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ACLU issues threat to Adelanto

ADELANTO — The American Civil Liberties Union of Southern California threatened Adelanto city officials with legal action this week, accusing them of violating the First Amendment rights of protesters by citing the group opposing prison expansions while it demonstrated in August.

In a notice to the city, the nationally-known civil rights group said it would take legal action on behalf of its client CIVIC, also known as Community Initiatives for Visiting Immigrants in Confinement, unless Adelanto agrees to amend its permitting policies.

Adelanto City Manager Jim Hart declined to comment on the ACLU's claims and referred all questions to the city's attorney, Todd Litfin. Litfin did not immediately respond to requests for comment on Wednesday.

According to CIVIC leader Christina Fialho, Adelanto's current permitting scheme provides the city manager with "unbridled discretion" on whether to require demonstrators to purchase an insurance policy.

"The lack of objective factors to guide the city manager's discretion renders the permitting scheme unconstitutional," Fialho said. "Even more troubling is that it appears that the city manager imposed the insurance requirement on us because he disagreed with our message."

Victoria Mena, founder of the Friends of Adelanto detainees program and the main organizer of the Aug. 16 protest, was cited by Adelanto Code Enforcement after first being denied a permit to demonstrate with her group in front of City Hall without possessing \$1 million in limited liability insurance.

"Our 'Schools NOT Jails' gathering was organized to allow the community time to come together to discuss the implications of more jails," Mena said. "I am extremely disappointed in the city's attempt to suppress those voices. It is evident that certain city officials want these jails, at any cost, and are not willing to hear opposition. Trampling my first amendment rights, and using police intimidation to try to prevent us from organizing and getting the people together shows the extent to which they are willing to go."

Despite California's recent legislated efforts to reduce its prison population under Proposition 47, the Adelanto City Council recently approved the first reading of two development agreements to allow the construction of both a 3,264-bed prison that would house an overflow inmate population from Los Angeles County, and 1,050-bed prison.

Fialho said Hart screened the content of the protest with his assistant before deciding to require the group to obtain insurance.

Adelanto Mayor Cari Thomas said she was not fully aware of the events leading to the group's citation or the specifics of the city's permit code. She said any new changes to the city's permitting policies would have to come before the new council, which will be seated in early December.

"The city attorney is handling it at this point," Thomas said. "Obviously, it's very one-sided."

She later added, "Obviously, if we have an issue with our permitting process, we need to deal with that."

The ACLU letter makes an additional request to dismiss the charges against Mena, "our client, a protest organizer who was cited for not abiding by the unconstitutional permitting scheme."

ACLU officials said if the city agrees to amend its permit policy, they are willing to wait to take any legal action to provide city officials time to develop "a permitting scheme that is consistent with the First Amendment."

ACLU attorneys Michael Kaufman and Carmen Iguina, who penned the letter, have given the city until Friday Steve Hunt 11/26/14 Nov. 28 to respond. Copies of the complaint were also sent to San Bernardino County Sheriff John McMahon, Deputy Sheriff Paul Arce and San Bernardino County District Attorney Michael Ramos.

Brooke Self may be reached at 760-951-6232 or BSelf@VVDailyPress.com. You can also follow her on Twitter at @BrookeSelf or @DPEduNews.

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