

By Senator Lawson

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1                                   A bill to be entitled  
2           An act for the relief of Irving Hoffman and Marjorie  
3           Weiss, parents of Rachel Hoffman, by the City of  
4           Tallahassee; providing for an appropriation to  
5           compensate Irving Hoffman and Marjorie Weiss,  
6           individually and as co-personal representatives of the  
7           Estate of Rachel Hoffman, for the wrongful death of  
8           Rachel Hoffman, which was due to the negligence of the  
9           Tallahassee Police Department; providing a limitation  
10          on the payment of fees and costs; providing an  
11          effective date.

12  
13          WHEREAS, Rachel Hoffman, the only child of Irving Hoffman  
14          and Marjorie Weiss, was born on December 17, 1984, graduated  
15          from Florida State University, and lived in Tallahassee,  
16          Florida, and

17          WHEREAS, on April 17, 2008, the Tallahassee Police  
18          Department conducted a search of Rachel Hoffman's apartment and  
19          found approximately 150 grams of marijuana and six  
20          nonprescription pills, and at that time advised her that she was  
21          facing serious felony charges and prison time or she could "make  
22          all of the charges go away," by serving as a confidential  
23          informant, and

24          WHEREAS, Rachel Hoffman, who was in a drug court  
25          intervention program and represented by counsel, agreed to  
26          become a confidential informant for the Tallahassee Police  
27          Department without advice of counsel because she was told not to  
28          tell anyone, and

29          WHEREAS, the Tallahassee Police Department violated its own

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30 policies and procedures by not advising the state attorney's  
31 office and the drug court of what it had found in Rachel  
32 Hoffman's apartment, and

33 WHEREAS, if the Tallahassee Police Department had advised  
34 the state attorney's office of its findings, Rachel Hoffman  
35 would not have been allowed to participate in the department's  
36 confidential informant program because such participation is a  
37 violation of the terms of the drug court contract, and

38 WHEREAS, according to Dennis Jones, Chief of the  
39 Tallahassee Police Department, and in conformance with the  
40 department's policies and procedures, the supervising case  
41 manager should have terminated the use of Rachel as a  
42 confidential informant because of her lack of maturity and  
43 experience in serving as a confidential informant, and

44 WHEREAS, the supervising case manager for the Tallahassee  
45 Police Department and Rachel Hoffman developed a plan whereby  
46 Rachel Hoffman would purchase 1,500 MDMA pills, also known as  
47 "ecstasy," 2 to 3 ounces of cocaine, and a weapon from Andrea  
48 Green and Daneilo Bradshaw, who were targets of an investigation  
49 and with whom Rachel Hoffman had no previous contact or  
50 dealings, and

51 WHEREAS, the Tallahassee Police Department knew or should  
52 have known that Andrea Green had a history of violence, had been  
53 convicted of violent crimes, and was dangerous, and

54 WHEREAS, the Tallahassee Police Department knew or should  
55 have known that on May 5, 2008, 2 days before the controlled  
56 drug-buy operation, the other target of the investigation,  
57 Daneilo Bradshaw, was listed in a departmental police report as  
58 the prime suspect in the theft of a .25 caliber handgun from the

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59 car of a customer at a car wash where Bradshaw was employed, and

60 WHEREAS, Rachel Hoffman had never purchased cocaine and did  
61 not have a history of dealing in cocaine or MDMA, and had no  
62 experience with firearms and had never purchased a firearm, and

63 WHEREAS, Rachel Hoffman had never acted as a confidential  
64 informant, had never been involved in a controlled drug-buy  
65 operation, and was unfamiliar with the geographical area that  
66 had been designated for this particular transaction, and

67 WHEREAS, Rachel Hoffman was assured by the Tallahassee  
68 Police Department that she would be observed by and in audio  
69 communication with law enforcement officers at all times, and  
70 that when the buy was complete the police would immediately  
71 respond, arrest the targets of the investigation, and rescue her  
72 from danger, and

73 WHEREAS, on May 7, 2008, the Tallahassee Police Department  
74 conducted a briefing with the law enforcement officers assigned  
75 to participate in the operation, but, in violation of the  
76 department's policies and procedures, they were not briefed that  
77 a gun would be present, and

78 WHEREAS, the plan was for the controlled buy to take place  
79 at a designated location at a private home in a large  
80 subdivision off of North Meridian Road, but after the briefing  
81 and just prior to leaving the police station, the location was  
82 changed by Green and Bradshaw to Forestmeadows Park on North  
83 Meridian Road, and

84 WHEREAS, Forestmeadows Park is a popular, highly frequented  
85 public park where families and children congregate and is not a  
86 suitable and safe location to conduct an operation involving a  
87 known violent criminal who was expected to have a loaded firearm

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88 present, and

89 WHEREAS, the Tallahassee Police Department chose to engage  
90 the assistance of the United States Drug Enforcement Agency but  
91 not the Leon County Sheriff's Department, even though sheriff's  
92 department officers are more knowledgeable of the street  
93 locations in that geographical area, and

94 WHEREAS, as Rachel Hoffman approached Forestmeadows Park in  
95 her vehicle at approximately 6:40 p.m. on the evening of May 7,  
96 Green and Bradshaw again changed the meeting location to a  
97 nearby plant nursery parking lot located north of the park on  
98 Meridian Road and outside the city limits, which was permitted  
99 by the supervising case manager and other law enforcement  
100 officers involved in the operation in violation of the  
101 department's policies and procedures, and

102 WHEREAS, after Rachel Hoffman drove past Forestmeadows  
103 Park, the Tallahassee Police Department lost visual sight of her  
104 and the listening device in her car ceased to function, but she  
105 had no way of knowing that none of the law enforcement officers  
106 entrusted with monitoring her safety were watching or listening  
107 to her, and

108 WHEREAS, the targets of the investigation, Green and  
109 Bradshaw, directed Rachel Hoffman via cellular telephone to  
110 another location, Gardner Road, which was north of the plant  
111 nursery and outside the city limits, and

112 WHEREAS, of the 19 law enforcement officers who were  
113 involved in the operation, only one knew where Gardner Road was  
114 located, and

115 WHEREAS, after losing all contact with Rachel Hoffman, the  
116 Tallahassee Police Department negligently failed to timely

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117 intervene on her behalf even though the surveillance team was  
118 only 2 minutes from the Gardner Road location, and

119 WHEREAS, Rachel Hoffman was shot to death by the .25  
120 caliber handgun that she was to have purchased from Green and  
121 Bradshaw, and

122 WHEREAS, by the time law enforcement personnel arrived at  
123 the Gardner Road location, Rachel Hoffman, Andrea Green, and  
124 Daneilo Bradshaw were gone, and the only evidence recorded was  
125 one flip-flop sandal, two live .25 caliber rounds, one spent .25  
126 caliber round, and tire marks, and

127 WHEREAS, hours later Rachel Hoffman's cellular telephone  
128 was found in a ditch miles away from the Gardner Road location,  
129 and

130 WHEREAS, at approximately 2 a.m. on the morning of May 8,  
131 2008, Sgt. Odom of the Tallahassee Police Department called  
132 Marjorie Weiss, the mother of Rachel Hoffman, and Irving  
133 Hoffman, the father, and advised them that their daughter was  
134 missing, but did not provide any further information, and

135 WHEREAS, when Irving Hoffman and Marjorie Weiss arrived  
136 later that afternoon at the Tallahassee police station after  
137 driving from their homes in Pinellas County, they were met by  
138 the Chief of the Tallahassee Police Department and other police  
139 department officials and told that their daughter was missing  
140 but that no other information was available regarding the  
141 circumstances of her disappearance, and

142 WHEREAS, it was not until 2 days later, on May 9, 2008,  
143 that Rachel Hoffman's body was found near Perry, Florida,  
144 approximately 50 miles away, shot multiple times by the gun that  
145 the Tallahassee Police Department had required her to purchase,

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146 and

147 WHEREAS, upon the discovery of Rachel Hoffman's body, the  
148 Chief and Public Information Officer of the Tallahassee Police  
149 Department appeared before the media and blamed Rachel Hoffman  
150 for her death, stating that she had failed to follow  
151 "established protocols," but refused to explain what those  
152 protocols were and did not admit any negligence or wrongdoing on  
153 the part of the department, and

154 WHEREAS, while watching television, Irving Hoffman and  
155 Marjorie Weiss learned for the first time that their daughter  
156 was murdered while serving in an undercover capacity for the  
157 Tallahassee Police Department, and

158 WHEREAS, the Tallahassee Police Department committed  
159 multiple acts of negligence in recruiting Rachel Hoffman as a  
160 confidential informant and in the planning and execution of the  
161 controlled drug-buy operation, and

162 WHEREAS, on August 1, 2008, a Leon County Grand Jury  
163 returned indictments against Andrea Green and Daneilo Bradshaw  
164 for the murder of Rachel Hoffman, and, "[d]uring the course of  
165 [its] review of the facts, it became apparent to [the grand  
166 jury] that negligent conduct on the part of Tallahassee Police  
167 Department and D.E.A. attributed to Ms. Hoffman's death," and

168 WHEREAS, the grand jury found that the transaction  
169 requiring the purchase of 1,500 ecstasy pills, 2 1/2 ounces of  
170 cocaine, and a firearm from individuals with whom she had no  
171 previous contact "placed her in a position way over her head,"  
172 and

173 WHEREAS, the grand jury found that the command staff of the  
174 Tallahassee Police Department was negligent in its supervision,

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175 review, and execution of the planned controlled drug and weapon  
176 buy, and stated that, "letting a young, immature woman get into  
177 a car by herself with \$13,000 to go off and meet two convicted  
178 felons that they knew were bringing at least one firearm with  
179 them was an unconscionable decision that cost Ms. Hoffman her  
180 life," and

181 WHEREAS, the grand jury determined, based on the evidence  
182 and testimony of police officers who participated in the  
183 surveillance operation, that Rachel Hoffman believed that she  
184 was being closely watched, followed, and listened to, and she  
185 remained on the phone with Green and Bradshaw as they directed  
186 her down Gardner Road, and

187 WHEREAS, "[w]hen she finally spoke to a T.P.D. officer on  
188 the phone and told [him] where she was, she was told by the  
189 officer to turn around and not follow the targets. The officer  
190 heard no response and the phone went dead, and by that time it  
191 was too late anyway. With the exception of one officer, nobody  
192 else participating in the [t]ransaction even knew where Gardner  
193 Road was," and

194 WHEREAS, the grand jury determined that "through poor  
195 planning and supervision, and a series of mistakes throughout  
196 the [t]ransaction, T.P.D. handed Ms. Hoffman to Bradshaw and  
197 Green to rob and kill her as they saw fit," and

198 WHEREAS, the grand jury also determined that "[b]ased on  
199 [Rachel Hoffman's] immaturity and poor judgment..., she should  
200 never have been used as a [c]onfidential [i]nformant. But if  
201 [the Tallahassee Police Department was] going to use her, [it]  
202 certainly had a responsibility to protect her as [it] assured  
203 her [it] would," and

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204 WHEREAS, an investigation by the Florida Attorney General  
205 determined that the Tallahassee Police Department had  
206 insufficient policies and procedures and but also committed  
207 numerous violations of its policies and procedures, and

208 WHEREAS, the internal affairs investigation conducted by  
209 the Tallahassee Police Department cited 14 acts of negligence  
210 based on its policies and procedures with respect to the  
211 planning, supervision, and execution of the operation that led  
212 to the murder of Rachel Hoffman, and

213 WHEREAS, the City of Tallahassee reprimanded four law  
214 enforcement officers of the Tallahassee Police Department as a  
215 direct result of the negligent handling of the planning,  
216 supervision, and execution of the operation, and

217 WHEREAS, the City of Tallahassee discharged from its  
218 employment the case manager who was responsible for the planning  
219 and execution of the operation, and

220 WHEREAS, Rachel Hoffman's murder has been a shocking and  
221 devastating loss to her parents, both of whom are in a state of  
222 intense, unresolved grief as a result of the death of their only  
223 child, NOW, THEREFORE,

224

225 Be It Enacted by the Legislature of the State of Florida:

226

227 Section 1. The facts stated in the preamble to this act are  
228 found and declared to be true.

229 Section 2. The City of Tallahassee is authorized and  
230 directed to appropriate from funds of the city not otherwise  
231 appropriated and to draw a warrant in the sum of \$ \_\_\_\_\_,  
232 payable to Irving Hoffman and Marjorie Weiss, individually and



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233 as co-personal representatives of the Estate of Rachel Hoffman,  
234 deceased, as compensation for the death of their daughter,  
235 Rachel Hoffman.

236 Section 3. This award is intended to provide the sole  
237 compensation for all present and future claims arising out of  
238 the factual situation described in this act which resulted in  
239 the death of Rachel Hoffman. The total amount paid for  
240 attorney's fees, lobbying fees, costs, and other similar  
241 expenses relating to this claim may not exceed 25 percent of the  
242 amount awarded under this act.

243 Section 4. This act shall take effect upon becoming a law.