outputs, outcomes, and efficiency efforts.

---

---

## Agency Response

---

---

The Statewide Prosecutor agreed with our recommendations and described actions the Office of State Prosecutor is taking to implement them.

## **CHAPTER I**

---

### **Introduction: Purpose and Scope, Methodology**

---

#### **Purpose and Scope**

Performance audits are conducted by the Office of the Auditor General as part of the Legislature's oversight responsibility for public programs. The primary objective of performance audits is to provide information the Legislature can use to improve programs and allocate limited public resources.

The Office of Statewide Prosecution was created to investigate and prosecute certain criminal activities that occur in more than one judicial circuit. The purpose of this audit was to determine the status of program implementation as of March 15, 1992, including the number of cases referred and the outcomes of those cases. We also reviewed the Office's efforts to evaluate its performance, including whether it has developed valid performance measures.

This audit was conducted as part of the Office of the Auditor General's 10-year schedule of performance audits pursuant to Ch. 90-110, Laws of Florida.

#### **Methodology**

This audit was made in accordance with generally accepted government auditing standards and accordingly included appropriate performance auditing and evaluation methods. Audit fieldwork was conducted from March to June 1992. Additional follow-up fieldwork was conducted in August and September 1992.

To gain a general understanding of how the Office operates, we reviewed relevant sections of the Florida Statutes and Florida Administrative Code, as well as the Office's policies and procedures manual. We reviewed documents that contained information about the Office's history. In addition, we interviewed the Statewide Prosecutor and Chief Assistant Statewide Prosecutors.

To determine the Office's caseload as of March 15, 1992, we reviewed data provided to us by the Statewide Prosecutor, including information on the status and types of charges made in each case, and the agencies making case referrals to the Office. We also reviewed information from case files for the period of July 1, 1989, through March 15, 1992, to determine the outcomes of cases the Office had prosecuted during that period.

To determine whether the Office has established a framework to evaluate its efforts to prosecute multi-jurisdictional crime, we reviewed the Office's Agency Functional Plans for fiscal years 1989-90 through 1992-93 and 1991-92 through 1995-96. To identify additional measures that could be used to evaluate the Office's performance, we interviewed the Statewide Prosecutor and Chief Assistant Statewide Prosecutors. In addition, we interviewed individuals who had assisted the Office in investigating cases, including staff of nine state regulatory and investigative agencies, three sheriff's offices, and three police departments. We also interviewed staff of other investigative and prosecutorial entities, such as staff of U.S. Attorney Offices, the U.S. Department of Justice, the Federal Bureau of Investigation, and state attorney offices.

## CHAPTER II

---

### Background: Program Design and Organization

---

#### Program Design

Prior to the creation of the Office of Statewide Prosecution, Florida did not have an official or an entity that was empowered to prosecute on a statewide basis without regard to judicial circuit boundaries. Since many forms of organized criminal activity affect more than one judicial circuit, state attorneys functioning within specific circuit boundaries were limited in efforts to prosecute organized criminal activity. In 1973 the Legislature addressed this problem by establishing the Statewide Grand Jury Act, which provided for a statewide grand jury that could investigate criminal activity that occurred in more than one county. The statewide grand jury system, however, was limited in that indictments returned by the grand jury had to be transferred to a local state attorney's office for prosecution.

In January 1977 a special committee of the Florida Bar recommended the creation of a state office that would investigate and prosecute criminal activity having statewide impact. In the same year, the Legislature established the Office of Prosecution Coordination and the Council for the Prosecution of Organized Crime, which consisted of five state attorneys appointed by the governor, to prosecute indictments returned by the statewide grand jury. In 1985 the Legislature passed legislation that proposed a constitutional amendment to create the Office of Statewide Prosecution within the Department of Legal Affairs, and to assign responsibilities to the Office. Voters approved the constitutional amendment, Article IV, Section 4(c) of the Florida Constitution in November 1986.

Section 16.56(1)(a), F.S., empowers the Office of Statewide Prosecution to investigate and prosecute certain criminal activities that occur or have occurred in more than one judicial circuit. These activities are:

- Bribery, burglary, criminal fraud, criminal usury, extortion, gambling, kidnapping, larceny, murder, prostitution, perjury, and robbery;
- Crimes involving narcotics or other dangerous drugs; and
- Violations of either the Racketeering Influenced and Corrupt Organizations (RICO) Act, the Florida Anti-Fencing Act, or the Florida Antitrust Act of 1980.

Cases can be referred to the Office from a variety of sources, including state and federal regulatory and investigative agencies, state attorney's offices, local law enforcement agencies, and citizens. As shown in Exhibit 1, the Office has established criteria to determine whether referred cases should be investigated further and ultimately prosecuted. If a decision is made to proceed with prosecution of the case, the Office files documents in circuit court which contain charges made against defendants.

#### **Exhibit 1**

##### **Factors the Office Considers in Accepting Cases for Prosecution**

1. The multi-jurisdictional nature of the violation.
2. The seriousness of the violation.
3. Prior attempts to dismantle the organization or to halt the violation.
4. Individual characteristics of the violation.
5. The age of the violation.
6. Potential for Civil RICO action.
7. Potential cost to the state for prosecution.

Source: Office of Statewide Prosecution.



In the Department of Legal Affairs' Agency Functional Plan, 1991-92 through 1995-96, the Office has established three objectives related to its mission to investigate and prosecute multi-jurisdictional crime. These objectives are:

- To facilitate an integrated approach by local, state, and federal law enforcement agencies in the investigation of multi-jurisdictional crime on a statewide level while providing prosecutorial direction and legal advice;
- To prosecute multi-jurisdictional cases on a statewide level from the initial preparation of the case through bond hearings, discovery, trial and sentencing; and
- To coordinate the investigation and prosecution of organized crime networks with a focus on maximum interruption of functions of the organizations at high levels.

In conjunction with these three objectives, the Office has developed seventeen performance measures to be used to measure the Office's success in prosecuting organized crime.

### **Program Organization**

Although housed within the Department of Legal Affairs, the Office of Statewide Prosecution is a separate budget entity, as defined by Ch. 216, F.S. The Attorney General appoints the Statewide Prosecutor as head of the Office. The candidate for this position is chosen from a list of at least three nominees selected by the judicial nominating commission for the Supreme Court. The appointment is for four years, and runs concurrently with the appointing official's term in office. Melanie Ann Hines has served as the Statewide Prosecutor since her appointment on February 28, 1991.

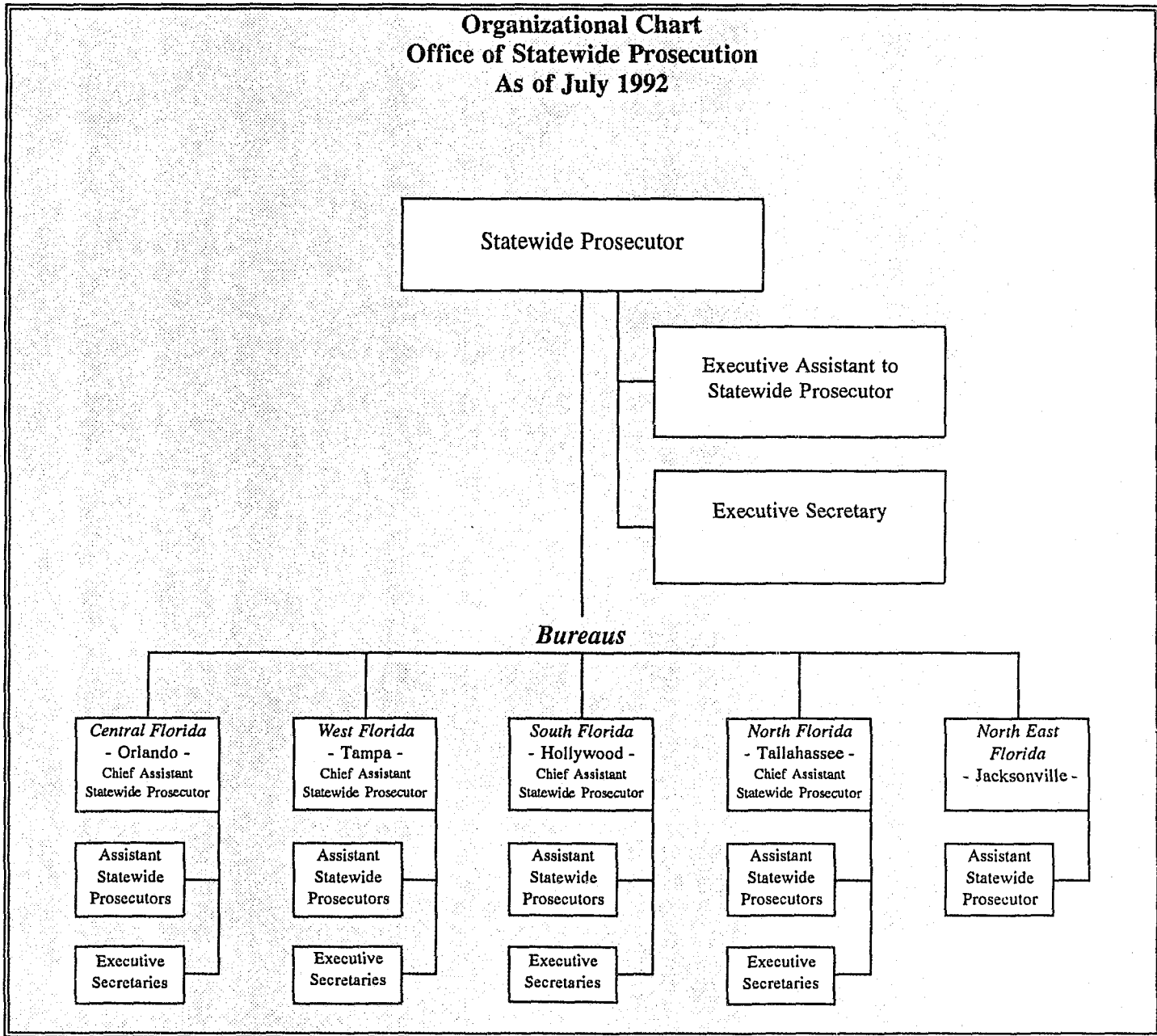
To carry out the Office's mission, s. 16.56(3), F.S., authorizes the Statewide Prosecutor to conduct hearings anywhere in the state, summon and examine witnesses, sign information and indictments, and confer immunity. The Statewide Prosecutor also has authority to request that the court reduce the sentence of a person convicted of drug trafficking who assists the Office in the prosecution of other defendants. In addition, the

Office serves as the legal advisor to the statewide grand jury, and exercises the same powers as granted by law to state attorneys.

The Office is organized into five bureaus, each of which has primary responsibility for prosecution within its geographic area. The bureaus are located in Tallahassee, Jacksonville, Orlando, Tampa, and Hollywood. Each bureau, except Jacksonville, is headed by a Chief Assistant Statewide Prosecutor. The Jacksonville bureau takes administrative direction from the Statewide Prosecutor. As of July 2, 1992, the Office had a staff of 32, including an executive assistant to the Statewide Prosecutor, 21 staff attorneys and 9 executive secretaries. The Office's organizational chart is shown in Exhibit 2, page 7.

Exhibit 2

Organizational Chart  
Office of Statewide Prosecution  
As of July 1992



Source: Office of Statewide Prosecution data.

## Program Resources

The Office of Statewide Prosecution is primarily funded by general revenue. In fiscal year 1991-92 the Office received a federal grant for \$334,236 from the U.S. Justice Department to prosecute narcotics trafficking crimes. The Office's expenditures for fiscal year 1991-92 were over \$2 million. Office expenditures for fiscal years 1989-90 through 1991-92 are presented in Exhibit 3.

### Exhibit 3

<b>Office of Statewide Prosecution Expenditures for Fiscal Years 1989-90 through 1991-92</b>			
<b>Expenditure Category</b>	<b>1989-90</b>	<b>1990-91</b>	<b>1991-92</b>
Salaries and Benefits	\$1,360,862.96	\$1,554,818.28	\$1,638,768.81
Other Personal Services	8,945.25	8,774.00	13,983.98
Expenses	316,127.91	333,300.96	305,897.73
Operating Capital Outlay	16,904.94	2,571.63	3,741.10
Other	251.50	16,807.32	94,504.57
<b>Total Expenditures</b>	<b><u>\$1,703,092.56</u></b>	<b><u>\$1,916,272.19</u></b>	<b><u>\$2,056,896.19</u></b>

Source: SAMAS Reports: Schedule of Allotment Balances by Fund-Level 1 Summary June 30, 1990, June 30, 1991, and June 30, 1992.

## CHAPTER III

---

### Findings and Recommendations

---

#### Section 1

#### Program Status

Section 16.56, F.S., authorizes the Office of Statewide Prosecution to investigate and prosecute selected offenses that occur in two or more judicial circuits as part of a related transaction. The Office is to cooperate with state attorneys and state and local law enforcement officials in efforts against organized crimes. Whenever feasible, the Office shall use sworn investigators of the Florida Department of Law Enforcement to carry out the duties of the Office, and may request assistance of sworn investigators employed by other law enforcement agencies.

To determine the status of program implementation as of March 15, 1992, we asked four questions:

- How many cases had been referred to the Office, and what was the status of those cases?
- What types of cases has the Office prosecuted?
- What other entities has the Office cooperated with in the prosecution of organized crime? and
- How many cases were successfully prosecuted, and what penalties were imposed?

### **Finding 1.1**

**The Office has accepted approximately 71% of the cases referred to it, and has investigated and prosecuted cases in accordance with s. 16.56, F.S. The Office has cooperated with state attorneys and state and local law enforcement agencies, and used sworn investigators of the Florida Department of Law Enforcement as authorized by s. 16.56, F.S. The Office obtained convictions in 44 of the 46 cases completed between July 1, 1989, and March 15, 1992.**

### **How Many Cases Had Been Referred to the Office, and What Was the Status of Those Cases?**

Cases referred to the Office may be either accepted or rejected on the basis of established criteria, including whether the case is multi-jurisdictional and involves the specific types of crimes enumerated in s. 16.56(1)(a), F.S. When a case is rejected, the Statewide Prosecutor provides the referring party with an explanation for the rejection and may recommend that the case be taken to other prosecutorial entities such as state attorneys or federal prosecutors. Cases that are accepted for prosecution preparation may be closed without prosecuting any defendants, or may proceed with a prosecution, either by trial or plea.

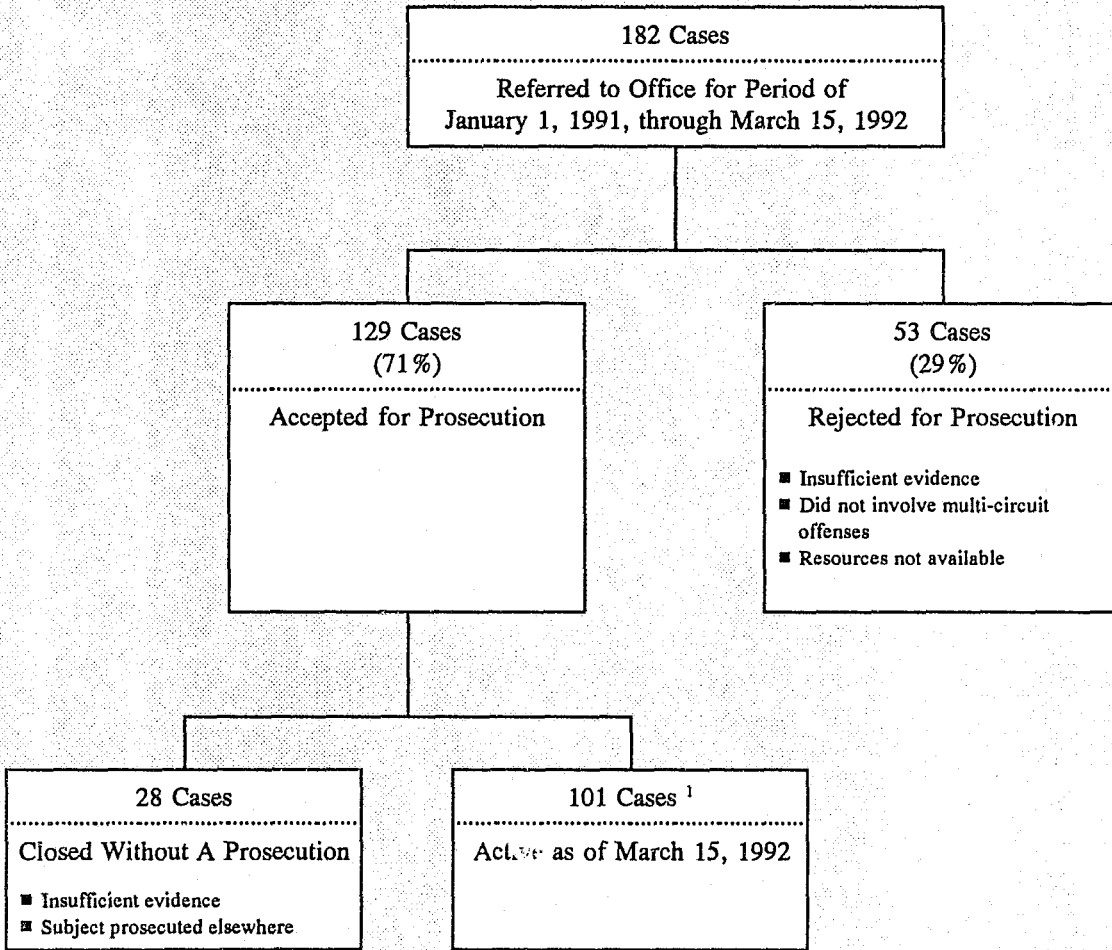
For the period of January 1, 1991, through March 15, 1992, the Office was referred a total of 182 cases.<sup>1</sup> Of these 182 cases, the Office rejected 53 cases (29%). An additional 28 cases (15%) were, after further investigation, closed without prosecution. The remaining 101 cases (56%) were still under active investigation or prosecution as of March 15, 1992. (See Exhibit 4, page 11.)

---

<sup>1</sup> Although the Office of Statewide Prosecution was established in 1987, data on cases referred to the Office prior to January 1991 was not complete. We were able to obtain data on 46 cases for which prosecution was completed between July 1, 1989, and March 15, 1992, and on 20 cases that were still under active investigation as of March 15, 1992.

Exhibit 4

Status of Case Referrals Made to the Office  
for the Period of January 1, 1991, through March 15, 1992



<sup>1</sup> An additional 20 cases referred prior to January 1, 1991, were also under active investigation or prosecution as of March 15, 1992.

Source: Office of Statewide Prosecution data.

**Rejected Cases.** Of the 53 case referrals that the Office rejected, 33 (62%) were rejected at least partly because of insufficient evidence. (More than one reason can be given for rejecting a case.) Other common reasons given by the Office for rejecting cases were that the case did not involve multi-circuit offenses (17, or 32%), or that the Office did not have sufficient internal resources available (17, or 32%).

**Closed Cases.** Cases that are accepted for prosecution preparation may be closed without prosecuting any defendants. The Office closed 28 cases opened since January 1, 1991, without prosecuting any defendants. Of these 28 cases, the Statewide Prosecutor reported that 14 (50%) were closed because of insufficient evidence to proceed, and 7 (25%) were closed because the subject was being prosecuted elsewhere. Other reasons for case closings given by the Statewide Prosecutor included insufficient jurisdictional basis to proceed with prosecution (3 cases), the Office's assistance in the case was no longer required (3 cases), and insufficient investigative resources available (1 case).

**Active Cases.** As of March 15, 1992, the Office was actively investigating or prosecuting a total of 121 cases, including 20 cases referred prior to January 1, 1991. The Office had filed charges in circuit court in 50 cases and was continuing an active investigation in 70 cases. One case had been tried but required additional work after trial and was thus still open.

### **What Types of Cases Has the Office Prosecuted?**

Section 16.56(1)(a), F.S., authorizes the Office to investigate and prosecute 16 specific types of crimes that occur in more than one judicial circuit. We found that the Office had made charges against defendants involving 15 of these 16 types of crime. (See Exhibit 5, page 13.) Of the 121 active cases as of March 15, 1992, we found that 51% (62) involved charges made under the RICO (Racketeering Influenced and Corrupt Organizations) Act. Other charges that were frequently made included criminal fraud (44, or 36%), larceny (36, or 30%), and narcotics (30, or 25%). Many cases involved multiple charges.



### Exhibit 5

#### Types of Charges Made in Cases Active as of March 15, 1992

	Number of Cases N=121 <sup>1</sup>	Percent of Total Cases
1. RICO Act	62	51%
2. Criminal Fraud	44	36%
3. Larceny	36	30%
4. Narcotics	30	25%
5. Murder	7	6%
6. Burglary	6	5%
7. Robbery	5	4%
8. Gambling	4	3%
9. Criminal Usury	3	2%
10. Kidnapping	3	2%
11. Prostitution	3	2%
12. Bribery	2	1%
13. Perjury	2	1%
14. Anti-Trust Act	1	<sup>2</sup>
15. Extortion	1	<sup>2</sup>
16. Anti-Fencing Act <sup>3</sup>	0	

<sup>1</sup> Seventy cases had more than one type of criminal offense charged.

<sup>2</sup> Represents less than one percent of total cases.

<sup>3</sup> The Office has previously prosecuted cases involving the Anti-Fencing Act.

Source: Office of Statewide Prosecution data.

Two other types of cases, sales tax fraud and environmental violations, often occur across jurisdictional boundaries and have been traditionally associated with organized criminal activities; however, the Office has limited authority to prosecute these types of cases. According to the Statewide Prosecutor, the authority to prosecute sales tax fraud and

environmental violations is presently limited to RICO charges involving cigarette tax evasion and to felonies related to hazardous waste disposal.

According to data provided by the Statewide Prosecutor, the Office has rejected five environmental cases and four sales tax fraud cases because the Office lacked jurisdictional basis to proceed. In addition to these rejected cases, other cases may not have been referred to the Office because referring entities understand the Office's limited authority to prosecute such cases. For example, the Florida Game and Fresh Water Fish Commission had established a statewide environmental investigation and enforcement section in October 1989 to investigate environmental violations that may occur across jurisdictional boundaries. However, this section has not referred cases to the Office because of the Office's limited authority to prosecute such cases.<sup>2</sup>

#### **What Other Entities Has the Office Cooperated With in the Prosecution of Organized Crime?**

Section 16.56, F.S., directs the Office to cooperate with state attorneys and state and local law enforcement officials in efforts against organized crimes, and to use sworn investigators of the Florida Department of Law Enforcement, whenever feasible, to carry out the duties of the Office. We found that the Office has worked extensively with the Florida Department of Law Enforcement and with a wide variety of other entities in the referral and investigation of cases. Although this reliance upon other agencies for investigative support has resulted in the successful prosecution of organized criminal activity, the lack of sufficient internal investigative resources may adversely affect the efficiency of Office operations and restrict the Office's ability to prosecute certain cases. This practice can also result in an inefficient use of attorney resources.

---

<sup>2</sup> Game and Fresh Water Fish Commission staff indicated that these cases are referred to either state attorney's offices or federal prosecutorial entities, such as the Environmental Protection Agency, for prosecution.

**Cooperative Efforts.** The Office has cooperated with state attorneys and state and local law enforcement agencies, and has used the Florida Department of Law Enforcement to investigate cases. A number of law enforcement agencies have referred cases to the Office for prosecution. For example, the 121 active cases as of March 15, 1992, were referred to the Office from a total of 31 different sources. State agencies referred 87 cases (72%), including 68 from the Florida Department of Law Enforcement. Other referral sources for active cases included 22 referrals from 15 different local law enforcement agencies, citizens (6 referrals), the federal government (3), state's attorneys (2), and a local environment resource agency (1).

The Statewide Prosecutor has also cooperated with 48 different agencies in the investigation of the 121 active cases, including 16 Sheriffs' Offices, 14 Police Departments, and 10 state agencies. The Florida Department of Law Enforcement is the agency that the Office works with most commonly, being involved in 39 (32%) of the 121 investigations.

The Office has joined two specific multi-agency efforts against organized crime. The Office is one of 12 state agencies on the oversight panel of an effort called the "Integrated Approach to Combat Organized Crime," administered by the Florida Department of Law Enforcement. In its 1991 Annual Report, the Office of Statewide Prosecution reported that it had provided legal advice or prosecutorial assistance in 20 of the 59 active operations approved by that panel.

The Office also entered into an agreement in 1991 with the Florida Department of Law Enforcement to cooperate in an "Organized Crime Narcotics Program." In conjunction with federal agencies, this Program is intended to "select high impact cases and commit significant resources to them."

**The Use of Staff Resources.** Since its establishment in 1987, the Office has relied exclusively on other agencies for investigative services. Because the Office has not been allocated funds to hire its own investigators, the Office's appropriations are used to hire

only attorneys and clerical assistance to handle office operations. In its legislative budget request for 1992-93, the Office requested \$120,000 to fund 4 internal investigative positions (\$30,000 per position including benefits), and \$356,000 to fund 6 additional attorney positions (\$59,000 per position). No additional attorney or investigative positions were funded for 1992-93.

According to data from the Statewide Prosecutor's case tracking system, approximately 74% of the time the Office spends on a case involves the investigation phase. Because the Office does not employ investigators, the coordination of these investigative activities must be handled by attorneys. In that an attorney's salary is generally higher than a state investigator's salary, the Statewide Prosecutor stated that the use of attorney time to coordinate investigative functions is unnecessarily expensive for the Office. In addition, the Statewide Prosecutor indicated that a significant increase in cost efficiency could be achieved if professionally trained investigative analysts or coordinators were available.

Internal investigators could also assist the Office in cases that are currently being "rejected" or "dropped" when the Office does not have sufficient internal resources to investigate and prosecute the case. Of the 182 cases referred between January 1, 1991, and March 15, 1992, 17 were rejected and one case was later closed because of insufficient internal resources being available.<sup>3</sup> If an investigating or referring agency or citizen brings a case to the Office, then the Office must either solicit investigative assistance from a law enforcement agency or reject or drop the case. The Statewide Prosecutor provided us with two specific examples of cases the Office wanted to pursue, but could not, because of the need for additional investigative work. One case involved a psychiatric institute that allegedly committed patients diagnosed as mentally ill and then released them to fraudulently collect insurance benefits. The other case involved a corporation that collected fees to

---

<sup>3</sup> "Insufficient internal resources" can refer to either attorney or investigative resources.

provide worker's compensation coverage to employees, but allegedly did not provide coverage to claimants. <sup>4</sup>

Although the Office of Statewide Prosecution has successfully relied upon the investigation efforts of other agencies to facilitate the prosecution of organized crime, the inclusion of investigators on the Office's staff could enhance the Office's efficiency. Because investigator positions are less costly than attorney positions, the Office could potentially reduce costs by transferring some of the work currently performed by attorneys to investigators, such as locating witnesses.

### **How Many Cases Have Been Successfully Prosecuted and What Penalties Were Imposed?**

Cases prosecuted by the Office have involved a variety of criminal organizations, and crimes affecting Florida citizens. For example, the Office has prosecuted:

- A securities and investment fraud case involving a company that claimed to know the existence, nature, and location of treasure-laden shipwrecks, and allegedly victimized about 650 Floridians of over \$1 million;
- A narcotics trafficking case which involved a marijuana and cocaine distribution network from the Florida Keys to Dade County and resulted in the conviction of 17 defendants;
- Four odometer fraud cases in Marion, Leon, and Orange Counties representing a large odometer fraud conspiracy; and
- A bookmaking and gambling operation in northern Florida.

---

<sup>4</sup> Both of these cases were still under open investigation by the referring agencies as of March 1993, according to the referring agencies. The case involving the psychiatric institute has been referred to the U.S. Attorney for prosecution. The other case has not yet been accepted for prosecution.

To determine the results of the Office's prosecutorial efforts, we reviewed the outcomes of 46 cases prosecuted between July 1, 1989, through March 15, 1992.<sup>5</sup> The outcomes of these 46 cases included sentences of incarceration in 31 cases, and assessed fines, fees, and forfeitures totalling more than \$10.7 million.<sup>6</sup> (See Exhibit 6, page 19.) Of this amount, approximately \$9 million (85%) were in fines that were assessed in 12 of the cases. In addition, defendants in 6 cases were assessed fines, fees, or asset forfeitures for which no dollar value was given. Some of these asset forfeitures included automobiles and office equipment.

---

<sup>5</sup> These 46 cases involved 122 defendants with 1,714 charges made against them.

<sup>6</sup> The Office is not responsible for, nor does it collect, information on the amount of these fines, fees, and forfeitures that are actually received.

### Exhibit 6

#### Fines, Fees and Forfeitures Assessed Against Defendants Prosecuted by the Office for the Period of July 1, 1989, through March 15, 1992

Type of Fine, Fee, or Forfeiture	Number of Cases N=46	Amount
Fine <sup>1</sup>	12	\$9,064,500
Victim Restitution <sup>2</sup>	13	\$824,236
Forfeitures <sup>3</sup>	15	\$551,062
Cost of Investigation/ Prosecution <sup>4</sup>	19	\$267,742
<b>Total</b>		<b>\$10,707,540</b>

<sup>1</sup> Defendants that are found guilty of an offense other than a capital felony may be sentenced to pay a fine in addition to any punishment assigned in s. 775.083, F.S.

<sup>2</sup> In accordance with s. 775.089, F.S., the court shall order the defendant to make restitution for damage or loss caused directly or indirectly by the defendant's offense, unless it finds clear and compelling reasons not to order such restitution.

<sup>3</sup> Civil forfeitures include real property, as defined by s. 895.05, F.S., such as automobiles, bonds, cash, and houses.

<sup>4</sup> As authorized in s. 939.01, F.S., the cost of prosecution, including investigative costs incurred, may be assessed against defendants who are convicted of criminal charges.

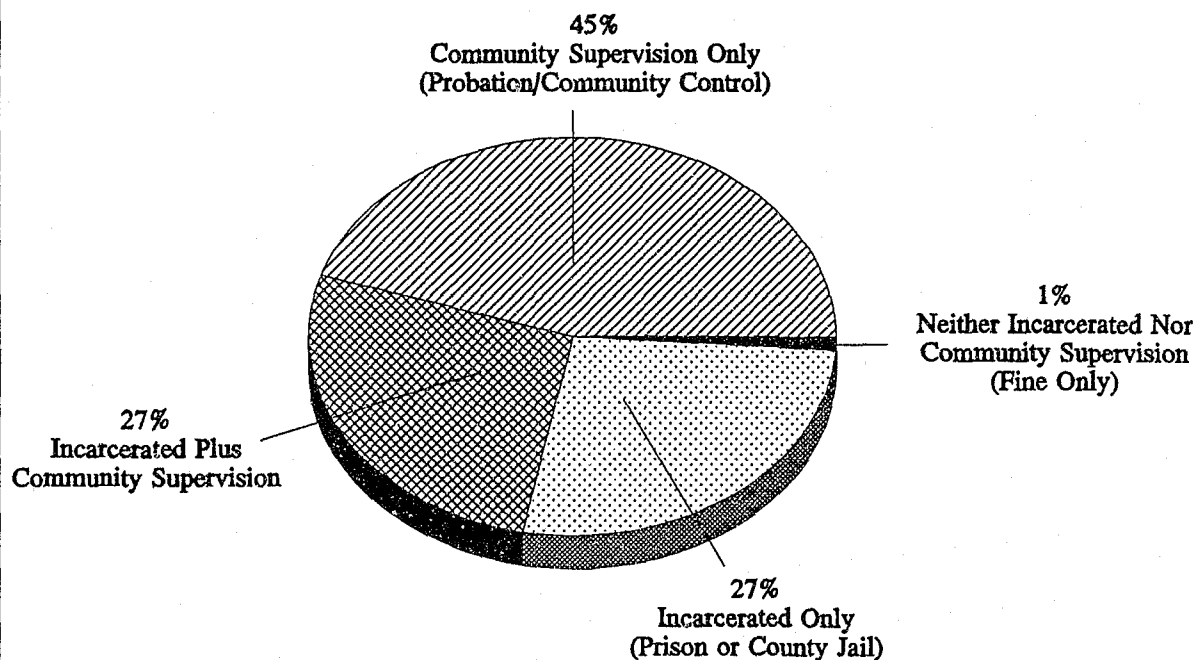
Source: Compiled by Office of Auditor General from information from case files for the period July 1, 1989, through March 15, 1992.

Of these 46 cases, the Office achieved convictions in 44 (96%), with 111 defendants in these cases receiving either prison or community supervision (probation and/or community control) sentences. Convictions in nine cases (20%) were obtained through circuit court trials. In 35 cases (76%), convictions were obtained through pleas. For 2 (4%) of the 46 cases, charges were dropped against all defendants or the defendants died prior to the completion of the prosecution. (See Exhibit 7, page 20.)

### Exhibit 7

#### Sentences Made Against Defendants Convicted in Closed Cases For Period of July 1, 1989, Through March 15, 1992

(N=111 defendants)



Source: Office of Statewide Prosecution data.

### Conclusions and Recommendations

As of March 15, 1992, 56% of the 182 cases referred since January 1, 1991, were still active. The Office had rejected 53 (29%) of the cases, and closed 28 (15%) of the cases after further investigation. The most common reason for rejecting or closing a case was insufficient evidence to proceed with the prosecution.



Although more than one-half of the cases prosecuted by the Office have involved RICO charges, the Office was actively prosecuting crimes falling under 15 of the 16 crime categories listed in s. 16.56, F.S., as of March 15, 1992. The Office does not, however, have sufficient jurisdictional basis to pursue the prosecution of certain environmental and sales tax fraud cases that could be considered organized crimes. The Office has previously made legislative proposals to expand its authority to investigate and prosecute crimes involving sales tax fraud and environmental violations. To better document the need for this expanded authority, we recommend that the Statewide Prosecutor collect information from the Department of Revenue and from environmental agencies regarding the extent of these violations and the need for additional prosecution authority.

Based on our review, we concluded that the Office has cooperated with other agencies in the prosecution of organized crime as required by statute. Although this approach appears to work well in many cases, the Office's efforts may be somewhat limited by the lack of an internal investigative function. The lack of investigative resources may result in the inefficient use of attorney time to coordinate investigations, and may lead to cases being dropped because of insufficient evidence.

Given existing resources, we recommend that the Statewide Prosecutor take the necessary steps to convert one or more existing attorney positions to investigative positions to determine whether internal investigative resources would enhance the Office's efficiency. These investigators should be assigned responsibility for coordinating investigative activities with other agencies and performing investigative tasks to supplement the investigative work done by other agencies in developing the case. The Statewide Prosecutor should develop data to evaluate the effect of these positions on the cost and timeliness of cases, and on the number and type of cases the Office is able to accept. Based upon this data, the Statewide Prosecutor should re-evaluate the level of attorney and investigative resources needed to efficiently manage its workload, and report these results to the Legislature.

The Office completed prosecution on 46 cases between the period July 1, 1989, and March 15, 1992, with one or more defendants receiving a term of incarceration in 31 cases. In the next section we will discuss factors to be considered when using this data to evaluate the performance of the Office of Statewide Prosecution.

## Section 2

### Evaluating Program Performance

#### Background

Chapter 85-179, Laws of Florida, established the Office of Statewide Prosecution, and provided this Office with the authority to investigate and prosecute certain criminal offenses that occur in two or more judicial circuits. By creating a single office that can investigate and prosecute multi-jurisdictional organized crime, the Legislature provided a structure and funding for more effective criminal prosecution.

Officials who manage state programs are responsible for determining whether programs achieve the purposes for which they were authorized and funded. In order to make this determination, agency management must establish goals and objectives and an effective system to evaluate its efforts in achieving intended results. Section 186.003(3), F.S., defines an objective as a specific, measurable, intermediate end that is achievable and marks progress towards a goal. Section 186.022, F.S., requires each agency to develop an Agency Strategic Plan (formerly known as the Agency Functional Plan) that specifies the objectives against which achievement of the agency shall be evaluated. In the Department of Legal Affairs' Agency Functional Plan, 1991-92 through 1995-96, the Office of Statewide Prosecution identified three primary objectives and seventeen performance measures to be used in evaluating its efforts to prosecute crime.

## **Finding 2.1**

**The Office has established a framework for evaluating its efforts, including establishing performance measures, developing an automated recordkeeping system, and implementing post-case review sessions and satisfaction surveys. However, several factors may hinder a definitive assessment of the Office's impact in prosecuting organized crime.**

To assess the Office's efforts to evaluate its performance in prosecuting crime, and to identify measures that could be useful in describing the Office's success, we reviewed the measures established by the Office and data relative to the results of cases it has prosecuted. We interviewed the Statewide Prosecutor and 4 Chief Assistant Statewide Prosecutors, as well as staff members representing 29 federal, state, and local investigative and regulatory agencies who had worked on cases with the Office. In addition, we interviewed the directors or assistant directors of criminal prosecutorial offices in seven other states.

We found that the Office began in 1991 to establish a framework that will facilitate evaluations of its efficiency and effectiveness. This framework includes establishing objectives and performance measures, developing an automated recordkeeping system, and implementing post-case review sessions and satisfaction surveys. While these efforts provide useful information to review the Office's efficiency and effectiveness, several factors may hinder a definitive assessment of the Office's impact in prosecuting organized crime. These factors include problems with developing valid performance measures, and analyzing and interpreting performance data.

### **Framework for Evaluation**

**Performance Measures.** The Office of Statewide Prosecution identified three primary objectives and seventeen performance measures in the Department of Legal Affairs' Agency Functional Plan for fiscal years 1991-96. (See Exhibit 8, page 25.) This represented the Office's first formal attempt to define its objectives, and the criteria by which it should be measured.

## Exhibit 8

### Objectives and Quantitative Performance Measures Established in the Agency Functional Plan, 1991-92 through 1995-96

**Objective 1: To facilitate an integrated approach by local, state, and federal law enforcement agencies in the investigation of multi-jurisdictional crime on a statewide level while providing prosecutorial direction and advice**

Performance Measure	Type of Measure
Number of investigations pending	Output
Number of target defendants	Output
Number of law enforcement agencies involved	Output
Number of law enforcement personnel involved	Output
Number of circuits involved	Output
Number and types of crimes under investigation	Output

**Objective 2: To prosecute multi jurisdictional cases on a statewide level from the initial preparation of charging instruments through bond hearings, discovery, trial, and sentencing**

Performance Measure	Type of Measure
Number of defendants charged by indictment	Output
Number of offenses charged	Output
Nature of offenses charged (specify crimes)	Output
Conviction Rate	Outcome
Sentences (prison time, fines)	Outcome
Asset Seizure and Forfeiture	Outcome

**Objective 3: To coordinate the investigation and prosecution of organized crime networks with a focus on maximum interruption of functions of the organizations at high levels**

Performance Measure	Type of Measure
Number and size of targeted organizations	Output
Geographic scope of organizational activities	Output
Types of crime in which organization is involved	Output
Organizational level of targeted defendants	Output
Conviction rate of targeted defendants	Outcome

Source: Agency Functional Plan, 1991-92 through 1995-96, Office of Statewide Prosecution.

According to a 1990 Governmental Accounting Standards Board publication, there are three primary types of performance measures: output measures, which report what an agency does; outcome measures, which describe the results or effect of the program; and efficiency measures, which identify the cost per unit of output or outcome. Of the 17 performance measures in the Agency Functional Plan, 1991-96, 13 (76%) are output measures, while the remaining 4 (24%) are outcome measures. None of the performance measures contained in the Agency Functional Plan, 1991-96, can be considered to be efficiency measures.

**Automated Recordkeeping System.** In June 1992 the Office implemented an automated case tracking system to provide more detailed information about the cases the Office has prosecuted than had been previously available. Reports generated by the new case tracking system should allow the Office to assure that cases are more effectively coordinated, and allow the Office to track assessments made against convicted defendants, such as fines, fees, and forfeitures. Prior to the implementation of this system, gathering aggregate information about case outcomes or case types required the compilation of information from individual case files.

An additional advantage to the new system is that it will capture efficiency data, including information on the costs involved in prosecuting each case. Such information can be used by Office management staff to allocate limited resources in a more efficient and effective manner.

**Post-case Review Sessions and Satisfaction Surveys.** The Office has also implemented two procedures to collect qualitative information about Office performance. Beginning in December 1991, the Office has used post-case review sessions to solicit opinions from investigative and regulatory agencies about the processes used in investigating and prosecuting each case. To supplement these sessions in which the participating individuals review the case, the Office is developing a satisfaction survey to anonymously

solicit the opinions of staff from other agencies who have assisted with cases. The Statewide Prosecutor said the surveys would be implemented during the 1992-93 fiscal year.

In reviewing documentation for the post-case review sessions held in April 1992, we determined these sessions may provide useful information about the Office's performance. For example, one investigative agency staff member responded that better coordination among all the involved agencies was needed to produce more efficient and effective results. Each agency involved in the investigation needs to be informed as early as possible about the goals and objectives of the investigation and the anticipated resource needs for each agency. This type of qualitative information could assist Office management in modifying its efforts to produce better results.

The post-case review sessions and the satisfaction surveys should provide qualitative information that will balance the numerical information obtained through the automated recordkeeping system. Of the 49 performance measures identified by the individuals we interviewed, 27 (55%) are qualitative, rather than quantitative, measures. For example, the quality of communications among staff of the agencies involved in investigating and prosecuting each case was the performance measure mentioned most frequently by the 45 individuals we interviewed.

### **Obstacles to Measuring the Office's Performance**

Although the Office has taken significant steps to facilitate evaluations of its performance, our review identified four primary obstacles to quantifying the Office's success in prosecuting organized crime:

- There is no consensus regarding the performance measures that should be used to evaluate the Office;
- No other state has a prosecutorial entity which exactly parallels the Office of Statewide Prosecution's mission and organizational structure, precluding a direct comparison of results to similar entities;

- The nature of organized crime makes it difficult to quantify success; and
- Some outcomes are outside the Office's direct control.

**Identifying Valid Performance Measures.** Our review led us to conclude that there is a lack of consensus regarding measures that would be useful in evaluating the Office's success. We asked the directors or assistant directors of criminal prosecutorial offices in 7 other states and staff members representing 29 federal, state, and local investigative and regulatory agencies that had worked on cases with the Office what performance measures could be used to evaluate the Office's efforts. Of the 45 individuals we interviewed, approximately 49 different measures were mentioned.

Despite the wide variation in identifying possible measures, some of the measures included in the Department of Legal Affairs' Agency Functional Plan, 1991-96, were also mentioned more than once. For example, the number of investigations conducted and the conviction rate were each mentioned 7 times, the sentence given to those defendants who are convicted and the organizational level of the targeted defendants were each mentioned 3 times, and the amount of assets seized and forfeited was mentioned 6 times. Each of these measures is potentially useful in evaluating the Office's performance.

The Office identified 17 performance measures in the 1991-96 Agency Functional Plan; however, by August of 1992 the Statewide Prosecutor had concluded that 9 measures (53%) should either be eliminated or modified because they were irrelevant, redundant, or otherwise not good indicators of the Office's performance. For example, she said that one of the measures, the number of law enforcement personnel involved in Office-related investigations, is irrelevant for the purposes of measuring Office performance because the number of law enforcement personnel assigned to a case bears no direct relationship to the results obtained in the case.



**Comparison with Other States.** A common method of evaluating program results is to compare a program's activities and accomplishments with those of similar programs in other states. However, we could not identify programs in other states that closely parallel the Office's mission and organizational structure. Therefore, it is not possible to make a direct comparison of results obtained by the Office to similar entities in other states.

Since a comparison with other prosecutorial entities is not practical, it is difficult to evaluate or draw conclusions about the Office's caseload and conviction rate. For example, during the 1991-92 fiscal year, with 21 staff attorney positions, 105 defendants were charged and 69 defendants were convicted. However, with a lack of parallel entities for comparison purposes, it is difficult to determine whether the Office's caseload or conviction rate can be considered acceptable or unacceptable. Establishing a benchmark of an acceptable caseload or conviction rate, one that could be compared to subsequent measurements would be the recommended course of action. For example, comparing the Office's conviction rate for fiscal year 1991-92 against the Office's performance in fiscal year 1992-93 would provide an indication of the Office's relative performance during each of those fiscal years.

**Inherent Nature of Organized Crime.** Among the difficulties in determining whether efforts to prosecute organized crime are successful is the hidden and fluid nature of organized crime. Because the criminal organization is often carefully hidden and involves multiple activities or individuals, it is difficult to determine whether the organization has been effectively disrupted. Of the 45 individuals we interviewed, 7 (16%) said this problem was a hindrance to efforts measuring the Office's success in prosecuting organized crime. For example, organized crime includes traditional crime organizations, such as the Cosa Nostra, narcotics trafficking efforts, and various forms of gang activity.

Criminal organizations also have the ability to move quickly into activities that appear to be profitable. For example, the Office may be successful in disrupting the

operation of one drug trafficking ring, but another organization may soon replace the one that was disbanded.

The nature of organized crime is such that performance data, like the number of offenders convicted, may not be a good indicator of the Office's success. The Office may successfully prosecute large numbers of low-level criminals who are associated with a criminal organization, while being unsuccessful in efforts to prosecute persons higher in the organization. Therefore, the organizational levels of the persons prosecuted is an important aspect of measuring the success of the Office, although it is difficult to quantify those levels.

**Ultimate Measure of Office's Effectiveness May Depend Upon Factors Outside the Office's Control.** In prosecuting organized crimes, the Office seeks to disrupt and disable criminal organizations. Although other entities, such as State Attorneys' offices, may also prosecute organized crimes, the Office of Statewide Prosecution should be more successful at disrupting those organizations. One way these organizations are disabled is when sanctions involve the incarceration of offenders or the payment of substantial fines, fees, and forfeitures. The administration of these particular sanctions is outside the control of the Office of the Statewide Prosecution.

For example, in fiscal year 1991-92, the office obtained prison and probation sentences against 69 defendants for a total of 618 years, with four defendants receiving life sentences. Due to early release programs, however, the average offender serves only 35% of the sentence imposed in the Department of Corrections.

Similarly, the Office obtained assessments of \$2.8 million in fines, fees, and forfeitures for fiscal year 1991-92. However, Office of the Auditor General Report No. 11780 disclosed that fines and fees are not always collected by the Clerk of the Circuit Court. The reduction of prison sentences by early release or the failure of the court to collect fines or fees could adversely affect the Office's efforts to disrupt and disable criminal organizations.

## **Conclusions and Recommendations**

While an assessment of the Office's effect in prosecuting organized crime is complicated by a variety of obstacles, the Office has improved its efforts to review its efficiency and effectiveness. Therefore, we recommend that the Office continue to work on developing valid performance measures, and that it use information from the new case tracking system to evaluate progress toward achievement of desired outputs, outcomes, and efficiency efforts. This information can also be used to determine the level of attorney and investigative resources needed to efficiently manage its workload.

---

## **Appendix**

---

### **Appendix A**

#### **Response from the Department of Legal Affairs**

In accordance with the provisions of s. 11.45(7)(d), F.S., a list of preliminary and tentative audit findings was submitted to the Statewide Prosecutor of the Department of Legal Affairs for her review and response.

The Statewide Prosecutor's written response is reprinted herein beginning on page 34.



STATE OF FLORIDA  
DEPARTMENT OF LEGAL AFFAIRS

# Office of Statewide Prosecution

Robert A. Butterworth  
Attorney General

Melanie Ann Hines  
Statewide Prosecutor

The Capitol-PL01  
Tallahassee, FL.  
32399-1050  
(904)487-1963

May 13, 1993

Mr. Charles L. Lester  
Auditor General  
State of Florida  
Post Office Box 1735  
Tallahassee, Florida 32302-1735

Dear Mr. Lester:

Thank you for the opportunity to respond to the preliminary and tentative audit findings regarding the performance of the Office of Statewide Prosecution during the period of July 1, 1989 through March 15, 1992.

First, let me say that it was a pleasure working with your staff in this process. Their professionalism is to be commended.

With regard to the specific recommendations contained in the report, I offer the following:

(1) Recommendation: Gather additional data to document the need for expanded prosecution authority in the areas of environmental and tax offenses.

Response: Agreed. The Office is in the final stages of establishing a systematic methodology for data collection on environmental and tax violations, which violations do not routinely fall within the jurisdiction of the Office. A report will be made to the Legislature at the earliest opportunity.

(2) Recommendation: Convert one or more existing attorney positions to investigative positions to determine whether internal investigative resources would enhance the Office's efficiency.

Response: Agreed. Existing and anticipated staffing components and caseloads within each of the Bureaus are being reviewed to assess the feasibility of a pilot project as recommended, and the impact of such a change on the budget and operations of the Office as a whole. The Office will report the results of this analysis, as well as any resulting efficiency data from the project, to the Legislature.

Mr. Charles L. Lester  
Page 2  
May 13, 1993

(3) Recommendation: Continue developing valid performance measures.

Response: Agreed. The Office is continually involved in the process of evaluating its progress toward the achievement of its goals. The program audit ratified this management approach, and suggested refinements of existing efforts. The Office will proceed as recommended. The results of our efforts will be reported in the statutorily required Agency Functional Plan and Annual Report.

Sincerely,



Melanie Ann Hines  
Statewide Prosecutor

MAH:ppd

