



# The Civic Voice



Newsletter of the Arlington County Civic Federation | December 2017 | Volume 102 Issue 4

**Please join us at 6:30 pm in the Hazel Auditorium's lobby to enjoy light refreshments.**

From the President's Desk....

Dear Delegates, Alternates, and Presidents of Member Organizations,



Many thanks to Matt Wavro, our VP, for stepping up to the plate and moderating the November meeting. I had family commitments that limited my participation.

Looking forward to December, our marquee event will be a conversation with County Manager Mark Schwartz and School Superintendent Dr. Patrick Murphy. This will be followed by a Criminal Justice panel to discuss [two proposed resolutions](#) introduced last month by the Legislative Committee and a vote on the resolutions. The Legislative Committee has organized an excellent panel to discuss its resolutions:

- Theophani Stamos, Commonwealth's Attorney for Arlington County and the City of Falls Church
- Brad Haywood, Chief Public Defender for Arlington County and the City of Falls Church
- Michelle McNaught Best, Special Education Parent Liaison, Yorktown High School, Drew Elementary School, Gunston Middle School; Volunteer, National Alliance on Mental Illness
- Kathleen McSweeney, Wakefield High School PTSA President
- Liz Ryan, President and CEO, Youth First Initiative.

Through the efforts of Executive Board member Anya Gan, we have invited APS high school students to join us in our conversation with the County Manager and School Superintendent, so they can participate in Q&A. This is an effort on CivFed's part to promote civic engagement with our future leaders – today's high school students.

### Important Notice

Change of Venue for the January 2018 Membership Meeting

The Civic Federation's January 2018 Membership Meeting will be held at 7:30 in the Arlington County Board Room at 2100 Clarendon Boulevard. Information on parking at Courthouse Plaza will be provided on CivFed's website in Constant Contact Bulletins and the January Newsletter.

### Meeting Agenda

- 7:00 Call to Order and Announcements
- 7:10 Country Manager and School Superintendent Panel
- 8:15 Reports on Legislative Committee Resolutions on Criminal Justice and Virginia Grounds for Driver's License Suspension, Panel Discussion, and Votes
- 9:00 Old Business
  - Update on Modernizing CivFed Governance
- 9:05 New Business
  - Awards Committee
- 9:10 Adjourn

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We will also be modifying our rules for this meeting only that we will allow one follow-up question so that the evening feels more like a conversation, along with the moderator being free to interject a comment or observation to make the conversation more engaging. The moderator for this segment of the program will be Scott Pedowitz, Chair of the Committee of 100 and President of the Clarendon/Court House Civic Association.

On the technology front, we will be experimenting by moving beyond taping a meeting to livestreaming our December Membership meeting by the Career Center. For those who may have difficulty coming to the meeting, here is the link to view the program: <https://livestream.com/AETVaps/events/7956995>. This link will go live at 7:00 pm on December 5. While for some it may be tempting to view the meeting on line, keep in mind that for purposes of establishing a quorum and voting on resolutions, physical attendance is required. All in all, these are our efforts to make the meetings more engaging and interesting, so we hope everyone comes out and participates.

Our November meeting was a success with the Community Energy Program, an explanation of what the County is considering for the Auxiliary Dwelling Units, and our continued efforts to roll out incorporation and complementary new By-Laws.

If you were not able to attend the November meeting, I suggest reviewing the [video recording](#) of the meeting to hear the presentation by our attorney Pantea Stevenson concerning the proposed set of By-Laws.

For those who are interested, links to the relevant documents are listed below:

- [Draft Incorporation Document](#)
- [Existing By-Laws](#)
- [Proposed new By-Laws](#)
- [Side-by-side Comparison of the two sets of by-laws](#)
- [Questions on the new By-Laws and Pantea Stevenson's responses.](#)

If anyone has observations or questions, feel free to send them to Matt Wavro [matt.wavro@gmail.com](mailto:matt.wavro@gmail.com) who is head of the subcommittee steering our incorporation efforts.

And don't forget to "save the date" May 4<sup>th</sup>, 2018, our Annual Banquet to discuss "Arlington Growth Express – on track or off the rails." More details to follow.

During the last few months we have received emails concerning possible name changes in Arlington. For those interested, the Committee of 100 will have a panel discussion on Wednesday, December 13<sup>th</sup> concerning a possible name change for Washington-Lee High school. For details go to: <https://www.arlingtoncommitteeof100.org/>. Given the community interest on this issue, I encourage those interest to attend.

I want to compliment the following organizations for having two or more delegates or alternates present at the November Membership meeting:

Bluement Civic Association  
Boulevard Manor Civic Association  
Columbia Heights Civic Association  
Douglas Park Civic Association  
Glencarlyn Citizens Association  
Highland Park-Overlee Knolls Civic Association

Lyon Village Citizens Association  
Madison Manor Citizens Association  
North Rosslyn Civic Association  
Waverly Hills Civic Association  
Yorktown Civic Association.

I close by again challenging member organizations to send delegates and alternates to our meetings. With a tentative vote on two Criminal Justice resolutions (introduced at the last meeting), attendance by delegates and alternates will be essential for voting on these resolutions.

Best,

Duke Banks  
ACCF President.

# The Civic Voice

Save the date – Friday evening, May 4, 2018

Our Annual Civic Federation Banquet

Holiday Inn, Rosslyn

## Arlington's Growth Express - Still on track...or off the rails?

A discussion on Arlington's challenge as it transitions from a suburban environment towards a mixed urban-suburban community trying to accommodate an additional 63,000 people by 2040 when the estimated population is projected to be 283,000.

We are privileged to announce that our speakers for the evening will be:



**Alan Ehrenhalt** – Former Executive Editor, *Governing Magazine*, premier publication for State and Local Officials. Nationally recognized journalist on state and local government issues who brings a broad perspective of changes and challenges that American cities and towns are experiencing on how to accommodate growth. He has been a frequent contributor to *The New York Times* Book Review and op-ed page, the Washington Post Book World, *New Republic* and *The Wall Street Journal*. He is the author of four books: *The United States of Ambition*, *The Lost City*, *Democracy in the Mirror*, and *The Great Inversion*. Alan has an undergraduate degree from Brandeis University and holds an MS in journalism from Columbia. He is a long-time Arlingtonian resident living in Lyon

Village.

Alan will talk about the challenges communities face as an inner suburb to a major city providing perspective of what he has seen in other jurisdictions given his over 30 years of experience observing local jurisdictions nationwide.



**Peter Rousselot** - He currently writes a weekly opinion column, "Peter's Take", for the Arlington news blog, ARLnow.com where several of his columns have addressed the challenges Arlington faces concerning its growth. Peter has been active in Arlington civic life since he and his family moved to Arlington in 1997. Among other positions, he has served as Chair of the Fiscal Affairs Advisory Commission, Co-Chair of the Advisory Council on Instruction, Chair of the Arlington County Democratic Committee, and member of the Central Committee of the Democratic Party of Virginia. For 28 years prior to his retirement, Peter was associated with the Washington, DC law firm now known as Hogan Lovells, where he specialized in railroad mergers, acquisitions, and valuations, was an equity partner, and a member of the firm's Executive Committee. Peter has an

undergraduate degree from Yale, and a JD degree from Harvard.

Peter will follow Alan offering observations concerning specific challenges facing Arlington County based on his experience observing the Arlington scene.

These presentations are the entrée to a lively, thought-provoking conversation during our Q&A segment concerning Arlington's planned growth – is it on track or off the rails?

## November 19, 2017 Executive Committee Meeting Report

**December Meeting:** County Manager and School Superintendent: The format and organizational details of the County Manager and School Superintendent's joint-appearance at the December Membership meeting were discussed. Federation President Duke Banks said that a motion to suspend the standing rules would be necessary to allow APS students to ask the County Manager and School Superintendent questions at the December Membership meeting. Terri Prell, ExCom Chair, moved that the standing rules be suspended to allow these students to ask the County Manager and School Superintendent second question. Her motion was seconded and approved without exception. Duke said that he had provided the County Manager with suggestions for his introductory comments. Anya Gan, ExCom member, recommended that the County Manager and School Superintendent be reminded that they would be limited to five minutes for presentations when they appeared at the December meeting. Terri recommended that Michael Beer, the Schools Committee Chair, be asked to submit questions in advance to the School Superintendent and these questions include boundary changes and the status of the Career Center. The role of Scott Pedowitz as moderator of the County Manager-School Superintendent Panel was discussed. Sarah recommended that the County Manger be asked to be prepared to answer questions about Lee Highway. Duke said there would be reports followed by panel discussion and votes on the Legislative Committee's Resolution on Criminal Justice and its Resolution on Virginia Grounds for Driver's License Suspension. Duke said Jesse Boeding had agreed to serve as Chair of the 2018 Banquet Awards Committee. Mileva Hartman, Stephanie Pryor and Suzanne Sundburg were suggested as members of a slate of candidates for the 2018 Banquet Awards Committee. Nicole Merlene, ExCom member, agreed to serve as a candidate on the 2018 Banquet Awards Committee. After discussion, ExCom agreed to submit a slate of three candidates for the Awards Committee to the membership and ask for volunteers to fill the other two seats on the Awards Committee.

**January Meeting:** ExCom has agreed to accept the Arlington County's Board's request to schedule the Federation's January 2018 Membership Meeting following the County Board's traditional New Years organizational meeting. The County Board meeting will begin at 6 pm on January 2. There will be a reception between 7 and 7:30 providing an opportunity to visit with County Board members. Delegates and Alternates are encouraged to come to the Board's organizational meeting before the Civic Federation meeting. The Federation's January 2018 Membership Meeting featuring the County Board will begin at 7:30 pm in the County Board Room. County Board members would be given three minutes for introductory comments followed by unscripted Q&A. Duke said that he would provide the County Board with suggestions for their introductory comments. Anya recommend that CivFed advertise heavily the change in location for the January meeting. Matt said he would cancel CivFed's January reservation of the VHC auditorium. Dennis said he would provide directions on how to access the parking garage under 2100 Clarendon Boulevard in the January Newsletter and a Constant Contact Bulletin CivFed's website. Duke said there would a report on the Community Energy Resolution followed by a panel discussion and vote. Terri and others questioned the need for a panel on the Community Energy Plan given there had been one at the November 2017 Membership meeting. Duke said he had to talk with Joe Pelton to work out details. Duke reminded the meeting that a Boulevard Manor resolution on Arlington's Community Energy had been introduced at the October 2017 Membership meeting.

**February Meeting:** Duke Banks said he had informed the Legislative Committee that its Resolution on Redistricting had been tentatively scheduled for a vote at the February meeting. Duke said this resolution was introduced at the October 2017 Membership meeting. He said he asked the Legislative Committee to organize a panel discussion of their resolution that would include contrarian views on redistricting and be prepared to answer questions. Duke said that OneVirginia2021 had a set, hour-long presentation that included a film, and he recommended that it be shortened to twenty minutes. Duke said that he expected the redistricting program to take about one hour. This would leave fifty minutes for another topic on the February meeting's agenda

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## November 19, 2017 Executive Committee Meeting Report -continued

**Announcement Policy:** After discussion, Anya Gan moved that disclaimers be included on the announcement page of CivFed's newsletter and CivFed's website. Her motion was seconded and approved without exception.

**Incorporation and By-laws Subcommittee:** Matt Wavro, chair of the Incorporation and By-laws Subcommittee, offered a road map for the subcommittee's next steps. He recommended that the first step would be for the subcommittee to prepare a one-page summary of why ExCom was considering incorporation and new bylaws and what the modernization process would look like. This summary would include a list of the pros and cons for incorporation and new bylaws. The next step would be to decide on areas of agreement. The subcommittee then work on resolving its disagreements. Sarah said the subcommittee should first decide on incorporation and then bylaws. ExCom members offered differing interpretations about what Pantea Stevenson said and did not say on incorporation, bylaws and insurance. Eric Berkey and Sarah said the subcommittee should prepare lists of the pro and cons of incorporation and new and old bylaws and present them to the membership. Sarah complained that Matt's timetable for the subcommittee's next steps was too rushed for the next newsletter. Duke moved that ExCom approve Matt's roadmap for the Incorporation and By-laws Subcommittee's process for fulfilling its charge with a tentative rather than a fixed timetable. Duke's motion was seconded and approved without exception

**Attendance and Diversity of Attendees at Membership Meetings:** ExCom discussed changes in starting times, days of the week, and weeks of the month; agenda changes; and remote participation as ways to make it easy for more people; in particular parents with school age children, to attend Membership meetings. Matt suggested improvements in broadcasting membership meetings as a way of making these meetings more available to those who do not attend meetings and perhaps pique their interest in actually attending meetings. Improvements in content and the composition of panels discussing topics and resolutions were discussed. ExCom members acting as liaisons to member organizations; allowing members of the public to participate in Membership meetings; creating associate memberships for those do not belong to member organizations, holding quarterly meetings with member association presidents; and reaching out to advocacy groups that are not affiliated with CivFed were discussed as ways to increase attendance at Membership meetings.

**CivFed's Priorities:** Rick asked for comments and discussion of CivFed's priorities, in particular whether CivFed should be reactive or proactive. He asked if there should be programming later in the year to rank CivFed's priorities in terms of importance. Terri said that CivFed had made an extensive effort three years ago to survey member organizations on their priorities, but took no action based on results of that survey.

**Resolutions:** ExCom discussed how the process of creating and submitting resolutions could be improved.

**Arlington County Outreach:** Duke reported that Arlington County had requested CivFed participation on a planning committee it was organizing for a Neighborhood Forum scheduled for May 2018. Duke said Arlington County had also requested that CivFed cohost several "Neighborhood Round Tables with the County Manager". Duke said he would provide ExCom with more detailed information on these requests via email.

**CivFed Outreach:** Sarah suggested that each ExCom member act as the liaison between CivFed and ExCom and one-ninth of CivFed's 81-member organizations to find out how CivFed could better serve them. Nicole suggested CivFed contact community-oriented organizations that were not members of the Federation. She reminded ExCom that she had provided it with a list of these organization several times in recent months. Dennis agreed to send solicitation letters to organizations on Nicole's list of prospects. Rick suggested holding quarterly meetings with member association presidents to talk about CivFed could do for them.

**2018 ExCom Meetings:** ExCom authorized Dennis Gerrity to reserve the community room at Fire Station 2 located at 4805 Wilson for the following dates: January 7, 2018, February 11, 2018, March 11, 2018, April 8, 2018, May 6, 2018, June 10, 2018, July 8, 2018, September 9, 2018, October 7, 2018, November 18, 2018, and December 9, 2018.

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Treasurer's Report  
Sarah Shortall

## Deadline for Civic Federation Dues

Many thanks to the 68 organizations that have paid 2017-18 Arlington County Civic Federation (ACCF) annual dues. Your continued membership in and support for ACCF helps to keep Arlington's oldest and largest member organization working to improve the quality of life in Arlington County, to advocate on issues of concern to Arlingtonians and to discuss and explore emerging topics of interest.

The final deadline for paying 2017-18 annual ACCF dues is rapidly approaching. The annual dues of \$50 for each member organization are due July 1. Pursuant to Article III, Section 7 of the ACCF By-laws, organizations whose dues are more than 6 months in arrears (January 1, 2018) shall be dropped from membership 30 days after receiving written notification. We will send out the reminder in the January 2018 ACCF Newsletter. Any organization that forfeits membership in ACCF for non-payment of dues must reapply for membership in accordance with Article III of the By-laws.

The following organizations have not paid 2017-18 annual ACCF dues as of November 30 , 2017:

Arlington Coalition of Police  
Arlington-East Falls Church Civic Association (CA)  
Arlingwood Neighborhood Association  
Ballston- Virginia Square CA  
Black Oak Cluster Community Association  
Buyers and Renters Arlington Voice  
Cathcart Springs HOA  
Donaldson Run CA  
Friends of Arlington Parks  
Rivercrest CA  
Shirlington CA  
Westover Village CA  
Westwind HOA  
Woodmont CA

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## ACCF Treasurer's Report November 1-30, 2017

The November 2017 ACCF Treasurer's report will be filed at the Civic Federation meeting on December 5, 2017.

### Checking

Beginning Balance 11/1/17		\$ 7,138.39
Deposits -Dues		\$ 544.75
Checks	\$ 400.00	
PayPal	\$ 144.75*	
Expenses/Payments		\$ 0.00
End Balance 11/30/17		\$ 7,683.14

### Savings

Beginning Balance 11/1/17		\$ 19,227.69
Deposits		.00
Interest		.49
Expenses/Payments		.00
End Balance 11/30/17		\$ 19,228.18

\* - PayPal charges a fee of \$1.75 for every \$50 electronic dues payment

Membership Fees can be paid in person at Civic Federation Membership Meetings with a check made out to:

**Arlington County Civic Federation**

Checks can also be mailed to the Civic Federation at

**PO Box 42091 Arlington, VA 22204.**

The Civic Federation accepts PayPal at <http://www.civfed.org/pay-dues/>

# The Civic Voice

## ACCF Treasurer's Report – Revised October 1 – 31, 2017

### Checking

Beginning Balance 10/1/17		\$ 7,668.14
Deposits -Dues		\$ 298.25
Checks	\$ 250.00	
PayPal	\$ 48.25*	
Expenses/Payments		\$ 828.00
Insurance	\$ 828.00	
End Balance 10/31/17		\$ 7,138.39

### Savings

Beginning Balance 10/1/17		\$ 19,227.69
Deposits		.00
Interest		.00
Expenses/Payments		.00
End Balance 10/31/17		\$ 19,227.69

\* - PayPal charges a fee of \$1.75 for every \$50 electronic dues payment

Membership Fees can be paid in person at Civic Federation Membership Meetings with a check made out to:

**Arlington County Civic Federation**

Checks can also be mailed to the Civic Federation at

**PO Box 42091 Arlington, VA 22204.**

The Civic Federation accepts PayPal at <http://www.civfed.org/pay-dues/>

# The Civic Voice

## 2017-2018 Officers and Executive Committee Members

President Duke Banks  
Vice President Matt Wavro  
Secretary Dennis Gerrity  
Treasurer Sarah Shortall

Executive Committee Chair Terri Prell  
Executive Committee Vice Chair Rick Epstein  
Executive Committee Member Eric Berkey  
Executive Committee Member Anya Gann  
Executive Committee Member Nicole Merlene

## 2017-2018 General Meetings

### **December 5 General Meeting:**

7:00 Call to Order and Announcements  
7:10 Country Manager and School Superintendent Panel  
8:15 Reports on Legislative Committee Resolutions on Criminal Justice and Virginia Grounds for Driver's License Suspension, Panel Discussion, and Votes  
9:00 Old Business  
    Update on Modernizing CivFed Governance  
9:05 New Business  
    Awards Committee  
9:10 Adjourn

### **January 2, 2018 General Meeting (tentative):**

County Board  
Report on the Community Energy Resolution followed by a panel discussion and vote

### **February 6 General Meeting (tentative):**

OneVirginia2021 presentation on redistricting  
Legislative Committee Resolution on Redistricting Report, panel discussion and Vote

### **March 7 General Meeting (tentative):**

School Board

### **April 4 General Meeting (tentative):**

Nominating Committee

### **May 2 General Meeting (tentative):**

TBD

### **June 6 General Meeting (tentative):**

Legislative Panel  
Election of Officers and ExCom members

## 2017-2018 Executive Committee Meetings

**December 10, 2017**  
**January 7, 2018**  
**February 11, 2018**  
**March 11, 2018**

**April 8, 2018**  
**May 6, 2018**  
**June 10, 2018**  
**July 9, 2018**

Executive Committee Meetings are held at Fire Station #2, 4805 Wilson Boulevard. They begin at 6:30 PM.

# The Civic Voice

## Why Civic Federation Committees Matter and What They Can Do for You

Have you ever been surprised to discover that something in your neighborhood is changing? Maybe a new high-rise is going up around the corner, or perhaps school boundaries have changed. It could be your tax bill is going up, or a new County ordinance now affects your business. Time and time again, folks come to the Federation only after the change is well under way. By then, it's often too late to make a difference.

The Federation's committees serve to keep such surprises at bay by educating, involving and empowering our member organizations. Committees educate by hosting speakers from County staff, holding programs, disseminating information, and fostering discussion. Committees involve our members by providing opportunities to participate in local and regional commissions and organizations. Committees empower by recommending resolutions to the Federation, which, in turn, can publicize these positions in the community and with our elected officials.

We strongly encourage every delegate and alternate to serve on at least one committee. If you have an interest in any topic, please contact the chair. If a chair is not listed, contact our President Duke Banks at [duke@civfed.org](mailto:duke@civfed.org)

Committee	Chair	Email Address
Executive	Terri Prell	<a href="mailto:terri@civfed.org">terri@civfed.org</a>
Awards	Elected at the December 2017 General Meeting	
Audit	Jay Wind	<a href="mailto:jay@civfed.org">jay@civfed.org</a>
Bylaws	Sarah Shortall	<a href="mailto:sarah@civfed.org">sarah@civfed.org</a>
Community Relations	Nicole Merlene	<a href="mailto:Nicole@civfed.org">Nicole@civfed.org</a>
Cultural Affairs	Chair needed	TBD
Emergency Preparedness	Jackie Snelling (POC)	<a href="mailto:jackie@civfed.org">jackie@civfed.org</a>
Environmental Affairs	John Seymour	<a href="mailto:john@civfed.org">john@civfed.org</a>
Housing	Eric Brescia	<a href="mailto:ericbrescia@civfed.org">ericbrescia@civfed.org</a>
Legislation	Ron Haddox	<a href="mailto:ron@civfed.org">ron@civfed.org</a>
Membership	Stefanie Pryor	<a href="mailto:membership@civfed.org">membership@civfed.org</a>
911 Scholarships	Stefanie Pryor (POC)	<a href="mailto:Stefanie@civfed.org">Stefanie@civfed.org</a>
Nominating	Elected at the April 2018 General Meeting	
Parks and Recreation	Michael Thomas	<a href="mailto:michaelthomas@civfed.org">michaelthomas@civfed.org</a>
Planning and Zoning	Martha Moore	<a href="mailto:martha@civfed.org">martha@civfed.org</a>
Public Services	Jackie Snelling (POC)	<a href="mailto:jackie@civfed.org">jackie@civfed.org</a>
Revenues and Expenditures	Burt Bostwick (POC)	<a href="mailto:burt@civfed.org">burt@civfed.org</a>
Schools	Michael Beer	<a href="mailto:michaelbeer@civfed.org">michaelbeer@civfed.org</a>
Special Events	Joe Pelton	<a href="mailto:Joepelton@civfed.org">Joepelton@civfed.org</a>
Transportation	Jerry Auten	<a href="mailto:jerry@civfed.org">jerry@civfed.org</a>

## ARLINGTON COUNTY CIVIC FEDERATION RESOLUTION ON VIRGINIA GROUNDS FOR DRIVER'S LICENSE SUSPENSION

### EXECUTIVE SUMMARY

#### PROCEDURAL HISTORY

This resolution of the Legislative Committee was passed unanimously, pending amendments, on September 26, 2017. Upon circulation of the resolution with amendments, these were accepted without objection. Voting members of the legislative committee were: John Seymour, Ronald Haddox, Takis Karantonis, Juliet Hiznay, Donald Gurney, and John Bloom.

#### BACKGROUND

Under Virginia Code § 46.2-395, the grounds for driver's license suspensions has steadily grown over the years. There are very many instances in which a driver's license can be suspended under state law without any relationship to the competency of a driver or to driving conduct. It is now linked to the payment of court costs, forfeitures, restitution and penalties for violations of local, state or federal law, both civil and criminal.

Many areas of the state have inadequate or limited public transportation systems, which means that loss of a driver's license can result in job loss. Most individuals, families and small businesses require the use of automobiles in order to carry out daily tasks.

Efforts to address the negative impact of this law on those who are unable to pay have been very limited in scope. Driving is treated legally as a privilege, when in fact it is most often a necessity. For this reason, even those who are convicted of driving under the influence of alcohol can request a judicial order permitting them to drive to and from work, if they meet conditions.

The suspension of a driver's license for non-driving behavior is coercive, limits options for obtaining and keeping employment, and bears no relationship to public safety.

For these reasons, the legislative committee of the ACCF unanimously voted in favor of the following resolution regarding reform of state law as to driver's license suspension.

### ACCF RESOLUTION REGARDING VIRGINIA GROUNDS FOR DRIVER'S LICENSE SUSPENSION

WHEREAS, Virginia Code § 46.2-395 provides for automatic driver's license suspension for failure to pay lawful fines, court costs, forfeitures, restitution, and penalties assessed against a person for violations of the laws of the Commonwealth; of any county, city, or town; or of the United States;<sup>1</sup>

WHEREAS, a driver's license is necessary for most residents in order to work and carry out the tasks of daily life; and

WHEREAS, the provisions of Virginia Code § 46.2-395 disproportionately burden those living in poverty, those with low income and those with no income as a result of disability or unemployment,

NOW THEREFORE, THE ARLINGTON COUNTY CIVIC FEDERATION recommends the following state legislative changes be made:

Repeal all provisions of state law that suspend or revoke a driver's license that have no relationship to driving offenses or competency to drive an automobile.

This resolution was revised on 12-1-2017. Here is a [link](#) or the revised version with markup.

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<sup>1</sup><https://law.lis.virginia.gov/vacode/title46.2/chapter3/section46.2-395/>

## ARLINGTON CIVIC COUNTY FEDERATION RESOLUTION ON CRIMINAL JUSTICE REFORM EXECUTIVE SUMMARY

### PROCEDURAL HISTORY

This resolution of the Legislative Committee was passed unanimously, pending amendments, on September 26, 2017. Upon circulation of the resolution with amendments, these were accepted without objection. Voting members of the legislative committee were: John Seymour, Ronald Haddox, Takis Karantonis, Juliet Hiznay, Donald Gurney, and John Bloom.

### BACKGROUND

Incarceration rates in the United States outpace any other country in the world, both in absolute terms and by percentage.<sup>1</sup> At the same time, research has shown that a criminal record is a significant obstacle to finding gainful employment.<sup>2</sup>

Virginia is no exception. According to the National Institute of Corrections, the Virginia incarceration rate (2015) exceeded the national average by 19% at 457 individuals per 100,000 adults.<sup>3</sup> Virginia has the 8<sup>th</sup> highest jail incarceration rate in the United States, holding 1 in every 214 adult Virginians.<sup>4</sup> Racial disparities in arrest and sentencing in the United States and Virginia are well documented.<sup>5</sup>

According to the Virginia Department of Juvenile Justice, 6.6% of state charges brought against minors in 2016 were brought against children between 8 and 12 years of age.<sup>6</sup> Virginia has the lowest felony larceny threshold in the nation. This means that children who steal items such as mobile phones, athletic shoes, or winter coats, which frequently cost \$200 or more, can carry a felony record for life.

A number of factors have made it particularly difficult for Virginia youth to recover from court involvement. Virginia has been identified as number one in the nation in referrals of school children to law enforcement.<sup>7</sup> Zero tolerance policies implemented through the code of conduct in the public schools have driven court involvement. Children age 14 and older can be tried as adults. Virginia youth are unable to expunge any record of an offense that would be a felony if charged as an adult.

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<sup>1</sup><https://www.hrw.org/world-report/2016/country-chapters/united-states>; [http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field\\_region\\_taxonomy\\_tid=All](http://www.prisonstudies.org/highest-to-lowest/prison-population-total?field_region_taxonomy_tid=All);

<http://www.prisonstudies.org/country/united-states-america>

<sup>2</sup>[http://thecrimereport.s3.amazonaws.com/2/fb/e/2362/criminal\\_stigma\\_race\\_crime\\_and\\_unemployment.pdf](http://thecrimereport.s3.amazonaws.com/2/fb/e/2362/criminal_stigma_race_crime_and_unemployment.pdf)

<sup>3</sup><https://nicic.gov/statestats/?st=va>

<sup>4</sup>[http://www.justicepolicy.org/uploads/justicepolicy/documents/va\\_justice\\_system\\_expensive\\_ineffective\\_and\\_unfair\\_final.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/va_justice_system_expensive_ineffective_and_unfair_final.pdf)

<sup>5</sup><http://sentencingproject.org/wp-content/uploads/2015/12/Race-and-Justice-Shadow-Report-ICCPR.pdf>

<http://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>

<sup>6</sup>[http://www.djj.virginia.gov/pdf/about-djj/DRG/FY16\\_DRG.pdf](http://www.djj.virginia.gov/pdf/about-djj/DRG/FY16_DRG.pdf)

<sup>7</sup><https://www.publicintegrity.org/2015/04/10/17089/virginia-tops-nation-sending-students-cops-courts-where-does-your-state-rank> This resolution was revised on 12-1-2017. Here is a [link](#) to the revised version with markup.

In addition, typical youthful behavior has been criminalized under a specific provision of the Virginia disorderly conduct statute that applies only in school or during school activities. The statute does not require intoxication in order to apply. Also, unlike other sections of the statute, Subsection C of Virginia Code Section 18.2-415 strips out the requirement that the behavior have “a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.” Instead, Subsection C permits a criminal case to proceed where the behavior merely “disrupts” the operation of the school. This could be an act as simple as interrupting a teacher, tapping a pencil, pacing in the classroom or the distracting use of fidgets or school materials. Even children whose dysregulated behaviors are related to their disability have been prosecuted under this code section. These types of behaviors can be effectively addressed through school services or through school discipline and should not be treated as criminal in nature.

Due to the extreme punitive nature of the targeted provisions of Virginia law, the difficulty in finding gainful employment for those who turn their lives around, the disparate impact on those living in poverty and the working poor, as well as the high risk of permanent loss of civil rights for those charged with felonies, the legislative committee of the ACCF unanimously voted in favor of the following resolution regarding criminal justice reform in Virginia.

## ACCF RESOLUTION FOR CRIMINAL JUSTICE REFORM

WHEREAS, the threshold amount for felony larceny and related offenses in Virginia is \$200, and has not been raised since 1980;<sup>8</sup>

WHEREAS, Virginia and New Jersey have the lowest felony larceny threshold in the nation (FN8);

WHEREAS, the penalty for grand larceny and related offenses is punishable by confinement in a state correctional facility for not less than one year and not more than twenty years (Va. Code §18.2-95(ii); Va. Code §18.2-10);<sup>9</sup>

WHEREAS, adults and children age 14 years or older tried as an adult for grand larceny face a minimum sentence of one year’s confinement in a state correctional facility, and a maximum sentence of twenty years under Virginia law, for theft of such items as a mobile telephones, eye glasses, footwear or outerwear (FN9);

WHEREAS, the penalty for petit larceny and related offenses is punishable by confinement in jail of up to 12 months and a fine of not more than \$2500, either or both (Va. Code § 18.2-11);<sup>10</sup>

WHEREAS, when children under the age of 18 are adjudicated delinquent for offenses that would be felonies if carried out by an adult, they continue to have a criminal record that is considered for future sentencing. (Margaret A. Nelson, *Marked for Life, Virginia Lawyer, Vol. 57 pp 30-32 (December 2008)*;<sup>11</sup> Va. Code § 16.1-306;<sup>12</sup> Va. Code § 16.1-269.1);<sup>13</sup>

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<sup>8</sup><https://www.dcjs.virginia.gov/sites/dcjs.virginia.gov/files/publications/dcjs/virginia-felony-larceny-threshold-35-years-later.pdf>

<sup>9</sup><https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-95/>; <https://law.lis.virginia.gov/vacode/title18.2/chapter1/section18.2-10/>

<sup>10</sup><https://law.lis.virginia.gov/vacode/title18.2/chapter1/section18.2-11/>

<sup>11</sup>[http://www.vsb.org/docs/valawvermagazine/vl1208\\_juv-adjudications.pdf](http://www.vsb.org/docs/valawvermagazine/vl1208_juv-adjudications.pdf)

<sup>12</sup><https://law.lis.virginia.gov/vacode/title16.1/chapter11/section16.1-306/>

<sup>13</sup><https://law.lis.virginia.gov/vacode/title16.1/chapter11/section16.1-269.1/>

# The Civic Voice

WHEREAS, children age 14 or older who are charged and convicted as adults lose all the same rights as adults, including the right to vote in Virginia for life, unless those rights are restored by the Governor. (FN11; FN13; Constitution of Virginia, Article 2, § 1;<sup>14</sup> Va. Code § 16.1-271);<sup>15</sup>

Whereas, children age 11 or older can be committed to juvenile detention if previously adjudicated delinquent for offenses that would be felonies if carried out by an adult (Va. Code § 16.1-278.8);<sup>16</sup>

WHEREAS, children age 14 years or older, when adjudicated delinquent for offenses that would be felonies if carried out by an adult, cannot obtain a firearm until age twenty-nine (29) (Va. Code § 18.2-308.2);<sup>17</sup>

WHEREAS, under its disorderly conduct statute, Virginia criminalizes the behavior of students at school (age 8 and older) that is not defined as criminal for adults in the community (Va. Code § 18.2-415(C));<sup>18</sup>

WHEREAS, juvenile adjudications for offenses that would be felonies if carried out by an adult are included as prior felony convictions under state and federal sentencing guidelines (FN11; Va. Code § 19.2-295.1);

WHEREAS, juvenile adjudication for drug-related offenses affect eligibility for federal student financial assistance (FN11);

WHEREAS, the loss of the right to bear arms due to an adjudication can exclude young adults from military service (FN11);

NOW THEREFORE, THE ARLINGTON COUNTY CIVIC FEDERATION recommends the following state legislative changes be made:

1. Raise the minimum threshold for felony larceny and all theft related felony offenses to \$1000.
2. Revise subsection C of Virginia Code § 18.2-415 (Disorderly Conduct, which is punishable by up to 1 year in jail and/or up to a \$2500 fine) (FN18), as marked below:
  - C. Willfully or while intoxicated, whether willfully or not, and whether such intoxication results from self-administered alcohol or other drug of whatever nature, disrupts the operation of any school or any activity conducted or sponsored by any school, if the disruption ~~(i) prevents or interferes with the orderly conduct of the operation or activity or~~ ~~(ii)~~ has a direct tendency to cause acts of violence by the person or persons at whom, individually, the disruption is directed.
3. Provide a legal means for individuals charged with offenses when under 18 years of age to expunge their records once they reach majority age.

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<sup>14</sup>[https://law.lis.virginia.gov/constitution/article2/section1/;](https://law.lis.virginia.gov/constitution/article2/section1/)

<sup>15</sup><https://law.lis.virginia.gov/vacode/title16.1/chapter11/section16.1-271/>

<sup>16</sup><https://law.lis.virginia.gov/vacode/title16.1/chapter11/section16.1-278.8/>

<sup>17</sup><https://law.lis.virginia.gov/vacode/title18.2/chapter5/section18.2-308.2;>

<sup>18</sup><https://law.lis.virginia.gov/vacode/title18.2/chapter9/section18.2-415/>

# The Civic Voice

## Announcements

### Important Notice

#### There is a change of Venue for the January 2018 Membership Meeting

The Civic Federation's January 2018 Membership Meeting will be held at 7:30 in the Arlington County Board Room at 2100 Clarendon Boulevard. Information on parking at Courthouse Plaza will be provided on CivFed's website in Constant Contact Bulletins and the January Newsletter.

### Volunteers Are Needed

The Civic Federation's 2018 Annual Banquet Committee needs volunteers to help soliciting donations, sponsorships and advertising to help cover the cost of the 2018 Banquet. Please contact Banquet Committee Chair Jesse Boeding at [Jesse@civfed.org](mailto:Jesse@civfed.org).

**Updating the 2005 Public Spaces Master Plan:** A POPS ([A Plan for Our Places and Spaces](#)) meeting criteria the County could use to develop more synthetic or lighted fields., which is designed for the public to provide input on updating the 2005 Public Spaces Master Plan, will be held from 6:30 to 8:30 pm on Wednesday, December 6, in the Navy League Building at 2300 Wilson Blvd. A POPS meeting on ways to steward our tree canopy, natural resources and open spaces will be held from 6:30 to 8:30 pm on Thursday, December 14, at the Central Library at 1015 N Quincy St..

**Housing Commission:** The Housing Commission will meet from 7PM to 9PM on Thursday, December 7. in Room 313, 2100 Clarendon Blvd. Click here for a link to the Housing Commission's [website](#).

**PAC:** The Pedestrian Advisory Committee will meet from 7:00 pm to 9:00 pm on December 13 in the Chery/Dogwood Rooms in 2100 Clarendon Blvd. For more information about this meeting go to the PAC [website](#).

**NCAC:** The Neighborhood Conservation Advisory will meet from 7:30 pm to 9:30 pm on December 14 in the Navy League Building at 2300 Wilson Blvd. For information about this meeting, here is a link to the NCAC [website](#).

**Arlington County Board:** The County Board's December meeting will be held on Saturday, December 16th starting 8:30 a.m. Click here for this meeting's [agenda](#) a few days before December 16th . The Board Recessed Meeting will be held on Tuesday, December 19th , starting at 3:00 p.m. Both meetings will be held in the County Board Room at 2100 Clarendon Blvd.

**December Executive Committee Meeting:** The CivFed December Executive Committee Meeting will be held from 6:30 to 8:30 on Sunday, December 10, in the community room of Fire Station 2 located at 4805 Wilson Blvd. Delegates and alternates are welcome to attend.

**Arlington Commission for the Arts:** The Arlington Commission for the Arts will meet from 7:00 to 9:00 p.m. on Wednesday, December 20th, at Arlington Economic Development (AED) at 1100 N. Glebe Road, 15th Floor. For information about this meeting, here is a [link](#) to the Commission for the Arts' website.

**January Newsletter:** The deadline for January newsletter articles is Thursday, December 21. Newsletters are published approximately 1 week before the meeting.

**Disclaimer:** Announcements in the Arlington County Civic Federation Newsletter may include those of member organizations and links providing direct access to other internet resources, including web sites of member organizations. The Arlington County Civic Federation does not endorse and is not responsible for the content, opinions or information contained in any of those announcements or on those web sites.

## Parking at the Virginia Hospital Center

Remember to park in the **B/Gold** Garage. On Civic Federation meeting nights, the gates of the **B/Gold** Parking Garage, will be open, and there will be no charge for parking there. The **B/Gold** Parking Garage is located under the 1635 Medical Office Building. If you use another lot, you will have to pay the regular rate to exit.



