

By Senator Fasano

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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, deceased,
4 individually and as co-personal representatives of the
5 Estate of Rachel Hoffman, by the City of Tallahassee;
6 providing an appropriation to compensate them for the
7 wrongful death of their daughter, Rachel Hoffman, as a
8 result of negligence by employees of the Tallahassee
9 Police Department; providing a limitation on the
10 payment of fees and costs; providing an effective
11 date.

12
13 WHEREAS, Rachel Hoffman was the only child of Irving
14 Hoffman and Margie Weiss, born on December 17, 2004, and

15 WHEREAS, Rachel Hoffman was 23 years old, a recent graduate
16 of Florida State University and was living in Tallahassee,
17 Florida, and

18 WHEREAS, Rachel Hoffman was in a drug court intervention
19 program for possession of less than 1 ounce of marijuana and was
20 represented by counsel, and

21 WHEREAS, on April 17, 2008, the Tallahassee Police
22 Department conducted a search of Rachel Hoffman's apartment and
23 found less than 5 ounces of marijuana and six nonprescribed
24 pills, and at that time advised her that she was facing serious
25 felony charges and prison time or she could "make all of the
26 charges go away," by serving as a confidential informant, and

27 WHEREAS, Rachel Hoffman agreed to become a confidential
28 informant for the Tallahassee Police Department without advice
29 of counsel because she was told not to tell anyone, and

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30 WHEREAS, in spite of its duties as a branch of the court
31 system, the Tallahassee Police Department violated its own
32 policies and procedures and secretly concealed from personnel of
33 the supervising drug court and the office of the state attorney
34 the fact that Rachel Hoffman was not in compliance with orders
35 of the drug court, and

36 WHEREAS, had the Tallahassee Police Department advised the
37 state attorney's office of its findings, Rachel Hoffman would
38 not have been allowed to participate in the Tallahassee Police
39 Department's confidential informant program because such
40 participation would violate the terms of the order of the drug
41 court, and

42 WHEREAS, Rachel Hoffman repeatedly demonstrated a lack of
43 maturity and experience in serving as a confidential informant
44 so that the supervising case manager should have terminated her
45 use as a confidential informant according to the Chief of the
46 Tallahassee Police Department, Dennis Jones, and

47 WHEREAS, the supervising case manager for the Tallahassee
48 Police Department and Rachel Hoffman developed a plan whereby
49 Rachel Hoffman would purchase 1,500 MDMA pills, also known as
50 Ecstasy, 2 to 3 ounces of cocaine, and a weapon from Andrea
51 Green and Daneilo Bradshaw, with whom Rachel Hoffman had no
52 previous contact or dealings, and

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

56 WHEREAS, the Tallahassee Police Department knew or should
57 have known that on May 5, 2008, 2 days prior to the controlled
58 buy-bust transaction, Daneilo Bradshaw was the prime suspect in

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59 the theft of a .25 caliber handgun from the car of a customer at
60 a Tallahassee car wash at which Bradshaw was employed, and

61 WHEREAS, Rachel Hoffman had never purchased cocaine nor did
62 she have a history of dealing in cocaine or MDMA (ecstasy), and

63 WHEREAS, Rachel Hoffman had no experience with a firearm,
64 and

65 WHEREAS, Rachel Hoffman had never been involved as a
66 confidential informant nor had she ever been involved in a
67 controlled buy-bust operation, and

68 WHEREAS, the Tallahassee Police Department provided no
69 training to Rachel Hoffman to prepare her for the buy-bust
70 operation, and

71 WHEREAS, the Tallahassee Police Department failed to
72 conduct a dry run of the area of the operation before it
73 occurred, so Rachel Hoffman was unfamiliar with the geographical
74 area that had been designated for this particular transaction,
75 and

76 WHEREAS, Rachel Hoffman was assured by the Tallahassee
77 Police Department that she would be watched and listened to at
78 all times, and that when the buy was made, the police would
79 immediately respond and arrest the targets and rescue her from
80 danger, and

81 WHEREAS, on May 7, 2008, the Tallahassee Police Department
82 conducted a briefing with the law enforcement officers who would
83 participate in the operation, but they were not briefed that a
84 gun would be present, in violation of policies and procedures of
85 the Tallahassee Police Department, and

86 WHEREAS, the ill-conceived plan provided that a controlled
87 buy would take place at a designated location at a private home

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88 in a large subdivision off North Meridian Road, but after the
89 briefing and just prior to leaving the police station, the
90 location was changed by the targets, Greene and Bradshaw, to
91 Forestmeadows Park, on North Meridian Road, in violation of
92 policies and procedures of the Tallahassee Police Department,
93 and

94 WHEREAS, Forestmeadows Park is a popular, highly frequented
95 public park where families and children congregate and was not a
96 suitable and safe location to conduct a dangerous operation
97 involving a known violent criminal who was expected to be in
98 possession of a loaded firearm, and

99 WHEREAS, the Tallahassee Police Department chose to engage
100 the assistance of the United States Drug Enforcement Agency but
101 not the Leon County Sheriff's Office, who was more familiar with
102 the street locations in that geographical area, and

103 WHEREAS, as Rachel Hoffman approached Forestmeadows Park in
104 her vehicle at approximately 6:40 p.m., the targets again
105 changed the meeting location from the park to a nearby plant
106 nursery parking lot north of the park on Meridian Road and
107 outside the city limits, which was permitted by the supervising
108 case manager and other law enforcement officers involved in the
109 operation in violation of policies and procedures of the
110 Tallahassee Police Department, and

111 WHEREAS, after Rachel Hoffman drove toward Forestmeadows
112 Park, the Tallahassee Police Department lost visual sight of her
113 and the listening device in her car ceased to function, and

114 WHEREAS, Rachel Hoffman had no way of knowing that none of
115 the law enforcement officers she entrusted to monitor her safety
116 were watching or listening to her, and

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117 WHEREAS, the targets, Green and Bradshaw, kept Rachel
118 Hoffman on her cellular phone, directing her to another
119 location, Gardner Road, which was north of the plant nursery and
120 outside the city limits, and

121 WHEREAS, of the 19 law enforcement officers who were
122 involved in the operation, only one knew where Gardner Road was
123 located, and

124 WHEREAS, after completely losing all monitoring
125 capabilities, the Tallahassee Police Department incompetently
126 and negligently failed to timely search and intervene on behalf
127 of its confidential informant even though the surveillance team
128 was only 2 minutes from the Gardner Road location, and

129 WHEREAS, Rachel Hoffman was shot five times to death at
130 close range with the .25 caliber handgun she was to have
131 purchased from Green and Bradshaw, and

132 WHEREAS, the Tallahassee Police Department was so slow to
133 respond that by the time law enforcement personnel arrived at
134 the Gardner Road location, Rachel Hoffman, Andrea Green, and
135 Daneilo Bradshaw were no longer there, and the only recorded
136 evidence were one flip-flop sandal, two live .25 caliber rounds,
137 one spent .25 caliber round, and tire marks, and

138 WHEREAS, hours later, Rachel Hoffman's cellular phone was
139 found in a ditch miles away from the Gardner Road location, and

140 WHEREAS, at approximately 2 a.m. on May 8, 2008, Sgt. Odom
141 of the Tallahassee Police Department called Margie Weiss, the
142 mother of Rachel Hoffman, and Irving Hoffman, the father, and
143 advised them that their daughter was missing, but provided no
144 further information, and

145 WHEREAS, when Irving Hoffman and Margie Weiss arrived later

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146 that afternoon at the Tallahassee police station after driving
147 from their homes in Pinellas County, Florida, they were met by
148 the Chief of the Tallahassee Police Department and other police
149 department officials and told simply that their daughter was
150 missing but that no other information was available about why
151 their daughter was missing, and

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

156 WHEREAS, upon the discovery of Rachel Hoffman's body, the
157 Chief and Public Information Officer of the Tallahassee Police
158 Department appeared before the media and blamed Rachel Hoffman
159 for her death, stating that she had failed to follow
160 "established protocols," but refused to explain what those
161 protocols were and admitted no negligence or wrongdoing on its
162 part, and

163 WHEREAS, it was while watching television that Irving
164 Hoffman and Margie Weiss learned for the first time that their
165 daughter had been missing and was murdered while serving the
166 Tallahassee Police Department in an undercover capacity, and

167 WHEREAS, through an Internal Affairs Investigation, the
168 Tallahassee Police Department has admitted that it committed
169 multiple acts of negligence in the recruitment of Rachel Hoffman
170 as a confidential informant, the planning of the controlled buy,
171 the execution thereof, and the supervision of the plan and
172 execution of the operation, and

173 WHEREAS, on August 1, 2008, a Leon County Grand Jury
174 returned indictments against Andrea Green and Daneilo Bradshaw

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175 for the murder of Rachel Hoffman and issued an ancillary report
176 known as a "Presentment," and found that, "During the course of
177 our review of the facts, it became apparent to that negligent
178 conduct on the part of Tallahassee Department and D.E.A.
179 attributed to Ms. Hoffman's death," and

180 WHEREAS, the Grand Jury found that the transaction
181 requiring the purchase of 1,500 ecstasy pills, 2 1/2 ounces of
182 cocaine, and a firearm from individuals she had never dealt with
183 before placed Rachel Hoffman "in a position way over her head,"
184 and

185 WHEREAS, the Grand Jury found that the command staff of the
186 Tallahassee Police Department were negligent in supervising,
187 reviewing, and executing the planned controlled drug and weapons
188 buy, and stated that "letting a young, immature woman get into a
189 car by herself with \$13,000 to go off and meet two convicted
190 felons that they knew were bringing at least one firearm with
191 them was an unconscionable decision that cost Ms. Hoffman her
192 life," and

193 WHEREAS, the Grand Jury determined, based on the evidence
194 and testimony of police officers who participated in the
195 surveillance operation, that Rachel Hoffman believed that she
196 was being closely watched, followed, and listened to, and she
197 remained on the phone with the targets, Green and Bradshaw, as
198 they directed her down Gardner Road, and that "When she finally
199 spoke to a T.P.D. officer on the phone and told them where she
200 was, she was told by the officer to turn around and not follow
201 the targets. The officer heard no response and the phone went
202 dead, and by that time it was too late anyway. With the
203 exception of one officer, nobody else participating in the

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204 transaction even knew where Gardner Road was," and

205 WHEREAS, the Grand Jury determined "That through poor
206 planning and supervision, and a series of mistakes throughout
207 the transaction, T.P.D. handed Ms. Hoffman to Bradshaw and Green
208 to rob and kill her as they saw fit," and

209 WHEREAS, the Grand Jury determined that based on Rachel
210 Hoffman's immaturity and judgment, she should never have been
211 used as a confidential informant, "but if [T.P.D.] were going to
212 use her, [T.P.D.] certainly had a responsibility to protect her
213 as they assured her they would," and

214 WHEREAS, an investigation by the Florida Attorney General
215 determined that the Tallahassee Police Department had
216 insufficient policies and procedures and had committed numerous
217 violations of its own policies and procedures, and

218 WHEREAS, an internal investigation by the Tallahassee
219 Police Department determined that numerous violations of its
220 policies and procedures had occurred in the planning,
221 supervision, and execution of the operation which led to the
222 murder of Rachel Hoffman, and

223 WHEREAS, the internal investigation conducted by the
224 Tallahassee Police Department cited 14 acts of negligence on the
225 part of the law enforcement officers involved, and

226 WHEREAS, the City of Tallahassee Police Chief, Dennis
227 Jones, stated that the investigator responsible for managing the
228 operation should have terminated Rachel Hoffman's confidential
229 informant service well before she participated in the botched
230 operation, and

231 WHEREAS, if the case managing investigator had exercised
232 reasonable care and followed policies and procedures and

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233 terminated Rachel Hoffman's service as a confidential informant,
234 she would never have been involved in the tragic drug operation
235 of May 7, 2008, and

236 WHEREAS, Rachel Hoffman's murder has been a shocking and
237 devastating loss to her parents, who are in states of intense
238 unresolved grief as a result of the death of their only child,
239 NOW, THEREFORE,

240

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

242

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

245 Section 2. The City of Tallahassee is authorized and
246 directed to appropriate from funds of the city not otherwise
247 encumbered and to draw a warrant in the sum of \$....., payable
248 to Irving Hoffman and Marjorie Weiss, as compensation for
249 injuries and damages sustained due to the murder of their
250 daughter, Rachel Hoffman.

251 Section 3. The amount awarded under this act is intended to
252 provide the sole compensation for all present and future claims
253 arising out of the factual situation described in this act which
254 resulted in the death of Rachel Hoffman. The total amount paid
255 for attorney's fees, lobbying fees, costs, and other similar
256 expenses relating to this claim may not exceed 25 percent of the
257 amount awarded under this act.

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