



Carlos Alvarez, Mayor

County Executive Office
County Manager
111 NW 1st Street • Suite 2910
Miami, Florida 33128-1994
T 305-375-5311 F 305-375-1262

miamidade.gov

September 20, 2010

Honorable Stephen P. Murray, Councilman
Coconut Grove Village Council
3051 Elizabeth Street
Coconut Grove, Florida 33133

Dear Councilman Murray:

I am in receipt of your letter dated July 29, 2010 regarding two incidents which occurred at a Miami-Dade Transit (MDT) Metrorail station where Carlos Miller and Charles Ledford were prevented from taking photographs. During the second incident, you specifically stated that Mr. Miller's camera was confiscated by the Miami-Dade Police Department (MDPD).

I requested that the Directors of MDT and MDPD investigate these incidents. James Loftus, Director, MDPD, also noted in an August 11, 2010 letter addressed to you that this matter was being investigated by the MDPD Professional Compliance Bureau.

In response to the specific allegation of the taking of Mr. Miller's camera, I have been informed that the camera that was taken by contracted security officers, and was returned by the MDPD at the time of the incident. MDPD has determined that the actions of the police officers involved did not violate any laws, departmental policy, rule or procedures. This incident has been documented for informational purposes only in the attached Contact Report #2010-243.

MDT met with the security contractor and stressed the right of the public to photograph in the common areas of its public facilities. To that end, all contracted security officers have been retrained on the appropriate manner in which to enforce Miami-Dade County Code of Ordinances, Part III, Chapter 30B -5, governing photography on the transit system, and a copy of the aforementioned code has been placed at all MDT Metrorail security kiosks.

Thank you for bringing this matter to my attention. Should you require further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "George M. Burgess". The signature is stylized and includes a long horizontal flourish extending to the right.

George M. Burgess
County Manager

Attachment

c: Honorable Carlos Alvarez, Mayor
Honorable Carlos A. Gimenez, Miami-Dade County Commissioner, District 7
Ysela Llort, Assistant County Manager
Alina Tejeda Hudak, Assistant County Manager
Harpal S. Kapoor, Director, Miami-Dade Transit
James K. Loftus, Director, Miami-Dade Police Department
Bruce Libhaber, Assistant County Attorney
Alexander Bokor, Assistant County Attorney

Miami-Dade Police Department
Professional Compliance Bureau

August 16, 2010

Contact Report

CR-2010-243

Incident Information:

Case Number: CR-2010-243 **Date:** 06/30/2010
Complaint Date: 08/02/2010 **Time:** 2:00 PM
Complaint Time: 8:00 AM **Location:** 3100 Southwest 37 Avenue, Miami, Florida
Allegation: Information
Received By: Sergeant Jorge Cameron

Complainant Information:

Type: Civilian **SSN:** **Race:** White
Complainant: Charles Ledford **DOB:** 03/04/1963 **Gender:** Male
Address: 701 N 27 Street, **Age:** 47
City: Richmond **State:** MD **ZIP:** 23223
Home Phone: (888) 320-4002 **Arrested:** No PD100630275009
Other Phone: (804) 643-6747 **Incarcerated:** No

Guardian Information:

Guardian: **Phone:**
Address:

Employee Involved:

Type: Sworn
Employee: Juan Bustamante # U30-5362 **Division:** Special Services
DOB: **Dist./Bur:** Homeland Security Bureau
Race: Hispanic **Gender:** Male **Assignment:** Detective

Employee Involved:

Type: Sworn
Employee: Rose Gilliam # U30-2346 **Division:** Uniform Services
DOB: **Dist./Bur:** Police Operations Bureau
Race: Black **Gender:** Female **Assignment:** Uniform Patrol

Initials: Lieutenant: *[Signature]* Captain: *[Signature]* Major: *[Signature]* To File:

Contact Report

CR-2010-243

Employee Involved:

Type: Sworn
Employee: Sergio Ruesga # U30-1206
DOB:
Race: White **Gender:** Male
Division: Uniform Services
Dist./Bur: Police Operations Bureau
Assignment: Uniform Patrol

Complainant Information:

Type: Civilian
Complainant: Carlos Miller
Address: 3232 Coral Way, #1107
City: Miami **State:** FL **ZIP:** 33145
Home Phone: (305) 431-8300
Other Phone:
SSN:
DOB: 09/13/1968 **Race:** White
Age: 41 **Gender:** Male
Arrested: No PD100630275009
Incarcerated: No

Guardian Information:

Guardian:
Address:
Phone:

Employee Involved:

Type: Sworn
Employee: Juan Bustamante # U30-5362
DOB:
Race: Hispanic **Gender:** Male
Division: Special Services
Dist./Bur: Homeland Security Bureau
Assignment: Detective

Employee Involved:

Type: Sworn
Employee: Rose Gilliam # U30-2346
DOB:
Race: Black **Gender:** Female
Division: Uniform Services
Dist./Bur: Police Operations Bureau
Assignment: Uniform Patrol

Employee Involved:

Type: Sworn
Employee: Sergio Ruesga # U30-1206
DOB:
Race: White **Gender:** Male
Division: Uniform Services
Dist./Bur: Police Operations Bureau
Assignment: Uniform Patrol

Contact Report

CR-2010-243

PCB Information**IA Lieutenant:** Lieutenant Daniel Borrego**Approved Date:** 08/16/2010**PCB Action:** Traced to District/Bureau**District Supv:** Thomas Knigge U30-3216**Contact Report Sent:****Rank:** Major**Communication Tape:** No**Synopsis**

On Monday, August 2, 2010, at 8:00 a.m., Miami-Dade Police Department (MDPD) Professional Compliance Bureau (PCB) Sergeant Jorge Cameron received an Electronic Mail (E-Mail) with the attached letters of Coconut Grove Village Council Stephen Murray and National Press Photographers Association (NPPA) General Counsel Mickey Osterreicher. Mr. Murray and Mr. Osterreicher stated that Mr. Carlos Miller and Mr. Charles Ledford had been involved in an incident on Thursday, July 1, 2010, and Thursday, July 29, 2010, with unknown MDPD officers and had videotaped the incident. Mr. Murray and Mr. Osterreicher stated that they had concerns about what they had learned about the incident. For additional information, refer to Mr. Stephen Murray and Mr. Mickey Osterreicher's e-mail and letters.

Investigator's Note: This investigator verified via the MDPD Communications Bureau that the incident occurred on June 30, 2010, and was documented under MDPD Case number PD100630275009, by Officers Gilliam and Bustamante. This investigator confirmed that no incidents involving Mr. Miller at the Douglas Road Metrorail were reported to the MDPD Communications Bureau on Thursday, July 29, 2010. The only call that an MDPD officer responded to was related to a Domestic Battery.

On Monday, August 2, 2010, at 11:40 a.m., this investigator spoke telephonically, 716-983-7800, with Mr. Osterreicher. Mr. Osterreicher advised that he is an attorney; however, he does not represent Mr. Miller or Mr. Ledford. Mr. Osterreicher stated that he became aware of the incident after he was contacted by Mr. Miller and Mr. Ledford and observed the incident via their video blog.

Investigator's Note: Mr. Osterreicher provided this investigator with Mr. Miller and Mr. Ledford's e-mail addresses.

On Tuesday, August 3, 2010, this investigator was forwarded a letter that was sent to Mr. Murray from Miami-Dade Transit (MDT) Director Harpal Kapoor. The letter was an initial response to the concerns brought forward by Mr. Murray and how the MDT was following-up this matter.

On Friday, August 6, 2010, at 10:15 a.m., this investigator spoke telephonically with Mr. Ledford. Mr. Ledford stated that the only incident that he was present for was at the Douglas Road Metrorail Station, located at 3100 Southwest 37 Avenue, Miami, Florida, on Wednesday, June 30, 2010. Mr. Ledford advised that he was aware of only three MDPD officers that responded that date. Mr. Ledford did not know the officers names; however, he gave a brief description of each officer.

Investigator's Note: This investigator reviewed Mr. Miller and Mr. Ledford's video blog, <http://www.youtube.com/watch?v=n5Z2SwYvKcE>, of the incident. The video identified three MDPD officers, Police Operations Bureau Officer Rose Gilliam, Badge #2346, Police Operations Bureau Officer Sergio Ruesega, Badge #1208, and Homeland Security Bureau Officer Juan Bustamante, Badge #5362. Mr. Ledford's description of the MDPD officers matched that of the above listed MDPD officers.

Mr. Ledford advised that he had no issues with the way Officers Gilliam and Ruesega conducted themselves that day. Mr. Ledford advised that he had two issues with Officer Bustamante. Mr. Ledford advised that he did not appreciate that Officer Bustamante banned him for life from utilizing the Metrorail system and that Officer

Contact Report

CR-2010-243

Bustamante refused to provide his name and badge number

Investigator's Note: This investigator informed Mr. Ledford that officers from the MDPD cannot force an owner or representative of an establishment to allow someone onto their property if they do not want that person there. This investigator advised Mr. Ledford that this is a civil matter and the police would only intercede to keep the peace. Mr. Ledford advised that he understood. This investigator informed Mr. Ledford that his concerns over Officer Bustamante not providing his name and badge number would be looked into. Mr. Ledford stated that he would also like that all the officers to be informed that unless someone is filming for commercial purposes, anyone can photograph or videotape the Metrorail system at any time.

On August 8, 2010, at 11:24 a.m., this investigator received an e-mail from Mr. Ledford. Mr. Ledford advised that he reviewed the video and learned that Officer Bustamante did give his name, however, he was unable to decipher Officer Bustamante's badge number. Mr. Ledford stated that at the end of the video, he requested Officer Bustamante's name and badge number again and Officer Bustamante refused to give it to him. Mr. Ledford advised that during his conversation with Officer Bustamante, Officer Bustamante put words in his mouth to implicate Mr. Ledford in an illegal activity and blatantly lied to twist the facts so that Mr. Ledford would be banned from the Metrorail.

Investigator's Note: Upon further review of the video the following was observed at the listed video times:

- 1) At 5:04, Officer Bustamante stated that Mr. Ledford and Mr. Miller had informed him that they were filming for commercial purposes; however, at 5:11, Officer Bustamante corrected himself by informing Mr. Ledford and Mr. Miller that he was informed by other officers that Mr. Ledford and Mr. Miller were filming commercially.
- 2) At 5:28, Officer Bustamante is requested by Mr. Ledford to provide his units name, Officer Bustamante's name and badge number. The video shows that Officer Bustamante did provide the correct information requested.
- 3) At 5:41, 50 State Security Captain Elliot Gelber banned Mr. Miller and Mr. Ledford from ever getting onto the Metrorail again and not Officer Bustamante. The video shows Officer Bustamante informing Mr. Miller in the presence of Mr. Ledford that this decision was not being made by him or the MDPD, but by 50 State Security.
- 4) This investigator could not find the section of the video where Mr. Ledford requested Officer Bustamante's name and badge number a second time.

On Monday, August 9, 2010, at 7:51 p.m., this investigator received an e-mail from Mr. Carlos Miller. Mr. Miller advised that the only issue he had with the MDPD officers on the scene is that they were not aware of the law. Mr. Miller provided the following examples:

- 1) Mr. Miller stated that Officer Gilliam informed him that he had violated the law, because he had videotaped the Metrorail.
- 2) Mr. Miller advised that Officer Bustamante informed him that he and Mr. Ledford would be arrested if they continued to photograph the Metrorail without a permit even after Mr. Miller and Mr. Ledford informed Officer Bustamante that they were not filming for commercial purposes.

Investigator's Note: Mr. Miller closed his email by stating that he did not contact the MDPD PCB and did not know if the issues that he raised were a matter for the PCB. Mr. Miller advised that he only wanted better training procedures regarding the photography of the public infrastructure. Mr. Miller's e-mail did not indicate that he had any other issue with any other MDPD employee.

Investigator's Note: Officer Bustamante has not been previously reported as a subject officer under the MDPD Contact Report System.

Contact Report

CR-2010-243

Based on the aforementioned facts, it can be determined that the officers involved in Mr. Ledford and Mr. Miller's incident did not violate any State Statute or Departmental Policy. Therefore, no further investigation is warranted by the PCB at this time. This Contact Report was forwarded to the MDPD Police Operations Bureau and the MDPD Homeland Security Bureau for informational purposes only.

Attachments:

1. Letter authored by Mr. Stephen Murray, dated Thursday, July 29, 2010.
2. Letter authored by Mr. Carlos Miller, dated Thursday, July 1, 2010.
3. Two letters authored by Mr. Mickey Osterreicher, dated Thursday, July 1, 2010.
4. Letter authored by Mr. Mickey Osterreicher, dated Friday, July 2, 2010.
5. Letter authored by Mr. Harpal Kapoor.
6. E-Mail authored by Mr. Charles Ledford, dated Friday, August 6, 2010.
7. E-Mail authored by Mr. Carlos miller, dated Monday, August 9, 2010.
8. MDPD letter sent to Mr. Stephen Murray, dated Wednesday, August 11, 2010.
9. MDPD Offense-Incident Report authored by MDPD Police Operations Bureau. Officer Rose Gilliam and written under Case Number PD100630275009.
10. MDPD Narrative Continuation Report authored by Homeland Security Bureau. Officer Juan Bustamante and written under Case Number PD100630275009.
11. MDPD Subject Employee History