

**Stephen P. Murray**  
**3051 Elizabeth St.**  
**Coconut Grove, FL 33133**

Mayor Carlos Alvarez  
Stephen P. Clark Center  
111 N.W. 1st Street, 29th Floor  
Miami, Florida 33128

Commissioner Carlos Gimenez  
Stephen P. Clark Center  
111 N.W. 1st Street, Suite 220  
Miami, Florida 33128

County Manager George Burgess  
Stephen P. Clark Center  
111 N.W. 1st Street, Suite 2910  
Miami, Florida 33128

July 29<sup>th</sup>, 2010

Honorable Mayor, Commissioner Gimenez, and County Manager,

I'm writing today in reference to two incidents that have occurred at the Coconut Grove 27<sup>th</sup> Ave Metrorail station in the last month. Carlos Miller, a nationally known photojournalist and First Amendment activist, was filming at the Metrorail station on July 1<sup>st</sup>, 2010 and July 29<sup>th</sup>, 2010 and both times was harassed by uniformed guards from 50 State Security (contracted by Miami-Dade Transit).

In the first incident, Mr. Miller and Stretch Ledford (a Graduate Student at the University of Miami) were told that he had been "banned for life" after he had merely asserted his First Amendment right to film public spaces for non-commercial activities without a permit. In addition to the rude and aggressive behavior by private security, a sworn officer with the Miami-Dade County Police Department also joined in, proudly displaying his ignorance of the law in question.

The second incident, which occurred today, was far more severe. Mr. Miller's camera, which is his private property, was confiscated even though he had not been formally charged with a crime. Mr. Miller was also allegedly assaulted by an employee of 50 State Security.

The actions taken by 50 State Security and the Miami-Dade Police Department are unacceptable. Therefore, I am requesting the following:

1. A complete and thorough internal investigation by Miami-Dade Transit and the Internal Affairs Division of the Miami-Dade Police Department of both incidents.

2. A review of policies and procedures followed by private security contractors in Miami-Dade County with regards to the handling of photographers. Language should be added to Miami-Dade County Ordinance Sec. 2-11.14 (2) explicitly stating that photography for non-commercial activities is legal and protected under the First Amendment of the United States Constitution.
3. Mandatory training for all employees of 50 State Security who were involved in the incidents.
4. Disciplinary action and/or removal of the employee who allegedly assaulted Mr. Miller.

I have attached Mr. Miller's account of the first incident to this letter. I look forward to swift and decisive action by Miami-Dade County to rectify this situation for Mr. Miller and ensure his and others' safety in the future.

Best Regards,

A handwritten signature in black ink, appearing to read 'S.P. Murray', with a long horizontal flourish extending to the right.

Stephen Murray  
Coconut Grove Village Council

CC:  
Sam Terilli, University of Miami

# **We were permanently banned from the Miami-Dade Metrorail for taking photos**

July 1st, 2010 ·

**By Carlos Miller**

We had planned to ride the Metrorail through three stations to see if anybody would try to stop us from taking pictures of the trains.

We didn't even make it inside the first station.

By the time it was over, three hours after a security guard told us it was against the law to take pictures in the parking lot of the Douglas Road Metro Station in Miami, a 50 State Security Captain had banned us for life from ever setting foot on the Metrorail again.

All because of those photos we took in the parking lot.

Clearly, somebody is going to learn a lesson in all this. And it's not going to be us.

I was with Stretch Ledford, a veteran photojournalist who is currently pursuing a Masters of Arts degree in Multimedia Journalism at the University of Miami School of Communication.

Check out his version of the story here.

I first heard of Ledford when I saw his video of Overtown after it was posted on the South Florida Daily Blog a few months back. I was impressed with the video and knew I would like the guy.

I met him shortly after when I spoke in front of his social media for journalists class at the University of Miami. I complimented him on his videos. He complimented me on my blog.

Ledford has worked in 50 countries on five continents. He has experienced countries where the government actually doesn't allow photography of public buildings. So it irks him when he is denied that right in the United States.

When he decided to work on a project about photographers not being allowed to take pictures on the Metrorail for his media law class, he asked if I would like to work with him on it.

He didn't have to ask twice.

Ledford had done his homework on this project, having interviewed Miami-Dade Transit head of security Eric J. Muntan who informed him that people had the right to take

pictures within the Metrorail station with the exception of commercial photography, which needed prior approval.

Muntan also sent him Miami-Dade County Code 30B-5 (2) which states the following:

*Commercial photography or recording. No person, unless authorized in writing by MDTA or the County Manager when appropriate under Section 2-11.14 of this Code, shall take still, motion, or sound motion pictures or sound records or recordings of voices or otherwise for commercial, training or educational purposes, other than news coverage anywhere in the transit system.*

There also happens to be an exemption towards students and faculty regarding the “educational purposes” portion of this code, which is outlined in Miami-Dade County Ordinance Sec. 2-11.14 (2) (iii).

*“[n]othing in this section shall require any permit from: (i) Individuals filming or video taping only for their own personal or family use; (ii) Employees of print or electronic news media when filming on-going news events. This exception shall not apply to simulations or re-enactments orchestrated by print or electronic news media; or (iii) **Students and faculty filming exclusively for educational purposes.** “*

However, Muntan also told Ledford the contracted security guards at the stations are allowed to harass question photographers.

*As we spoke on the telephone and as I informed you, in a proactive effort to maintain the highest vigilance of the MDT system, MDT’s contracted security officers and this office’s security supervisors do reserve the right to question those individuals who may be engaged in any photographic activities in or around MDT property.*

The county currently contracts with a company called 50 State Security, which apparently only does business in one state. The county previously contracted with Wackenhut but they suffered too many embarrassing scandals. And they weren’t very versed in photographers rights either.

But 50 State Security is much worse.

We were approached by a 50 State Security guard within minutes after stepping into the parking lot of the Douglas Road Metrorail Station a little after 2 p.m. on Wednesday.

Ledford was photographing one of those Coral Gables trolleys when the guard told him it was against the law due to terrorism reasons.

Ledford attempted to show him the email from Muntan, but the security guard was agitated that I would not stop filming him, so he walked away and called the cops. And then he punched out for the day. Seriously.

So then Ledford showed the email to a female security guard who still insisted that we needed prior permission. When we told her that the email proves she was wrong, she barred us from entering the station until a 50 State Security supervisor arrived. And this after we had already purchased our tickets.

Then a Miami police officer arrived and he said there was nothing he could do about it, so Ledford asked him to call a sergeant, who arrived but said there was nothing he could do about it because the Metrorail station falls under county jurisdiction, not city.

So Miami-Dade cops were dispatched to the scene, who in turn called a "Homeland Security" cop to the scene, but it turned out, he was really a Miami-Dade cop who only worked in the Homeland Security Bureau, whatever that means.

Every single one of those cops ceded their authority to the security guards, informing us that if the guards didn't want us taking photos or riding the Metrorail, then there was nothing they could do to supercede that authority.

At one point, after waiting for the 50 State Security supervisor for an hour, Ledford was about to walk right in and allow the security guard to detain him as she threatened she would, but then the supervisor finally showed.

Captain Elliot Gelber of 50 State had no idea who Muntan was and he didn't seem to understand the county code that stated we were allowed to take photos.

The Miami-Dade cops demanded our identifications and even though I didn't think I was obligated to provide ID because I wasn't being officially detained, I gave it to her anyway because I really don't have anything to hide in that regard.

I also handed her my business card and told her to check out my blog.

Finally, after the Homeland Security cop determined that we were not on any terrorist watch lists – at least not yet – we were told we were free to go but would not be allowed on the train after all.

The truth is, we could have left whenever we wanted but the goal was to make some sense of the contradictory policies in place regarding photography at the Metrorail stations.

But instead of getting answers, we were told we would never be allowed on the train again. For the rest of our lives. We were told we would be arrested for trespassing if we dared set foot on any Metrorail property for as long as we live.

They could only have managed this by obtaining the info from our identifications. Not that I have any regrets in handing it to them.

The bottom line is, we have a lawyer, a very good lawyer, a former Miami Herald media lawyer who now teaches media law at the University of Miami. His name is Sam Terilli.

This is far from over.