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Attorney: City agrees to drop charges

ADELANTO — Adelanto city officials have agreed to drop misdemeanor charges against a jail protester after the American Civil Liberties Union of Southern California threatened to sue the city for what it called a violation of the woman's freedom of speech rights.

The ACLU, on behalf of its client CIVIC, also known as Community Initiatives for Visiting Immigrants in Confinement, demanded that city officials change their permitting scheme for public assembly uses and bring it "into compliance with the First Amendment."

They also called for charges against CIVIC organizer Victoria Mena be dismissed after she was issued a citation by a code enforcement officer for her Defund Detention protest called "Schools Not Jails" on Aug. 16.

The ACLU said city officials violated Mena's constitutional rights by disallowing the large group a permit to gather in front of City Hall without obtaining a \$1 million insurance policy. ACLU officials also said City Manager Jim Hart reviewed the content of the protest before making the determination.

"It appears that city officials may have acted out of disagreement with the protesters' message, and sought to use their powers under (their) permitting scheme to silence them," the ACLU letter to Adelanto reads.

According to CIVIC attorney Christina Fialho, Adelanto's city attorney said in a voicemail on Friday that the city would drop the charges against Mena. The response came several days after the ACLU's requested deadline of Nov. 28.

Fialho said she was glad to see in a recent Daily Press article that Adelanto Mayor Cari Thomas said she would be willing to fix the permitting processes if she saw a need.

"I believe once she looks at the facts she will agree that the city's permitting scheme is flawed, but fixable," Fialho said.

Mena said the group protesting could not afford the insurance policy and moved the August demonstration to a vacant lot across the street, thinking it was not city property and would not require a permit.

While Mena and the group Defund Detention have held other high profile demonstrations in front of the Immigration and Customs Enforcement facility in Adelanto, Mena said this was the first to have received any opposition from city officials. That was likely due to the fact that the demonstration dealt directly with the city's recent efforts to approve two more jails in the town, Mena said.

Mena was due to appear at the Victorville courthouse on Wednesday, but would have had to travel from out of state to attend.

"I'm in finals right now, so I can't be there," said Mena, who is studying public administration at the University of Washington in Seattle.

Mena said the group hopes that the city makes changes to its permitting process sooner rather than later, in light of the recent first-step approvals of development plans of two separate jails, including one 3,264-bed prison that would house inmates from Los Angeles County.

"The people are going to continue to protest," Mena said, "and we need to make sure the permitting scheme they have running is fair and isn't going to be putting people in harm or scaring people from standing up. I look at it as scare tactics, especially because of the fact that they had a (sheriff's deputy) there the whole time."

Hart declined to comment on the group's legal threat and again referred questions to the City Attorney. He did not respond to several messages from the Daily Press.

The next City Council meeting will be held at 6:30 p.m. Wednesday.

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