



**CASE  
CLOSED**

Miami-Dade Commission on Ethics & Public Trust ~~10/28/19~~

**Investigative Report**

**Investigator:** Karl Ross

<b>Case:</b> PI 19-38	<b>Case Name:</b> Hialeah City Hall Security Practices	<b><u>Date Open:</u></b>	<b><u>Date Closed:</u></b>
<b>Complainant(s):</b> Jose-Trellis Herrera, Esq.	<b>Subject(s):</b> Mayor Carlos Hernandez, et al.	Oct. 4, 2019	10/28/19

**Allegation(s):**

It was alleged that the City of Hialeah routinely violates the rights of citizens visiting City Hall by requiring them to provide identification and being queried as to what officer or department they are seeking to visit and/or the purpose of their visit.

**Relevant Ordinances:**

The Miami-Dade County Citizens' Bill of Rights states in applicable part, Subsections (A)(1) and (3) titled *Convenient Access* and *Public Records*, that:

- *Convenient Access.* Every person has the right to transact business with the [City] and the municipalities with a minimum of personal inconvenience. It shall be the duty of the Mayor and the Commission to provide, within the [City's] budget limitations, reasonably convenient times and places for registration and voting, for required inspections, and for transacting business with the [City].

- *Public Records.* All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.

## **Investigation:**

### ***Interviews***

Jose-Trellis Herrera, Esq.  
Herrera Law Firm  
2350 Coral Way, Suite 201  
Miami, FL 33145

Mr. Herrera said during a phone interview that he objected to the City of Hialeah's practice of requiring citizens and others entering City Hall to conduct business or for whatever purpose to provide identification and to respond to questions about the purpose of their visit. He noted that visitors must provide a copy of their driver's license and state which office they intend to visit upon entering the building and before being subject to passing through a metal detector. He said this is carried out in the presence of an armed police officer, and that citizens forced to abide by these practices in order to obtain services are "doing it under duress."

"Why do they need to ask you where you're going?" he said. Mr. Herrera noted that under state open government laws (F.S. 119), "I can make an anonymous public records request." He said that being forced to identify yourself if you are going to the Clerk's office to make such a request, pick up or inspect public records would potentially violate state law.

"I don't see the basis for recording drivers' licenses," Mr. Herrera said, noting that the City of Miami has a similar practice at its entrance to the Miami Riverside Center. He said he doesn't object to the requirement of passing through a metal detector, only the requirement that the visitor provide identification. "It violates my right to access a government building.

"It's open government. ... I draw a dichotomy ... I have to pass through a metal detector, that's fine. But when you're taking my driver's license, that's where I draw the line."

Mr. Herrera said he felt that somebody should investigate this matter on behalf of the public. He was advised that his concerns would be shared with staff legal counsel.



Email to City Attorney Lorena Bravo requesting comment on 10/22/19

On Oct. 22, 2019, an email was sent to Hialeah City Attorney Lorena Bravo soliciting a response to the issues raised by Mr. Herrera regarding City Hall security practices.

Ms. Bravo called COE on Oct. 22, 2019, in response to the email and advised as follows:

- She advised the City has a policy regarding its security procedures and stated she would provide COE with a copy of the policy.
- She said the City researched legal issues relating to privacy rights and said that the City's policy was consistent with the practices adopted in Coral Gables and other local municipalities.
- She indicated that the City no longer stores copies of individuals' drivers' licenses. She said this came about as a result of a conversation she had with attorney Jose-Trellis Herrera approximately one year ago, and that the City discontinued its practice of retaining copies of visitors' drivers licenses at that time.
- She said the City maintains a spreadsheet with the individuals' names and the floor they are visiting. She said there is no field inquiring about the purpose of the visit.
- She said the policy of requesting ID is discontinued during public meetings so as not to conflict with state Open Meetings Law under Florida Statute 119.

"We're aware of the process and we're aware of the restrictions. We've researched thoroughly what we can and can't do, and we don't believe there's any violations of law," Bravo said.

In a subsequent e-mail Ms. Bravo related:

"Following our conversation on this matter, I had an opportunity to speak with Mr. Arrojo and Murawski. I wanted to add in response to your inquiry below that the City is fully cognizant of the public's right to access public records and attend public meetings without the need to identify themselves as they enter City Hall. As mentioned, the procedures to check-in do not require that the person identify the purpose of their visit (i.e. attend a meeting/request records), only that they state the floor they will be visiting. Furthermore, the identification requirement is suspended during our nightly meetings. With respect to the request for records, our employees have received training to alert them to the public's right to request records without an obligation to make the request in writing, to identify themselves, provide contact information, or make the request to any individual. Therefore, as is our practice currently, assuming an individual at the checkpoint refuses to identify themselves but wishes to make a public record, a staff member from the Clerk's Office will meet the person at the lobby to receive the request directly."

***Document/Audio/Video Review:***

A copy of the Miami-Dade County Citizen's Bill of Rights was added to the file.

A copy of the City of Hialeah's visitor screening policy was added to the file. The policy was outlined in a five-page memo dated July 3, 2019, from Mayor Carlos Hernandez and Police Chief Sergio Velazquez to the office of the City Clerk of Hialeah.

The policy notes that individuals who claim they don't have any ID can provide the information verbally but will be escorted by a police officer as they ride the elevator to their "requested floor/ area."

**Conclusion(s):**

After discussion with the Ethics Advocate it was decided that this matter would be closed with no further action.

The investigation found that Mr. Herrera, raised his concerns with the City of Hialeah a year ago and that, as a result of his inquiry, the City reviewed its practices and discontinued the practice of retaining copies of visitors' driver's licenses.

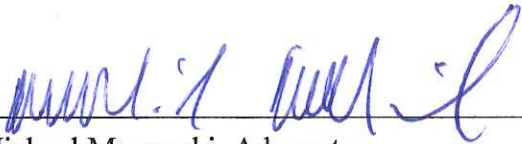
Given that there do not appear to be any factual disputes as to the security policy in place, it would not appear that any further investigation is required at this time.

No violations of the Citizens' Bill of Rights are implicated.

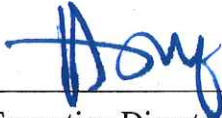
 10/28/19

Karl Ross, COE Investigator

Approved by:



Michael Murawski, Advocate



Jose Arrojo, Executive Director