

RULE OF LAW IN ALBEMARLE COUNTY

A Publication for ESOL Students in Albemarle County

The Constitution and the Bill of Rights

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The basis for all law in the United States is the **U.S. Constitution**. Written in 1787, it has served the country since it was approved by the States in 1789. The Constitution explains the important laws of the federal government and defines the powers of the federal and state governments, the judicial system, and the president. There have been 27 additions to the Constitution that are called Amendments. The first ten amendments are known as **The Bill of Rights**. Added in 1791, the Bill of Rights describes important rights of the people. The Constitution guarantees these rights and helps to protect the freedom of the people in the United States.

The following is a brief description

of each of the amendments in the Bill of Rights.

1. Freedom of speech, religion, the press, and assembly.
2. Right to keep and bear arms
3. Right to not have to give food and a place to live to soldiers
4. Right to be secure—no one can search you, your home, or property without a warrant
5. Right not to testify against yourself, the right to have a lawyer, to confront witnesses against you
6. Right to a speedy trial by a jury of one's peers, cannot be tried for the same crime twice
7. Right to a trial by jury
8. Bails, fines, and punishments must be fair and reasonable
9. No rights can be taken away



because they are not listed in the Constitution.

10. All powers that are not given to the federal government belong to the states or the people.

Generally, the 17 other amendments deal with the rights of the accused and with civil rights of the people.

Civil Rights

Although the Constitution and the Bill of Rights guarantee many important rights to the people, more Amendments were needed to insure the civil rights of all. The 14th Amendment, passed in 1868, said that the states, not just the federal government, must give "equal protection of the laws" to everyone. That and other Civil Rights laws passed since then have tried to guarantee that all people will be treated equally regardless of race, color, gender, age, religion, or national origin. Some important civil rights protected by law in the United States are:

- Equal pay for equal work for men and women
- Equal access in public places, such as restaurants, hotels, etc.
- No discrimination by state and

local governments, public schools, universities

- Equal access to all programs receiving federal money
- No discrimination in selling or renting housing
- No discrimination in employment
- Equal access to sports for men and women
- Disabled children have the right to a free and appropriate education.

Because past discrimination has hurt minority groups, some programs to help women and minorities have been established. These programs are often called "Affirmative Action" programs. There is disagreement about aspects of affirmative action programs, and many cases are under review in the courts.

The Civil Rights listed above generally apply to all in the United States, both citizens and non-citizens. After September 11, 2001, however, the government passed the USA Patriot's Act which made some changes. There is still a lot of discussion about the subject of civil rights, and intelligent people have very different opinions. But generally, if you think that your civil rights have been violated you can contact the Civil Rights Division of the U.S. Department of Justice at 1-888-848-5306 or visit their website at: www.usdoj.gov/crt

For more information on the Constitution, the Bill of Rights, and the Civil Rights Act visit the National Archives website at www.archives.gov



Martin Luther King, Jr.

The rights of those accused or convicted of a crime are protected by the Constitution. But the Victim also has rights. Call the Victim/Witness Program for more information. (434) 296-5830



The Albemarle County Police Department



We the People of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

The Preamble to the U.S. Constitution



The District Court

What Are the Laws?

It is important to understand the different types of laws in the United States. What we see most often on television and the news is a criminal law case. But there are four main types of law: criminal, civil, juvenile, and traffic. **Criminal** law is involved when a person is accused of breaking a state or local criminal law. A minor criminal offense is called a misdemeanor and a more serious offense is called a felony. Examples of misdemeanors are shoplifting, vandalism, and trespassing. If you are convicted of a misdemeanor, the punishment is no more than one year in jail. A felony charge is much more serious and is punishable by a prison term of one year to life, and/or you will be sentenced to pay a fine. Examples of felonies are murder, robbery, and rape.

In **civil** law, the defendant is usually not a criminal. Civil law relates to disagreements between two individu-

als, businesses, or organizations, where both think that they are right. There are two principle kinds of civil law. One covers wrongs, such as personal injury or property damage. The other kind of civil law concerns contracts or agreements. An example of personal injury case would be if a person is hurt in a store because of unsafe conditions, the person can sue the store for damages (medical expenses, loss of work, etc.) An example of property damage would be damage done to a vehicle in an accident. This is why it is so important to have insurance that pays for damage, not only to your vehicle, but also to the other person's vehicle if the accident is your fault.

The other kind of civil law concerns contracts or agreements. A contract is when one person/organization promises to do something and another promises something in return. For example, when we get a telephone

installed, we promise the phone company to pay for that service. We promise to pay and they promise to provide us with the service. That is a contract. Marriage is also a contract between two people, and when those people want a divorce, they must go to court to end that contract. There are many types of contracts, so it is important not to sign a contract unless you understand it completely.

Juvenile laws apply to individuals under the age of 18. Generally, these laws are the same as for adults, but more emphasis is placed on confidentiality and rehabilitation.

Traffic laws relate to the operation of a motor vehicle on the state's roads and highways. Breaking a traffic law can be called either an infraction or a misdemeanor, and these are the most common types of court cases.

Who Makes the Laws?

In the United States, federal laws are made by the U.S. Congress: the House of Representatives and the Senate. The Virginia General Assembly makes the laws for the state. This General Assembly also has two parts—the House of Delegates and

the State Senate. Local laws are made in Albemarle County by the legislative body called the Board of Supervisors, and in Charlottesville by the City Council. All legislators are elected by the people and part of their job is to listen to the people in their

district and represent their views. If you do not like a law or want to see changes in a law, don't be afraid to contact one of these representatives, even if you are not a citizen. It is their job to represent all people in the area.

Who Enforces the Laws?

The role of the police is to provide law enforcement services, promote safety in the community, ensure the safe and orderly movement of traffic, and resolve quality of life problems. In the United States there are police at the national, state, and local levels. Federal law enforcement generally takes care of problems that cross state borders. Examples of federal police are: the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), and the Bureau of

Alcohol, Tobacco, and Firearms (ATF.) State Police cover their assigned states, often on the state or interstate highways. In this area, there are three local police departments: Albemarle County, Charlottesville City, and the University of Virginia. Each works in their area of jurisdiction. Also, Albemarle County has a Sheriff's Department which is generally responsible for court security and transporting people to and from the jail. The jail, which is called the Joint Security Complex, is located on Avon

Street Extended. The Albemarle County Police Department has 104 police officers, and there are 12 people in the Sheriff's Department. It is important for internationals to remember that because of the Rule of Law in this country, the law enforcement profession is generally held in high regard here. Most citizens respect the police officers and think of them as their helpers, not their enemies.

If you do not like or you disagree with a law, contact your lawmaker. The representatives to the national, state, and local legislatures are elected to serve the people in their area. They take their constituents seriously and are generally responsive to constituent concerns. To learn who your local representatives are, visit our website at www.webesl.com

Who Interprets the Law?

In Albemarle County and Charlottesville, there are three different kinds of courts: The General District Court, the Circuit Court, and the Juvenile and Domestic Relations Court.

The court that most people will have contact with is the General District Court. It takes care of most traffic violations and misdemeanor cases. Civil cases with claims of between \$4,500—\$15,000 are held in this court. In this court, all cases are heard by a judge, not a jury. The Circuit Court takes care of all

civil cases with claims of more than \$15,000 and it hears felony cases. It also handles divorces and some other family matters, and it handles appeals from the other local courts. This is the only court where there can be a jury trial.

The Juvenile and Domestic Relations District Court handles cases involving any person under the age of 18 (a juvenile.) It takes cases of abuse or neglect, custody of children, foster care, etc. There are no jury trials in this court.

The State of Virginia also has a

Court of Appeals and the state Supreme Court. Traffic, criminal (except death penalty,) and domestic relations cases are appealed to the Court of Appeals. Death penalty and most civil cases are appealed to the Supreme Court.

For further information on the local and Virginia state courts, an excellent website is:

www.courts.state.va.us At this site there are the answers to Frequently Asked Questions in both English and Spanish.

For Information on becoming a U.S. citizen, visit the naturalization website at: www.uscis.gov

The manual is available in English, Spanish, Tagalog, Chinese, and Vietnamese.

What Happens in a Court of Law?

Not all courts are the same, but if you have to go to court, you will need to know what the procedures are and the people that will participate. A problem or disagreement brought to the court is called a suit or a case. A summons is a paper that says that someone is being sued. This may arrive in the mail or be hand-delivered. There are two parties in a case - the plaintiff is the one who is complaining and the defendant is the one accused. In a criminal case, the plaintiff is usually the government, sometimes called the People. Each side normally has a lawyer. Attorney or counsel are other words for lawyer. In a criminal case, the lawyer for "the People"

is called the District Attorney or in Virginia, the Commonwealth Attorney. When the case is called, the judge and the jury hear the evidence and the arguments. Only certain cases have juries. A jury is a group of 12, or sometimes six, people who decide if the defendant is innocent or guilty. Witnesses are people who can testify about the problem. This means that they promise to tell the truth about what they know of the situation. After all of the evidence is heard, a decision is made. This decision is called the verdict. The verdict marks the end of the trial. If the verdict is guilty, the court will impose a punishment or set another time for sentencing. A sentence is

the punishment. In many cases, this decision can be appealed. This means that the case can be presented to another, higher, court. The legal system in the United States is very complicated and it can be a frightening experience to be involved in a trial. The most important thing to remember is that in the U.S., you are innocent until proven guilty. You do not have to prove that you are innocent...the government has to prove that you are guilty. If you are charged in a criminal case and you cannot afford your own lawyer, one will be appointed for you. Translators should be available to you so that you can understand the questions and proceedings in court.



The Charlottesville-Albemarle Department of Motor Vehicles
2055 Abbey Road
Charlottesville, VA

Driving a Vehicle in Virginia

Driving a vehicle in Virginia is a privilege, not a right. To legally drive in this state you must:

- Be a Virginia resident
- Be 16 years, 3 months of age or older
- Have a valid Virginia driver's license
- Have a properly registered vehicle with Virginia license plates
- Have the vehicle inspected for safety once a year
- Have insurance or pay an uninsured motor vehicle fee
- For Charlottesville and Albemarle County have a local sticker showing that you have paid personal property tax on the vehicle.

Since September 11, 2001, Virginia has passed strict laws related to driver's licenses. Before that date, it

was very easy to get a driver's license in Virginia. The state began to require better identification and more proof of legal status before issuing a license. There has been a lot of debate over the new policies and there often have been changes to the procedure. Visit the Department of Motor Vehicles (DMV) or its website to learn what the current policy is. They have an excellent website that includes current information on acceptable documents and required information for getting a driver's license. The website is: www.dmv.state.va.us You can even practice for the written driving test at this website on their "Sample Knowledge Exam." The DMV produces the "Virginia Driver's Manual" where you can find all the information necessary to drive in the state. This manual is available in Spanish as well as English.

If you are involved in an accident, do NOT drive away. Notify the police immediately, note the license plate number of the other vehicle, get the name, address, phone number and insurance information from the other driver, get the names and contact information for any witnesses. If it is a minor accident and the vehicles are a traffic hazard, move them to a safer place. If a serious accident, first give any help to injured people, but don't try to move them unless there is an immediate danger. If you cannot locate the driver of the vehicle (if you hit a car in a parking lot), you MUST leave a note with your name and contact information. **Remember—DO NOT DRINK AND DRIVE!**

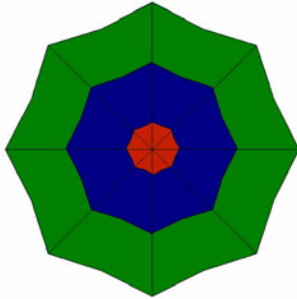
Be aware of the New Virginia Laws that went into Effect July 1, 2007!

Citizens have rights, but what are their responsibilities?

- Obey the laws
- Pay taxes
- Serve on a jury
- Be active in their communities
- Know what is happening in their city, state, and nation
- **The most important responsibility is to VOTE!**

RULE OF LAW IN
ALBEMARLE COUNTY

The Web Project



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Charlottesville, VA 22903

(434) 296-3872 ext. 2
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WE'RE ON THE WEB!
WWW.WEBESL.COM

"We Expect Success"



The Albemarle County Office Building

This publication is part of a series of informational materials prepared by the students of the Albemarle County Adult Education *Web Project*. The *Web Project* was made possible through an English Literacy/Civics Grant awarded by the State of Virginia Department of Education. The information contained herein is intended for general informational purposes and guidance. Mention of a particular institution, vendor, or service does not imply endorsement on the part of Albemarle County or Albemarle County Schools.

Do's and Don'ts of Dealing with the Police

DO

- Be respectful/polite
- Answer "Yes, Officer" or "No, Officer"
- Cooperate with the officer. You can make a complaint to the officer's supervisor later if you think there was a problem.
- Call 911 in an emergency
- Teach your children to have respect for law enforcement officers
- Report strange or dangerous situations to the police

DO

- Carry some form of identification, preferably with a picture I.D.
- Try to get to know the officers in your neighborhood
- Start or join a Neighborhood Watch group
- Call the Police Tip Line if you have information on a crime. You do not need to give your name. The local Crime Stoppers Tip Line is (434)977-4000. The Central Virginia toll free Tip Line is 1-888-798-5900

DON'T

- Don't be afraid to ask the police for help
- Don't run or drive away if the police stop you
- Don't argue with the officer or try to give him/her money
- Don't get out of the car if stopped. Instead, stay inside, keep your hands on the steering wheel, and wait for the officer to approach you
- Don't reach out to touch or shake hands with the officer



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