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<http://www.nbclosangeles.com/on-air/as-seen-on/City-Council-Criticizes-Federal-Immigration-Program-123421549.html>, Retrieved June 11, 2011.



City Council Criticizes Federal Program, The LA City Council voted Tuesday to Support a Bill in the Legislature that Would Allow Counties to "Opt Out" of a Controversial Immigration Enforcement Program

By **Conan Nolan** and **Julie Brayton**, | Wednesday, Jun 8, 2011 | Updated 6:37 AM PDT



Conan Nolan and Scott Meadows

Los Angeles City Councilman Bernard C. Parks and Councilwoman Jan Perry called on the city Tuesday to support limiting the scope of local participation in a controversial federal deportation program. The council voted to support a bill in the legislature which would do just that.

Magali Dominguez, 22, entered California illegally eight years ago. Now she wears an ankle bracelet, part of her deportation back to Mexico.

Her status came to light after she was arrested for selling hot dogs on a street corner without a permit.

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"It was wrong because I don't have any permit, but I didn't do a crime," Dominguez, an undocumented immigrant said.

Her case, one of many that has caused cities such as Los Angeles to re-think its participation in a controversial federal program called "Secure Communities."

The program allows federal immigration officials access to fingerprints of individuals arrested by local police.

The goal was to target those accused of serious crimes such as rape and murder, and deport them.

"We will identify these people. We will get to them before they're released from custody," said John Morton, Director, Immigration & Customs Enforcement.

But now there is a concern that the program is also being used to track down those arrested for lesser, non-violent crimes.

ICE's own records show less than half of the estimated 78,000 deported from California had prior felony convictions or three misdemeanors.

"What were troubled with, is not only is a perception that's growing in the immigrant community that they're subject to being caught up in this net of "Secure Communities" for a minor offense," said LAPD Assistant Chief, Michel Moore. "That is going to drive a wedge between law enforcement, and those very communities that we need to strengthen, rather than weaken," states.

So the Los Angeles City Council on Tuesday voted overwhelmingly in favor of a resolution supporting a bill in the legislature that would allow counties to "opt out" of the immigration enforcement program.

"This is a home rule issue. The city of LA should set policies as it relates to how they conduct business with the community in which they serve," Councilman Bernard Parks said.

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[LA County Department of Public Health](#) and [Retail Food Codes](#)

<http://www.publichealth.lacounty.gov/eh/docs/Specialized/CaCode.pdf>

Street Vending Compliance

Illegal vending is a serious public health hazard to our communities throughout Los Angeles County. The street vending program is responsible for inspecting these vendors who prepare and/or sell food without a Public Health Permit. Every approved mobile food facility can be identified by a numbered and dated sticker affixed to the truck or cart



If a vendor is selling food and does not have a sticker or a health permit, they are possibly selling food illegally and should be reported to the program. Other violations, most of which can possibly make people sick include:

- No potable water for food handlers to wash their hands or utensils
- Food obtained from unapproved sources
- Potentially hazardous food held at unsafe temperatures
- Lack of proper equipment to maintain food at the required temperatures
- Unsanitary conditions including unclean food equipment
- Food not protected from contamination or adulteration
- No restroom available for food handlers
- Unapproved food equipment

The following pictures show examples of different vendors found working illegally.

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The Street Vending Program is made up of eleven inspectors who investigate complaints from the public. Due to limited resources, the size of county, and the number of complaints received each day, it may take some time to address each complaint, but every single complaint will be investigated. To file a complaint, you may call the number listed below. Be prepared to give specific information including address, city, zip code, day and times of operation, a description of what the vendor is selling, if the vendor is doing any food preparation (cutting, cooking, grilling), and the police division that covers that area.

The phone number for the Los Angeles County Street Vending Program is (626) 430-5500.

"It was wrong because I don't have any permit, but I didn't do a crime" by Magali Dominguez, found to be an illegal/undocumented immigrant after being arrested for selling hotdogs in Los Angeles without a permit.

Any U.S. Citizen or legal immigrant found violating health and business license codes will be charged with a criminal act, fined, jailed and/or both if proven guilty.

[Los Angeles California, County Code](#)

7.62.020 Peddling--Authorization--License requirements.

No person shall conduct business as a peddler as defined in this title, or engage in the business of peddling, whether as an employee or otherwise, except as authorized by the provisions of this chapter, and until the person has first procured any and all applicable health permits required by state law or other local ordinances, and has procured a business license upon payment of the fee set forth in Section 7.14.010 of this Title 7. No person shall be subject to the payment of such business license fees upon proof that the applicant is a veteran of any of the United States armed forces. (Ord. 92-0132 § 40, 1992.)

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7.62.021 Other legal requirements.

A license issued pursuant to this chapter does not relieve the licensee from the necessity of complying with other applicable laws, and each license issued pursuant to this chapter shall contain upon it the following statement:

This license does not relieve the licensee from compliance with other applicable laws prohibiting the sale or display of merchandise on public highways, sidewalks, parkways, and roadways nor from compliance with applicable zoning, building and safety, fire, health and other requirements. (Ord. 91-0094 § 1, 1991.)

7.62.140 Violation of provisions--Penalties.

Notwithstanding the penalty provisions of Section 7.04.320 et seq., a violation of any section in this Chapter 7.62 is a misdemeanor, except that violation of Section 7.62.070 may be charged as a misdemeanor or infraction at the discretion of the prosecutor and subject to the provisions of California Penal Code section 17(d). If charged as an infraction, the violation is punishable by:

- A. A fine not exceeding \$100.00 for a first violation;
- B. A fine not exceeding \$200.00 for a second violation within one year;
- C. A fine not exceeding \$500.00 for a third or subsequent violation within one year. (Ord. 2008-0013 § 10, 2008: Ord. 92-0132 § 49, 1992.)

<http://search.municode.com/html/16274/index.htm>

8.04.645 Fees for additional reinspections of food-related businesses.

In addition to the public health license and permit fees provided by Section 8.04.640, all persons engaged in the sale or processing of food shall pay the appropriate reinspection fee listed in Section 8.04.720 of this chapter. A reinspection fee shall be due and payable whenever:

- A. The county health officer has given written notice of a public health code violation or violations to the person who owns or operates such a business, and the notice contains a reinspection date by which the violation or violations must be corrected;
- B. The violation or violations have not been corrected by the reinspection date provided on the notice of violation; and
- C. An additional reinspection is necessary to determine that the violation or violations have been corrected. (Ord. 96-0069 § 27, 1996: Ord. 89-0080 § 1, 1989.)

8.04.930 Violation--Penalty.

Violation of this chapter is punishable by a fine of not more than \$500.00 or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Each day during any portion of which any violation of any provision of

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this chapter is committed, continued or permitted, makes such violation a separate offense. (Ord. 8609 Art. 1 § 10, 1964.)

8.04.932 Business without a public health license or permit prohibited.

No person shall engage in, conduct, manage or carry on any business or other activity for which a license or permit is required by this chapter if:

- A. He or she does so without having, pursuant to the provisions of this chapter, procured a license or permit to do so and paid the fee required; or
- B. If such license or permit has expired, been suspended, revoked, or denied. (Ord. 96-0069 § 58, 1996: Ord. 89-0080 § 6, 1989.)

8.04.934 Operating without a public health license or permit--Deemed misdemeanor--Penalty.

A violation of Section 8.04.932 is a misdemeanor punishable by fine, or imprisonment in the county jail for a period not exceeding six months, or both. Such fine shall not be more than \$500.00, and shall:

- A. For the first violation, not be less than \$100.00;
- B. For the second and any subsequent violation, be \$500.00. (Ord. 96-0069 § 59, 1996: Ord. 89-0080 § 7, 1989.)

8.04.942 Operating without a public health license or permit--Civil penalty.

A. Any person who violates Section 8.04.932 shall be liable for a civil penalty recoverable in a civil action and payable to the county treasurer-tax collector:

- 1. In an amount not less than \$100.00 for the first violation; and
- 2. In an amount not less than \$500.00 for the second and any subsequent violation.

B. The remedies provided in Section 8.04.934 and by this section are mutually exclusive. (Ord. 96-0069 § 61, 1996: Ord. 89-0080 § 10, 1989.)

8.04.944 Continuing violations.

Where the conduct consisting of a violation of Section 8.04.932 or 8.04.938 is of a continuing nature, each day of such conduct is a separate and distinct violation. (Ord. 89-0080 § 11, 1989.)

["There seems to be lack of leadership and policy on how to handle Los Angeles law violators who do not carry IDs. I was shocked that murderous felons can get away with crime if they know enough not to carry IDs.](#)

[One should not forget that it is also illegal to vend goods other than food, thus it would seem that enforcement of illegal vending is not always a health issue. Since illegal](#)

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vending takes place at times that do not coincide with the DBS non-overtime hours and non-working weekends, it is clear that the primary enforcement should lie directly with the LAPD.

The LAPD is not regarded by illegal vendors, as a threat. Illegal vendors know that they can go right back into business after being busted. Loss of equipment such as shopping carts, home made carts, or the boss's ice cream cart does not deter the individual vendor from going back into business the next day. The "friendly to illegal vendors" LAPD sends the message that it is virtually legal to be illegal.

In a letter to then Chief Parks I asked him to you explain why INS officers are not invited on these busts. *Parks never answered.*

Illegal vending will never be controlled unless the LAPD gets serious about enforcing the law. The bottom line is that to eliminate illegal vending, illegal vendors who do not have proper IDs will have to be arrested in a proactive way or arrested when a citizen complains."

...and just as surely as LA City Council members disregard the lawful rights of U.S. citizens violated by government, and who give illegal immigrants who violate the law a free pass today.....

.....former Police Chief Bernard Parks neglected the issue of enforcing the law too..

Esquivel, P. (2011). *Seven Democrats ask Brown to Suspend California's Participation in Secure Communities*. <http://www.latimes.com/news/local/la-me-secure-communities-20110611,0,3019470,print.story>, Retrieved June 11, 2011. Los Angeles Times, June 11, 2011.

Los Angeles Times

[Seven Democrats ask Brown to suspend California's participation in Secure Communities](#), The legislators join the Los Angeles City Council in opposing the program that identifies illegal immigrants with criminal records.

by Paloma Esquivel, Los Angeles Times, June 11, 2011



[Rep. Lucille Roybal-Allard \(D-East Los Angeles\) speaks on the Secure Communities program at a news conference at L.A. City Hall. Listening to her are Reps. Xavier Becerra \(D-Los Angeles\) and Judy Chu \(D-Monterey Park\), second from right.](#) (Damian Dovarganes, Associated Press / June 10, 2011)

Members of California's congressional delegation called on Gov. Jerry Brown Friday to join three other states in suspending participation in a controversial federal immigration enforcement program.

The seven Democratic representatives acted after the [Los Angeles City Council](#) voted overwhelmingly this week to support legislation allowing local communities to opt out of the Secure Communities program and Sheriff Lee Baca, a strong proponent, qualified his support in a letter to immigrant activists.

In recent weeks, governors in Illinois, New York and Massachusetts have sought to suspend or have declined to enter into Secure Communities participation agreements.

Esquivel, P. (2011). *Seven Democrats ask Brown to Suspend California's Participation in Secure Communities.* <http://www.latimes.com/news/local/la-me-secure-communities-20110611,0,3019470,print.story>, Retrieved June 11, 2011. Los Angeles Times, June 11, 2011.

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When it was launched in 2008, Secure Communities was touted as a way to target serious convicts for deportation. Under the program, the fingerprints of all arrestees booked into local jails are forwarded to Immigration and Customs Enforcement for screening.

But the program has come under fire from critics because a large percentage of those caught up in it are people who have been arrested but not subsequently convicted of a crime or are low-level offenders. Activists said the program discourages illegal immigrants from reporting crimes or cooperating with police investigations.

"This is not about trying to stop ICE from enforcing the law," said Rep. Xavier Becerra (D-Los Angeles). "It's about having them focus their attention on what they said Secure Communities was all about.

"The time has come," he said, "to suspend our state's participation."

Reps. Lucille Roybal-Allard (D-East Los Angeles), Judy Chu (D-Monterey Park), [Maxine Waters](#) (D-Los Angeles), Linda Sanchez (D-Lakewood), Grace Napolitano (D-Norwalk) and [Karen Bass](#) (D-Los Angeles) also signed the letter and said they hoped to meet with Brown to discuss the future of the program, which he backed before winning the governor's office.

Supporters of the program point out that it has also been responsible for deporting a large number of criminals.

"I would remind Gov. Brown that he supported Secure Communities as attorney general," said Stanislaus County Sheriff Adam Christianson. "It is a very effective tool for public safety," he said, adding that it allows him to identify and remove criminal illegal immigrants from the community.

Brown's representative, reached early Friday afternoon, said she had not yet received the letter. As attorney general, Brown had said Secure Communities served "both public safety and the interest of justice."

There is still much confusion over whether states can legally opt out of the program.

Immigration officials now say [Secure Communities](#) is not dependent on participation agreements because it relies on information sharing between federal agencies. They point out that all states and counties will be mandated to participate in the program by 2013.

Meanwhile, the Department of Homeland Security's office of inspector general said it would launch its investigation of the [Secure Communities](#) program in August, two months earlier than

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expected, according to a letter from the department's acting Inspector General Charles Edwards to Rep. Zoe Lofgren (D-San Jose), who urged the review.

The congresswoman had asked the inspector general to investigate whether [ICE officials](#) lied to local officials about the voluntary nature of the program and whether communities had the ability to drop out of it. The investigation will also evaluate whether [Secure Communities](#) succeeds in achieving its goal of targeting dangerous illegal immigrants.

Baca, who has been a vocal proponent of the program since its inception and who recently wrote an op-ed article in The Times in support of the program, told immigrant rights groups that he agreed with their concerns about immigrants who are caught in the program after committing "minor, first-time offenses" and said he was "against any form of deportation for illegal immigrants who have not committed a crime."

Although he supports Secure Communities, he wrote, there is need for improvement in the program.

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Times staff writer Brian Bennett contributed to this story.

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[SoCal Democrats Urge Brown To Reject Immigration Fingerprinting Plan](#), Source: CBS Los Angeles, June 10, 2011

[US reps want Calif out of fingerprint program](#), Source: FresnoBee, June 9, 2011.

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