

*J. L. A.*

IN THE CIRCUIT COURT OF THE SECOND  
JUDICIAL CIRCUIT IN AND FOR LEON  
COUNTY, FLORIDA

GRAND JURY, SPRING TERM, 2008

IN RE: Homicide of Rachel Morningstar Hoffman  
on May 7, 2008 during a controlled drug  
operation being conducted by the  
Tallahassee Police Department

2008 AUG -1 P 2:39  
SOB IN/LEN  
CLERK COUNTY COURT  
LEON COUNTY, FLORIDA

FILED

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA

PRESENTMENT

THIS MATTER came before the Grand Jury for us to review the facts and circumstances of the homicide of Rachel Morningstar Hoffman on May 7, 2008, which occurred during a controlled drug operation being conducted by the Tallahassee Police Department. We have issued Indictments charging Andrea Green and Deneilo Bradshaw with First Degree Murder, Armed Robbery with a Firearm, and Possession of Firearm by a Convicted Felon. During the course of our review of the facts, it became apparent to us that negligent conduct on the part of the Tallahassee Police Department and D.E.A. attributed to Ms. Hoffmans' death. We have reviewed physical evidence and took the testimony of witnesses including

## FACTUAL FINDINGS

1. Rachel Morningstar Hoffman, age 23, was a participant in the Drug Court Program for Possession of More than 20 Grams of Cannabis, when the Tallahassee Police Department executed a search warrant on her apartment on April 17, 2008. Officers seized 5 ounces of cannabis, prescription drugs, paraphernalia and other evidence. At that time Ms. Hoffman advised law enforcement that she was selling between ten to fifteen pounds of cannabis out of her apartment to friends each week. Ms. Hoffman decided to become a confidential informant for the Tallahassee Police Department (hereinafter sometimes referred to as "T.P.D."). On April 18, 2008 Ms. Hoffman met with T.P.D. officers and in exchange for providing substantial assistance, T.P.D. agreed it would not charge Ms. Hoffman for the items seized during the execution of the search warrant. Ms. Hoffman provided information regarding drug dealers in Tallahassee that she believed she could make controlled buys from. Ms. Hoffman thereafter commenced working towards providing substantial assistance. From the first day it was apparent that Ms. Hoffman would have difficulty providing the assistance necessary to fulfill the substantial assistance agreement. In violation of her agreement, she made contact with potential targets and set up transactions without the knowledge of T.P.D. and also disclosed to a target and other acquaintances that she was working as an informant for T.P.D. Although Ms. Hoffman had a well established business of cannabis distribution with her friends, she had no experience with dealing in ecstasy, cocaine or firearms. The transaction that she proposed to complete of purchasing 1,500 ecstasy pills, 2 ½ ounces of cocaine and a firearm in exchange for \$13,000.00 (hereinafter referred to as the "Transaction") from individuals she had never dealt with before, placed in her a position way over her head. This inexperience, coupled with obvious immaturity and a carefree attitude, made it highly unlikely that Ms. Hoffman could successfully complete a transaction of this magnitude.

2. On May 7, 2008 an Operational and Raid Plan (hereinafter referred to as the OPS Plan)

was prepared and reviewed by an investigator, a sergeant, and a captain. Although the lieutenant testified she did not actually review the OPS Plan, she did indicate that the Transaction was discussed with her in detail and she approved it. Thereafter the Deputy Chief and Chief of Police were also advised of the Transaction and based on the information provided to them, they also approved it and the Deputy Chief provided the \$13,000.00 to be given to Ms. Hoffman to use in the transaction. In addition to the supervisors involved, T.P.D. had fifteen officers actually participating in the Transaction, one being a sergeant. Although a lieutenant was monitoring the radio transmissions, she was also tasked with a computer audit at the same time and was somewhat distracted. Further, the lieutenant had only been supervising the unit for less than three months and had no prior experience in the VICE unit. There were also three D.E.A. agents and one officer from the Florida Highway Patrol assisting.

3. Ms. Hoffman was assured by T.P.D. that during the course of the transaction there would be law enforcement officers watching her, monitoring her through surveillance equipment, and communicating with her by telephone. There is no doubt that she was assured that law enforcement would be "all over her" and that she would be safe. Ms. Hoffman was not familiar with the area in which the Transaction was ultimately set to occur and sought reassurance that officers would assist her in making it to the right location.

4. There were numerous problems during the course of the Transaction. The targeted individuals changed the meeting location after the briefing took place and many of the law enforcement officers were not familiar with the area. Ms. Hoffman initially went to the wrong location and had to be re-directed. The audio surveillance equipment failed and there is no way Ms. Hoffman would have known that. The law enforcement officers tasked with the responsibility of visually monitoring Ms. Hoffman, lost site of her. Ms. Hoffman was told to contact the Targets and without the knowledge of law enforcement, the targets redirected her to another location. Because

of the tree cover in the area selected, the airplane supplied by D.E.A. was not able to monitor the Transaction from the air. Ms. Hoffman did not believe she could "pull off" the deal with the targets if an undercover officer accompanied her in her vehicle.

5. Believing that she was being closely watched, followed and listened to, Ms. Hoffman remained on the phone with the targets and followed them down Gardner Road as they directed her to do. When she finally spoke to a T.P.D. officer on the phone and told them where she was, she was told by the officer to turn around and not follow the targets. The officer heard no response and the phone went dead, and by that time it was too late anyway. With the exception of one officer, nobody else participating in the Transaction even knew where Gardner Road was.

6. The D.E.A. officers involved were not permitted by D.E.A. to come before the Grand Jury to testify regarding the role that they each played in the Transaction.

### CONCLUSIONS

We believe the command staff was negligent in its review of the OPS plan and supervision of this Transaction. The OPS plan does not reflect the terms of the deal or location of the Transaction in any way. The amount of drugs listed is wrong and the fact that a firearm was being purchased is never mentioned. With the exception of the sergeant who remained active in making decisions as matters developed during the course of the Transaction, the level of supervision was nonexistent. This transaction was the responsibility of T.P.D. However, it relinquished control to two convicted felons. Letting a young, immature woman get into a car by herself with \$13,000.00, to go off and meet two convicted felons that they knew were bringing at least one firearm with them, was an unconscionable decision that cost Ms. Hoffman her life. There is no doubt that Andrea Green and Deneilo Bradshaw are the ones that brutally murdered Rachel Hoffman. But through poor planning and supervision, and a series of mistakes throughout the Transaction, T.P.D. handed Ms. Hoffman to Bradshaw and Green to rob and kill her as they saw fit. Based on the

immaturity and poor judgment Ms. Hoffman used from the beginning of her relationship with T.P.D., she should never have been used as a Confidential Informant. But if they were going to use her, they certainly had a responsibility to protect her as they assured her they would. Less than fifteen minutes after she drove away from the offices of T.P.D., she drove out of the sight of the officers who assured her they would be right on top of her watching and listening the whole time. She cried out for help as she was shot and killed and nobody was there to hear her.

T.P.D. needs to require that their officers fully learn, understand and follow the procedures it writes. They should be more than pages in a book.

The Leon County Drug Court Program prohibits its participants from using or selling drugs or associating with known criminals. T.P.D. should have immediately notified the Office of the State Attorney of the search warrant that was executed on Ms. Hoffmans home and of its intention to use her as a confidential informant. Drug Court is not a diversion program but is an intense supervision program and is supervised by a Circuit Judge rather than a probation officer.

Confidential Informants should not be used in transactions of this magnitude without a long term working relationship in which they have demonstrated trust, credibility and an understanding of what is required to complete such work in a safe manner. Failure of the Informant to follow instructions on more than one occasion should result in the immediate termination of the C.I. Agreement.

Confidential Informants should not be allowed to make important decisions, such as whether an undercover officer will accompany them during the course of their work.

A Confidential Informant should never be sent alone to purchase a firearm.


T.P.D. should cease working with the D.E.A. unless the D.E.A. will require their officers to provide testimony regarding cases they are involved in. Otherwise, they are of no use to the investigation and actually a hindrance to the legal process.

In violation of the T.P.D. Policy on buy-Bust operations, the T.P.D. allowed the suspects to set the location of the Buy-Bust. This operation violated practically every provision of the policy.

THEREFORE having reached this decision following an independent and thorough review of the evidence presented before us by sworn material witnesses including officers from the Tallahassee Police Department, the Florida Department of Law Enforcement and citizen witnesses, we find that the Tallahassee Police Department should take corrective action immediately to ensure the safety of the citizens of this county including changes in policy and procedures relating to the use of confidential informants, and whatever disciplinary action it deems appropriate with regard to its employees that participated in this case.

RESPECTFULLY SUBMITTED this 1<sup>st</sup> day of August, 2008.

  
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Foreperson

Attest:   
Grand Jury Clerk

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