

REPRESENTING:

CHARLOTTE

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*Stephen B. Russell
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May 21, 2018

Cecil L Pendergrass, Chairman
Lee County Board of County Commissioners, District 2
Dist2@leegov.com

Dear Commissioner Pendergrass,

Sheriff Scott and I are responding to your letter last week requesting that we investigate alleged “slaughter house” operations and certain animal farms in East Lee County. Please be advised of the following information which you, and perhaps other Commissioners and some concerned citizens may not be aware of:

First and foremost, the Sheriff and I are outraged by animal cruelty and, in accordance with our oaths of office, we will vigorously review, investigate, and then prosecute animal cruelty cases where there is legally admissible evidence to support arrest and formal charges for criminal violations of Florida law.

The initial complaint regarding these animal farms in Lee County was brought to our attention in March, 2016 by Animal Recovery Mission (ARM). Both the Lee County Sheriff’s Office (LCSO) and the State Attorney’s Office (SAO) reviewed the initial matter and the SAO concluded there were factual and legal obstacles that prohibited prosecution. Over the course of the next 1-2 years there were additional communications and submissions to the LCSO and then to the SAO with allegations of illegal slaughterhouse operations and animal cruelty, as well as the illegal sale of horsemeat.

During this same time period, various steps were taken by both LCSO and SAO to review, monitor, and investigate these farms based on the accusations and allegations. The steps taken included offering to work with ARM in an undercover capacity to obtain lawful evidence to support their claims. Please review the **2016-18 Lee County Overview Timeline** attached to see some (but not all) of the activities involved.

ARM and its founder/leader, Richard Couto, were offered an opportunity to work undercover with the LCSO in order to try to obtain legally admissible evidence to support their claims. As you will see in the timeline note from 6/13/2017, they declined to do so, refusing to follow the LCSO guidelines reflected in Rachel’s Law. This law was promulgated by the Florida Legislature to avoid the tragedy where Rachel

Hoffman, a recent Florida State University graduate was murdered a few years ago while working with law enforcement without proper guidance and controls in the Tallahassee area. These rules and guidelines are designed to ensure the safety of ALL those involved in undercover activity and to ensure the integrity of the investigation.

By early 2018 the SAO had various communications with ARM representatives outlining the SAO's legal and factual concerns, including issues of surreptitious recordings and purported purchase of horsemeat in violation of Florida law. Binders of materials including recordings were submitted by ARM and some recordings were resubmitted with the audio portion being redacted. The communications with ARM included an in-person meeting at the invitation of the SAO to discuss our concerns. During this time ARM was offered to submit materials directly to the SAO because they expressed concern that the LCSO was not submitting everything.

After careful review and discussion of all the materials submitted by ARM, the SAO's decision regarding these animal farm allegations was announced on April 12, 2018. Please review the attached April 12, 2018 **SAO Press Release** and **Public Record**, and the April 24, 2018 **"Statement of State Attorney Steve Russell on Animal Abuse"**. These are also posted on our website at www.sao.cjis20.org.

The LCSO continues to monitor these farms in conjunction with other enforcement agencies to ensure compliance with Florida law. The SAO has stayed in constant communication with the LCSO in this regard.

For your clarification and understanding, one of the legal issues in these matters was the apparent violation of F.S. Chapter 934 prohibiting surreptitious recording of audio conversations by private citizens outside of a law enforcement directed criminal investigation, where there is an expectation of privacy recognized by the law. While perhaps frustrating to some in the context of these matters, this citizens' right of privacy is rooted in the United States and Florida Constitutions.

The ARM representatives asserted there could be no expectation of privacy because the recordings were made at a business open to the public. Not that simple – a person can certainly go into a pharmacy or bank with a legally recognized expectation of privacy in discussing personal health issues with the pharmacist or private financial matters with their banker, even though it is a business open to the public with some customers in the general area.

Just recently additional information has come to our attention:

In addition to the apparent unlawful recordings, the SAO brought to the attention of ARM that their purchasing horsemeat in Lee County can be a felony in Florida, just as much as someone selling them horsemeat. While giving the ARM representatives the benefit of not having criminal intent in this regard at the time of this meeting, we have recently learned that by their own admission, if reported accurately, Mr. Couto acknowledged in 2014 (reposted in 2017) that he had been previously warned by another police agency of his possibly committing a felony. **See attached 2014 Palm Beach Post Article, page 8.**

The Hillsborough County Sheriff's Office had the same experience back in 2011-12 with Mr. Couto and ARM as Lee County has had recently. It now appears that ARM's playing on concerned citizens emotions by filing complaints without proper and legal authentication or evidentiary support, showing gruesome videos to create blinded public emotional reaction, skirting and ignoring legal guidelines, making no good faith effort to work with law enforcement to maintain the integrity of an investigation is their normal scenario. **See the attached Hillsborough County Sheriff's Office Timeline – Conclusion of Horse Slaughter Investigation.**

Of particular note: Mr. Couto started the investigation with similar allegations in Hillsborough; a long, intensive investigation followed; and an offer to work undercover with Hillsborough S.O. was stonewalled by Mr. Couto. All of this resulted in the conclusion a year and a half later that:

“A consensus was reached that horse slaughter allegations in Hillsborough County proved to be inaccurate and unfounded along with the illegal slaughter of other animals.”

Hillsborough County contacted the Miami Dade PD Agricultural Crimes unit as noted in the following entry in their report attached:

July 25, 2012 – Miami Dade PD Agricultural Crimes contacted. MDPD stated Couto sensationalizes reports of animal abuse and horse slaughter to get himself on the news for publicity purposes. Stated most if not all of the “investigations” he claims to have done in Miami were actually MDPD investigation, and he came in after the fact and took pictures and video and posted them on his website as his own investigations. The MDPD official stated that in many cases, the pictures and video were scenes where an animal died of natural causes or unknown means, and he represented them as cases of abuse or slaughter or ritual killings with NO substantiating evidence.

An investigation of ARM’s claim of illegal horse slaughter in Palm Beach County apparently ended with the same result as in Hillsborough County before and in Lee County recently. While resulting in some lesser charges in 2015, ARM’s main accusations and allegations were rebuked by the Palm Beach Assistant State Attorney handling the case, as and if accurately reported by the Palm Beach Post. **See the attached 2015-11 PBP Article ARM – ASA Comments.**

The article begins:

Despite claims by a Miami animal rights group that horses were being illegally slaughtered on these three farms in Loxahatchee, no evidence was found to back up these claims, a Palm Beach Assistant State Attorney said. ...

“There’s absolutely not a single video, not any single piece of evidence that horse slaughter occurred on any of these farms,” she said. [the Assistant State Attorney] was referring to videos provided by members of the group, Animal Recovery Mission, that prompted an investigation – and public uproar – last month.

Mr. Couto, ARM’s Leader/founder does not shy away from publicity as you can see in the 2014 Palm Beach Post article attached and referenced earlier. A person truly interested in effective undercover investigation does not seek publicizing their identity and methods of operation. On the other hand, the benefits of working with law enforcement include being able to surreptitiously tape bad acts regardless of expectation of privacy, maintaining the integrity of the investigation, ensuring safety and increasing the likelihood of obtaining legally admissible evidence to support successful prosecution.

More recently in November of 2017, ARM and Mr. Couto’s distaste for cooperating with law enforcement and presumption of corruption by officials was demonstrated in a Palm Beach TV report aired and online story regarding ARM’s activities in Okeechobee County. **See the attached link and copy of WPTV Newschannel’s story of November 10, 2017 – “An inside look at Animal Recovery Mission Investigations.”**

Again in the linked *aired* WPTV story, Mr. Couto promotes himself and ARM on TV while professing the importance of secrecy for his undercover activities. Toward the end of the aired story, he also presumes the local Sheriff would be corrupt in tipping off friends, exhibiting a predisposed bias. Of course, there are other law enforcement agencies to go to if that were really the case.

In the written *online* version of the WPTV story, Mr. Couto is “asked to respond to critics who say they operate as vigilantes.” Couto, ARM’s leader, is quoted as saying:

“We have to conduct investigations without enforcement help, and that’s to stay away from entrapment laws. So prosecutors love the way we work.”

“Entrapment laws,” which Mr. Couto thinks he can skirt or ignore, are designed to keep otherwise innocent people from being coerced or “entrapped” into committing crimes that they wouldn’t otherwise commit. In fact, the SAO raised legal entrapment issues in the Lee County cases. Once again ARM and Couto have demonstrated, as with illegal recordings and illegal purchase of horsemeat, that they think they are above the law. Apparently, they feel they can pick and choose which laws to follow – “the end justifies the means,” contrary to basic principles of justice in America. NO ethical law enforcement officer or prosecutor would condone that attitude or conduct.

It is unfortunate that there are those who would pray on the sensitivities and emotions of some of our citizens’ good faith concerns for animal rights. While sharing their concern for protecting animals from abuse, our oaths require we not be blinded by the emotions naturally evoked from the gruesome to the exclusion of following the law. It is likewise shameful that some might manipulate people for political gain.

The law enforcement and prosecution decisions made in this case were made based on the information and materials submitted by ARM and the adherence to the rule of law. Nevertheless, law enforcement remains committed to monitor the referenced farms as well as other areas, as information may dictate. In closing we remain committed to vigorously investigate and prosecute animal cruelty cases, which we have always done and are doing currently.

I hope this helps you in understanding the actions we have taken to address the animal farm allegations initiated and perpetuated by ARM and others. Please feel free to share this information with others. Thank you for your continued fine service on behalf of the citizens of Lee County.

Sincerely,



Steve Russell
State Attorney
20th Judicial Circuit



Mike Scott
Lee County Sheriff